State of Iowa

JOURNAL OF THE SENATE

EIGHTY-FIRST GENERAL ASSEMBLY

2005 REGULAR SESSION

Volume I

JOHN P. KIBBIE, President of the Senate
JEFFREY M. LAMBERTI, President of the Senate
MICHAEL E. MARSHALL, Secretary of the Senate

Published by the
STATE OF IOWA
Des Moines

TABLE OF CONTENTS

VOLUME I

OFFICERS OF THE SENATE v

ELECTED STATE OFFICIALS, SUPREME COURT JUSTICES,
AND COURT OF APPEALS JUDGES ix

MEMBERS OF THE SENATE x

SENATE DAILY JOURNALS
January 10–May 20 1

SENATE REPORTS RECEIVED SUBSEQUENT
TO ADJOURNMENT 1236

VOLUME II

AMENDMENTS FILED 1241

CONFERENCE COMMITTEE REPORTS 2245

RESOLUTIONS ADOPTED 2253

MEMORIALS 2381

JOURNAL INDEX 2391

EIGHTY-FIRST GENERAL ASSEMBLY
2005 Regular Session

OFFICERS OF THE SENATE

JOHN P. "JACK" KIBBIE, *President of the Senate* ..... Emmetsburg

JEFF LAMBERTI, *President of the Senate* ..... Ankeny

ROBERT E. DVORSKY, *President Pro Tempore* ..... Coralville

LARRY McKIBBEN, *President Pro Tempore* ..... Marshalltown

MICHAEL E. GRONSTAL, *Democratic Floor Leader* ..... Council Bluffs

STEWART E. IVERSON, JR., *Republican Floor Leader* ..... Dows

JERRY BEHN, *Republican Assistant Leader* ..... Boone

JOE BOLKCOM, *Democratic Assistant Leader* ..... Iowa City

MICHAEL CONNOLLY, *Democratic Assistant Leader* ..... Dubuque

THOMAS G. COURTNEY, *Democratic Whip* ..... Burlington

WILLIAM A. DOTZLER, JR., *Democratic Assistant Leader* ..... Waterloo

E. THURMAN GASKILL, *Republican Assistant Leader* ..... Corwith

DAVID JOHNSON, *Republican Assistant Leader* ..... Ocheyedan

JOHN PUTNEY, *Republican Assistant Leader* ..... Gladbrook

AMANDA RAGAN, *Democratic Assistant Leader* ..... Mason City

MARK ZIEMAN, *Republican Assistant Leader* ..... Postville

MICHAEL E. MARSHALL, *Secretary of the Senate* ..... West Des Moines

TOM ASHWORTH, *Republican Caucus Research Analyst* ..... West Des Moines

ERIC BAKKER, *Sr. Administrative Assistant to Democratic Leader* ..... Des Moines

BECKY BEACH, *Sr. Administrative Assistant to Republican President* ..... Des Moines

K'ANN BRANDT, *Confidential Secretary to Secretary of the Senate* ..... Ankeny

JOSH BRONSINK, *Republican Caucus Research Analyst* ..... Des Moines

LOIS BROWNELL, *Finance Officer* ..... Ankeny

JERRY CARLSON, *Doorkeeper* ..... Des Moines

SVEND A. CHRISTENSEN, *Postmaster* ..... Des Moines

CYNTHIA A. CLINGAN, *Sr. Assistant Secretary of the Senate* ..... West Des Moines

STEVE CONWAY, *Sr. Administrative Asst. to Democratic President* ... West Des Moines

KATHLEEN CUROE, *Indexer/Records and Supply* ..... Des Moines

JAMES DOUGLAS, *Doorkeeper* ..... Huxley

PAMELA DUGDALE, *Republican Caucus Sr. Research Analyst* ..... West Des Moines

ALYCE ELMITT, *Confidential Secretary to Republican President* ..... Urbandale

CATHERINE ENGEL, *Legislative Secretary* ..... West Des Moines

JIM FRIEDRICH, *Republican Caucus Research Analyst* ..... Ankeny

BRIDGET GODES, *Democratic Caucus Research Analyst* ..... Des Moines

JANET HAWKINS, *Journal Editor* ..... Bondurant

JOSH HEGGEN, *Legislative Secretary* ..... Des Moines

LINDA HOLMES, *Legislative Secretary* ..... Des Moines

SUE ELLEN HUDSON, *Switchboard Operator* ..... Carlisle

CALEB HUNTER, *Legislative Secretary* ..... West Des Moines

VICKI IVERSON, *Confidential Secretary to Republican Leader* ..... Dows

DAREN JAQUES, *Republican Caucus Research Analyst* ..... West Des Moines

CAROLANN JENSEN, *Republican Caucus Senior Research Analyst* ..... Osceola

DEBBIE KATTENHORN, *Administrative Asst. to Democratic Leader* ..... Norwalk

THERESA L. KEHOE, *Democratic Caucus Senior Research Analyst* ..... Des Moines

KAY KIBBIE, *Confidential Secretary to Democratic President* ..... Emmetsburg

KATIE KOBERG, *Administrative Asst. to Republican Leader* ..... Des Moines

WILLIAM L. KRIEG, *Sergeant-at-Arms* ..... Des Moines

ROBERT LANGBEHN, *Doorkeeper* ..... Des Moines

JO ANN LARSON, *Switchboard Operator* ..... Indianola

LINDA LAURENZO, *Senior Finance Officer* ..... Clive

EMBER LEONARD, *Administrative Secretary to Secretary of the Senate* ..... Ames

FRANK LOEFFEL, *Doorkeeper* ..... Des Moines

RUSTY MARTIN, *Democratic Caucus Research Analyst* ..... Perry

PETER MATTHES, *Republican Caucus Research Analyst* ..... Ankeny

ANGELA McCRIGHT, *Legislative Secretary* ..... Osceola

JACE MIKELS, *Democratic Caucus Research Analyst* ..... Des Moines

SUE MONAHAN, *Democratic Caucus Research Analyst* ..... West Des Moines

JAY MOSHER, *Bill Clerk* ..... Milo

KATHY OLAH, *Senior Indexer* ..... West Des Moines

RICHARD OSHLO, *Democratic Caucus Senior Research Analyst* ..... Des Moines

RON PARKER, *Democratic Caucus Staff Director* ..... Newton

DICK ROSONKE, *Doorkeeper* ..... West Des Moines

DAN ROYER, *Legislative Secretary* ..... Ames

JANET SCHWARZ, *Legislative Secretary* ..... West Des Moines

TOM SHELDAHL, *Assistant Sergeant-at-Arms* ..... West Des Moines

ERICA SHORKEY, *Confidential Secretary to Democratic Leader* ..... Des Moines

JULIE T. SIMON, *Democratic Caucus Research Analyst* ..... Des Moines

KIMBERLY STEENHOEK, *Republican Caucus Communications Dir.* ..... Des Moines

KERMIT A. TANNATT, *Doorkeeper* ..... Pleasant Hill

MEGAN THOMPSON, *Journal Editor* ..... Ankeny

SARAH TUTT, *Assistant Journal Editor* ..... West Des Moines

ANDY WARREN, *Administrative Assistant to Republican Leader* ..... West Des Moines

BOB WHITE, *Doorkeeper* ..... West Des Moines

TRICIA WILLEMSSEN, *Assistant to Legal Counsel* ..... Johnston

KERRY WRIGHT, *Democratic Caucus Research Analyst* ..... Waukee

JOINT EMPLOYEES OF THE SENATE AND HOUSE

MARK L.WILLEMSSEN, *Facilities Manager* ..... Johnston

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

SHAWNA S. FERGUSON, *Legislative Security Coordinator* ..... Norwalk

NICKOLAS S. BROWN, *Security Officer* ..... Des Moines

RICHARD A. CRAWFORD, *Security Officer* ..... Des Moines

MARSHALL T. IRWIN, *Security Officer* ..... Des Moines

CARL E. LAMI, *Security Officer* ..... Grimes

MAHLON Y. LAMP, *Security Officer* ..... Atlantic

STEVEN D. MARSH, *Security Officer* ..... Madrid

ROY E. PARADISE, *Security Officer* ..... Des Moines

ROBERT J. PORTER, *Security Officer* ..... Osceola

JUDITH A. SALIER, *Security Officer* ..... Monroe

CURTIS SCOTT, *Security Officer* ..... Waukee

LEO R. SKEFFINGTON, *Security Officer* ..... Adel

KENT STEVENS, *Security Officer* ..... Granger

ELECTED STATE OFFICIALS

Official Address: Des Moines, Iowa

THOMAS J. VILSACK, *Governor* ..... Mt. Pleasant

SALLY J. PEDERSON, *Lieutenant Governor* ..... Des Moines

CHET CULVER, *Secretary of State* ..... West Des Moines

DAVID A. VAUDT, *Auditor of State* ..... West Des Moines

MICHAEL L. FITZGERALD, *Treasurer of State* ..... West Des Moines

PATTY JUDGE, *Secretary of Agriculture* ..... Albia

TOM MILLER, *Attorney General* ..... Des Moines

JUSTICES OF THE IOWA SUPREME COURT

LOUIS A. LAVORATO, *Chief Justice* ..... Des Moines

MARK S. CADY, *Justice* ..... Fort Dodge

JAMES H. CARTER, *Justice* ..... Cedar Rapids

JERRY L. LARSON, *Justice* ..... Harlan

MICHAEL J. STREIT, *Justice* ..... Chariton

MARSHA K. TERNUS, *Justice* ..... Des Moines

DAVID WIGGINS, *Justice* ..... West Des Moines

JUDGES OF THE IOWA COURT OF APPEALS

ROSEMARY SHAW SACKETT, *Chief Judge* ..... Okoboji

LARRY J. EISENHAUER, *Judge* ..... Ankeny

DARYL L. HECHT, *Judge* ..... Sioux City

TERRY L. HUITINK, *Judge* ..... Ireton

ROBERT E. MAHAN, *Judge* ..... Ames

JOHN C. MILLER, *Judge* ..... Burlington

ANURADHA VAITHESWARAN, *Judge* ..... Des Moines

GAYLE NELSON VOGEL, *Judge* ..... Knoxville

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

MEMBERS OF THE SENATE

EIGHTY-FIRST GENERAL ASSEMBLY
2005 REGULAR SESSION

(Xs refer to extraordinary sessions.)

JEFF ANGELO

Address ..... Creston
Age 40
Occupation ..... Media Consultant
Senatorial District ..... 48–Adams, Clarke, Decatur, Montgomery Ringgold, Taylor, Union
Former Legislative Service ..... 77th, 78th, 79th, 79thX–XXXX, 80th, 80thX & XX

DARYL BEALL

Address ..... Fort Dodge
Age 58
Occupation ..... Journalist
Senatorial District ..... 25–Calhoun, Greene, Webster
Former Legislative Service ..... 80th, 80thX & XX

JERRY BEHN

Address ..... Boone
Age 50
Occupation ..... Farmer/Agribusiness
Senatorial District ..... 24–Boone, Dallas
Former Legislative Service ..... 77th, 78th, 79th, 79thX–XXXX, 80th, 80thX & XX

DENNIS H. BLACK

Address ..... Grinnell
Age 65
Occupation ..... Conservationist
Senatorial District ..... 21–Jasper, Polk
Former Legislative Service ..... 70th, 71st, 72nd, 72ndX & XX, 73rd, 74th, 74thX & XX, 75th, 76th, 77th, 78th, 79th, 79thX–XXXX, 80th, 80thX & XX

NANCY J. BOETTGER

Address ..... Harlan
Age 61
Occupation ..... Farmer/Former Educator
Senatorial District ..... 29–Adair, Audubon, Cass, Guthrie, Pottawattamie, Shelby
Former Legislative Service ..... 76th, 77th, 78th, 79th, 79thX–XXXX, 80th, 80thX & XX

JOE BOLKCOM

Address ..... Iowa City
Age 48
Senatorial District 39–Johnson
Former Legislative Service ..... 78th, 79th, 79thX–XXXX, 80th, 80thX & XX

BOB BRUNKHORST

Address ..... Waverly
Age 38
Occupation ..... Computer Analyst
Senatorial District ..... 9–Black Hawk, Bremer, Butler, Fayette
Former Legislative Service ..... 75th, 76th, 77th, 78th, 79th, 79thX–XXXX, 80th, 80thX & XX

MICHAEL CONNOLLY

Address ..... Dubuque
Age 59
Occupation ..... Legislator
Senatorial District 14–Dubuque
Former Legislative Service ..... 68th, 69th, 69thX & XX, 70th, 71st, 72nd, 72ndX & XX, 73rd, 74th, 74thX & XX, 75th, 76th, 77th, 78th, 79th, 79thX–XXXX, 80th, 80thX & XX

THOMAS G. COURTNEY

Address ..... Burlington
Age 57
Occupation ..... Retired
Senatorial District ..... 44–Des Moines, Louisa, Muscatine
Former Legislative Service ..... 80th, 80thX & XX

JEFF DANIELSON

Address ..... Cedar Falls
Age 34
Occupation ..... Professional Firefighter
Senatorial District ..... 10–Black Hawk
Former Legislative Service ..... None

DICK L. DEARDEN

Address ..... Des Moines
Age 66
Occupation ..... Retired, Job Developer–5th Judicial District
Senatorial District 34–Polk
Former Legislative Service ..... 76th, 77th, 78th, 79th, 79thX–XXXX, 80th, 80thX & XX

WILLIAM A. DOTZLER, JR.

Address ..... Waterloo
Age 55
Occupation ..... Machine Operator/Labor Representative
Senatorial District ..... 11–Black Hawk
Former Legislative Service ..... 77th, 78th, 79th, 79thX–XXXX, 80th, 80thX & XX

ROBERT E. DVORSKY

Address ..... Coralville
Age 56
Occupation ..... Job Developer, 6th District–Dept. of Correctional Services
Senatorial District ..... 15–Johnson, Linn
Former Legislative Service ..... 72nd, 72ndX & XX, 73rd, 74th, 74thX & XX, 75th, 76th, 77th, 78th, 79th, 79thX–XXXX, 80th, 80thX & XX

GENE FRAISE

Address ..... Fort Madison
Age 72
Occupation ..... Farmer
Senatorial District ..... 46–Henry, Lee
Former Legislative Service ..... 71st (2nd), 72nd, 72ndX & XX, 73rd, 74th, 74thX & XX, 75th, 76th, 77th, 78th, 79th, 79thX–XXXX, 80th, 80thX & XX
(Elected in special election held on January 7, 1986.)

E. THURMAN GASKILL

Address ..... Corwith
Age 69
Occupation ..... Farmer
Senatorial District ..... 6–Cerro Gordo, Franklin, Hancock, Winnebago, Worth
Former Legislative Service ..... 77th (2nd), 78th, 79th, 79thX–XXXX, 80th, 80thX & XX
(Elected in special election held on February 3, 1998.)

MICHAEL E. GRONSTAL

Address ..... Council Bluffs
Age 54
Senatorial District 50–Pottawattamie
Former Legislative Service ..... 70th, 71st, 72nd, 72ndX & XX, 73rd, 74th, 74thX & XX, 75th, 76th, 77th, 78th, 79th, 79thX–XXXX, 80th, 80thX & XX

JAMES F. HAHN

Address ..... Muscatine
Age 69
Occupation ..... Property Management
Senatorial District ..... 40–Cedar, Johnson, Muscatine
Former Legislative Service ..... 74th, 74thX & XX, 75th, 76th, 77th, 78th, 79th, 79thX–XXXX, 80th, 80thX & XX

TOM HANCOCK

Address ..... Epworth
Age 56
Occupation ..... Retired–United States Postal Service
Senatorial District ..... 16–Delaware, Dubuque, Jones
Former Legislative Service ..... None

JACK HATCH

Address ..... Des Moines
Age 54
Occupation ..... Real Estate Developer
Senatorial District 33–Polk
Former Legislative Service ..... 71st, 72nd, 72ndX & XX, 73rd, 74th, 74thX & XX, 79th, 79thX–XXXX, 80th, 80thX & XX

WALLY E. HORN

Address ..... Cedar Rapids
Age 71
Occupation ..... Legislator
Senatorial District 17–Linn
Former Legislative Service ..... 65th, 66th, 67th, 67thX, 68th, 69th, 69thX & XX, 70th, 71st, 72nd, 72ndX & XX, 73rd, 74th, 74thX & XX, 75th, 76th, 77th, 78th, 79th, 79thX–XXXX, 80th, 80thX & XX

HUBERT HOUSER

Address ..... Carson
Age 62
Occupation ..... Farmer
Senatorial District ..... 49–Fremont, Mills, Page, Pottawattamie
Former Legislative Service ..... 75th, 76th, 77th, 78th, 79th, 79thX–XXXX, 80th, 80thX & XX

STEWART E. IVERSON, JR.

Address ..... Dows
Age 54
Occupation ..... Farmer
Senatorial District ..... 5–Franklin, Hamilton, Story, Webster, Wright
Former Legislative Service ..... 73rd (2nd), 74th, 74thX & XX, 75th, 76th, 77th, 78th, 79th, 79thX–XXXX, 80th, 80thX & XX

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

DAVID JOHNSON

Address ..... Ocheyedan
Age 53
Occupation ..... Dairy Farmhand
Senatorial District ..... 3–Clay, Dickinson, O'Brien, Osceola, Sioux
Former Legislative Service ..... 78th, 79th, 79thX–XXXX, 80th, 80thX & XX

STEVE KETTERING

Address ..... Lake View
Age 60
Occupation ..... Community Banker
Senatorial District ..... 26–Buena Vista, Carroll, Crawford, Sac
Former Legislative Service ..... 78th, 79th, 79thX–XXXX, 80th, 80thX & XX

JOHN P. "JACK" KIBBIE

Address ..... Emmetsburg
Age 76
Occupation ..... Farmer
Senatorial District ..... 4–Emmet, Humboldt, Kossuth, Palo Alto, Pocahontas, Webster
Former Legislative Service ..... 59th, 60th, 60thX, 61st, 62nd, 73rd, 74th, 74thX & XX, 75th, 76th, 77th, 78th, 79th, 79thX–XXXX, 80th, 80thX & XX

KEITH A. KREIMAN

Address ..... Bloomfield
Age 49
Occupation ..... Attorney
Senatorial District ..... 47–Appanoose, Davis, Wapello, Wayne
Former Legislative Service ..... 75th, 76th, 77th, 78th, 79th, 79thX–XXXX, 80th, 80thX & XX

JEFF LAMBERTI

Address ..... Ankeny
Age 42
Occupation ..... Attorney
Senatorial District 35–Polk
Former Legislative Service ..... 76th, 77th, 78th, 79th, 79thX–XXXX, 80th, 80thX & XX

CHARLES W. LARSON, JR.

Address ..... Cedar Rapids
Age 36
Occupation ..... Attorney
Senatorial District 19–Linn
Former Legislative Service ..... 75th, 76th, 77th, 78th, 79th, 79thX–XXXX, 80th, 80thX & XX, 81st (1st)

MARY LUNDBY

Address ..... Marion
Age 57
Occupation ..... Legislator
Senatorial District 18–Linn
Former Legislative Service ..... 72nd, 72ndX & XX, 73rd, 74th, 74thX & XX, 75th, 76th, 77th, 78th, 79th, 79thX–XXXX, 80th, 80thX & XX, 81st (1st)

MATT McCOY

Address ..... Des Moines
Age 39
Occupation ..... Vice President, Downtown Dev. Corp.
Senatorial District 31–Polk
Former Legislative Service ..... 75th, 76th, 77th, 78th, 79th, 79thX–XXXX, 80th, 80thX & XX, 81st (1st)

LARRY McKIBBEN

Address ..... Marshalltown
Age 59
Occupation ..... Lawyer
Senatorial District ..... 22–Hardin, Marshall
Former Legislative Service ..... 77th, 78th, 79th, 79thX–XXXX, 80th, 80thX & XX 81st (1st)

PAUL McKINLEY

Address ..... Chariton
Age 58
Occupation ..... Businessman
Senatorial District ..... 36–Jasper, Lucas, Mahaska, Marion, Monroe
Former Legislative Service ..... 79th, 79thX–XXXX, 80th, 80thX & XX, 81st (1st)

DAVID MILLER

Address ..... Fairfield
Age 59
Occupation ..... Attorney/Farmer
Senatorial District ..... 45–Jefferson, Johnson, Van Buren, Wapello, Washington
Former Legislative Service ..... 78th, 79th, 79thX–XXXX, 80th, 80thX & XX, 81st (1st)

DAVE MULDER

Address ..... Sioux Center
Age 66
Occupation ..... Retired College Professor
Senatorial District ..... 2–Lyon, Plymouth, Sioux
Former Legislative Service 81st (1st)

JOHN PUTNEY

Address ..... Gladbrook
Age 61
Occupation ..... Executive Director of Iowa State Fair Blue Ribbon Foundation
Senatorial District ..... 20–Benton, Grundy, Iowa, Tama
Former Legislative Service ..... 80th, 80thX & XX, 81st (1st)

HERMAN C. QUIRMBACH

Address ..... Ames
Age 55
Occupation ..... Associate Professor of Economics–Iowa State University
Senatorial District ..... 23–Boone, Story
Former Legislative Service ..... 80th, 80thX & XX, 81st (1st)

AMANDA RAGAN

Address ..... Mason City
Age 51
Occupation ..... Exec. Dir. of Community Kitchen of North Iowa and Exec. Dir. of Meals on Wheels
Senatorial District ..... 7–Cerro Gordo, Floyd, Howard, Mitchell
Former Legislative Service ..... 79th (2nd), 79thXXX & XXXX, 80th, 80thX & XX, 81st (1st)

(Elected in special election held on March 12, 2002.)

TOM RIELLY

Address ..... Oskaloosa
Age 39
Occupation ..... Insurance Sales
Senatorial District ..... 38–Iowa, Keokuk, Mahaska, Poweshiek, Tama
Former Legislative Service 81st (1st)

BRIAN SCHOENJAHN

Address ..... Arlington
Age 56
Occupation ..... Legislator/Custom Wood Business
Senatorial District ..... 12–Black Hawk, Buchanan, Clayton, Delaware, Fayette
Former Legislative Service 81st (1st)

JOE M. SENG

Address ..... Davenport
Age 58
Occupation ..... Veterinarian
Senatorial District 43–Scott
Former Legislative Service ..... 79th, 79thX–XXXX, 80th, 80thX & XX, 81st (1st)

JAMES A. SEYMOUR

Address ..... Woodbine
Age 66
Occupation ..... Hospital Administrator/CEO
Senatorial District ..... 28–Crawford, Harrison, Ida, Monona, Pottawattamie, Woodbury
Former Legislative Service ..... 80th, 80thX & XX, 81st (1st)

DOUG SHULL

Address ..... Indianola
Age 62
Occupation ..... Retired/Community Service
Senatorial District ..... 37–Dallas, Madison, Warren
Former Legislative Service ..... 68th, 69th, 80th, 80thX & XX, 81st (1st)

ROGER STEWART

Address ..... Preston
Age 73
Occupation ..... Banker/Farmer
Senatorial District ..... 13–Clinton, Dubuque, Jackson
Former Legislative Service ..... 80th, 80thX & XX, 81st (1st)

MAGGIE TINSMAN

Address ..... Davenport
Age 69
Occupation ..... Social Worker/Legislator
Senatorial District 41–Scott
Former Legislative Service ..... 73rd, 74th, 74thX & XX, 75th, 76th, 77th, 78th, 79th, 79thX–XXXX, 80th, 80thX & XX, 81st (1st)

PAT WARD

Address ..... West Des Moines
Age 48
Occupation ..... Former Business/Government Relations Executive
Senatorial District 30–Polk
Former Legislative Service 80th (2nd), 80thXX, 81st (1st)
(Elected in special election held on February 3, 2004.)

STEVE WARNSTADT

Address ..... Sioux City
Age 37
Occupation ..... Legislator/National Guard
Senatorial District 1–Woodbury
Former Legislative Service ..... 76th, 77th, 78th, 79th, 79thX–XXXX, 80th, 80thX & XX, 81st (1st)

RON WIECK

Address ..... Sioux City
Age 61
Occupation ..... Insurance Agent
Senatorial District ..... 27–Cherokee, Plymouth, Woodbury
Former Legislative Service ..... 80th, 80thX & XX, 81st (1st)

FRANK B. WOOD

Address ..... Eldridge
Age 54
Occupation ..... High School Associate Principal
Senatorial District ..... 42–Clinton, Scott
Former Legislative Service 81st (1st)

BRAD ZAUN

Address ..... Urbandale
Age 43
Occupation ..... V.P. of R & R Realty Marketing Group
Senatorial District 32–Polk
Former Legislative Service 81st (1st)

MARK ZIEMAN

Address ..... Postville
Age 60
Occupation ..... Farmer/Trucking Co. Owner
Senatorial District ..... 8–Allamakee, Chickasaw, Howard, Winneshiek
Former Legislative Service ..... 79th, 79thX–XXXX, 80th, 80thX & XX, 81st (1st)

PROOF

STATE OF IOWA

Senate Journal

MONDAY, JANUARY 10, 2005

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

JOURNAL OF THE SENATE

FIRST CALENDAR DAY
FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, January 10, 2005

Pursuant to chapter two (2), sections two point one (2.1) and two point three (2.3), Code of Iowa, the 2005 Regular Session of the Eighty-first General Assembly convened at 10:04 a.m. The Senate was called to order by President Lamberti.

Prayer was offered by Reverend Mel Low, pastor of the Trinity Episcopal Church in Emmetsburg, Iowa. He was the guest of President Kibbie.

PLEDGE OF ALLEGIANCE

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

SPECIAL GUESTS

Senator Gronstal welcomed U.S. Representative Leonard Boswell, former member of the Iowa Senate, and Rod Halvorson, former member of the Senate and House of Representatives.

Representative Boswell addressed the Senate with brief remarks.

The Senate rose and expressed its welcome.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Larson, for the remainder of the 2005 Session until he returns from his military service in Iraq, on request of Senator Iverson.

APPOINTMENT OF TEMPORARY SECRETARY OF THE SENATE

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

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

ADOPTION OF TEMPORARY RULES AND TEMPORARY COMPENSATION

Senator Gronstal moved that the rules of the Senate and provisions for compensation adopted by the Eightieth General Assembly be adopted as the temporary rules and temporary compensation provisions for the 2005 Session of the Eighty-first General Assembly.

The motion prevailed by a voice vote.

COMMITTEE ON CREDENTIALS

Senator Gronstal moved that a committee of six be appointed as a committee on credentials.

The motion prevailed by a voice vote, and the Chair announced the appointment of Senator Bolkcom and Senator Shull, Co-chairs; and Senators Quirmbach, Johnson, Dearden, and Seymour.

The Senate stood at ease at 10:13 a.m. until the fall of the gavel.

The Senate resumed session at 10:16 a.m., President Lamberti presiding.

REPORT OF THE COMMITTEE ON CREDENTIALS

MR. PRESIDENT: We, your committee on credentials, respectfully report that we find the persons named in the attached copy of the certification of the Secretary of State duly elected to and entitled to seats in the Senate for the Eighty-first General Assembly.

JOE BOLKCOM, Co-chair
DOUG SHULL, Co-chair

HERMAN C. QUIRMBACH
DAVID JOHNSON
DICK L. DEARDEN
JAMES A. SEYMOUR

STATE OF IOWA

Office of the
Secretary Of State
CERTIFICATION

To the Honorable, The Secretary of the Senate:

I, CHESTER J. CULVER, Secretary of State of the State of Iowa, custodian of the files and records pertaining to elections in the state, do hereby certify that the State Canvassing Board has declared that at the General Election held on November 2, 2004, each of the following named persons was duly elected to the office of State Senator for the term of four years beginning on the third day of January, 2005:

I FURTHER CERTIFY that the State Canvassing Board on December 6, 2004, has declared that Tom Hancock was duly elected to the office of State Senator for the Sixteenth District after a recount.

DISTRICTS

Second.....Dave Mulder
Fourth.....John P. Kibbie
Sixth.....E. Thurman Gaskill
Eighth.....Mark Zieman
Tenth.....Jeff Danielson
Twelfth.....Brian Schoenjahn
Fourteenth.....Michael E. Connolly
Sixteenth.....Tom Hancock
Eighteenth.....Mary Lundby
Twentieth.....John Putney
Twenty-second.....Larry McKibben
Twenty-fourth.....Jerry Behn
Twenty-sixth.....Steve Kettering
Twenty-eighth.....James A. Seymour
Thirtieth.....Pat Ward
Thirty-second.....Brad Zaun
Thirty-fourth.....Dick L. Dearden
Thirty-sixth.....Paul McKinley
Thirty-eighth.....Tom Rielly
Fortieth.....James F. Hahn
Forty-second.....Frank B. Wood
Forty-fourth.....Thomas G. Courtney
Forty-sixth.....Gene Fraise
Forty-eighth.....Jeff Angelo
Fiftieth.....Michael E. Gronstal

I FURTHER CERTIFY that the State Canvassing Board has declared that at the General Election held on November 5, 2002, each of the following named persons was duly elected to the office of State Senator for the term of four years beginning on the second day of January, 2003:

DISTRICTS

First ..... Steve Warnstadt
Third ..... David Johnson
Fifth ..... Stewart E. Iverson, Jr.
Seventh ..... Amanda Ragan
Ninth ..... Bob Brunkhorst
Eleventh ..... William A. Dotzler, Jr.
Thirteenth ..... Roger Stewart
Fifteenth ..... Robert E. Dvorsky
Seventeenth ..... Wally E. Horn
Nineteenth ..... Charles W. Larson, Jr.
Twenty-first ..... Dennis H. Black
Twenty-third ..... Herman C. Quirmbach
Twenty-fifth ..... Daryl Beall
Twenty-seventh ..... Ron Wieck
Twenty-ninth ..... Nancy J. Boettger
Thirty-first ..... Matt McCoy
Thirty-third ..... Jack Hatch
Thirty-fifth ..... Jeff Lamberti
Thirty-seventh ..... Doug Shull
Thirty-ninth ..... Joe Bolkcom
Forty-first ..... Maggie Tinsman
Forty-third ..... Joe M. Seng
Forty-fifth ..... David Miller
Forty-seventh ..... Keith A. Kreiman
Forty-ninth ..... Hubert Houser

(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 third day of January, 2005.

CHESTER J. CULVER
Secretary of State

I hereby acknowledge receipt of the original copy of this document on this seventh day of January, 2005.

MICHAEL E. MARSHALL
Secretary of the Senate

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

President Kibbie took the chair at 10:20 a.m.

President Lamberti took the chair at 10:25 a.m.

ELECTION OF PRESIDENTS

Senator Gronstal placed in nomination the names of Senators John P. Kibbie of Palo Alto County and Jeff Lamberti of Polk County as candidates for the offices of Co-president of the Senate for the Eighty-first General Assembly.

There being no further nominations, the Chair put the question to the Senate, and Senators John P. Kibbie of Palo Alto County and Jeff Lamberti of Polk County were unanimously elected by a voice vote, pursuant to the terms of Senate Resolution 1.

Senators Kibbie and Lamberti were administered the oath of office by Chief Justice Louis A. Lavorato of the Iowa Supreme Court.

President Kibbie took the chair at 10:34 a.m.

REMARKS BY REPUBLICAN PRESIDENT OF THE SENATE

President Lamberti addressed the Senate with the following remarks:

Thank you. I am again humbled by the opportunity to serve you as the Republican President for the Eighty-first General Assembly.

This is truly an historic moment for the Iowa Legislature.

More important, it is a unique opportunity—an opportunity to demonstrate to the people of Iowa that we can rise above partisan differences, and move this state forward.

When we enter this chamber, we bring with us our many differences—party affiliation, gender, age, religious background—but there is one common thread that binds us together—trust. The citizens of this great state placed their trust in us by exercising their most precious right—they voted for us.

You may not always agree with the person to your left or right, but you must respect them because Iowans gave them the same trust that was given to you.

Iowans expect us to do the right thing. I realize that is simplistic—but at the same time, it is true. After the political rhetoric fades, people want us to make the best decisions for this state—period.

The people of Iowa trust us to lead this state to a brighter future.

Iowans trust us to:

- Provide our children with the best education possible;
- Create an environment where individuals and businesses can prosper;
- Assist those less fortunate in times of need; and
- Make Iowa a better place than it was when we began.

Quite simply, the people of Iowa have entrusted us with the heavy responsibility of improving their quality of life.

As we begin our work, let me paraphrase Mark Twain: Trust, like glass, is a little thing until it is absent, then it becomes a big thing.

We have a rare opportunity—to seize this opportunity, we must trust each other.

Neither side has the ability to accomplish anything without the help of the other. We have an historic opportunity to shed our partisan clothes and begin anew with the goal of making Iowa a better place.

I am not under some grand illusion that the glass will remain clean and unspotted throughout the session, but it must not break.

With the trust of the people of Iowa, and the trust in one another, we can seize this opportunity—and make history.

Thank you.

President Lamberti took the chair at 10:43 a.m.

REMARKS BY DEMOCRATIC PRESIDENT OF THE SENATE

President Kibbie addressed the Senate with the following remarks:

Welcome to the Eighty-first General Assembly, 2005 Session. I want to thank my Democratic colleagues for electing me to share the President's duties with Senator Lamberti. My office is in the area where the Secretary of the Senate was, and I want all members and staff of the Senate to know you are welcome at any time.

This session can be very productive as we make history with this co-equal sharing of responsibility. Our committee process will have the opportunity to move progressive legislation forward as we are now all members of the majority. It is my hope that each committee will have priority bills, and that our Floor Leaders will allow those bills to be debated.

We all campaigned on three main issues: jobs, education, and health care. My hope is that we can successfully make history by developing a common agenda and address these critical issues for our state in a truly bipartisan fashion.

We must formulate a jobs bill that will provide a framework for a successful long-range regional economic development plan that has a reliable funding source.

We need to build on the excellence of our education system at all levels. That includes ensuring that all young people enter school ready to learn by virtue of a comprehensive early childhood program; increasing student achievement so that our young people are prepared for post high school education or the world of work; and setting a goal that we keep higher education affordable by controlling huge tuition increases so that year-to-year increases are no more than the rate of inflation.

As an additional thought, I would point out that our community college system is an integral part of Iowa's educational establishment, and we continue to see record increases in enrollment. Because of the critical nature of their mission and the demands placed on them, we need to ensure that they are not priced out of the education market because their tuitions are the highest in the nation.

In the health care area, our responding positively to the short fall in Medicaid will mean that our seniors, the disabled, and low-income families will not have to worry about the loss of access. Almost 300,000 of the most vulnerable Iowans count on us to ensure that their health care safety net remains intact, and shame on us, if we fail them.

Mental health parity also needs to stay on our "must do" list. I firmly believe that if we are allowed to debate and vote on this issue it will have broad bipartisan support. Public opinion polls clearly indicate that our constituents are ahead of us on this issue as 83 percent favor institution of this initiative. We have too long neglected this common sense reform and now is the time to act.

While those are the major issues, we have other priorities that need to be addressed.

The protection of our natural resources is vitally important. Our lakes and state parks have not had the attention needed from grass not being mowed to shelter houses in need of repair. We need to reduce the number of impaired lakes so that they will be safer, thereby improving the potential for tourism dollars.

A long-range energy policy needs to be passed in our state. Renewable energy must be a priority. Enhanced ethanol use would include E-85 outlets as well as expanded use of biodiesel. Wind energy as an alternative source should give small producers the same incentives as the major utilities receive.

Profitable and competitive agriculture is still the backbone of Iowa's economy. Small and independent farmers look to us to ensure they have a level playing field in order to compete. We are all in this economic system together and to succeed we need a balanced economy that recognizes the needs of rural Iowa's farmers and their communities.

In comparing Iowa's tax laws to other states, we are ranked about in the middle for fairness. It is my belief that our property tax laws should be reformed so that independent businesses with commercial property do not carry an unreasonable burden. This General Assembly should make it clear why Iowa's growth is dead last in comparison to all the other states and chart a course that will improve that standing.

There are many other issues that should be addressed such as campaign reform, making it easier for Iowans to vote, and increasing the contribution rates for our public retirement systems to make them actuarially sound. I hope that the committees of appropriate jurisdiction see fit to explore these issues as well.

Last but not least, we are all too painfully aware that the war in Iraq continues to hit close to home. One of our own, Senator Larson, is completing his service, and we expect to welcome him back to the chamber in the next few weeks. We are also saddened by the death last week of the 19th Iowan to die in Iraq or Afghanistan, Sgt. Thomas Houser from Council Bluffs. As a tribute to their service and memory, we must review all those issues that affect our current and future veterans and their families.

The voters have presented us with a unique opportunity. All 50 of us now have an equal say in the future of our state. In many respects, it is a heavier burden for us all. We need to chart a course that is fiscally sound and provides value for the dollars the taxpayers provide. Each of us has our own priorities, but together this General Assembly can and will provide our fellow citizens with an Iowa that is a better place to live, work, and grow.

Clearly, we can't do everything that we might want to do, but working together we can accomplish much and regain the confidence and trust of our constituents who sent us here with high expectations of finding common ground.

Thank you very much.

REMARKS BY THE REPUBLICAN FLOOR LEADER

Senator Iverson addressed the Senate as follows:

I want to take this opportunity to welcome everyone back for the 2005 Regular Session of our great state's Eighty-first General Assembly.

My friends, this is truly an historic time to serve in the Iowa Senate. Not since 1933 has our sacred chamber been divided equally, and if history gives any indication of the future, it will be another 73 years before this happens again. Some pundits take this unique situation to mean that Iowans should expect little this legislative session, that tempers will flare, true colors will show, and partisanship will rear its ugly head.

My colleagues, I take a different outlook.

Just last September, we gathered in this chamber, and at the height of our own campaigns and one of the most heated presidential campaigns in history, we worked in a bipartisan way to get Iowa's economic development engine moving again. We appropriated $100 million for this effort, which some thought excessive, and we also passed a significant change to our workers' compensation law. A change that cost the

taxpayers nothing and reduced workers' compensation insurance costs saving Iowa employers $13 million a year. That's $13 million more dollars employers have to expand their businesses, hire more employees, and continue operation in Iowa.

Unfortunately, given the competitive environment with surrounding states, our action last fall is not enough to keep us growing. More work is needed. One of the most endangered species living in Iowa is no longer the bald eagle, but rather it's the small business owner. Our friends that run the main street stores can no longer be neglected. We cannot continue to raise property taxes, increase mandates, expand the size and scope of government, and still expect our small businesses to create two-thirds of all new jobs. More must be done to cut the regulation on our small businesses.

I will work this session to ensure that education remains a priority in this chamber. I want to focus on the classroom by stressing the importance of the basics: reading, writing, and arithmetic. Teachers should be prepared when they enter the classroom. Iowa is one of only six states that does not test teachers before they enter a classroom. This policy may have served us well when almost every new teacher was a graduate of an Iowa college or university. However, with more new teachers coming in from out of state, I believe testing those who teach our children makes sense.

At the beginning of the last legislative session, I spoke about the health insurance crisis affecting all Iowans. We worked last session to help reduce insurance costs for doctors which would lower costs for all Iowans, only to have the bill vetoed. So this morning in Iowa, many employers are left with the difficult situation of being unable to provide both a good job and health insurance benefits. This is simply not acceptable, and I will work to lower health insurance costs.

My friends, it has been 390 days since our colleague Chuck Larson left Iowa to help rebuild a devastated country. And for those 390 days, I have prayed for his safe return as well as for every other Iowan serving their country in uniform. I know I speak for everyone when I say we hope to see our friend returned to us soon, and safe. Senator Larson's vacant desk will once again serve as a reminder of the sacrifices Iowans have made to further the cause of democracy in the world.

Finally, I stand here today in a different role than I have played for the previous eight years. The Iowa Senate will be noted for bipartisanship and consensus building this year. I look forward to this historical opportunity to move our state forward.

Thank you, Mr. 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.

REMARKS BY THE DEMOCRATIC FLOOR LEADER

Senator Gronstal addressed the Senate as follows:

Welcome to the historic opening of the Eighty-first General Assembly in the Iowa Senate. I think it is safe to say that none of us expected to be in this position when we adjourned last spring. I think it is also safe to say that none of us is completely sure of what to expect this year.

What I know for sure is that the voters have given the Iowa Senate an incredible opportunity to lead the nation by conducting our work in the open and working together with members of the other party, by showing how to put the common concerns of Iowans ahead of the differences that divide us, and by showing how elected leaders can put good policy before partisan politics.

Too often it's been as if we are both standing on different mountains looking at each other and sensing the huge distance between us, instead of looking below at the fertile valley of common ground.

Actually, this shouldn't be that difficult for us. Despite the tough election campaigns we've just been through, there is not a single senator in this chamber who ran for office because they wanted to beat up on the other party.

On the contrary, each of us ran for office because we want to accomplish good things for our communities and our neighbors.

We want to protect and promote Iowa's exceptional quality of life, our excellent schools and universities, our caring communities, our camping facilities and other recreational opportunities, and our open spaces.

We want to see our young people succeed, and we want those young people to find a future here in our state, close to their families, where they can create the Iowa of the future.

And that is what both parties told the voters they would do. Both parties campaigned on the same priorities: jobs, education, and health care.

We will have to remember those priorities because we are challenged by another tough budget year. Everyone knew last April that the budget we passed was going to come up short.

We are now somewhere between $250 and $500 million dollars in the red, and most of the funds that have been raided to balance the budget in past years are pretty much empty. So while the latest estimates show we have a little more money coming in, we are still in a tough situation.

More important, there are troubling signs of increasing difficulties faced by Iowa families. Iowa leads the nation in the percentage of families with children where both parents work. Too often both parents are working full time because it's necessary just to get by. And even many of those two-income families struggle because too many Iowa jobs fail to pay a living wage.

That is the main reason I would like to get right to work on recreating the Iowa Values Fund. Improving Iowa's economy should be the first accomplishment of this session. Democratic senators are particularly interested in restoring some of the original emphasis on rural economic development.

I believe there is also bipartisan agreement that we need to restore our commitment to reducing class sizes, increasing teacher quality, and starting on the task of making sure Iowa's children have access to early education and their parents become their first and best teachers.

And there is also a growing consensus that there should be a state role in keeping the cost of health care under control, especially for small business owners, their employees, and farmers.

In summary, we are looking forward with excitement and optimism to working hard in a new Iowa Senate, a less partisan Iowa Senate, and an Iowa Senate that puts jobs, education, and health care first.

Thank you, Mr. President.

ELECTION OF PRESIDENTS PRO TEMPORE

Senator Gronstal placed in nomination the names of Senators Robert E. Dvorsky of Johnson County and Larry McKibben of Marshall County as candidates for the offices of Co-president Pro Tempore for the Senate for the Eighty-first General Assembly.

There being no further nominations, the Chair put the question to the Senate, and Senators Robert E. Dvorsky of Johnson County and Larry McKibben of Marshall County were unanimously elected by a voice vote.

The Chair requested that Senator Larry McKibben appear before the rostrum of the Senate.

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

President Kibbie took the chair at 10:55 a.m.

The Chair requested that Senator Robert E. Dvorsky appear before the rostrum of the Senate.

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

President Lamberti took the chair at 10:57 a.m.

RECESS

On motion of Senator Gronstal, the Senate recessed at 10:58 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 11:02 a.m., President Lamberti presiding.

INTRODUCTION OF RESOLUTION

Senate Resolution 1, by committee on Rules and Administration, a resolution relating to bipartisan control of the Senate for the Eighty-First General Assembly.

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

INTRODUCTION OF BILLS

Senate File 1, by McCoy, a bill for an act relating to the prohibition of smoking in restaurants, and making penalties applicable.

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

Senate File 2, by Putney, a bill for an act relating to free hunting, fishing, and trapping privileges for certain landowners.

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

Senate File 3, by Tinsman, 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 and referred to committee on **Commerce.**

Senate File 4, by Kibbie and Connolly, a bill for an act relating to utilization of the district management levy to pay the cost of employee health insurance benefits.

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

REPORT OF COMMITTEE MEETING

RULES AND ADMINISTRATION

Convened: January 10, 2005, 10:58 a.m.

Members Present: Gronstal and Iverson, Co-chairs; Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan.

Members Absent: None.

Committee Business: Approved SR 1. Adopted reports of pages, secretaries, and officers and employees.

Adjourned: 11:02 a.m.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 1 (formerly LSB 1726SV), a resolution relating to bipartisan control of the Senate for the Eighty-First General Assembly.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Gronstal, Iverson, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

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

Senate Resolution 1

On motion of Senator Gronstal, **Senate Resolution 1**, a resolution relating to bipartisan control of the Senate for the Eighty-

First General Assembly, with report of committee recommending passage, was taken up for consideration.

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

COMMITTEE TO NOTIFY THE GOVERNOR

Senator Gronstal moved that a committee of four 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 Brunkhorst and Stewart, Co-chairs, and Senators Wieck and Dvorsky.

COMMITTEE TO NOTIFY THE HOUSE

Senator Gronstal moved that a committee of four 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 Zieman and Black, Co-chairs, and Senators Behn and Dotzler.

ASSIGNMENTS OF SEATS IN THE PRESS GALLERY

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

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

Seat No.

51 THE DES MOINES REGISTER: Jonathan Roos, Thomas Beaumont, Perry Beaman, Lynn Okamoto, Mark Siebert, David Yepsen, Tony Leys
52 THE ASSOCIATED PRESS: Mike Glover, David Pitt
53 WHO-AM RADIO: Richard Lee, Pat Curtis, Rachel Conradt, Dan Welk
54 RADIO IOWA NEWS NETWORK: O. Kay Henderson
55 SINGLE DAY VISITOR PRESS SEAT

56 IOWA LEGISLATIVE NEWS SERVICE: Thomas Hunt, Jack Hunt, Barbara Hunt
57 WOI-AM: Joyce Russell
58 THE CEDAR RAPIDS GAZETTE: Rod Boshart, James Lynch
59 BURLINGTON HAWKEYE: Kiley A. Miller, John Gaines
60 LEE ENTERPRISES DM BUREAU: Kathie Obradovich, Todd Dorman
61 DUBUQUE TELEGRAPH HERALD: Mary Rae Bragg
62 WATERLOO CEDAR FALLS COURIER: Charlotte Eby
63 KUNI RADIO: Jeneane Beck
64 KCCI-TV: Eric Hanson, Michelle Parker, Todd Magel, Geoff Greenwood, Judy Slate

GENERAL ASSIGNMENT

FOX NEWS CHANNEL/CHICAGO BUREAU: Steve Brown, Yolanda Maggi, Robert Lee, Tom Jachman, Chris Becker, Jeff Goldblatt, Cherie Gazech, Svein Schwab, Glenn Wargo, Tom Ewing, Dustin Grudish
IFPC RADIO NETWORK: Chad Thompson, Mike Hartwig
IOWANEWS.NET: Gary Barrett
IOWA STATE DAILY: Cavan Reagan, Jessica Graham, Kari Harapat
KIMT-TV: Adam Sodersten, Danielle Williams, Shawn Harmsen, Justin Foss, Elisa Mangesho
KWWL TELEVISION: Tami Wiencek, Dan De Roos, Crystal Britt, John Lauritsen, Laura Alper
MARION TIMES: Dave Tapp, Sarah Morey
WHO-TV: Dave Price, Patrick Dix
WOI-TV: Jay Villwock, Don Schmith

APPOINTMENT OF PERMANENT OFFICERS AND EMPLOYEES

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

MR. PRESIDENT: Your committee on Rules and Administration begs leave to submit the names of the following individuals as permanent officers and employees of the Senate for the 2005 Session of the Eighty-first General Assembly:

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

Administrative

Confidential Secretary to the Secretary II ..... K'Ann Brandt
Administrative Secretary to the Secretary .....Ember Leonard
Senior Finance Officer II ..... Linda Laurenzo
Finance Officer II.....Lois Brownell

Indexing

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

Journal

Editor II..... Janet Hawkins
Editor I ..... Megan Thompson
Assistant Editor ..... Sarah Tutt

Legal Counsel

Assistant Secretary of the Senate..... Cynthia A. Clingan
Assistant to the Legal Counsel ..... Patricia Willemssen

President of the Senate's Office—Democrats

Sr. Administrative Assistant to Leader ..... Steve Conway
Confidential Secretary to Leader..... Kay Kibbie
Secretary ..... Josh Heggen

President of the Senate's Office—Republicans

Sr. Administrative Assistant to Leader ..... Becky Beach
Confidential Secretary to Leader..... Alyce Elmitt
Secretary ..... Linda Holmes

Democratic Caucus

Sr. Administrative Assistant to Leader ..... Eric Bakker
Administrative Assistant to Leader ..... Debbie Kattenhorn
Confidential Secretary to Leader..... Erica Shorkey
Secretary ..... Cathy Engel
Sr. Caucus Staff Director ..... Ron Parker
Sr. Legislative Research Analyst..... Theresa Kehoe
Sr. Legislative Research Analyst..... Richard Oshlo
Legislative Research Analyst II..... Rusty Martin
Legislative Research Analyst II..... Julie Simon
Legislative Research Analyst II..... Kerry Wright
Legislative Research Analyst I ..... Bridget Godes
Legislative Research Analyst..... Jace Mikels
Legislative Research Analyst..... Sue Monahan
Secretary ..... Dan Royer

Republican Caucus

Administrative Assistant to Leader III ..... Andy Warren
Administrative Assistant to Leader ..... Katie Koberg
Confidential Secretary to Leader..... Vicki Iverson
Secretary ..... Janet Schwarz
Sr. Legislative Research Analyst..... Carolann Jensen

Sr. Legislative Research Analyst ..... Pamela Dugdale
Legislative Research Analyst II ..... Jim Friedrich
Legislative Research Analyst I ..... Thomas Ashworth
Legislative Research Analyst I ..... Joshua W. Bronsink
Legislative Research Analyst I ..... Daren Jaques
Legislative Research Analyst I ..... Peter Matthes
Legislative Research Analyst I ..... Kimberly Steenhoek
Secretary ..... Angela McCright

Sergeant-at-Arms

Sergeant-at-Arms ..... Bill Krieg
Assistant Sergeant-at-Arms ..... Tom Sheldahl
Doorkeeper ..... Jerry Carlson
Doorkeeper ..... Jim Douglas
Doorkeeper ..... Robert Langbehn
Doorkeeper ..... Frank Loeffel
Doorkeeper ..... Dick Rosonke
Doorkeeper ..... Kermit Tannatt
Doorkeeper ..... Bob White

Services

Bill Clerk ..... Jay Mosher
Switchboard Operator ..... Jo Ann Larson
Switchboard Operator ..... Sue Hudson
Postmaster ..... Svend Christensen

MICHAEL E. GRONSTAL, Co-chair STEWART E. IVERSON, JR., Co-chair

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

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

APPOINTMENT OF SENATE SECRETARIES

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

MR. PRESIDENT: Your committee on Rules and Administration begs leave to report the employment of the following individuals as secretaries to senators for the 2005 Session of the Eighty-first General Assembly:

ASPENGREN, Mary Lou ..... McKINLEY, Paul
BOETTGER, David ..... BOETTGER, Nancy J.
BURNETT, Anne Marie ..... BLACK, Dennis H.
CONNOLLY, Martha ..... CONNOLLY, Michael E.
COURTNEY, Donna ..... COURTNEY, Thomas G.
COWDEN, Susan ..... HAHN, James F.
DAVIS, Vicki ..... ZIEMAN, Mark
DELUHERY, Mardi ..... WOOD, Frank B.
DIERENFELD, Judy ..... LUNDBY, Mary
ELMITT, Alyce ..... LAMBERTI, Jeff
ERIKSEN, Amanda ..... ZAUN, Brad
FRAISE, Faye ..... FRAISE, Gene
FURLER, Jean ..... SHULL, Doug
GASKILL, Gerry ..... GASKILL, E. Thurman
GAYMAN, Elesha ..... SCHOENJAHN, Brian
GIBSON, Audrey ..... KREIMAN, Keith A.
GROSS, Adam ..... McCOY, Matt
HALFERTY, Maggie ..... TINSMAN, Maggie
HARRIS, Jesse ..... RIELLY, Tom
HAUGE, Madonna ..... BEALL Daryl
HOUSER, Paula ..... HOUSER, Hubert
HUHN, Marce ..... BEHN, Jerry
IRWIN, Ann ..... KETTERING, Steve
KIBBIE, Kay ..... KIBBIE, John P.
KREIMAN, Krista ..... RAGAN, Amanda
LARSON, John ..... DVORSKY, Robert E.
LONG, Jennifer ..... ANGELO, Jeff
McKIBBEN, Katie ..... McKIBBEN, Larry
MILLS, Robyn ..... HANCOCK, Tom
MULDER, Dot ..... MULDER, Dave
OSWALD, Joel ..... MILLER, David
PETERSON, Phyllis ..... HORN, Wally E.
POTTHOFF, Dorothy ..... BRUNKHORST, Bob
PUTNEY, Emily ..... PUTNEY, John
RANDLEMAN, LuAnn ..... WARNSTADT, Steve
ROSSI, Mike ..... HATCH, Jack
SENG, Heidi ..... SENG, Joe M.
STEWART, Jennie ..... STEWART, Roger
THARP, Lynzey ..... BOLKCOM, Joe
ULLEM, Martha ..... WARD, Pat
VAN BREDERODE, Tara ..... QUIRMBACH, Herman C.
WAGNER-KERBER, Ellen ..... JOHNSON, David
WELLS, Stephanie ..... SEYMOUR, James
WENGERT, Joanne ..... DEARDEN, Dick L.
WENTHE, Andrew ..... DANIELSON, Jeff
WEST, Jo Ann ..... DOTZLER, William A., Jr.
WIECK, Carol ..... WIECK, Ron

MICHAEL E. GRONSTAL, Co-chair STEWART E. IVERSON, JR., Co-chair

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

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

REPORT OF THE COMMITTEE TO NOTIFY THE GOVERNOR

Senator Stewart 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.

REPORT OF THE COMMITTEE TO NOTIFY THE HOUSE

Senator Behn 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.

APPOINTMENT OF PAGES

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

MR. PRESIDENT: Your committee on Rules and Administration begs leave to submit the names of the following persons as Pages for the Senate for the 2005 Session of the Eighty-first General Assembly:

SARAH ASCHIM, Johnston
ELIZABETH BEADLE, Solon
ELYSE BEENKEN, Belmond
GENEVIEVE CRAGGS, Des Moines
ELISE DIRKS, Council Bluffs
KASEY FRIEDRICHSEN, Denison
KEVIN HAMER, Story City
ELLEN HARRIS, Ankeny
JANE LEE, Urbandale
VICTORIA LEE, Missouri Valley
JENNIFER NEFZGER, Davenport
DORRIANN PRATHER, Des Moines
KELSEY SHAY, Ankeny

NICOLE WEBB, Story City
KIMBERLY WILSON, Carlisle
WILL ZASADNY, Washington

MICHAEL E. GRONSTAL, Co-chair STEWART E. IVERSON, JR., Co-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 rostrum of the Senate and were duly sworn to their oaths of office.

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 January 10, 2005, **adopted** the following resolutions in which the concurrence of the Senate is asked:

House Concurrent Resolution 1, a concurrent resolution designating that a joint convention of the two houses of the 2005 session of the Eighty-First General Assembly be held on Tuesday, January 11, 2005, at 10:00 a.m.

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

House Concurrent Resolution 2, a concurrent resolution designating that a joint convention of the two houses of the 2005 session of the Eighty-First General Assembly be held on Wednesday, January 12, 2005, at 10:00 a.m.

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

COMMITTEE ON MILEAGE

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

The motion prevailed by a voice vote, and the Chair appointed as such committee Senators Gaskill and Warnstadt, Co-chairs; and Senators Tinsman and Courtney.

The committee performed its duties and filed its report for publication in the Senate Journal.

COMMITTEE ON CHAPLAINS

Senator Gronstal moved that Senators Lamberti and Kibbie be appointed as a committee of two to work with a Representative of the House in securing chaplains for the Senate during the Eighty-first General Assembly, which motion prevailed by a voice vote.

SELECTION OF SEATS

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

Senator Gronstal moved that the holdover and re-elected Senators who participated in seat selection in 2004 be granted the privilege of selecting new seats in order of seniority from unassigned seats; that the re-elected Senators first elected during the 2003 session be granted the privilege of selecting their seats from the unassigned seats according to their seniority; that former members of the House of Representatives be granted the privilege of selecting their seats from the unassigned seats according to seniority; that newly-elected senators be granted the privilege of selecting their seats from the unassigned seats with order of selection being established by lot; that first, the Democratic Floor Leader and the Republican 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:

NAME	SEAT NO.
Angelo of Union	48
Beall of Webster	11
Behn of Boone	40
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
Danielson of Black Hawk....17
Dearden of Polk....21
Dotzler of Black Hawk....5
Dvorsky of Johnson....47
Fraise of Lee....39
Gaskill of Hancock....36
Gronstal of Pottawattamie....41
Hahn of Muscatine....32
Hancock of Dubuque....12
Hatch of Polk....27
Horn of Linn....43
Houser of Pottawattamie....30
Iverson of Wright....42
Johnson of Osceola....14
Kettering of Sac....1
Kibbie of Palo Alto....37
Kreiman of Davis....35
Lamberti of Polk....46
Larson of Linn....10
Lundby of Linn....49
McCoy of Polk....15
McKibben of Marshall....44
McKinley of Lucas....16
Miller of Jefferson....22
Mulder of Sioux....18
Putney of Tama....34
Quirmbach of Story....3
Ragan of Cerro Gordo....33
Rielly of Mahaska....25
Schoenjahn of Fayette....24
Seng of Scott....23
Seymour of Harrison....19
Shull of Warren....2
Stewart of Jackson....13
Tinsman of Scott....50
Ward of Polk....8
Warnstadt of Woodbury....9
Wieck of Woodbury....20
Wood of Scott....26
Zaun of Polk....4
Zieman of Allamakee....28

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 11:45 a.m. until 8:30 a.m., Tuesday, January 11, 2005.

APPENDIX

STANDING COMMITTEES APPOINTED

The Democratic and Republican Leaders announced the following appointments to the standing committees of the Senate for the 2005 Session of the Eighty-first General Assembly:

AGRICULTURE—14 Members

Fraise, Co-chair	Courtney	Houser	Ragan
Johnson, Co-chair	Gaskill	Kibbie	Rielly
Black	Hahn	Mulder	
Brunkhorst	Hancock	Putney	

APPROPRIATIONS—24 Members

Angelo, Co-chair	Dotzler	Kettering	Seymour
Dvorsky, Co-chair	Fraise	Lamberti	Shull
Black	Gaskill	Miller	Stewart
Boettger	Hatch	Putney	Tinsman
Bolkcom	Horn	Ragan	Ward
Connolly	Johnson	Seng	Warnstadt

BUSINESS AND LABOR RELATIONS—10 Members

Dearden, Co-chair	Courtney	McKibben	Shull
Wieck, Co-chair	Dotzler	Seng	
Behn	Horn	Seymour	

COMMERCE—16 Members

Behn, Co-chair	Bolkcom	Larson	Stewart
Warnstadt, Co-chair	Courtney	McCoy	Wieck
Angelo	Gronstal	McKinley	Zaun
Beall	Kettering	Rielly	Zieman

ECONOMIC GROWTH—14 Members

Brunkhorst, Co-chair	Danielson	Ragan	Stewart
Hatch, Co-chair	Dotzler	Rielly	Zaun
Beall	Hahn	Seymour	
Behn	McKinley	Shull	

EDUCATION—14 Members

Connolly, Co-chair	Boettger	Larson	Ward
McKinley, Co-chair	Brunkhorst	Mulder	Wood
Angelo	Dvorsky	Quirmbach	
Beall	Kreiman	Schoenjahn	

ETHICS—6 Members

Kibbie, Co-chair	Connolly	McKibben	Mulder
Larson, Co-chair	Dearden		

GOVERNMENT OVERSIGHT—4 Members

Courtney, Co-chair	Lundby, Co-chair	Connolly	Wieck

HUMAN RESOURCES—14 Members

Ragan, Co-chair	Bolkcom	Houser	Tinsman
Seymour, Co-chair	Dotzler	Johnson	Wood
Behn	Gaskill	Kreiman	
Boettger	Hatch	Quirmbach	

JUDICIARY—16 Members

Kreiman, Co-chair	Dvorsky	Larson	Tinsman
Miller, Co-chair	Fraise	McKibben	Ward
Boettger	Hancock	Quirmbach	Warnstadt
Brunkhorst	Horn	Schoenjahn	Zaun

LOCAL GOVERNMENT—12 Members

Quirmbach, Co-chair	Kreiman	Mulder	Schoenjahn
Shull, Co-chair	Lundby	Putney	Stewart
Houser	McCoy	Rielly	Zaun

NATURAL RESOURCES AND ENVIRONMENT—14 Members

Black, Co-chair	Gaskill	Lundby	Seng
Houser, Co-chair	Hancock	Miller	Wood
Bolkcom	Johnson	Putney	
Dearden	Kettering	Schoenjahn	

RULES AND ADMINISTRATION—10 Members

Gronstal, Co-chair	Boettger	Hahn	Ragan
Iverson, Co-chair	Courtney	Kibbie	
Angelo	Dvorsky	Lamberti	

STATE GOVERNMENT—16 Members

Horn, Co-chair	Connolly	Kettering	Ward
McKibben, Co-chair	Danielson	Kibbie	Wieck
Black	Hancock	Miller	Wood
Brunkhorst	Hatch	Tinsman	Zieman

TRANSPORTATION—12 Members

McCoy, Co-chair	Danielson	Hahn	Ward
Putney, Co-chair	Dearden	Kettering	Warnstadt
Beall	Fraise	Shull	Zieman

WAYS AND MEANS—16 Members

Bolkcom, Co-chair	Dotzler	McKibben	Seng
Zieman, Co-chair	Hahn	McKinley	Stewart
Connolly	Larson	Miller	Wieck
Danielson	McCoy	Quirmbach	Zaun

SENATE APPROPRIATIONS SUBCOMMITTEES

ADMINISTRATION AND REGULATION

Putney, Co-chair	Dvorsky	Mulder
Stewart, Co-chair	McCoy	Zieman

AGRICULTURE AND NATURAL RESOURCES

Gaskill, Co-chair	Black	Houser
Seng, Co-chair	Hahn	Schoenjahn

ECONOMIC DEVELOPMENT

Dotzler, Co-chair	Behn	Danielson
Ward, Co-chair	Brunkhorst	Rielly

EDUCATION

Boettger, Co-chair	McKinley	Shull
Horn, Co-chair	Quirmbach	Wood

HEALTH AND HUMAN SERVICES

Hatch, Co-chair	Bolkcom	Ragan
Tinsman, Co-chair	Johnson	Seymour

JUSTICE SYSTEM

Fraise, Co-chair	Hancock	Larson
McKibben, Co-chair	Kreiman	Miller

TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

Kettering, Co-chair	Angelo	Dearden
Warnstadt, Co-chair	Beall	Zaun

SENATORS AND THEIR RESPECTIVE COMMITTEES

ANGELO, Jeff	Appropriations, Co-chair Commerce Education Rules and Administration Transportation, Infrastructure, and Capitals Appropriations Subcommittee
BEALL, Daryl	Commerce Economic Growth Education Transportation Transportation, Infrastructure, and Capitals Appropriations Subcommittee
BEHN, Jerry	Business and Labor Relations Commerce, Co-chair Economic Growth Human Resources Economic Development Appropriations Subcommittee
BLACK, Dennis H.	Agriculture Appropriations Natural Resources and Environment, Co-chair State Government Agriculture and Natural Resources Appropriations Subcommittee
BOETTGER, Nancy	Appropriations Education Human Resources Judiciary Rules and Administration Education Appropriations Subcommittee, Co-chair
BOLKCOM, Joe	Appropriations Commerce Human Resources Natural Resources and Environment Ways and Means, Co-chair Health and Human Services Appropriations Subcommittee

BRUNKHORST, Bob	Agriculture Economic Growth, Co-chair Education Judiciary State Government Economic Development Appropriations Subcommittee
CONNOLLY, Michael	Appropriations Education, Co-chair Ethics Government Oversight State Government Ways and Means
COURTNEY, Thomas G.	Agriculture Business and Labor Relations Commerce Government Oversight, Co-chair Rules and Administration
DANIELSON, Jeff	Economic Growth State Government Transportation Ways and Means Economic Development Appropriations Subcommittee
DEARDEN, Dick L.	Business and Labor Relations, Co-chair Ethics Natural Resources and Environment Transportation Transportation, Infrastructure, and Capitals Appropriations Subcommittee
DOTZLER, William A., Jr.	Appropriations Business and Labor Relations Economic Growth Human Resources Ways and Means Economic Development Appropriations Subcommittee, Co-chair
DVORSKY, Robert E.	Appropriations, Co-chair Education Judiciary Rules and Administration Administration and Regulation Appropriations Subcommittee

FRAISE, Gene	Agriculture, Co-chair Appropriations Judiciary Transportation Justice System Appropriations Subcommittee, Co-chair
GASKILL, E. Thurman	Agriculture Appropriations Human Resources Natural Resources and Environment Agriculture and Natural Resources Appropriations Subcommittee, Co-chair
GRONSTAL, Michael E.	Commerce Rules and Administration, Co-chair
HAHN, James F.	Agriculture Economic Growth Rules and Administration Transportation Ways and Means Agriculture and Natural Resources Appropriations Subcommittee
HANCOCK, Tom	Agriculture Judiciary Natural Resources and Environment State Government Justice System Appropriations Subcommittee
HATCH, Jack	Appropriations Economic Growth, Co-chair Human Resources State Government Health and Human Services Appropriations Subcommittee, Co-chair
HORN, Wally E.	Appropriations Business and Labor Relations Judiciary State Government, Co-chair Education Appropriations Subcommittee, Co-chair
HOUSER, Hubert	Agriculture Human Resources Local Government Natural Resources and Environment, Co-chair Agriculture and Natural Resources Appropriations Subcommittee

IVERSON, Stewart E., Jr.	Rules and Administration, Co-chair
JOHNSON, David	Agriculture, Co-chair Appropriations Human Resources Natural Resources and Environment Health and Human Services Appropriations Subcommittee
KETTERING, Steve	Appropriations Commerce Natural Resources and Environment State Government Transportation Transportation, Infrastructure, and Capitals Appropriations Subcommittee, Co-chair
KIBBIE, John P. (Jack)	Agriculture Ethics, Co-chair Rules and Administration State Government
KREIMAN, Keith A.	Education Human Resources Judiciary, Co-chair Local Government Justice System Appropriations Subcommittee
LAMBERTI, Jeff	Appropriations Rules and Administration
LARSON, Charles W., Jr.	Commerce Education Ethics, Co-chair Judiciary Ways and Means Justice System Appropriations Subcommittee
LUNDBY, Mary	Government Oversight, Co-chair Local Government Natural Resources and Environment
McCOY, Matt	Commerce Local Government Transportation, Co-chair Ways and Means Administration and Regulation Appropriations Subcommittee

McKIBBEN, Larry	Business and Labor Relations Ethics Judiciary State Government, Co-chair Ways and Means Justice System Appropriations Subcommittee, Co-chair
McKINLEY, Paul	Commerce Economic Growth Education, Co-chair Ways and Means Education Appropriations Subcommittee
MILLER, David	Appropriations Judiciary, Co-chair Natural Resources and Environment State Government Ways and Means Justice System Appropriations Subcommittee
MULDER, Dave	Agriculture Education Ethics Local Government Administration and Regulation Appropriations Subcommittee
PUTNEY, John	Agriculture Appropriations Local Government Natural Resources and Environment Transportation, Co-chair Administration and Regulation Appropriations Subcommittee, Co-chair
QUIRMBACH, Herman C.	Education Human Resources Judiciary Local Government, Co-chair Ways and Means Education Appropriations Subcommittee
RAGAN, Amanda	Agriculture Appropriations Economic Growth Human Resources, Co-chair Rules and Administration Health and Human Services Appropriations Subcommittee

RIELLY, Thomas	Agriculture Commerce Economic Growth Local Government Economic Development Appropriations Subcommittee
SCHOENJAHN, Brian	Education Judiciary Local Government Natural Resources and Environment Agriculture and Natural Resources Appropriations Subcommittee
SENG, Joe M.	Appropriations Business and Labor Relations Natural Resources and Environment Ways and Means Agriculture and Natural Resources Appropriations Subcommittee, Co-chair
SEYMOUR, James A.	Appropriations Business and Labor Relations Economic Growth Human Resources, Co-chair Health and Human Services Appropriations Subcommittee
SHULL, Doug	Appropriations Business and Labor Relations Economic Growth Local Government, Co-chair Transportation Education Appropriations Subcommittee
STEWART, Roger	Appropriations Commerce Economic Growth Local Government Ways and Means Administration and Regulation Appropriations Subcommittee, Co-chair
TINSMAN, Maggie	Appropriations Human Resources Judiciary State Government Health and Human Services Appropriations Subcommittee, Co-chair

WARD, Pat	Appropriations Education Judiciary State Government Transportation Economic Development Appropriations Subcommittee, Co-chair
WARNSTADT, Steve	Appropriations Commerce, Co-chair Judiciary Transportation Transportation, Infrastructure, and Capitals Appropriations Subcommittee, Co-chair
WIECK, Ron	Business and Labor Relations, Co-chair Commerce Government Oversight State Government Ways and Means
WOOD, Frank B.	Education Human Resources Natural Resources and Environment State Government Education Appropriations Subcommittee
ZAUN, Brad	Commerce Economic Growth Judiciary Local Government Ways and Means Transportation, Infrastructure, and Capitals Appropriations Subcommittee
ZIEMAN, Mark	Commerce State Government Transportation Ways and Means, Co-chair Administration and Regulation Appropriations Subcommittee

COMMUNICATIONS RECEIVED

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

DEPARTMENT OF ADMINISTRATIVE SERVICES

FY 2004 Affirmative Action Report, pursuant to Iowa Code section 19B.5. Report received on October 5, 2004.

DEPARTMENT OF COMMERCE

Report on Slavery Era Insurance Policies, pursuant to 2004 Acts, House Resolution 29. Report received on November 15, 2004.

OFFICE OF DRUG CONTROL POLICY

2005 Iowa Drug Control Strategy annual report, pursuant to Iowa Code section 80E.1. Report received on November 18, 2004.

DEPARTMENT OF HUMAN RIGHTS

FY 2004 Annual Report for the Division of Persons with Disabilities. Report received on October 4, 2004.

DEPARTMENT OF HUMAN SERVICES

Reimbursement review for the home and community-based services (HCBS) waiver for persons with mental retardation under the medical assistance program, pursuant to 2002 Acts, House File 650, section 3. Report received on September 13, 2004.

Annual and Biennial Report regarding the activities of the Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission and recommendations formulated by the commission for changes in law, pursuant to Iowa Code section 225C.6. Report received on December 29, 2004.

Independent Living Services Annual Report, pursuant to Iowa Code section 234.35(4). Report received on January 6, 2005.

Annual Report of the Healthy and Well Kids in Iowa (hawk-i) Board, pursuant to Iowa Code section 514I.(7)(g). Report received on January 7, 2005.

DEPARTMENT OF INSPECTIONS AND APPEALS

Report detailing the registration of electrical and mechanical amusement devices as required by the department, pursuant to 2004 Acts, House File 2562. Report received on December 29, 2004.

DEPARTMENT OF JUSTICE

Annual reports detailing actual costs and estimates of the time expended enforcing the Iowa competition law, and the time incurred in providing public education pursuant to and enforcing such, pursuant to 2004 Acts, Senate File 2298, sections 180(2) and (3). Report received on November 8, 2004.

Report estimating the return of a local exchange carrier operating under price regulation and estimates of investment, revenues, and expenses associated with the

sale of classified directory advertising, pursuant to Iowa Code section 476.98. Report received on December 30, 2004.

Report on the operation of the Iowa Prosecutor Intern Program during 2004, pursuant to Iowa Code section 13.2(12). Report received on January 3, 2005.

DEPARTMENT OF MANAGEMENT

January 1 report of the Utility Replacement Tax Task Force, pursuant to Iowa Code section 437A.15(7). Report received on December 7, 2004.

MUNICIPAL FIRE AND POLICE RETIREMENT SYSTEM OF IOWA

Annual Report for the fiscal year ended June 30, 2004. Report received on December 21, 2004.

DEPARTMENT OF NATURAL RESOURCES

Oil Overcharge Restitution Programs State of Iowa Annual Report through June 30, 2004. Report received on November 2, 2004.

DEPARTMENT OF PUBLIC HEALTH

Child Death Review Team Supplemental Report, pursuant to Iowa Code section 135.43 — notification that the report in electronic format is available. Report received on October 1, 2004.

BOARD OF REGENTS

Annual report (2003–2004) of the College Bound and IMAGES Programs at the regent universities, pursuant to Iowa Code sections 262.92 and 269.93. Report received on November 29, 2004.

Annual Report from the University of Iowa Hospitals and Clinics, pursuant to Iowa Code section 263A.13. Report received on December 22, 2004.

Annual Report on sale of the Iowa State University Ankeny Experimental Farm, pursuant to Iowa Code section 266.39F. Report received on December 23, 2004.

Annual Reports on Affirmative Action and on the Minority and Women Educators Enhancement Program, pursuant to Iowa Code sections 19B.5 and 262.93. Report received on December 27, 2004.

Annual Report on Technology Transfer and Economic Development, pursuant to 2004 Acts, Senate File 2298. Report received on January 6, 2005.

DEPARTMENT OF REVENUE

Annual report of the department's Tax Gap Compliance Project, pursuant to Iowa Code section 421.17(23). Report received on December 1, 2004.

IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION

Five-Year Financial Plan for the ICN, pursuant to Iowa Code section 8D.3(3)(f). Report received on November 23, 2004.

Review of Maintenance Contract, pursuant to Iowa Code section 8D.3(3)(g). Report received on November 23, 2004.

DEPARTMENT OF TRANSPORTATION

Use of reversions report (pertaining to FY 2003 Road Use Tax Fund/Primary Road Fund budget reversion), pursuant to Iowa Code section 307.46(2). Report received on October 7, 2004.

Equipment and Vehicle Report for FY 2004, pursuant to Iowa Code section 307.47. Report received on December 22, 2004.

Annual Reports for the Iowa Railway Finance Authority and the Midwest Regional Rail Passenger Initiative Status, pursuant to Iowa Code sections 327I.8(6) and 327J.3(1) and (5). Reports received on December 28, 2004.

Biodiesel Fuel Revolving Fund Expenditures FY 2004 Report, pursuant to 2004 Acts, Senate File 465. Report received on December 30, 2004.

Secondary Road Research and Street Research Reports for fiscal year ending 2004, pursuant to Iowa Code sections 310.36 and 312.3A. Report received on January 3, 2005.

TREASURER OF STATE

Report regarding the activities of the Tobacco Settlement Authority for years ending June 30, 2003 and 2004, pursuant to Iowa Code section 12E.15. Report received on December 30, 2004.

UNIVERSITY OF IOWA

Medical Assistance Crisis Intervention Team Report. Report received on December 1, 2004.

AGENCY ICN REPORTS

Iowa Communications Network (ICN) Usage reports for FY 2004, pursuant to Iowa Code section 8D.10, were received from the following agencies:

IOWA PUBLIC TELEVISION — Report received on September 30, 2004.

The following reports were received and are available in electronic format:

DEPARTMENT FOR THE BLIND — Report received on October 5, 2004.

IOWA CIVIL RIGHTS COMMISSION — Report received on July 1, 2004.

OFFICE OF DRUG CONTROL POLICY — Report received on October 27, 2004.

DEPARTMENT OF EDUCATION — Report received on November 1, 2004.

IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD — Report received on October 4, 2004.

DEPARTMENT OF HUMAN SERVICES — Report received on October 28, 2004.

DEPARTMENT OF MANAGEMENT — Report received on October 28, 2004.

BOARD OF PAROLE — Reports received on October 7 and October 29, 2004.

IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM — Report received on October 7, 2004.

DEPARTMENT OF REVENUE — Report received on October 11, 2004.

IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION — Report received on October 22, 2004.

DEPARTMENT OF TRANSPORTATION — Report received on January 3, 2005.

IOWA VETERANS HOME — Report received on November 8, 2004.

DIVISION OF VOCATIONAL REHABILITATION SERVICES — Report received on November 10, 2004.

IOWA WORKFORCE DEVELOPMENT — Report received on November 3, 2004.

REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

MR. PRESIDENT: Pursuant to Senate Concurrent Resolution 2, your committee on rules and administration submits the following names of officers and employees of the Senate for the Eighty-first General Assembly, 2005 Session, and their respective classifications, grades, and steps:

		CLASS	GRADE	STEP
Secretary of the Senate	Mike Marshall	P-FT	$102,793 annual	
Sr. Assistant Secretary of the Senate	Cynthia A. Clingan	P-FT	41	6
Sr. Administrative Assistant to Leader	Eric Bakker	P-FT	38	3

Administrative Assistant to Leader	Debbie Kattenhorn	P-FT	27	4
Conf. Secretary to Leader	Erica Shorkey	P-PT	27	2
Secretary	Cathy Engel	S-O	18	1
Sr. Administrative Assistant to President	Steve Conway	P-FT	38	6
Conf. Secretary to Leader	Kay Kibbie	P-PT	27	2
Secretary	Josh Heggen	S-O	18	1
Administrative Assistant to Leader III	Andy Warren	P-FT	35	3
Administrative Assistant to Leader	Katie Koberg	P-FT	27	1
Conf. Secretary to Leader	Vicki Iverson	P-PT	27	2
Secretary	Janet Schwarz	S-O	18	2
Sr. Administrative Assistant to President	Becky Beach	P-FT	38	6
Conf. Secretary to Leader	Alyce Elmitt	P-PT	27	2
Secretary	Linda Holmes	S-O	18	1
Sr. Caucus Staff Director	Ron Parker	P-FT	41	4
Sr. Legislative Research Analyst	Theresa Kehoe	P-FT	38	6
Sr. Legislative Research Analyst	Richard Oshlo	P-FT	38	2
Legislative Research Analyst II	Rusty Martin	P-FT	32	3
Legislative Research Analyst II	Julie Simon	P-FT	32	3
Legislative Research Analyst II	Kerry Wright	P-FT	32	2
Legislative Research Analyst I	Bridget Godes	P-FT	29	2
Legislative Research Analyst	Jace Mikels	P-FT	27	2
Legislative Research Analyst	Sue Monahan	P-FT	27	1
Secretary	Dan Royer	S-O	18	1
Sr. Legislative Research Analyst	Carolann Jensen	P-FT	38	6
Sr. Legislative Research Analyst	Pamela Dugdale	P-FT	38	6
Legislative Research Analyst II	Jim Friedrich	P-FT	32	3
Legislative Research Analyst I	Kimberly Steenhoek	P-FT	29	3
Legislative Research Analyst I	Thomas Ashworth	P-FT	29	2
Legislative Research Analyst I	Joshua Bronsink	P-FT	29	2
Legislative Research Analyst I	Daren Jaques	P-FT	29	2

Legislative Research Analyst	Peter Matthes	P-FT	27	2
Secretary	Angela McCright	S-O	18	1
Confidential Secretary to Secretary II	K'Ann Brandt	P-FT	32	3
Administrative Secretary to Secretary	Ember Leonard	S-O	21	1
Journal Editor II	Janet Hawkins	P-FT	25	3
Journal Editor I	Megan Thompson	P-FT	22	2
Asst. Journal Editor	Sarah Tutt	P-FT	19	1
Sr. Finance Officer II	Linda Laurenzo	P-FT	35	5
Finance Officer II	Lois Brownell	P-FT	27	6
Assistant to Legal Counsel	Patricia Willemssen	S-O	19	2
Sr. Indexer	Kathy Olah	P-FT	28	4
Indexer II/Rec. & Supply	Kathleen Curoe	P-FT	25	6
Switchboard Operator	Jo Ann Larson	S-O	14	2
Switchboard Operator	Sue Hudson	S-O	14	1
Bill Clerk	Jay Mosher	S-O	14	5
Postmaster	Svend Christensen	S-O	12	6
Sergeant-at-Arms II	Bill Krieg	S-O	20	4
Asst. Sergeant-at-Arms	Tom Sheldahl	S-O	14	3
Doorkeeper	Gerald Carlson	S-O	11	2
Doorkeeper	James Douglas	S-O	11	2
Doorkeeper	Robert Langbehn	S-O	11	4
Doorkeeper	Frank Loeffel	S-O	11	2
Doorkeeper	Dick Rosonke	S-O	11	2
Doorkeeper	Kermit Tannatt	S-O	11	3
Doorkeeper	Bob White	S-O	11	2
Legislative Secretary	Susan Cowden	S-O	15	4
Legislative Secretary	Mardi Deluhery	S-O	15	1
Legislative Secretary	Amanda Eriksen	S-O	15	1
Legislative Secretary	Jesse Harris	S-O	15	1
Legislative Secretary	Madonna Hauge	S-O	15	4
Legislative Secretary	Robyn Mills	S-O	15	1
Legislative Secretary	Dot Mulder	S-O	15	1
Legislative Secretary	Amber Pringnitz	S-O	15	1
Legislative Secretary	Andrew Wenthe	S-O	15	1
Legislative Committee Secretary	Mary Lou Aspengren	S-O	17	3
Legislative Committee Secretary	David Boettger	S-O	17	2
Legislative Committee Secretary	Anne Marie Burnett	S-O	17	3
Legislative Committee Secretary	Martha Connolly	S-O	18	1
Legislative Committee Secretary	Donna Courtney	S-O	18	1
Legislative Committee Secretary	Vicki Davis	S-O	18	5

Legislative Committee Secretary	Judy Dierenfeld	S-O	17	2
Legislative Committee Secretary	Faye Fraise	S-O	18	6
Legislative Committee Secretary	Jean Furler	S-O	17	1
Legislative Committee Secretary	Gerry Gaskill	S-O	18	2
Legislative Committee Secretary	Audrey Gibson	S-O	17	6+2
Legislative Committee Secretary	Adam Gross	S-O	17	1
Legislative Committee Secretary	Paula Houser	S-O	17	3
Legislative Committee Secretary	Marce Huhn	S-O	18	3
Legislative Committee Secretary	Ann Irwin	S-O	17	2
Legislative Committee Secretary	Krista Kreiman	S-O	18	1
Legislative Committee Secretary	John Larson	S-O	18	2
Legislative Committee Secretary	Jennifer Long	S-O	17	2
Legislative Committee Secretary	Katie McKibben	S-O	18	1
Legislative Committee Secretary	Joel Oswald	S-O	17	2
Legislative Committee Secretary	Phyllis Peterson	S-O	18	1
Legislative Committee Secretary	Dorothy Potthoff	S-O	17	6+2
Legislative Committee Secretary	Emily Putney	S-O	18	1
Legislative Committee Secretary	LuAnn Randleman	S-O	18	5
Legislative Committee Secretary	Mike Rossi	S-O	18	1
Legislative Committee Secretary	Heidi Seng	S-O	17	1
Legislative Committee Secretary	Jennie Stewart	S-O	17	1
Legislative Committee Secretary	Lynzey Tharp	S-O	18	1
Legislative Committee Secretary	Martha Ullem	S-O	17	3
Legislative Committee Secretary	Tara Van Brederode	S-O	17	1
Legislative Committee Secretary	Ellen Wagner-Kerber	S-O	18	1
Legislative Committee Secretary	Stephanie Wells	S-O	17	1

Legislative Committee Secretary	Joann Wengert	S-O	17	6
Legislative Committee Secretary	Jo Ann West	S-O	18	6+2
Legislative Committee Secretary	Carol Wieck	S-O	17	1
Page	Sarah Aschim	S-O	9	1
Page	Elizabeth Beadle	S-O	9	1
Page	Elyse Beenken	S-O	9	1
Page	Genevieve Craggs	S-O	9	1
Page	Elise Dirks	S-O	9	1
Page	Kasey Friedrichsen	S-O	9	1
Page	Kevin Hamer	S-O	9	1
Page	Ellen Harris	S-O	9	1
Page	Jane Lee	S-O	9	1
Page	Victoria Lee	S-O	9	1
Page	Jennifer Nefzger	S-O	9	1
Page	Dorriann Prather	S-O	9	1
Page	Kelsey Shay	S-O	9	1
Page	Nicole Webb	S-O	9	1
Page	Kimberly Wilson	S-O	9	1
Page	Will Zasadny	S-O	9	1

MICHAEL E. GRONSTAL, Co-chair STEWART E. IVERSON, JR., Co-chair

REPORT OF THE COMMITTEE ON MILEAGE

MR. PRESIDENT: Pursuant to Section 2.10, Code 2005, the following has been determined to be the mileage to which Senators are entitled for the Eighty-first General Assembly:

NAME	ROUND TRIP MILES
ANGELO, Jeff	144
BEALL, Daryl	188
BEHN, Jerry	94
BLACK, Dennis H.	104
BOETTGER, Nancy J.	222
BOLKCOM, Joe	236
BRUNKHORST, Bob	240
CONNOLLY, Michael E.	400
COURTNEY, Thomas G.	390
DANIELSON, Jeff	250
DEARDEN, Dick L.	0
DOTZLER, William A., Jr.	226
DVORSKY, Robert E.	224
FRAISE, Gene	369
GASKILL, E. Thurman	250
GRONSTAL, Michael E.	270
HAHN, James F.	300
HANCOCK, Tom	370

HATCH, Jack 0
HORN, Wally E. 250
HOUSER, Hubert. 250
IVERSON, Stewart E., Jr. 152
JOHNSON, David 458
KETTERING, Steve 240
KIBBIE, John P. 344
KREIMAN, Keith A. 204
LAMBERTI, Jeff 0
LARSON, Charles W., Jr. 270
LUNDBY, Mary 272
McCOY, Matt 0
McKIBBEN, Larry 110
McKINLEY, Paul M. 124
MILLER, David 200
MULDER, Dave 490
PUTNEY, John 150
QUIRMBACH, Herman C. 75
RAGAN, Amanda 240
RIELLY, Tom 130
SCHOENJAHN, Brian 358
SENG, Joe M. 334
SEYMOUR, James A. 254
SHULL, Doug 34
STEWART, Roger 384
TINSMAN, Maggie 360
WARD, Pat 0
WARNSTADT, Steve 400
WIECK, Ron 396
WOOD, Frank B. 372
ZAUN, Brad 0
ZIEMAN, Mark 410

E. THURMAN GASKILL, Co-chair
STEVE WARNSTADT, Co-chair
MAGGIE TINSMAN
THOMAS G. COURTNEY

ANNOUNCEMENTS OF APPOINTMENTS BY SENATE DEMOCRATIC AND REPUBLICAN LEADERS

BRUSHY CREEK RECREATION TRAILS ADVISORY BOARD
(Iowa Code section 455A.8)
Myron Grout (Expires 6/30/2007)
Patrick W. Reed (Expires 6/30/2007
Ruth Nellesen (Expires 6/30/2007)

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, JANUARY 11, 2005

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

JOURNAL OF THE SENATE

SECOND CALENDAR DAY
SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, January 11, 2005

The Senate met in regular session at 8:46 a.m., President Kibbie presiding.

Prayer was offered by the Reverend Faith Ferre, pastor of Plymouth Congregational United Church of Christ in Des Moines, Iowa. She was the guest of Senator Ward.

The Journal of Monday, January 10, 2005, was approved.

The Senate stood at ease at 8:50 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:23 a.m., President Kibbie presiding.

CONSIDERATION OF RESOLUTIONS
(Regular Calendar)

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

House Concurrent Resolution 1

On motion of Senator Iverson, **House Concurrent Resolution 1**, a concurrent resolution designating that a joint convention of the two houses of the 2005 session of the Eighty-First General Assembly be held on Tuesday, January 11, 2005, at 10:00 a.m., was taken up for consideration.

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

House Concurrent Resolution 2

On motion of Senator Iverson, **House Concurrent Resolution 2**, a concurrent resolution designating that a joint convention of the two houses of the 2005 session of the Eighty-First General Assembly be held on Wednesday, January 12, 2005, at 10:00 a.m., was taken up for consideration.

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

The Senate stood at ease at 9:26 a.m. until the fall of the gavel.

The Senate resumed session at 9:45 a.m., President Kibbie 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 1, duly adopted, the Senate proceeded to the House chamber under the direction of the Secretary of the Senate and the Sergeant-at-Arms.

JOINT CONVENTION

The joint convention convened at 9:50 a.m., President Kibbie 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 Kibbie declared a quorum present and the joint convention duly organized.

Senator Iverson moved that a committee of seven, four 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 Beall, Putney, Ragan, and Ward on the part of the Senate, and Representatives Elgin, Raecker, and Reichart on the part of the House.

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

Chief Justice Louis A. Lavorato and the Justices of the Supreme Court, and Chief Judge Rosemary Shaw 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.

First Lady 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 Kibbie presented Governor Thomas J. Vilsack, who delivered the following Condition of the State Address:

Thank you very much. Thank you. Mr. President, thank you very much. Mr. Speaker, thank you. To the members of the General Assembly, thank you for your kind invitation to visit with you today about the condition of our great state. Before I do, I want to take this opportunity to acknowledge Chief Justice Lavarato and members of our Iowa Supreme Court and our Iowa Court of Appeals, as well as our other statewide elected officials—our Attorney General, our Auditor, our Secretary of Agriculture, and our Secretary of State. I need to extend a special acknowledgment to Sally Pederson for her outstanding work as our Lieutenant Governor, and to my First Lady and Iowa's First Lady, Christie Vilsack, for her voluntary efforts on behalf of literacy and libraries. Each of you and all of you are making a difference, and I want to take this opportunity to personally thank you for making each life in Iowa better.

Each year, I address the General Assembly and the people of Iowa on the condition of our state. In a word, I am pleased to report that the condition of our state is

improving. More Iowans are working now than a year ago, and after several years of decline, state revenues are rebounding. We will unveil a budget process in the next week or so that focuses on priorities and on results. While difficult choices and challenges face us, progress is being achieved.

Six years ago when I spoke to the General Assembly, we worried about declining math and reading scores among our earliest learners. Fulfilling our responsibility to our children, we focused resources on class size reduction efforts and reversed an eight-year decline in test scores. Today, our youngsters benefit from four straight years of improved test scores—scores that rank among the nation's best.

Six years ago, we agonized over whether or not we would have access to health care for some of our most vulnerable Iowans—our children, our veterans, and our seniors. Working together, we expanded the Healthy and Well Kids in Iowa program, our hawk-i. We educated veterans and their families about benefits, and we created the senior living trust to extend health care options for seniors. In doing so, we expanded health security to thousands of Iowans. Today in our state, 15,000 more children have access to the health care they need when they need it through expanded hawk-i. Thirty-eight thousand more veterans are receiving the health care benefits they have earned with their service, and over 28,700 more seniors, as a result of the senior living trust, are living in their own homes with greater dignity and independence rather than going to a nursing facility before it is their time. And we accomplished all of that by working together.

Six years ago, we wondered whether or not we would have the people and the power and the resources to transform an economy. We embraced Vision Iowa and the Community Attraction and Tourism program, we reformed our regulatory structure for electric utilities, and we funded the first two years of the Grow Iowa Values Fund. In doing so, we changed the economic landscape of our state. One hundred seventy projects that have received Vision Iowa and Community Attraction and Tourism grants allowed us to expand and grow the number of cultural and recreational opportunities. At the same time, we grew the number of college-educated workers in our work force by over 50,000 in the last three years alone.

The six new power facilities that have been constructed or are under construction are the first new such power facilities in the last 20 years. When the power from those facilities is added to our efforts to expand wind and renewable energy, Iowans will no longer have to look beyond our borders for power. We will have true energy independence.

With the investments made in the Iowa Values Fund, we have supported thousands of good-paying jobs in the life sciences, information solutions, and advanced manufacturing. We have allowed our state to gain a national reputation as a leader in biotechnology and insurance, and we have also enabled our state to be among the nation's leaders in per capita income growth—all of this by working together.

Now, as much as we have achieved, there is still more work to be done. My friends, history calls us to this time and to this place. A solemn choice rests with us—where do we go from here? Do we move slowly and incrementally? Or do we seize the challenge of our time and tackle the great issues of our day.

Some will look at this Legislature nearly equally divided and split and suggest and predict that not much will be accomplished. Those who do so, do not know as I know, do not have the faith that I have in the leaders of this General Assembly and in the members of this General Assembly. I know that you care deeply about this state. I know that you believe that it can and it should be the best place to live, work, and raise a family. In that spirit, let us seize this historic moment, let us put aside party politics, let us put aside partisanship and ideology. Let us commit to governing as one—no Republican agenda, no Democratic agenda—just simply one common, shared Iowa agenda.

Let us tackle those great issues with bold ideas—ideas that transform; ideas that are rooted and reflective of our shared values of responsibility, opportunity, and security; ideas that fundamentally change Iowa; ideas that allow us to accomplish our shared mission to grow Iowa; and ideas that realize the shared vision of Iowa as the best place to live, work, and raise a family.

This is a critical moment, and we must start this effort to transform our state with education. For every child in this state needs and must have a world-class educational opportunity in order to prepare them for the global competition. While our schools are good, they must be the best, if our youngsters are to succeed in that competition and succeed in life. Let us commit from this day forward that good will no longer be good enough.

Thirty-eight dedicated Iowans from all walks of life, inside and outside of education, have met for over a year to determine what we needed to do to provide that world-class and seamless educational learning opportunity for our children. The recommendations of that group, the Iowa Learns Council, form the basis for transforming education in our state. I want to take this opportunity to acknowledge members of the Iowa Learns Council who could join us today. I have asked them to stand, and I would ask you to join me in thanking them for their service.

The council recommended that we begin with our youngest children. Brain research has established and proved that 85 percent of the core structure of the brain of a child forms in the first six years of life. To fulfill our collective responsibility to our children, we must have a comprehensive commitment to these young learners. We must have a commitment that coordinates and integrates early child care and education.

The council recommended three significant steps. First, we should begin by helping parents, by providing assistance to parents, so that they can be their child's first and best teacher. Several years ago, this General Assembly had the foresight to create and to fund community empowerment areas. The concept was to integrate and coordinate our early child efforts. We should invest more in empowerment. In doing so, we can expand home visitation and parent education programs. And we can increase the tools and knowledge available to parents so that they can create even more stimulating environments for their children at home.

The second step requires us to recognize that many, in fact most, of the parents of these young children work. And as a result, they rely on child care during a part of their day. Many Iowa families struggle every day, every week, every month, every year, in finding and paying for quality childcare. We need to help. We need to expand financial assistance so parents can afford quality childcare, and we need to begin to

create a rating system that will allow us to identify and define what quality childcare is. The fact is if we know what quality is, if parents know where they can find it in their community and they can afford it, they will make the right choice for their child or for their children.

The third step in this process involves preschool—access to preschool. It is a core essential to any comprehensive commitment to our youngsters. It forms the basis, the foundation, for a great start to learning once school begins. Most Iowans would be surprised to learn that less than 20 percent of our children have access to accredited quality preschool. Let this be the General Assembly that makes the decision to begin now to increase every year the number of children having access to accredited preschool. Let this be the General Assembly that challenges schools, Head Start, faith-based efforts, and private providers to expand access to preschool so that we reach the day that every child in our state, every child in our state, has access to quality preschool. Let it begin now.

Now some will say that in order for us to reach a world-class learning experience in education, all we need to do is simply invest more in the current K–12 system. Clearly we do need to do a better job of supporting general school aid, and we must make sure our teaching salaries are competitive. The fact is that our children will not succeed, will not have the level of success that they need, if we continue to languish 37th in the country in teaching salaries. So the budget that we submit will not only fully fund our allowable growth commitment, but it will more than double our commitment to the teacher compensation and student achievement program that we started together several years ago.

But if that's all we do, it will not be good enough. High schools need to be transformed in this state. Most Iowans would not be surprised to learn that Iowa graduates a higher percentage of its high school students than all but four states in our country. But I suspect that many Iowans would be surprised to learn that for every 100 students starting 9th grade in our state, only 83 graduate from high school within four years. Of that number, only 54 go on to college immediately after high school graduation. Of that number, only 37 are in college the second year, and of that number only 28—28 out the original 100 students will get their associate's degree within three years of graduation or their bachelor's degree within six years of graduation. When the Department of Labor reports that 49 out of the top 50 jobs in this country, 49 out of the top 50 highest-paying jobs in this economy now and in the future, will require post high school education, Iowans have the right to expect, and I would submit to you we have the right to demand, better.

We need to transform high school. The Iowa Learns Council recommended a more rigorous and more relevant high school experience. They suggested that we needed to strengthen curriculum, we needed to toughen graduation requirements, and we needed to tighten relationships between our high schools, our colleges, our universities, and our community colleges so that youngsters can gain college credit before they even graduate from high school.

Those recommendations should be followed. For in our high schools today, a young person can graduate from most of our high schools with but two years of math and two years of science. In a global economy, in a competitive world, we must challenge our children academically. So I have asked Judy Jeffrey, the director of the Department of Education, and members of our State Board of Education to travel throughout the state

the next four months to meet with local school officials to urge them to adopt the Iowa Learns Council's recommendations: to strengthen that curriculum, to tighten and toughen those requirements, and to create those relationships that will expand learning opportunities.

Our children deserve this. They need it. And it's up to us. It's up to us, because the reality is that many of these schools will find it difficult. Forty percent of our high schools today have fewer than 200 students. They have fewer experienced teachers. They have increased work loads. They have fewer class offerings. They have declining enrollments and declining revenues. They will find it very difficult, if not impossible, to meet these recommendations. They need our help. They also need to be willing to help themselves. Whole-grade sharing, the sharing of administrative staff and superintendents, consolidation of high schools, if at the local level the decision is made to consolidate school districts—all of those are strategies to expand learning opportunities for our children. And we should encourage those strategies. We should provide financial incentives to encourage school districts to look at those strategies. The budget that we submit will not only provide the resources for allowable growth and teacher compensation, but it will also fund supplemental weighting to encourage these steps be taken now.

The time to make this commitment is now. Our children deserve it, and I would strongly suggest to you that our values command it.

Now, while transformation begins with education, it does not end there. If we are to grow Iowa, if we are to become the great place to live, work, and raise a family, we must have expanded economic opportunity through economic development. It remains a key. Several years ago, we began the process of transforming the economy focused on three industry clusters that play to the strengths of Iowa: the life sciences, advanced manufacturing, and information solutions with a focus on insurance and financial services.

We invested in the life sciences, in companies that added value to the crops that we grow changing them from surplus commodities to value-added ingredients. For example, we nearly tripled the number of ethanol production facilities in our state, doubling our ethanol capacity. Today, I'm proud to stand before you as the Governor of the number one state in ethanol production. We supported biodiesel as a more effective fuel. We invested in bio-based opportunities arising from our state universities—all of which allowed us to enhance our reputation as a leader in biotechnology.

We invested in advanced manufacturing jobs—the jobs that require higher skills, command higher pay.

We welcomed small, high-tech firms to Iowa while at the same time we celebrated the announcement of the largest economic development project in our state's history with the expansion of Wells Fargo. We were able to do all of that by working together by creating and promoting the Iowa Values Fund.

We know the Iowa Values Fund works. Our job now is to ensure that it works for years to come. Low interest rates, a very high credit rating, and additional gaming revenues create a real opportunity to make a substantial and significant and sustained commitment to economic development and to a brighter and better future for our state.

I propose that we create, and put forward, a five-year, $800 million dollar commitment to build that better future—a future that encourages entrepreneurship in small business development. A future that rewards us with 50,000 better-paying jobs that support families and communities. A future that allows us to maintain our critical infrastructure. A future that allows us to expand access to cultural and recreational opportunities so we can continue to make the case to our bright, young people that Iowa is the best place to live, work, and raise a family. And a future that invests in our natural resources so that we have clean water and improved water resources. We must begin building that future now.

Once we identify the resources to grow Iowa, we also have to make sure that our regulatory structures keep pace with the times. The one constant in this global economy that we find ourselves in is change. Changing environments—no better example of that than in the telecommunications area. Wireless, voice over IP, and all of the changing technologies suggest to us that we need a new regulatory structure and design. One that moves away from a system that regulates price, to one that allows the market to regulate price while we regulate and guarantee service, access, and quality. I propose that we begin this effort. We begin this transition by directing our utility board to deregulate business lines for telecommunications. Iowa can lead in this changing environment. And if we act now, we will.

Local government officials, community leaders, and government generally must be part of this effort to transform. We need to stimulate more creative thought, more innovative thought, at the local level, and we need to build great places to live, to work, and to raise a family. We can begin that process to build those great places and stimulate that thought, and in fact we have begun that today with a directive entitled Great Places, a directive that I've ordered and signed today. A directive that suggests and directs the Department of Economic Development, Workforce Development, Natural Resources, Human Rights, Cultural Affairs, and the Iowa Finance Authority to streamline their application processes to package a portion of the resources under their control and target and direct resources to reward the most innovative, most creative communities that aspire to be "great places." We can begin building those great places, and we will start today.

Last month I talked to you about a program to make Iowa more competitive, one that focused on our income tax structure. Today, I want to visit with you about our property tax structure. Everybody in this building knows that property taxes are too high. Everybody in this building knows that the current property tax system unfairly penalizes commercial and industrial interests that make it more difficult for us to develop and expand our economy. Everyone knows that the current structure does not reward efficiency.

I have in my hand a book entitled "Survey of Administration in Iowa" from the Brookings Institute. It was published in 1933. And it contained many of the same observations. What was true in 1933 apparently, is still true today in 2005. This system needs to be transformed. I suggest we take it in two steps.

The first step. Let's deal with the current inequities in our system by adjusting the rollback and creating a workable and reasonable limitation on future property tax increases. But let us not stop with that temporary fix. Let us go to the next step. Let us complete the work that began in 1933. Let us put in motion a process that allows us to restructure government. A government at every level and at all levels that is more

autonomous, but also more efficient. A government that provides better service at less cost. We have waited far too long. The time to act is now, and you are the folks that can get the job done.

Governments have no greater responsibility than to secure the safety and security of their citizens. There are many different functions and responsibilities that government has that intersect at that solemn duty. Not the least of which is homeland security. I want to take this opportunity to remind all of us that still today, we have men and women, husband and wives, and sons and daughters in harm's way. And some, who over the last 12 months, paid the ultimate sacrifice and the ultimate price for us. We are proud. We are extraordinarily proud of the men and women who serve us in uniform, here and abroad, in a variety of functions and with varying responsibilities—from the Armed Forces to police officers, sheriffs, firefighters, and others. We are proud of them. And we want to thank them for their effort, and we want to daily pray for their safety.

Joining us today is U.S. Army Specialist Chad Running. Chad is the son of Rich Running, director of Iowa Workforce Development. He's the third generation of that family to have served in combat. He is currently on leave from the "Green Zone" in Baghdad as a medical lab technician. He has been in the Army for four years. Chad, we are happy to have you home, and thank you for your service.

Another place where our responsibility to provide security and safety intersects is the war on drugs. This is a war we must win. And this is a war that we will win if we control the production of methamphetamine in this state. I strongly support, I strongly support, efforts to restrict the sale of pseudophedrine and other precursors that are vital to the manufacturing of methamphetamine. Over the Christmas holiday, I met with parents of children who made the wrong choice for themselves, for their family, and for their community. Some of you, I suspect, have also met with parents. You see the anguish on their faces. You see and hear the urgency in their message. They know that it is too late for their son or their daughter, the choice has been made. But they care deeply about the next son and daughter, and I know you do as well. It may be a minor inconvenience for some, but it is great protection for all. Please support this effort. Please work with me to drive the makers of this poison that robs our children of their childhood and of their future, out of this state, out of this country, and out of business.

Now our job, our duty, our responsibility to ensure the safety and security of our citizens cannot be complete unless we guarantee health care security for our citizens. For several years, the Lieutenant Governor and I have urged the General Assembly to expand health care security to tens of thousands of Iowans who suffer from mental illness or substance abuse. Our health care system will never be transformed until such time as mental health parity and substance abuse parity become part of our health care system. We have waited a long time. It is time to make parity the law of this state, and the time to act is now.

But we cannot stop with that. We must recognize that affordability and accessibility also threaten access to health care security for many Iowans. An underfunded Medicaid budget prevents us from providing vital services to vulnerable Iowans: children, people with disabilities, and seniors on fixed incomes. Unreasonably high and unpredictably high increases in medical malpractice insurance make it difficult to provide access to doctors in critical areas in high-risk specialties. The lack

of emphasis on efficiency and electronic medical recordkeeping makes it more difficult for us to avoid medical errors that cost us in lives and in money.

Small businesses continue to struggle with ever-increasing health care insurance costs while they try to remain competitive and do right by their employees. And our seniors need a universal assessment of their condition so they can get the right care at the right time.

Now, we need innovative and creative solutions to all of these, and we need the resources to implement them. In Iowa today, and across this great country, smoking costs us—it costs us in lives, it costs us in money and in medical expense, and it costs us in lost productivity. According to the campaign for tobacco-free kids, in Iowa last year we spent $235 million dollars as a state for healthcare costs related to tobacco use. While we received $88 million dollars from revenues generated by tobacco products. That fundamental inequity must be corrected.

Fairness dictates a better balance between what we pay out and what we receive. I support an increase in the cigarette tax and in the tobacco tax. And I support it in the understanding that it will be used to provide health care security. It will be used to provide resources to adequately fund Medicaid to provide those vital services. It be used in an innovative and creative way to establish a critical care compensation fund to reduce the risk of high malpractice costs for doctors in specialty areas. It be used to incent clinics and hospitals to embrace efficiencies and embrace electronic recordkeeping. It be used to help us promote small business group insurance reform so that costs can come down to small businesses, and they can remain competitive. And it will be used to fund and create a universal assessment tool for our seniors. In point of fact, we must do this. It is time for us to do it. It's the right thing to do. Health care security is important, and the time to act on it is right now this year.

Thirty years ago, I made the decision with Christie to move to Iowa, to live in Iowa, and to hopefully raise a family in Iowa. It was a conscious decision based on what I knew about our great state. I knew it was a state that honestly, truly, believed in potential. I knew that at its roots, with its agricultural heritage, it believed every year in the renewal of potential. Every time a crop is planted it is about potential. I knew it was a state that supported community. And that community surrounded and helped to raise children. I knew it was a special place, but I didn't know how special.

I didn't know how special until I had two sons, and I saw what happened as they grew up. I saw people care about them—coaches, Sunday School teachers, priests, nuns, next door neighbors cared about my children. I saw a community invest in the potential of my children. I saw a school district invest in the potential of my children. I can never repay the state—never, as long as I live, no matter how hard I work—for what they have done for me. They have allowed me to reach my life's dream—which is to raise a family where my children experience childhood. When you grow up as I did in a situation with abuse and alcoholism, it's tough to experience childhood. But this is a state that celebrates childhood. This is a state that embraces childhood. This is a state that provides resources and help. This is a state that is committed to children and to the potential of the future.

The agenda we have laid out is not just about programs. I can make the case that it's good policy. I can make the case that there's a return on investment. There are early childhood studies, such as studies from Ypsilanti, Michigan, and the federal

reserve bank of Minneapolis, all reporting high returns on investment and extraordinary results when you invest in early childhood. I can tell you all of that. The real reason we need to do this is because our values dictate we do this. When we invest in our children, when we invest in expanded economic opportunity, when we encourage innovation and creativity, when we guarantee health care security, we are in essence reaffirming our belief in potential. Reaffirming our belief in a future—a brighter, a better future. Reaffirming the concept of what it is to be an Iowan and an American—the belief that if you work hard, you play by the rules, you sacrifice, and you invest, then the next generation, the future generation, the potential of America and of Iowa can be realized.

You all have an historic opportunity. We all have an historic opportunity. And all of those who live in this state are watching us. They're not just watching us, they're depending on us. They want our children to grow strong and healthy with an opportunity for success. They want good-paying jobs. They want a government that's effective and efficient and creative and innovative. They want health care security for vulnerable Iowans and for people who need it. They want us to create a better Iowa, and by working together, setting aside our differences, and figuring out strategies for dealing with our differences, we can create that Iowa. And in doing so, we will live up to our values, because if you believe, as I do, in an Iowa where every child has a chance for success; if you believe as I do, in an Iowa that is served by an effective, innovative, creative government; if you believe, as I do, in jobs that transform an economy; if you believe, as I do, that health care security is a guarantee we make to all—if we act on those beliefs, we can create an Iowa that is consistent with our values. We can create an Iowa that provides to every citizen the opportunity for success. We can create an Iowa that is the best place to live, to work, and to raise a family. That is our challenge. That is our call. That is our duty. God bless our work here. God bless the great people of this state and of this nation. And let's get to work.

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

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

The Senate returned to the Senate chamber.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 11:06 a.m. until 8:30 a.m., Wednesday, January 12, 2005.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: January 11, 2005, 3:10 p.m.

Members Present: Behn and Warnstadt, Co-chairs; Angelo, Beall, Bolkcom, Courtney, Gronstal, Kettering, McCoy, McKinley, Rielly, Stewart, Zaun, and Zieman.

Members Absent: Iverson and Wieck (both excused).

Committee Business: Organizational meeting.

Adjourned: 3:20 p.m.

ECONOMIC GROWTH

Convened: January 11, 2005, 1:05 p.m.

Members Present: Brunkhorst and Hatch, Co-chairs; Beall, Behn, Danielson, Dotzler, Hahn, McKinley, Ragan, Rielly, Seymour, Shull, Stewart, and Zaun.

Members Absent: None.

Committee Business: Organizational meeting.

Adjourned: 3:00 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: January 11, 2005, 1:05 p.m.

Members Present: Black and Houser, Co-chairs; Bolkcom, Dearden, Gaskill, Hancock, Johnson, Kettering, Miller, Putney, Schoenjahn, Seng, and Wood.

Members Absent: Lundby (excused).

Committee Business: Organizational meeting.

Adjourned: 1:25 p.m.

TRANSPORTATION

Convened: January 11, 2005, 2:05 p.m.

Members Present: McCoy and Putney, Co-chairs; Beall, Danielson, Fraise, Hahn, Kettering, Shull, Ward, Warnstadt, and Zieman.

Members Absent: Dearden (excused).

Committee Business: Organizational meeting.

Adjourned: 2:25 p.m.

INTRODUCTION OF BILLS

Senate File 5, by McKinley, a bill for an act to require state agencies to accept public comments on proposed rulemaking in an electronic format.

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

Senate File 6, 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 not resulting in a conviction.

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

Senate File 7, by Brunkhorst, a bill for an act limiting the types of courses secondary students may take under the postsecondary enrollment options Act.

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

Senate File 8, by Kreiman, a bill for an act exempting from state individual income tax any death benefits received as a result of the death of a member of the armed forces in or as a result of a terroristic or military action and including an effective and retroactive applicability date provision.

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

Senate File 9, by Kreiman, 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 10, by Kreiman, a bill for an act relating to delegation of the duties of an engineer for certain public improvements by cities and counties.

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

Senate File 11, by Brunkhorst, McKinley, Seymour, Angelo, Zieman, Johnson, Mulder, Iverson, Hahn, and Wieck, 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 12, by Kreiman, 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 13, by Kreiman, a bill for an act relating to non-English-speaking employees and their rights and remedies and creating the position of meatpacking worker rights coordinator.

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

Senate File 14, 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 **Natural Resources and Environment.**

Senate File 15, by Kreiman, 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 16, by Kreiman, 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 17, by Kreiman, a bill for an act relating to the healthy opportunities for parents to experience success—healthy families Iowa program.

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

Senate File 18, by Kreiman, a bill for an act relating to the healthy opportunities for parents to experience success—healthy families Iowa program.

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

Senate File 19, by Kreiman, a bill for an act relating to establishing standardized requirements for long-term care insurance policies.

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

Senate File 20, by Kreiman, a bill for an act relating to notice regarding the use of geothermal energy in development plans for undeveloped land.

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

Senate File 21, by Courtney, a bill for an act relating to cash prizes for raffles and providing an effective date.

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

Senate File 22, by Courtney, a bill for an act relating to eligible beneficiaries for a line of duty death benefit under the statewide fire and police retirement system and providing effective and applicability dates.

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

STUDY BILLS RECEIVED

SSB 1001 Commerce

Relating to financial institutions, by prohibiting the deceptive use of name, and providing remedies and penalties.

SSB 1002 Commerce

Relating to inheritance tax by eliminating the requirement that the department of revenue receive notice of withdrawal of funds from a joint account by a surviving joint owner.

SUBCOMMITTEE ASSIGNMENTS

SSB 1001

COMMERCE: Kettering and Rielly, Co-chairs; Stewart and Zaun

SSB 1002

COMMERCE: Stewart and Zaun, Co-chairs; Kettering and Rielly

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, JANUARY 12, 2005

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

JOURNAL OF THE SENATE

THIRD CALENDAR DAY
THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, January 12, 2005

The Senate met in regular session at 8:35 a.m., President Lamberti presiding.

Prayer was offered by the Honorable Stewart E. Iverson, Jr., member of the Senate from Wright County, Dows, Iowa.

The Journal of Tuesday, January 11, 2005, was approved.

RECESS

On motion of Senator Gronstal, 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 8:45 a.m., President Lamberti presiding.

The Senate stood at ease at 8:46 a.m. until the fall of the gavel.

The Senate resumed session at 9:46 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 2, duly adopted, the Senate proceeded to the House chamber under the direction of the Secretary of the Senate and the Sergeant-at-Arms.

JOINT CONVENTION

In accordance with law and House Concurrent Resolution 2, duly adopted, the joint convention was called to order at 9:52 a.m., President Lamberti presiding.

Senator Gronstal 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 Gronstal moved that a committee of seven, four 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 Angelo, Kreiman, McKibben, and Horn on the part of the Senate, and Representatives Kaufmann, Soderberg, and Pettengill on the part of the House.

Senator Gronstal moved that a committee of seven, four 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 Boettger, Fraise, Miller, and Rielly on the part of the Senate, and Representatives Paulsen, Baudler, and R. Olson on the part of the House.

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

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

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

Mrs. Janis Lavorato, wife of the Chief Justice; his daughter-in-law, Lori Lavorato; his stepdaughter, Jenna Green; his sister-in-law, Delayne Johnson; 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 Iowa Judiciary Message:

It is indeed an honor and a privilege to address this assembly each year. Thank you for the invitation. In return, I'd like to extend an invitation to you. I invite everyone to join us for refreshments and conversation downstairs in the courtroom following my remarks.

I would also like to extend a warm welcome to the new legislators. I look forward to meeting each of you and hope you'll feel free to call on us if you have questions about the administration of the courts.

Now, I would like to turn our attention to the state of the judiciary.

This annual report is our best opportunity to inform you about the condition of our state court system, its strengths, and its weaknesses. This is important because our system of government calls upon all three branches, in differing roles, to contribute to the administration of justice. Our role is to promptly but carefully decide cases according to law, equally to all. However, it is up to you—the Legislature and the Governor—to provide the tools and resources we need to carry out our enormous responsibilities.

Over the years, we have enjoyed a relationship of candor, cooperation, and mutual respect, and I address you in that spirit again today. In my previous messages, I have reported that despite financial hardships brought on by budget cuts, the Judicial Branch was managing to fulfill its responsibilities to the public. My report this year, however, is less than favorable. Although we are continuing to provide basic court

services, our resources are spread painfully thin, and the cumulative effects of five years of fiscal austerity have begun to show. The quality of justice in Iowa is at risk.

History of Budget Cuts

For the benefit of those of you who are not familiar with the details of the budget cuts, I will explain how we reached this point. Let's go back to fiscal year 2001.

That year, the state's problem with the health insurance terminal liability fund resulted in a shortfall of about $2.4 million for the Judicial Branch. We balanced our budget through a variety of measures, and we carried on. Near the end of the fiscal year, state revenues dropped unexpectedly, and to cover the deficit, you transferred money from several sources, including $4 million from our earmarked technology fund.

We began fiscal year 2002 with a flat, or status quo, operating budget. But as you know, that year state revenues took a turn for the worse, and the Legislature met in special session to implement severe across-the-board cuts. Our share of that cut was $5.2 million. Balancing our operating budget that year required drastic and unprecedented action. We cut deep and wide. We laid off 117 employees, eliminated 20 vacant positions, downgraded the positions of 79 supervisory employees, and reduced the hours of 67 employees. In addition, we implemented a hiring freeze, eliminated some highly regarded programs, and imposed other stringent cost-saving measures. Good people lost their jobs; others took a large pay cut. These were difficult decisions to make. But we made them, and we carried on.

More cuts followed as the state's budget crisis lingered. In March 2002, we sustained another cut of $2.2 million, and fiscal year 2003 brought yet another cut—$2.1 million. We cut whatever we could without disrupting service, and we carried on.

Fiscal year 2004 was more or less status quo. The current fiscal year, however, is a different matter.

FY 2005 Budget Problems

In July, we implemented approximately $5 million worth of cost-cutting measures. This was necessary because of a flat appropriation and rising expenses. All of our increased expenses this fiscal year spring from higher personnel costs.

First, we must pay nearly $2.5 million for increases in health and dental insurance premiums, the deferred compensation program match, and salary increases approved in the previous year and carried over to the current year.

In addition, our collective bargaining contract with two unions costs about $1 million for salary increases to our contract employees. We tried to defer this expense. Last summer, the state court administrator asked both unions to accept a salary freeze for the current year. They rejected the request, and of course we must honor the contracts.

Once the matter of raises for contract employees was settled, we decided to approve similar raises for noncontract employees. Although this cost another $1.3 million, it was the right thing to do. If we had not treated both groups of employees the same,

noncontract employees would have paid a disproportionate price in terms of the budget cuts.

In the past, personnel expenses such as those I described have been covered by salary adjustment funds appropriated in the annual state salary bill. Last session, however, you and the Governor chose not to provide salary adjustment funds to anyone, and consequently, as I mentioned earlier, we had to absorb about $5 million.

This leads me to the steps we took to balance our budget this fiscal year.

Unpaid Leave and Office Closures

To operate within the parameters of our appropriation, the court ordered a variety of cost-cutting measures. Because personnel expenses account for 96 percent of our operating budget, we had few choices but to balance the budget on the backs of our employees.

This year, the biggest cut in our budget resulted in eight days of mandatory unpaid leave for all nonjudicial employees. Because our rural offices are not sufficiently staffed to allow for staggered implementation of the unpaid leave, we chose to enforce the unpaid leave for everyone at the same time. On days of unpaid leave, all of our offices are closed. To lessen the effect of these closures on the public, the court scheduled them, as much as possible, on federal and county holidays, and on Fridays.

The court considered, but rejected, more layoffs as a way to reduce expenses. Since we cut our workforce by 11 percent in fiscal year 2002, we have operated with minimum staffing levels. Additional layoffs would cripple our ability to provide basic services, particularly in the rural areas of the state.

Holding Open Vacant Positions and Judgeships

In addition to the money saved by office closures and forced leave, we continue to hold down expenditures by holding open jobs when they become vacant. We have relied heavily on this measure since the state's budget problems first began. There have been times when we have held open as many as 70 positions, or about 5 percent of our nonjudicial workforce.

This year we had to take this policy one step further. Beginning this year, judgeships will not be filled for six months after they become vacant. This unprecedented action is a far cry from our practice of having new judges ready to take over on the date a vacancy occurs, but we have little choice. And this comes when the statutory formula for district judgeships shows we are thirty judges short.

Substantial Travel Cuts

On top of everything else, we have again cut our travel budget, nearly all of which we need just to ensure that all 99 counties see a district judge, court reporter, and juvenile court officers on a regular basis.

Pardon this digression, but I must tell you I was quite surprised to read in the newspaper last month that the amount spent on travel by state agencies has increased

significantly in recent years. In stark contrast, Judicial Branch travel expenses have decreased nearly 22 percent in the past four years.

Impact on Public Service

I've heard it said by some legislators that the courts have not sacrificed enough. I say: Look at the facts. The magnitude of the cuts I have just described clearly demonstrates that we have done our part to lessen the state's budgetary woes. We have slashed our expenses to the bone and managed as best we can with the resources you have provided. Now the public is beginning to pay too high a price for the dollars we've saved. They are being short-changed.

This is the first time in Iowa's history that courts have closed for lack of funds. We all should be alarmed any time courthouse doors are closed to those seeking justice.

The closures of clerk of court offices result in delays in case processing, and other vital services such as forwarding child support payments to parents, sending copies of court orders and notices of hearings, and providing up-to-date criminal history data to law enforcement.

Ruth Godfrey, Pottawattamie County Clerk of Court, says: "There have been times when notices for hearings were not issued in a timely manner; people didn't show up for hearings, and arrest warrants went out."

Closing clerk of court offices hinders many businesses that depend on information contained in court records. According to Jim Rosendahl, owner of Estherville Abstract, the court closure days have delayed real estate transactions, including the purchasing of homes.

Some jury trials have been prolonged because of closure days. This is more than a mere inconvenience for litigants, witnesses, and jurors. It means one more day away from their workplace or business, as well as more time away from family responsibilities.

Because of the cuts and closures, juvenile court officers have less time and opportunity to check on juvenile offenders. Juvenile Court Officer Al Blair tells me that the frequency of juvenile court services in Wright County was reduced this fall from two days a week to once a week. Also, he cannot visit juveniles placed in group care or at Eldora on a regular basis.

Judges are traveling less to provide court services. Take for example, the juvenile court schedule for the Fourth Judicial District, which covers the southwest corner of the state. For years, eight of the nine counties in the district have had the service of a juvenile court judge one day a month. To begin with, this is not very often. Now these eight counties have a juvenile judge one day every other month. As a consequence of this reduced schedule, juveniles remain in detention longer.

Our chief juvenile court officers indicate that the travel cuts and disruptions in service undermine our ability to hold juvenile offenders accountable for their actions. At a minimum, these service gaps increase expenses for county and state government, but ultimately the public pays the price in terms of diminished safety.

The travel cuts are causing problems for civil litigants as well. These cases involve dissolution of marriage, child support, personal injury, property damage, and contracts. For a few months this year, some counties without a resident judge did not have trials for nonjury civil cases. Litigants had to make a difficult choice: either travel to another county for a hearing where a judge is available or have their cases delayed. Either choice increases the cost of litigation.

Manchester Attorney Stephanie Rattenborg can attest to this. When faced with this dilemma, two of her clients, one who was involved in a paternity suit, and another who was a party in a dissolution of marriage action, decided to have their hearings as soon as possible. Attorney Rattenborg says: "My clients had to pay me significantly more in attorney fees to travel to and from the hearings. In addition, witnesses had to endure the significant inconvenience of further travel to be available to testify."

There are other reasons litigants must wait longer for resolution of their cases. As a result of cuts in support staff, judges must spend time retrieving court files, calling parties and witnesses waiting in courthouse corridors for trials, and making copies of documents. When judges must do these things, they have less time for hearings and decision making. This is not a question of whether or not a judge is above doing these things. It is simply a question of the most efficient use of the state's valuable and scarce judicial resources.

Because our clerk of court offices are overwhelmed with work, we've cut some services that, while important, are nevertheless discretionary. This summer the chief judges of the judicial districts ordered clerks to stop finding hospital placements for persons subject to involuntary commitment orders. This freed up time that clerks desperately need for other duties. Fortunately for people with mental health or substance abuse problems and their families, county officials, hospitals, and mental health providers stepped in to take over.

The extremely high vacancy rate we've maintained in recent years leaves many offices, particularly clerk of court offices, severely understaffed. This money-saving measure coupled with the forced leave days lowers productivity, causes more delays, and increases the risk of costly errors.

Craig Jorgensen, Woodbury County Clerk of Court says: "Thoroughness, accuracy, and dependability have been compromised, and timeliness is a constant struggle."

As you can see, services are eroding, delays are mounting, and access is decreasing. The short-term improvement in our bottom line will cost dearly in the long run; ultimately, the burden of the budget cuts falls on the public.

There are those who say we can solve these problems by working smarter and managing better. They simply do not know what has been going on. Because we take our stewardship of public funds seriously, we have done everything in our power over the years to streamline operations, stretch our resources farther, and reduce the cost of running the court system while maintaining quality service. And although we will continue to search for ways to operate more efficiently, efficiency measures won't fix the serious problems I've described.

Wheels of Justice

Remarkably, we continue to accomplish a great deal even within the confines of our limited means. Last year, our courts disposed of about one million cases that covered the gamut of issues, from felonies to family law, delinquency to domestic abuse, and traffic violations to torts.

Under the circumstances, you may wonder how the courts keep up to the extent that we do. All the credit for this belongs to our steadfast judges, magistrates, and staff. Faced with dwindling resources and an endless amount of work, they carry on undaunted, doing all they can to keep the justice system running as smoothly as possible. And they do so with dignity.

While we are immensely grateful for their sacrifices and devotion and heartened by their indomitable spirit, we must face reality. Even the most productive and determined person can shoulder only so much. There comes a point when quality suffers and productivity drops.

If we stay on this path, court services won't necessarily come to a screeching halt. However, the result will be a steady erosion of access, service, and quality. We'll see more of the problems I described earlier, and they will snowball.

Funding Justice

With your help, we can stop this decline and prevent these problems. All it takes is a reasonable boost in operating funds and sufficient salary adjustment funds to cover rising personnel expenses. Naturally, we are fully aware of the state's budgetary constraints and recognize the continued need for frugality. Therefore, we suggest only those improvements that are absolutely necessary and well within your means.

We recommend a modest supplemental appropriation that would be enough to restore basic services for the remainder of this fiscal year. For fiscal year 2006, we seek just enough to meet the public's demand for access and quality. The details of our recommendations are contained in our budget request that we submitted to you last month.

Importance of a Strong and Independent Judiciary

We, of course, know of the many demands being made upon you, and we appreciate the tough choices you are called upon to make. We trust that you appreciate the vital nature of our work and the serious consequences we all will face if the condition of our court system worsens.

Justice is the essence of government, and a strong, reliable, and stable government is essential for a prosperous and harmonious democratic society. Without question, a strong judicial system ensures the overall well-being of our citizens, our communities, and our state.

Undoubtedly, everyone here is aware of recent events in Ukraine. In December, the Ukraine Supreme Court annulled the results of the country's disputed presidential election and ordered another election between the two main candidates. Political observers around the world were surprised the Court ordered a new run-off election, as

opposed to starting the entire process from scratch—a course of action advocated by Ukraine's pro-Moscow government. Although Ukraine has struggled to establish a high quality and independent judiciary, its courts are reputed for caving in to interference and pressure from the government. However, in this instance, the Supreme Court's action demonstrates the critical value of a strong and independent judiciary. The Court resolved a crisis that threatened to destabilize Ukraine—politically, socially, and economically.

Coincidentally, in the late 1990s, our court met with a group of Ukraine lawyers and judges, as well as groups from Bosnia, Russia, and Moldova. They traveled to Iowa to study our judicial system, which they regard as a model of judicial independence and integrity. Others share this high opinion of our court system. For example, the U.S. Chamber of Commerce ranks our judiciary in the top five among all fifty state judicial systems for creating a fair and reasonable litigation environment. Our judiciary ranks high on the quality, competence, and impartiality of its judges, and the timeliness of dispositions.

Iowans have always prided themselves on the integrity and quality of all of their government institutions. It would be wrong to lower our standards. We're often reminded these days that government can't do everything. I agree. Government cannot do everything. But there are a few things that only government can do, and that it must do well. One of those is administering justice.

Promise of Justice

With so much at stake, it's time we ask ourselves if Iowans are getting the justice system they demand, the justice system they expect, and the justice system they deserve. I suggest that they are not. Surely, the state can afford to do better.

If you are not inclined to provide the level of funding we recommend, then I must caution you—we cannot continue on this downward path. It is neither a constructive nor a long-term solution. Rather, it is a recipe for failure.

Finally, let's remember always that the courts do not belong to the temporary incumbents, but rather to the people who sent all of us here. I believe that should those people, our constituents, ever need their day in court, they would expect open doors, full service, timely hearings, and prompt resolution of their disputes. And when the courts do not meet these expectations, the people look to us for real solutions—not empty promises. If we keep this foremost in our minds, I am confident that we can ensure Iowans have meaningful access to a high-caliber court system, and we can make the promise of justice a reality.

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.

The Senate returned to the Senate chamber.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 10:39 a.m. until 8:30 a.m., Thursday, January 13, 2005.

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:

STATE APPEAL BOARD

General tort claims, highway tort claims, and settlements and judgments paid during 2004, pursuant to Iowa Code chapter 669. Report received on January 12, 2005.

Claims against the State of Iowa denied during May 2004 through January 2005. Report received on January 12, 2005.

REPORTS OF COMMITTEE MEETINGS

ETHICS

Convened: January 11, 2005, 4:05 p.m.

Members Present: Kibbie and Lamberti, Co-chairs; Connolly, Dearden, McKibben, and Mulder.

Members Absent: None.

Committee Business: Organizational meeting.

Adjourned: 4:15 p.m.

AGRICULTURE

Convened: January 12, 2005, 1:05 p.m.

Members Present: Fraise and Johnson, Co-chairs; Black, Brunkhorst, Courtney, Gaskill, Hahn, Hancock, Houser, Kibbie, Mulder, Putney, Ragan, and Rielly.

Members Absent: None.

Committee Business: Organizational meeting.

Adjourned: 1:30 p.m.

APPROPRIATIONS

Convened: January 12, 2005, 2:05 p.m.

Members Present: Angelo and Dvorsky, Co-chairs; Black, Boettger, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Horn, Johnson, Kettering, Miller, Putney, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, Ward, and Warnstadt.

Members Absent: Hatch and Lamberti (both excused).

Committee Business: Organizational meeting.

Adjourned: 2:40 p.m.

JUDICIARY

Convened: January 12, 2005, 3:00 p.m.

Members Present: Kreiman and Miller, Co-chairs; Boettger, Brunkhorst, Dvorsky, Fraise, Hancock, Horn, McKibben, Quirmbach, Schoenjahn, Tinsman, Ward, Warnstadt, and Zaun.

Members Absent: Lamberti (excused).

Committee Business: Organizational meeting.

Adjourned: 3:25 p.m.

RULES AND ADMINISTRATION

Convened: January 12, 2005, 8:35 a.m.

Members Present: Gronstal and Iverson, Co-chairs; Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan.

Members Absent: None.

Committee Business: Approved Senate rules, report of changes for employees, access and decorum policy, and access lists for Senate floor.

Adjourned: 8:45 a.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 2, by committee on Rules and Administration, a resolution relating to permanent rules of the senate for the eighty-first general assembly.

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

INTRODUCTION OF BILLS

Senate File 23, by Kibbie and Beall, 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 including an applicability provision.

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

Senate File 24, by Warnstadt and Wieck, a bill for an act relating to the exemption from city taxes of land included in a city's involuntary annexation petition and including effective and applicability date provisions.

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

Senate File 25, by Warnstadt and Wieck, a bill for an act authorizing the appointment of a nine-member city zoning board of adjustment.

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

Senate File 26, by Tinsman, a bill for an act requiring the state board of regents to conduct a study regarding the establishment of higher admissions standards for its institutions of higher learning.

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

Senate File 27, by Tinsman and Boettger, a bill for an act relating to the development of an Iowa studies professional development plan and the establishment of an Iowa studies committee at 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 referred to committee on **Education.**

Senate File 28, by McKibben, Lamberti, Danielson, and Dotzler, 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 referred to committee on **Ways and Means.**

SUBCOMMITTEE ASSIGNMENT

Senate File 12

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 2, a resolution relating to permanent rules of the senate for the eighty-first general assembly.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Gronstal, Iverson, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

MR. 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:

Sr. Journal Editor to Conf. Sec. to Secretary	K'Ann Brandt	Grade 30, Step 4 Grade 32, Step 3 Effective 10/8/04
Journal Editor I to Journal Editor II	Janet Hawkins	Grade 22, Step 5 Grade 25, Step 3 Effective 10/8/04
Journal Editor I	Megan Thompson	Step 1 to Step 2 Effective 10/8/04

Conf. Sec. to Ldr. to Admin. Asst. to Ldr.	Debbie Kattenhorn	Grade 27, Step 4 Grade 27, Step 4 Effective 12/17/04
Legis. Secretary to Conf. Sec. to Ldr.	Alyce Elmitt	Grade 18, Step 6+2 Grade 27, Step 2 Effective 1/3/05
Legis. Secretary to Conf. Sec. to Ldr.	Kay Kibbie	Grade 18, Step 5 Grade 27, Step 2 Effective 1/3/05

MICHAEL E. GRONSTAL, Co-chair STEWART E. IVERSON, JR., Co-chair

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, JANUARY 13, 2005

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

JOURNAL OF THE SENATE

FOURTH CALENDAR DAY
FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, January 13, 2005

The Senate met in regular session at 8:38 a.m., President Kibbie presiding.

Prayer was offered by the Reverend Marvin Arnpriester, pastor of the Broadway United Methodist Church in Council Bluffs, Iowa. He was the guest of Senator Gronstal.

The Journal of Wednesday, January 12, 2005, was approved.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 2.

Senate Resolution 2

On motion of Senator Gronstal, **Senate Resolution 2**, a resolution relating to permanent rules of the senate for the eighty-first general assembly, was taken up for consideration.

Senator Gronstal yielded the floor to Senator Iverson.

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

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 8:47 a.m. until 9:00 a.m., Friday, January 14, 2005.

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:

BOARD OF REGENTS

FY 2004 report for Iowa's Center for Agricultural Safety and Health, pursuant to Iowa Code section 262.78. Report received on January 13, 2005.

IOWA UTILITIES BOARD

Report on the status of utility customer contribution funds, pursuant to Iowa Code section 476.66(6). Report received on January 13, 2005.

REPORTS OF COMMITTEE MEETINGS

BUSINESS AND LABOR RELATIONS

Convened: January 13, 2005, 10:05 a.m.

Members Present: Dearden and Wieck, Co-chairs; Behn, Courtney, Dotzler, Horn, McKibben, Seng, Seymour, and Shull.

Members Absent: None.

Committee Business: Organizational meeting.

Adjourned: 10:30 a.m.

EDUCATION

Convened: January 13, 2005, 10:05 a.m.

Members Present: Connolly and McKinley, Co-chairs; Angelo, Beall, Boettger, Brunkhorst, Dvorsky, Kreiman, Lamberti, Mulder, Quirmbach, Schoenjahn, Ward, and Wood.

Members Absent: None.

Committee Business: Organizational meeting.

Adjourned: 10:25 a.m.

HUMAN RESOURCES

Convened: January 13, 2005, 11:05 a.m.

Members Present: Ragan and Seymour, Co-chairs; Behn, Dotzler, Gaskill, Hatch, Houser, Johnson, Kreiman, Quirmbach, Tinsman, and Wood.

Members Absent: Boettger and Bolkcom (both excused).

Committee Business: Organizational meeting.

Adjourned: 11:25 a.m.

LOCAL GOVERNMENT

Convened: January 13, 2005, 9:15 a.m.

Members Present: Quirmbach and Shull, Co-chairs; Houser, Lundby, McCoy, Mulder, Putney, Rielly, Schoenjahn, Stewart, and Zaun.

Members Absent: Kreiman (excused).

Committee Business: Organizational meeting.

Adjourned: 9:50 a.m.

STATE GOVERNMENT

Convened: January 13, 2005, 9:30 a.m.

Members Present: Horn and McKibben, Co-chairs; Black, Brunkhorst, Connolly, Danielson, Hancock, Hatch, Kettering, Kibbie, Miller, Tinsman, Ward, Wieck, Wood, and Zieman.

Members Absent: None.

Committee Business: Organizational meeting.

Adjourned: 9:50 a.m.

WAYS AND MEANS

Convened: January 13, 2005, 1:05 p.m.

Members Present: Bolkcom and Zieman, Co-chairs; Danielson, Dotzler, Hahn, McKinley, Miller, Quirmbach, Stewart, Wieck, and Zaun.

Members Absent: Connolly, Lamberti, McCoy, McKibben, and Seng (all excused).

Committee Business: Organizational meeting.

Adjourned: 1:35 p.m.

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 1, 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 **State Government.**

Senate Resolution 3, by Warnstadt, Beall, and Kibbie, 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.**

INTRODUCTION OF BILLS

Senate File 29, by Kreiman, a bill for an act relating to the senior living trust fund, providing for appropriation of the moneys in the fund, and providing for a repeal.

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

Senate File 30, by Warnstadt, a bill for an act allocating funding appropriated to assist individuals assigned to active duty military service and providing effective and applicability date provisions.

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

Senate File 31, by Kreiman, a bill for an act relating to telephone solicitations including establishing certain restrictions on telephone solicitors, providing for registration for residential customers objecting to receiving certain telephone solicitations, and providing penalties and remedies.

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

Senate File 32, by Wieck, a bill for an act relating to income tax deductions for donations made for tsunami relief 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 1003 Judiciary

Relating to the names of business entities.

SSB 1004 Judiciary

Relating to certain penalties for filing false affidavits under the state inheritance tax and increasing the amount of property that may be transferred to minor under certain conditions and including a retroactive applicability date provision.

SSB 1005 Judiciary

Providing for the elimination of specified requirements applicable to an attorney providing brokerage and closing services in connection with a real estate auction.

SSB 1006 Judiciary

Relating to the residency of a district judge upon appointment.

SSB 1007 Judiciary

Relating to the filling of the office of county attorney by appointment.

SSB 1008 Judiciary

Relating to payment of legal expenses for an indigent claimant.

SSB 1009 Judiciary

Authorizing the juvenile court to suspend a child support obligation based on a dispositional order transferring custody to the obligor.

SSB 1010 Judiciary

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

SSB 1011 Judiciary

Providing for the use, consumption, or possession of a controlled substance while on public streets or highways or public school property, or while attending a public or private school-related function.

SSB 1012 Judiciary

Establishing a surcharge for certain speeding violations, creating a speeding violation surcharge fund, and making an appropriation.

SSB 1013 Judiciary

Appropriating state franchise tax revenues to cities and counties.

SSB 1014 Judiciary

Relating to workers' compensation insurance, benefits, settlements, and related nonoccupational disability benefits.

SSB 1015 Judiciary

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.

SSB 1016 Judiciary

To establish a crime victim and witness notification system and advisory council in the department of justice and providing an effective date.

SSB 1017 Judiciary

Regulating ephedrine, pseudoephedrine, and phenylpropanolamine and providing a penalty.

SSB 1018 Judiciary

Relating to the exercise of district judge authority by a district associate judge.

SUBCOMMITTEE ASSIGNMENTS

SSB 1003

JUDICIARY: Dvorsky and McKibben, Co-chairs; Boettger and Kreiman

SSB 1004

JUDICIARY: Kreiman and McKibben, Co-chairs; Boettger and Hancock

SSB 1005

JUDICIARY: Kreiman and McKibben, Co-chairs; Boettger and Schoenjahn

SSB 1006

JUDICIARY: Kreiman and McKibben, Co-chairs; Boettger and Dvorsky

SSB 1007

JUDICIARY: Kreiman and McKibben, Co-chairs; Boettger and Hancock

SSB 1008

JUDICIARY: Kreiman and Tinsman, Co-chairs; Schoenjahn and Zaun

SSB 1009

JUDICIARY: Kreiman and Tinsman, Co-chairs; Boettger and Horn

SSB 1010

JUDICIARY: Brunkhorst and Horn, Co-chairs; Kreiman and Lamberti

SSB 1011

JUDICIARY: Brunkhorst and Schoenjahn, Co-chairs; Quirmbach and Zaun

SSB 1012

JUDICIARY: Brunkhorst and Kreiman, Co-chairs; Warnstadt and Zaun

SSB 1013

JUDICIARY: Hancock and Lamberti, Co-chairs; Fraise and Ward

SSB 1014

JUDICIARY: Fraise and Ward, Co-chairs; Lamberti and Schoenjahn

SSB 1015

JUDICIARY: Quirmbach and Ward, Co-chairs; Lamberti and Schoenjahn

SSB 1016

JUDICIARY: Kreiman and Ward, Co-chairs; Lamberti and Warnstadt

SSB 1017

JUDICIARY: Brunkhorst and Kreiman, Co-chairs; Schoenjahn and Zaun

SSB 1018

JUDICIARY: Horn and McKibben, Co-chairs; Kreiman and Ward

PROOF

STATE OF IOWA

Senate Journal

FRIDAY, JANUARY 14, 2005

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

JOURNAL OF THE SENATE

FIFTH CALENDAR DAY
FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, January 14, 2005

The Senate met in regular session at 9:02 a.m., Senator Tinsman presiding.

The Journal of Thursday, January 13, 2005, was approved.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:04 a.m. until 1:00 p.m., Tuesday, January 18, 2005.

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:

BOARD OF REGENTS

Annual report on the Beginning Farmer Center at Iowa State University, pursuant to Iowa Code section 266.39E. Report received on January 13, 2005.

Board of Regents Five-Year Capital Building Program for Fiscal Years 2006–2010, pursuant to Iowa Code chapter 262A. Report received on January 13, 2005.

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, JANUARY 18, 2005

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

JOURNAL OF THE SENATE

NINTH CALENDAR DAY
SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, January 18, 2005

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

Prayer was offered by the Reverend Joshua Sherman, pastor of the Faith Baptist Church in Oelwein, Iowa. He was the guest of Senator Brunkhorst.

The Pledge of Allegiance was led by Senate Page Kasey Friedrichsen.

The Journal of Friday, January 14, 2005, was approved.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 1:10 p.m. until 8:30 a.m., Wednesday, January 19, 2005.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Senator Dennis H. Black, Grinnell—For his 35 years of service to the Jasper County Conservation Board. Senator Kibbie (1/18/05).

Jared Bohr, Riceville High School Ag Team, Riceville—For finishing in 17th place in the National Commodity Marketing Competition. Senator Ragan (1/18/05).

Zachary A. Campbell, Waterloo—For achieving the rank of Eagle Scout. Senator Dotzler (1/18/05).

Paul B. Ebsen, Sioux City—For achieving the rank of Eagle Scout. Senator Warnstadt (1/18/05).

Lewis Houser, Riceville High School Ag Team, Riceville—For finishing in 17th place in the National Commodity Marketing Competition. Senator Ragan (1/18/05).

Levi Sprung, Riceville High School Ag Team, Riceville—For finishing in 2nd place in the National Commodity Marketing Competition. Senator Ragan (1/18/05).

Adam Theis, Riceville High School Ag Team, Riceville—For finishing in 2nd place in the National Commodity Marketing Competition. Senator Ragan (1/18/05).

Barry Wilberding, Riceville High School Ag Team, Riceville—For finishing in 17th place in the National Commodity Marketing Competition. Senator Ragan (1/18/05).

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:

BOARD OF EDUCATION

Student Achievement and Accountability Annual Report, pursuant to Iowa Code section 284.12(1). Report received on January 18, 2005.

Team-Based Variable Pay: A Report of the Iowa Pilot Project, pursuant to Iowa Code section 284.11. Report received on January 18, 2005.

DEPARTMENT OF ELDER AFFAIRS

Office of the Long-Term Care Ombudsman 2004 Annual Report, pursuant to 321 Iowa Administrative Code section 8.5(3)e. Report received on January 18, 2005.

REPORTS OF COMMITTEE MEETINGS

EDUCATION

Convened: January 18, 2005, 3:35 p.m.

Members Present: Connolly and McKinley, Co-chairs; Angelo, Beall, Boettger, Kreiman, Mulder, Quirmbach, Schoenjahn, Ward, and Wood.

Members Absent: Brunkhorst, Dvorsky, and Lamberti (all excused).

Committee Business: Approved SSB 1019.

Adjourned: 4:05 p.m.

STATE GOVERNMENT

Convened: January 18, 2005, 2:30 p.m.

Members Present: Horn and McKibben, Co-chairs; Black, Brunkhorst, Connolly, Danielson, Hancock, Hatch, Kettering, Kibbie, Miller, Tinsman, Ward, Wieck, Wood, and Zieman.

Members Absent: None.

Committee Business: Presentations by IPERS and Milliman USA.

Adjourned: 3:35 p.m.

INTRODUCTION OF BILLS

Senate File 33, by McCoy, a bill for an act prohibiting the issuance of new licenses to conduct gambling games near a horse racetrack enclosure and providing an effective date.

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

Senate File 34, by Kreiman, a bill for an act providing an appropriation for the older Iowans legislature.

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

Senate File 35, by Kibbie, a bill for an act establishing daylight saving time as the official time in this state throughout the year.

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

Senate File 36, by committee on Education, 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 under Rule 28 and **placed on calendar.**

STUDY BILLS RECEIVED

SSB 1019 Education

Providing for the establishment of the state percent of growth for purposes of the state school foundation program and providing an applicability date.

SSB 1020 Local Government

Relating to city licensing of transient merchants.

SSB 1021 Ethics

Relating to the Senate Rules Governing Lobbyists and their interactions with the Senate and members of the Senate during the Eighty-First General Assembly.

SSB 1022 Ethics

Relating to the Senate Code of Ethics governing the conduct of members of the Senate in relation to their senatorial duties during the Eighty-first General Assembly.

SUBCOMMITTEE ASSIGNMENTS

Senate Resolution 3

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

Senate File 7

EDUCATION: Brunkhorst and Dvorsky, Co-chairs; Schoenjahn and Ward

Senate File 13

BUSINESS AND LABOR RELATIONS: Courtney and McKibben, Co-chairs; Behn and Dotzler

Senate File 23

EDUCATION: Beall and Boettger, Co-chairs; Connolly and Mulder

SSB 1019

EDUCATION: Connolly and McKinley, Co-chairs; Mulder and Wood

SSB 1020

LOCAL GOVERNMENT: Houser and McCoy, Co-chairs; Mulder and Rielly

SSB 1021

ETHICS: Dearden and Lamberti, Co-chairs; Kibbie and Mulder

SSB 1022

ETHICS: Kibbie and Lamberti, Co-chairs; Connolly and McKibben

FINAL COMMITTEE REPORT OF BILL ACTION

EDUCATION

Bill Title: SENATE FILE 36 (SSB 1019), 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, 11: Connolly, McKinley, Angelo, Beall, Boettger, Kreiman, Mulder, Quirmbach, Schoenjahn, Ward, and Wood. Nays, none. Absent, 3: Brunkhorst, Dvorsky, and Lamberti.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENT FILED

S–3001	S.F.	5	Paul McKinley

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, JANUARY 19, 2005

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

JOURNAL OF THE SENATE

TENTH CALENDAR DAY
SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, January 19, 2005

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

Prayer was offered by the Reverend Michael Fitzsimmons, pastor of the First Presbyterian Church in Carroll, Iowa. He was the guest of Senator Kettering.

The Journal of Tuesday, January 18, 2005, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Putney, for the day, on request of Senator Shull.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 36.

Senate File 36

On motion of Senator Connolly, **Senate File 36**, 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 Connolly moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 36), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kibbie	Schoenjahn
Beall	Fraise	Kreiman	Seng
Behn	Gaskill	Lamberti	Seymour
Black	Gronstal	Lundby	Shull
Boettger	Hahn	McCoy	Stewart
Bolkcom	Hancock	McKibben	Tinsman
Brunkhorst	Hatch	McKinley	Ward
Connolly	Horn	Miller	Warnstadt
Courtney	Houser	Mulder	Wieck
Danielson	Iverson	Quirmbach	Wood
Dearden	Johnson	Ragan	Zaun
Dotzler	Kettering	Rielly	Zieman

Nays, none.

Absent, 2:

Larson	Putney

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 36** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 8:53 a.m. until 8:30 a.m., Thursday, January 20, 2005.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Arline and Warren Darland, Long Grove—For celebrating your 60th wedding anniversary. Senator Wood (1/19/05).

George Andrew Keith, Orange City—For achieving the rank of Eagle Scout, Boy Scout Troop 208. Senator Mulder (1/19/05).

Tom Kilburg, Epworth—For 40 years of service as a high school teacher and coach. Senator Hancock (1/19/05).

Charles Loussaert, Long Grove—For celebrating your 80th birthday. Senator Wood (1/19/05).

Andrew Reicks, Lawler—For achieving the rank of Eagle Scout, Boy Scout Troop 58. Senator Zieman (1/19/05).

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:

DEPARTMENT OF AGRICULTURE AND DEPARTMENT OF PUBLIC HEALTH

Iowa's Center for Agricultural Safety and Health (I-CASH) Annual Report. Report received on January 19, 2005.

IOWA FINANCE AUTHORITY

Agency performance report for fiscal year 2004, pursuant to Iowa Code sections 8E.210 and 16.7. Report received on January 18, 2005.

REPORTS OF COMMITTEE MEETINGS

LOCAL GOVERNMENT

Convened: January 18, 2005, 2:40 p.m.

Members Present: Quirmbach and Shull, Co-chairs; Houser, Kreiman, Lundby, Mulder, Putney, Schoenjahn, Stewart, and Zaun.

Members Absent: McCoy and Rielly (both excused).

Committee Business: Presentations by Iowa League of Cities and Iowa Association of Counties.

Adjourned: 3:15 p.m.

GOVERNMENT OVERSIGHT

Convened: January 19, 2005, 9:40 a.m.

Members Present: Courtney and Lundby, Co-chairs; Connolly and Wieck.

Members Absent: None.

Committee Business: Organizational meeting.

Adjourned: 10:30 a.m.

HUMAN RESOURCES

Convened: January 19, 2005, 2:00 p.m.

Members Present: Ragan and Seymour, Co-chairs; Behn, Boettger, Bolkcom, Dotzler, Gaskill, Hatch, Johnson, Kreiman, Quirmbach, Tinsman, and Wood.

Members Absent: Houser (excused).

Committee Business: Presentations by Department of Public Health Lead Prevention Director and Cerro Gordo County Department of Public Health Environmental Services Manager. Subcommittee assignments.

Adjourned: 2:55 p.m.

WAYS AND MEANS

Convened: January 19, 2005, 3:05 p.m.

Members Present: Bolkcom and Zieman, Co-chairs; Connolly, Danielson, Dotzler, Hahn, McKibben, McKinley, Miller, Quirmbach, Seng, Stewart, Wieck, and Zaun.

Members Absent: Lamberti and McCoy (both excused).

Committee Business: Presentation by Department of Revenue.

Adjourned: 3:45 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: January 19, 2005, 9:35 a.m.

Members Present: Stewart, Co-chair; McCoy, Mulder, and Zieman.

Members Absent: Putney, Co-chair; and Dvorsky (both excused).

Committee Business: Organizational meeting.

Adjourned: 10:05 a.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: January 19, 2005, 9:40 a.m.

Members Present: Gaskill and Seng, Co-chairs; Black, Hahn, Houser, and Schoenjahn.

Members Absent: None.

Committee Business: Organizational meeting. Presentation by Department of Management.

Adjourned: 10:35 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: January 19, 2005, 9:35 a.m.

Members Present: Dotzler and Ward, Co-chairs; Behn, Brunkhorst, Danielson, and Rielly.

Members Absent: None.

Committee Business: Organizational meeting.

Adjourned: 10:00 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: January 19, 2005, 9:35 a.m.

Members Present: Boettger and Horn, Co-chairs; McKinley, Quirmbach, Shull, and Wood.

Members Absent: None.

Committee Business: Presentations by Department of Management and Legislative Services Agency.

Adjourned: 10:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: January 19, 2005, 9:35 a.m.

Members Present: Hatch and Tinsman, Co-chairs; Bolkcom, Johnson, Ragan, and Seymour.

Members Absent: None.

Committee Business: Organizational meeting.

Adjourned: 10:15 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: January 19, 2005, 9:35 a.m.

Members Present: Fraise and McKibben, Co-chairs; Hancock, Kreiman, and Miller.

Members Absent: Iverson (excused).

Committee Business: Organizational meeting.

Adjourned: 9:50 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

Convened: January 19, 2005, 9:35 a.m.

Members Present: Kettering and Warnstadt, Co-chairs; Angelo, Beall, Dearden, and Zaun.

Members Absent: None.

Committee Business: Organizational meeting.

Adjourned: 10:20 a.m.

INTRODUCTION OF BILLS

Senate File 37, by Connolly, a bill for an act providing for a sales and use tax exemption for the purchase of toys to be distributed by a nonprofit organization at no cost.

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

Senate File 38, by Kreiman, 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 39, by Brunkhorst, a bill for an act relating to redemption of empty beverage containers, creating a container redemption fund, and providing effective dates.

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

Senate File 40, by Brunkhorst, a bill for an act relating to establishing the state percent of growth for purposes of the state school foundation program and providing applicability and contingent applicability dates.

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

Senate File 41, by Angelo, a bill for an act relating to authorization for a county commissioner of elections to appoint certain high school students to serve as precinct election board members.

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

Senate File 42, by Kreiman, a bill for an act relating to public hunting on forest reservations.

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

Senate File 43, by Lamberti, a bill for an act relating to the exemption of sales and use taxes on the purchase of precious metals and rare coins by dealers.

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

Senate File 44, by Black, a bill for an act relating to condemnation of agricultural land for recreational trails.

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

Senate File 45, by Brunkhorst and Kreiman, a bill for an act relating to the educational placement of a student who is required to register as a sex offender.

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

STUDY BILLS RECEIVED

SSB 1023 Agriculture

Providing for the confidentiality of records relating to the outbreak of animal disease, and providing an effective date.

SSB 1024 Agriculture

Relating to an appropriation from the environment first fund for the establishment of permanent soil and water conservation practices, by allocating moneys to support the administration of local governmental units, and providing an effective date.

SSB 1025 Judiciary

Relating to the regulation of substances which are precursors of amphetamine and methamphetamine and providing a penalty.

SSB 1026 Judiciary

Providing for the regulation of ephedrine, pseudoephedrine, and phenylopropanolamine and providing a penalty.

SSB 1027 Judiciary

Relating to the manufacturing of a controlled substance or counterfeit substance near property frequented by children, and providing for a penalty.

SSB 1028 Judiciary

Allowing certain abstractors to request a mortgage release.

SSB 1029 Judiciary

Relating to the penalty for sexual misconduct with offenders committed by an officer, employee, or agent of the department of corrections or a judicial district department of correctional services, and providing a penalty.

SSB 1030 Judiciary

Relating to the civil commitment of a sexually violent predator, and providing a penalty.

SSB 1031 Judiciary

Prohibiting a person who is the subject of a protective order or who has been convicted of a misdemeanor crime of domestic violence in violation of federal law from possessing, transferring, or selling firearms or offensive weapons and providing a penalty.

SSB 1032 Judiciary

Relating to the Iowa civil rights Act by expanding the public accommodations protections of the Act to include correctional facilities.

SUBCOMMITTEE ASSIGNMENTS

Senate File 1

STATE GOVERNMENT: Connolly and McKibben, Co-chairs; Kibbie and Miller

Senate File 3

COMMERCE: Bolkcom and Iverson, Co-chairs; McCoy and Wieck

Senate File 4

EDUCATION: Boettger and Kreiman, Co-chairs; Mulder and Wood

Senate File 5

STATE GOVERNMENT: Connolly and Ward, Co-chairs; Black and Kettering

Senate File 6

JUDICIARY: Brunkhorst and Kreiman, Co-chairs; Lamberti and Schoenjahn

Senate File 8

WAYS AND MEANS: Danielson and Wieck, Co-chairs; McCoy and Miller

Senate File 11

WAYS AND MEANS: Connolly and Zieman, Co-chairs; Quirmbach and Zaun

Senate File 19

COMMERCE: Bolkcom and Wieck, Co-chairs; Courtney and McKinley

Senate File 26

EDUCATION: Mulder and Quirmbach, Co-chairs; Dvorsky and Ward

Senate File 27

EDUCATION: Beall and Boettger, Co-chairs; Angelo and Schoenjahn

Senate File 28

WAYS AND MEANS: Danielson and McKibben, Co-chairs; Dotzler and Miller

Senate File 29

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs

Senate File 30

APPROPRIATIONS: Miller and Warnstadt, Co-chairs; Lamberti and Ragan

Senate File 31

COMMERCE: McCoy and McKinley, Co-chairs; Courtney and Zaun

Senate File 32

WAYS AND MEANS: Seng and Wieck, Co-chairs; Stewart and Zaun

Senate File 34

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs

Senate File 38

HUMAN RESOURCES: Houser and Kreiman, Co-chairs; Ragan and Seymour

SSB 1023

AGRICULTURE: Black and Putney, Co-chairs; Hancock and Johnson

SSB 1024

AGRICULTURE: Fraise and Johnson, Co-chairs; Houser and Ragan

SSB 1025

JUDICIARY: Brunkhorst and Kreiman, Co-chairs; Warnstadt and Zaun

SSB 1026

JUDICIARY: Brunkhorst and Kreiman, Co-chairs; Warnstadt and Zaun

SSB 1027

JUDICIARY: Brunkhorst and Kreiman, Co-chairs; Warnstadt and Zaun

SSB 1028

JUDICIARY: Hancock and Ward, Co-chairs; Horn and Lamberti

SSB 1029

JUDICIARY: Kreiman and McKibben, Co-chairs; Hancock and Zaun

SSB 1030

JUDICIARY: Hancock and Tinsman, Co-chairs; Boettger and Dvorsky

SSB 1031

JUDICIARY: Kreiman and Miller, Co-chairs; Horn and Lamberti

SSB 1032

JUDICIARY: Hancock and McKibben, Co-chairs; Kreiman and Miller

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, JANUARY 20, 2005

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

JOURNAL OF THE SENATE

ELEVENTH CALENDAR DAY
EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, January 20, 2005

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

Prayer was offered by Representative Tom Sands. He was the guest of Senator Courtney.

The Journal of Wednesday, January 19, 2005, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Putney, for the day, on request of Senator Shull.

ADJOURNMENT

On motion of Senator Wieck, the Senate adjourned at 8:37 a.m. until 1:00 p.m., Monday, January 24, 2005.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Jim and Nada McClean, Ames—For celebrating your 60th wedding anniversary. Senator Quirmbach (1/20/05).

Harlan and Gert Meyer, DeWitt—For celebrating your 50th wedding anniversary. Senator Wood (1/20/05).

Mark Porter, Nathan Porter, and Ryan Porter, Fairfield—For being chosen as the January 2005 Iowa Good Neighbor Award winners. Senator Miller (1/20/05).

Bev Schumann, Hartley-Melvin-Sanborn Elementary School—For receiving the Glass Apple Award for outstanding service to her school library. Senator Johnson (1/20/05).

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:

DEPARTMENT OF ECONOMIC DEVELOPMENT

FY 2005 Semi-annual Report on Value-Added Agricultural Products and Processes Financial Assistance Program (VAAPFAP), pursuant to Iowa Code section 15E.111(8). Report received on January 20, 2005.

IOWA UTILITIES BOARD

Report on the Current Status of Local Telecommunications in Iowa, pursuant to Iowa Code section 476.29(15). Report received on January 20, 2005.

AGENCY ICN REPORT

Iowa Communications Network (ICN) Usage report for FY 2004, pursuant to Iowa Code section 8D.10, was received from the following agency:

BOARD OF REGENTS — Report received on January 20, 2005.

REPORTS OF COMMITTEE MEETINGS

JUDICIARY

Convened: January 19, 2005, 1:00 p.m.

Members Present: Kreiman and Miller, Co-chairs; Boettger, Brunkhorst, Dvorsky, Fraise, Hancock, Horn, McKibben, Quirmbach, Schoenjahn, Tinsman, Ward, Warnstadt, and Zaun.

Members Absent: Lamberti (excused).

Committee Business: Subcommittee assignments.

Adjourned: 1:10 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: January 20, 2005, 9:40 a.m.

Members Present: Stewart, Co-chair; Dvorsky, McCoy, Mulder, and Zieman.

Members Absent: Putney, Co-chair (excused).

Committee Business: Presentations by Department of Management and Department of Human Rights.

Adjourned: 10:25 a.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: January 20, 2005, 10:00 a.m.

Members Present: Gaskill and Seng, Co-chairs; Black, Hahn, Houser, and Schoenjahn.

Members Absent: None.

Committee Business: Presentation on conservation districts of Iowa.

Adjourned: 10:20 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: January 20, 2005, 9:45 a.m.

Members Present: Boettger and Horn, Co-chairs; McKinley, Quirmbach, Shull, and Wood.

Members Absent: None.

Committee Business: Presentations by National Guard and College Student Aid Commission.

Recessed: 9:55 a.m.

Reconvened: 10:00 a.m.

Adjourned: 11:05 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: January 20, 2005, 9:30 a.m.

Members Present: Hatch and Tinsman, Co-chairs; Bolkcom, Johnson, Ragan, and Seymour.

Members Absent: None.

Committee Business: Presentations by LSA fiscal division regarding Department of Elder Affairs and Department of Veterans Affairs.

Adjourned: 11:35 a.m.

INTRODUCTION OF BILLS

Senate File 46, by Brunkhorst, a bill for an act relating to a secondary school core curriculum, including requiring the state board of education to set a statewide core curriculum completion rate goal and requiring school districts and schools to report core curriculum completion percentages annually.

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

Senate File 47, by Dearden, a bill for an act relating to the rulemaking authority of the natural resource commission regarding the taking and possession of certain migratory birds and providing for a mourning dove hunting fee, and penalties.

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

STUDY BILLS RECEIVED

SSB 1033 Judiciary

Requesting the legislative council to establish an interim committee to examine issues relating to the need for, benefits of establishing, and functions of a friend of the court agency to provide services to persons involved in domestic relations cases.

SSB 1034 Judiciary

Restricting the circumstances by which the juvenile court may modify, vacate and substitute, or terminate a child in need of assistance dispositional order.

SSB 1035 Judiciary

Relating to the establishment of multicounty jails, and making an appropriation.

SSB 1036 Commerce

Relating to the requirement to share services and facilities under the Iowa broadband initiative.

SSB 1037 Appropriations

Relating to appropriation matters by making, increasing and reducing appropriations for the fiscal year beginning July 1, 2004, and providing effective and applicability date provisions.

SSB 1038 Judiciary

Providing for free annual consumer access to consumer credit reports, and providing a private right of action.

SSB 1039 Appropriations

Relating to creation of a substance abuse prevention and treatment fund, and providing for standing appropriations from the fund.

SSB 1040 Appropriations

Relating to the criminal penalty surcharge, creating a criminalistics laboratory fund, and appropriating surcharge moneys to the fund.

SSB 1041 Human Resources

Relating to the provision under a group health insurance policy or health maintenance organization contract for compensation of podiatrists.

SSB 1042 Human Resources

Relating to the membership of the council with which the director of human services consults regarding the medical assistance program.

SSB 1043 Human Resources

Relating to health care facility violations and penalties for such violations.

SSB 1044 Human Resources

Relating to third-party payment of health care coverage costs for biologically based mental illness treatment services.

SSB 1045 Human Resources

Concerning third-party payment of health care coverage costs for mental health conditions, and including substance abuse treatment services.

SSB 1046 Commerce

Relating to certain interest due on unpaid health care claims.

SSB 1047 Commerce

Relating to the funding of the dual party relay service through assessments on telecommunications carriers providing telephone services.

SSB 1048 Commerce

Relating to wireless communications service subscriber privacy including restrictions on the provision of wireless telephone number information, and providing penalties and remedies.

SSB 1049 Commerce

Authorizing public utilities providing natural gas service to impose an infrastructure system replacement surcharge for the recovery of costs of certain infrastructure system replacements.

SUBCOMMITTEE ASSIGNMENTS

Senate Joint Resolution 1

STATE GOVERNMENT: Hatch and Miller, Co-chairs; Brunkhorst and Wood

Senate File 9

HUMAN RESOURCES: Kreiman and Tinsman, Co-chairs; Houser and Quirmbach

Senate File 15

HUMAN RESOURCES: Bolkcom and Johnson, Co-chairs; Behn and Kreiman

Senate File 17

HUMAN RESOURCES: Gaskill and Kreiman, Co-chairs; Boettger and Wood

Senate File 18

HUMAN RESOURCES: Gaskill and Kreiman, Co-chairs; Boettger and Wood

Senate File 21

STATE GOVERNMENT: Hancock and Tinsman, Co-chairs; Wieck and Wood

Senate File 22

STATE GOVERNMENT: Danielson and Zieman, Co-chairs; Hancock and Tinsman

Senate File 33

STATE GOVERNMENT: Hatch and McKibben, Co-chairs; Black and Miller

Senate File 35

STATE GOVERNMENT: Danielson and Wieck, Co-chairs; Brunkhorst and Hancock

Senate File 37

WAYS AND MEANS: Connolly and Hahn, Co-chairs; Stewart and Wieck

Senate File 43

WAYS AND MEANS: Quirmbach and Zieman, Co-chairs; Seng and Zaun

SSB 1033

JUDICIARY: Hancock and Tinsman, Co-chairs; Boettger and Warnstadt

SSB 1034

JUDICIARY: Kreiman and Lamberti, Co-chairs; Dvorsky and Ward

SSB 1035

JUDICIARY: Boettger and Kreiman, Co-chairs; Horn and Ward

SSB 1036

COMMERCE: Angelo and Warnstadt, Co-chairs; Beall and Zaun

SSB 1037

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs; Hatch, Lamberti, Tinsman, and Warnstadt

SSB 1038

JUDICIARY: McKibben and Warnstadt, Co-chairs; Schoenjahn and Ward

SSB 1039

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs

SSB 1040

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs

SSB 1041

HUMAN RESOURCES: Dotzler and Seymour, Co-chairs; Gaskill and Wood

SSB 1042

HUMAN RESOURCES: Boettger and Bolkcom, Co-chairs; Gaskill and Quirmbach

SSB 1043

HUMAN RESOURCES: Dotzler and Johnson, Co-chairs; Houser and Wood

SSB 1044

HUMAN RESOURCES: Ragan and Seymour, Co-chairs; Dotzler and Tinsman

SSB 1045

HUMAN RESOURCES: Behn and Ragan, Co-chairs; Dotzler and Seymour

SSB 1046

COMMERCE: Bolkcom and Wieck, Co-chairs; Kettering and Rielly

SSB 1047

COMMERCE: Angelo and Bolkcom, Co-chairs; Courtney and Kettering

SSB 1048

COMMERCE: McKinley and Warnstadt, Co-chairs; Courtney and Kettering

SSB 1049

COMMERCE: McCoy and McKinley, Co-chairs; Courtney and Kettering

PROOF

STATE OF IOWA

Senate Journal

MONDAY, JANUARY 24, 2005

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

JOURNAL OF THE SENATE

FIFTEENTH CALENDAR DAY
NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, January 24, 2005

The Senate met in regular session at 1:05 p.m., President Lamberti presiding.

Prayer was offered by the Reverend Van Rathbun, pastor of the Central Reformed Church in Sioux Center, Iowa. He was the guest of Senator Mulder.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Ellen Harris.

The Journal of Thursday, January 20, 2005, was approved.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 1:10 p.m. until 8:30 a.m., Tuesday, January 25, 2005.

APPENDIX

CERTIFICATE OF RECOGNITION

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

Richard and Dorothy Thompson, Mason City—For celebrating your 65th wedding anniversary. Senator Ragan (1/24/05).

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:

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. Report received on January 21, 2005.

REPORTS OF COMMITTEE MEETINGS

ECONOMIC GROWTH

Convened: January 20, 2005, 1:00 p.m.

Members Present: Brunkhorst and Hatch, Co-chairs; Beall, Behn, Danielson, Dotzler, Hahn, McKinley, Ragan, Rielly, Seymour, Shull, Stewart, and Zaun.

Members Absent: None.

Committee Business: Subcommittee assignments.

Adjourned: 1:30 p.m.

BUSINESS AND LABOR RELATIONS

Convened: January 24, 2005, 2:30 p.m.

Members Present: Dearden and Wieck, Co-chairs; Behn, Courtney, Dotzler, McKibben, Seng, and Shull.

Members Absent: Horn and Seymour (both excused).

Committee Business: Subcommittee assignments.

Adjourned: 2:40 p.m.

EDUCATION

Convened: January 24, 2005, 2:35 p.m.

Members Present: Connolly and McKinley, Co-chairs; Angelo, Beall, Boettger, Brunkhorst, Dvorsky, Kreiman, Mulder, Quirmbach, Schoenjahn, Ward, and Wood.

Members Absent: Lamberti (excused).

Committee Business: Subcommittee assignments.

Adjourned: 2:55 p.m.

JUDICIARY

Convened: January 24, 2005, 3:30 p.m.

Members Present: Kreiman and Miller, Co-chairs; Boettger, Brunkhorst, Dvorsky, Fraise, Hancock, Horn, McKibben, Quirmbach, Schoenjahn, Tinsman, Ward, Warnstadt, and Zaun.

Members Absent: Lamberti (excused).

Committee Business: Subcommittee assignments.

Adjourned: 3:40 p.m.

LOCAL GOVERNMENT

Convened: January 24, 2005, 1:40 p.m.

Members Present: Quirmbach and Shull, Co-chairs; Houser, Kreiman, Lundby, McCoy, Mulder, Putney, Rielly, Schoenjahn, Stewart, and Zaun.

Members Absent: None.

Committee Business: Passed SF 25.

Adjourned: 1:55 p.m.

STATE GOVERNMENT

Convened: January 24, 2005, 1:40 p.m.

Members Present: McKibben, Co-chair; Black, Brunkhorst, Connolly, Danielson, Hancock, Hatch, Kettering, Kibbie, Miller, Tinsman, Ward, Wieck, Wood, and Zieman.

Members Absent: Horn, Co-chair (excused).

Committee Business: Subcommittee assignments.

Adjourned: 1:50 p.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 4, by Mulder, a resolution to recognize Professor Piet Koene of Northwestern College for being selected Iowa Professor of the Year for 2004 by the Carnegie Foundation for the Advancement of Teaching.

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

INTRODUCTION OF BILLS

Senate File 48, by Ragan, Dotzler, Danielson, Dvorsky, Hatch, Seng, Dearden, Rielly, Hancock, Wood, Bolkcom, Quirmbach, McCoy, Warnstadt, Courtney, Schoenjahn, Gronstal, Kibbie, Black, Stewart, Connolly, Fraise, Beall, Kreiman, and Horn, a bill for an act relating to third-party payment of health care coverage costs for mental health conditions, and including substance and alcohol abuse treatment services.

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

Senate File 49, by Kibbie and Brunkhorst, a bill for an act relating to registration fees for certain motor trucks and funding for construction projects on major arterial highways, establishing a fund, making an appropriation, and providing an applicability date.

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

Senate File 50, by Quirmbach, a bill for an act relating to vital statistics, by allowing the county registrar to certify copies of records on the county registrar's internet website.

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

Senate File 51, by Quirmbach, a bill for an act relating to advance notification of the need to renew a driver's license.

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

Senate File 52, by Brunkhorst, a bill for an act allowing an immediate family member to return a voted absentee ballot in person to the office of the county commissioner of elections.

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

Senate File 53, by Connolly, a bill for an act establishing an educational technology grant program and making an appropriation.

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

Senate File 54, by Dotzler, a bill for an act relating to the diversion of a portion of a noncustodial parent's child support obligation to a college savings plan.

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

Senate File 55, by Kibbie, a bill for an act relating to fees for specified beer permits.

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

Senate File 56, by Dotzler, a bill for an act relating to an employer's failure to make payments for employee health care benefits and providing a penalty.

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

Senate File 57, by committee on Local Government, a bill for an act authorizing the appointment of a nine-member city zoning board of adjustment.

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

STUDY BILLS RECEIVED

SSB 1050 Business and Labor Relations

Relating to workers' compensation liability insurance, and providing for civil penalties.

SSB 1051 Business and Labor Relations

Relating to access to dependent adult abuse information and unemployment compensation claims.

SSB 1052 Business and Labor Relations

Relating to the payment of certain weekly workers' compensation benefits.

SSB 1053 Commerce

Establishing a state health insurance mandate commission, providing for fees and a tax credit, and making an appropriation.

SSB 1054 Commerce

Allowing the exclusion of mandated health care benefit coverage in certain health insurance policies or contracts.

SUBCOMMITTEE ASSIGNMENTS

Senate File 10

LOCAL GOVERNMENT: Putney and Stewart, Co-chairs; Rielly and Zaun

Senate File 16

HUMAN RESOURCES: Boettger and Bolkcom, Co-chairs; Johnson and Kreiman

Senate File 20

LOCAL GOVERNMENT: Quirmbach and Shull, Co-chairs; Stewart and Zaun

Senate File 24

LOCAL GOVERNMENT: Putney and Stewart, Co-chairs; Rielly and Zaun

Senate File 25

LOCAL GOVERNMENT: Kreiman and Zaun, Co-chairs; Mulder and Schoenjahn

Senate File 41

STATE GOVERNMENT: Ward and Wood, Co-chairs; Danielson and Kettering

SSB 1050

BUSINESS AND LABOR RELATIONS: Courtney and McKibben, Co-chairs; Dearden and Shull

SSB 1051

BUSINESS AND LABOR RELATIONS: Behn and Horn, Co-chairs; Courtney and Seymour

SSB 1052

BUSINESS AND LABOR RELATIONS: Behn and Dotzler, Co-chairs; Seng and Seymour

SSB 1053

COMMERCE: McCoy and McKinley, Co-chairs; Bolkcom and Wieck

SSB 1054

COMMERCE: Bolkcom and Wieck, Co-chairs; McCoy and Zaun

FINAL COMMITTEE REPORT OF BILL ACTION

LOCAL GOVERNMENT

Bill Title: SENATE FILE 57 (formerly SF 25), a bill for an act authorizing the appointment of a nine-member city zoning board of adjustment.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Quirmbach, Shull, Houser, Kreiman, Lundby, McCoy, Mulder, Putney, Rielly, Schoenjahn, Stewart, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, JANUARY 25, 2005

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

JOURNAL OF THE SENATE

SIXTEENTH CALENDAR DAY
TENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, January 25, 2005

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

Prayer was offered by the Reverend Janette Scott, pastor of the Central Presbyterian Church in Des Moines, Iowa. She was the guest of Senator Ward.

The Journal of Monday, January 24, 2005, 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 January 24, 2005, **passed** the following bill in which the concurrence of the House was asked:

Senate File 36, 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.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 8:43 a.m. until 8:30 a.m., Wednesday, January 26, 2005.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Gladys Brandt, Burlington—For celebrating your 100th birthday. Senator Courtney (1/25/05).

Clarence and Florence Schroeder, Le Mars—For celebrating your 75th wedding anniversary. Senator Mulder (1/25/05).

REPORTS OF COMMITTEE MEETINGS

HUMAN RESOURCES

Convened: January 24, 2005, 4:05 p.m.

Members Present: Ragan and Seymour, Co-chairs; Behn, Boettger, Bolkcom, Dotzler, Hatch, Houser, Johnson, Kreiman, Quirmbach, Tinsman, and Wood.

Members Absent: Gaskill (excused).

Committee Business: Subcommittee assignments. Presentation by Department of Public Health.

Adjourned: 5:05 p.m.

TRANSPORTATION

Convened: January 24, 2005, 4:05 p.m.

Members Present: McCoy and Putney, Co-chairs; Beall, Danielson, Dearden, Fraise, Hahn, Kettering, Shull, Ward, and Warnstadt.

Members Absent: Zieman (excused).

Committee Business: Presentation by Department of Transportation.

Adjourned: 4:40 p.m.

AGRICULTURE

Convened: January 25, 3:05 p.m.

Members Present: Fraise and Johnson, Co-chairs; Courtney, Gaskill, Hahn, Hancock, Houser, Kibbie, Mulder, Putney, Ragan, and Rielly.

Members Absent: Black and Brunkhorst (both excused).

Committee Business: Approved SSB 1024 (as amended).

Adjourned: 3:15 p.m.

COMMERCE

Convened: January 25, 2005, 4:05 p.m.

Members Present: Behn and Warnstadt, Co-chairs; Angelo, Beall, Bolkcom, Courtney, Gronstal, Kettering, McCoy, McKinley, Rielly, Stewart, Zaun, and Zieman.

Members Absent: Iverson and Wieck (both excused).

Committee Business: Approved SSB 1001 (as amended).

Adjourned: 4:15 p.m.

ECONOMIC GROWTH

Convened: January 25, 2005, 1:05 p.m.

Members Present: Brunkhorst and Hatch, Co-chairs; Beall, Behn, Danielson, Dotzler, Hahn, Ragan, Rielly, Shull, Stewart, and Zaun.

Members Absent: McKinley and Seymour (both excused).

Committee Business: Presentation by Department of Economic Development. Introduction of Iowa Values Fund board member.

Adjourned: 2:00 p.m.

ETHICS

Convened: January 25, 2005, 2:35 p.m.

Members Present: Kibbie and Lamberti, Co-chairs; Connolly, Dearden, McKibben, and Mulder.

Members Absent: None.

Committee Business: Approved SSBs 1021 and 1022.

Adjourned: 2:40 p.m.

GOVERNMENT OVERSIGHT

Convened: January 25, 2005, 9:35 a.m.

Members Present: Courtney and Lundby, Co-chairs; Connolly and Wieck.

Members Absent: None.

Committee Business: Presentations by Department of Corrections, State Ombudsman's Office, State Public Defender, and Alcoholic Beverages Division.

Adjourned: 11:55 a.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: January 25, 2005, 1:05 p.m.

Members Present: Houser, Co-chair; Bolkcom, Dearden, Gaskill, Hancock, Johnson, Kettering, Lundby, Miller, Putney, Schoenjahn, Seng, and Wood.

Members Absent: Black, Co-chair (excused).

Committee Business: Presentation by DNR director.

Adjourned: 1:35 p.m.

TRANSPORTATION

Convened: January 25, 2005, 2:05 p.m.

Members Present: McCoy and Putney, Co-chairs; Beall, Danielson, Dearden, Fraise, Hahn, Kettering, Shull, Ward, Warnstadt, and Zieman.

Members Absent: None.

Committee Business: Highway 20 coalition presentation.

Adjourned: 2:45 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: January 25, 2005, 9:30 a.m.

Members Present: Putney and Stewart, Co-chairs; Dvorsky, McCoy, Mulder, and Zieman.

Members Absent: None.

Committee Business: Presentations by State Auditor and Department of Management.

Adjourned: 9:40 a.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: January 25, 2005, 9:30 a.m.

Members Present: Gaskill and Seng, Co-chairs; Black, Hahn, Houser, and Schoenjahn.

Members Absent: None.

Committee Business: Presentation by Department of Agriculture.

Adjourned: 10:30 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: January 25, 2005, 9:40 a.m.

Members Present: Dotzler and Ward, Co-chairs; Behn, Brunkhorst, Danielson, and Rielly.

Members Absent: None.

Committee Business: Presentation by Department of Economic Development.

Adjourned: 11:40 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: January 25, 2005, 9:35 a.m.

Members Present: Hatch and Tinsman, Co-chairs; Bolkcom, Johnson, Ragan, and Seymour.

Members Absent: None.

Committee Business: Presentations by Legislative Services Agency and Department of Human Services.

Adjourned: 11:40 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: January 25, 2005, 9:30 a.m.

Members Present: Fraise and McKibben, Co-chairs; Hancock and Kreiman.

Members Absent: Iverson and Miller (both excused).

Committee Business: Presentations by Fiscal Services Division, Office of Homeland Security and Emergency Management Division, and Department of Corrections.

Adjourned: 10:05 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

Convened: January 25, 2005, 9:35 a.m.

Members Present: Kettering and Warnstadt, Co-chairs; Angelo, Beall, Dearden, and Zaun.

Members Absent: None.

Committee Business: Presentation by Department of Administrative Services.

Adjourned: 10:25 a.m.

INTRODUCTION OF RESOLUTIONS

Senate Concurrent Resolution 1, by Bolkcom, a concurrent resolution requesting that the legislative council establish an interim study committee to review Iowa's truancy laws.

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

Senate Concurrent Resolution 2, by Bolkcom, a concurrent resolution requesting that the legislative council establish an interim study committee to study instant runoff voting.

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

INTRODUCTION OF BILLS

Senate File 58, by McKinley, Behn, Hahn, and Fraise, a bill for an act relating to an action to quiet title of real property and the doctrine of adverse possession.

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

Senate File 59, by McKinley and Brunkhorst, a bill for an act relating to the licensure requirements for a practitioner who provides competent private instruction to a child of compulsory attendance age.

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

Senate File 60, by Kreiman, a bill for an act relating to exceptions to the hearing and waiting period requirements applicable to the granting of a decree dissolving a marriage.

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

Senate File 61, by Kreiman, a bill for an act requiring the department of human services to report annually concerning the costs and benefits of various contracted services under the medical assistance program.

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

Senate File 62, by Warnstadt, Black, Dotzler, and Seymour, 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 63, by Bolkcom, a bill for an act providing for the restoration of the right to vote and hold elective office for certain persons.

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

Senate File 64, by Bolkcom, a bill for an act relating to the use of marijuana for therapeutic purposes and establishing a marijuana therapeutic research program.

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

Senate File 65, by McKinley, Hahn, and Behn, a bill for an act relating to the review of administrative rules for their impact on small business.

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

Senate File 66, by McKinley, a bill for an act requiring periodic review of administrative rules by administrative agencies.

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

Senate File 67, by McKinley, Behn, and Hahn, a bill for an act relating to requests for a regulatory analysis of administrative rules.

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

Senate File 68, by Lundby, a bill for an act relating to the acceptance of empty beverage containers by approved redemption centers.

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

Senate File 69, by Dotzler, a bill for an act relating to wage discrimination by providing for the determination of wage discrimination, applicable remedies, and providing an effective date.

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

STUDY BILLS RECEIVED

SSB 1055 Judiciary

Expanding the criminal offense of trespass, and providing for a penalty.

SSB 1056 Transportation

Modifying the road use tax fund allocations and providing an effective date.

SSB 1057 Transportation

Relating to motor vehicle regulation by the state department of transportation, including motor vehicle registration and titling, restricted and special driver's licenses for minors, driver licensing, regulation of commercial vehicles, the use of flashing lights on certain vehicles, permits for vehicles of excessive height or weight, and persons with disabilities parking.

SSB 1058 Local Government

Relating to county recorders and vital statistics record fees, and providing an effective date.

SUBCOMMITTEE ASSIGNMENTS

Senate Resolution 4

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

Senate File 45

EDUCATION: Brunkhorst and Kreiman, Co-chairs; Mulder and Wood

Senate File 46

EDUCATION: Brunkhorst and Dvorsky, Co-chairs; McKinley and Schoenjahn

Senate File 49

TRANSPORTATION: Beall and Zieman, Co-chairs; Hahn and Warnstadt

Senate File 50

LOCAL GOVERNMENT: Quirmbach and Shull, Co-chairs; Kreiman and Putney

Senate File 51

TRANSPORTATION: Ward and Warnstadt, Co-chairs; Fraise and Shull

Senate File 52

STATE GOVERNMENT: Brunkhorst and Danielson, Co-chairs; Wood and Zieman

Senate File 55

STATE GOVERNMENT: Ward and Wood, Co-chairs; Brunkhorst and Hancock

SSB 1055

JUDICIARY: Hancock and Miller, Co-chairs; Lamberti and Warnstadt

SSB 1056

TRANSPORTATION: Fraise and Shull, Co-chairs; Danielson and Kettering

SSB 1057

TRANSPORTATION: McCoy and Putney, Co-chairs; Shull and Warnstadt

SSB 1058

LOCAL GOVERNMENT: Schoenjahn and Zaun, Co-chairs; Mulder and Stewart

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, JANUARY 26, 2005

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

JOURNAL OF THE SENATE

SEVENTEENTH CALENDAR DAY
ELEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, January 26, 2005

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

Prayer was offered by the Reverend Lloyd Johnston, pastor of the First Baptist Church in Centerville, Iowa. He was the guest of Senator Kreiman.

The Journal of Tuesday, January 25, 2005, 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 25, 2005, **passed** the following bill in which the concurrence of the Senate is asked:

House File 102, a bill for an act relating to state income taxes by authorizing individuals, corporations, and financial institutions to elect to take the additional first-year depreciation allowance and the increased expensing allowance and to allow the additional first-year depreciation allowance and the increased expensing allowance which were deductible for a tax year for which a tax return was filed prior to a certain date to be deducted on the return filed for the subsequent tax year and including an effective date provision and a retroactive applicability date provision.

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

ADJOURNMENT

On motion of Senator Courtney, the Senate adjourned at 8:37 a.m. until 8:30 a.m., Thursday, January 27, 2005.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Ann Dea, Woodrow Wilson Junior High School, Council Bluffs—For receiving the Glass Apple Award. Senator Gronstal (1/26/05).

Erica MacBeth, Corse Elementary, Burlington Community School District—For receiving the Glass Apple Award. Senator Courtney (1/26/05).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: January 26, 2005, 3:05 p.m.

Members Present: Angelo and Dvorsky, Co-chairs; Boettger, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Johnson, Kettering, Lamberti, Miller, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, Ward, and Warnstadt.

Members Absent: Black and Putney (both excused).

Committee Business: Passed SF 30 (as amended).

Adjourned: 3:15 p.m.

EDUCATION

Convened: January 26, 2005, 1:00 p.m.

Members Present: Connolly and McKinley, Co-chairs; Angelo, Beall, Boettger, Brunkhorst, Dvorsky, Kreiman, Mulder, Quirmbach, Schoenjahn, Ward, and Wood.

Members Absent: Lamberti (excused).

Committee Business: Subcommittee assignments.

Recessed: 1:10 p.m.

Reconvened: 1:30 p.m.

Adjourned: 1:35 p.m.

GOVERNMENT OVERSIGHT

Convened: January 26, 2005, 9:35 a.m.

Members Present: Courtney, Co-chair; and Connolly.

Members Absent: Lundby, Co-chair; and Wieck (both excused).

Committee Business: Presentations by Iowa Lottery, Department of Inspections and Appeals, and Department of Public Safety.

Adjourned: 11:35 a.m.

LOCAL GOVERNMENT

Convened: January 26, 2005, 1:30 p.m.

Members Present: Quirmbach and Shull, Co-chairs; Houser, Kreiman, McCoy, Mulder, Putney, Rielly, Schoenjahn, Stewart, and Zaun.

Members Absent: Lundby (excused).

Committee Business: Passed SF 24 (as amended).

Adjourned: 1:50 p.m.

WAYS AND MEANS

Convened: January 26, 2005, 2:05 p.m.

Members Present: Bolkcom and Zieman, Co-chairs; Danielson, Dotzler, Hahn, McCoy, McKibben, McKinley, Miller, Quirmbach, Seng, Stewart, Wieck, and Zaun.

Members Absent: Connolly and Lamberti (both excused).

Committee Business: Passed SF 32.

Adjourned: 2:10 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: January 26, 2005, 9:05 a.m.

Members Present: Putney and Stewart, Co-chairs; Dvorsky, McCoy, and Zieman.

Members Absent: Mulder (excused).

Committee Business: Presentations by Iowa Lottery, Department of Inspections and Appeals, and Department of Public Safety.

Adjourned: 11:15 a.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: January 26, 2005, 9:30 a.m.

Members Present: Gaskill and Seng, Co-chairs; Black, Hahn, Houser, and Schoenjahn.

Members Absent: None.

Committee Business: Presentation by Department of Agriculture.

Adjourned: 10:05 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: January 26, 2005, 9:40 a.m.

Members Present: Dotzler and Ward, Co-chairs; Behn, Danielson, and Rielly.

Members Absent: Brunkhorst (excused).

Committee Business: Presentations by Public Employment Relations Board and Iowa Finance Authority.

Adjourned: 11:30 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: January 26, 2005, 9:35 a.m.

Members Present: Boettger and Horn, Co-chairs; McKinley, Quirmbach, Shull, and Wood.

Members Absent: None.

Committee Business: Presentations by State Librarian and Department of Cultural Affairs.

Adjourned: 11:00 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: January 26, 2005, 9:35 a.m.

Members Present: Hatch and Tinsman, Co-chairs; Bolkcom, Johnson, Ragan, and Seymour.

Members Absent: None.

Committee Business: Presentations by Legislative Services Agency and Department of Human Services regarding the Medicaid program.

Adjourned: 11:40 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: January 26, 2005, 9:30 a.m.

Members Present: Fraise and McKibben, Co-chairs; Hancock, Kreiman, and Miller.

Members Absent: Iverson (excused).

Committee Business: Presentation by Department of Management.

Adjourned: 10:05 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

Convened: January 26, 2005, 9:40 a.m.

Members Present: Kettering and Warnstadt, Co-chairs; Angelo, Beall, Dearden, and Zaun.

Members Absent: None.

Committee Business: Presentation by Department of Transportation.

Adjourned: 10:30 a.m.

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 2, by Angelo, Behn, Johnson, Hahn, McKibben, Boettger, Seymour, Brunkhorst, and McKinley, a joint resolution proposing an amendment to the Constitution of the State of Iowa to define marriage.

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

Senate Resolution 5, by committee on Ethics, a resolution relating to the Senate Rules Governing Lobbyists and their interactions with the Senate and members of the Senate during the Eighty-First General Assembly.

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

Senate Resolution 6, by committee on Ethics, a resolution relating to the Senate Code of Ethics governing the conduct of members of the Senate in relation to their senatorial duties during the Eighty-first General Assembly.

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

Senate Resolution 7, by Miller and Warnstadt, a resolution commending Iowans for their military service in Iraq and supporting their quick return home.

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

INTRODUCTION OF BILLS

Senate File 70, by Quirmbach, a bill for an act relating to state and local regulation of smoking.

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

Senate File 71, by committee on Agriculture, a bill for an act relating to an appropriation from the environment first fund for the establishment of permanent soil and water conservation practices, by allocating moneys to support the administration of local governmental units, and providing an effective date.

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

Senate File 72, by Bolkcom, a bill for an act relating to the recycling and disposal of cell phones, providing penalties, and providing an effective date.

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

Senate File 73, by Courtney, a bill for an act relating to drainage and levee districts, by providing for their administration, expenses associated with the administration, and the assessment of moneys.

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

Senate File 74, by committee on Commerce, a bill for an act relating to financial institutions, by prohibiting the deceptive use of name, and providing remedies and penalties.

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

Senate File 75, by committee on Appropriations, a bill for an act allocating funding appropriated to assist individuals assigned to active duty military service and providing effective and applicability date provisions.

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

Senate File 76, by committee on Ways and Means, a bill for an act relating to income tax deductions for donations made for tsunami relief and including effective and retroactive applicability date provisions.

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

STUDY BILLS RECEIVED

SSB 1059 Commerce

Relating to the deregulation of communications services including determining comparable services, considering market forces, providing for expedited deregulation proceedings, eliminating accounting plan requirements, eliminating reporting requirements to the general assembly, and providing effective and retroactive applicability dates.

SSB 1060 Ways and Means

Relating to the sales and use tax exemption for central office equipment and transmission equipment used in telecommunications operations.

SSB 1061 Ways and Means

Relating to state income taxes by authorizing individuals, corporations, and financial institutions to elect to take the additional first-year depreciation allowance and the increased expensing allowance which were deductible for a tax year for which a tax return was filed prior to a certain date to be deducted on the return filed for the subsequent tax year and including an effective date provision and a retroactive applicability date provision.

SSB 1062 Ways and Means

Creating a credit from withholding for certain businesses moving operations to Iowa and providing effective and retroactive applicability dates.

SSB 1063 Economic Growth

Relating to procedures and policies adopted by the state board of regents regarding technology transfer issues.

SSB 1064 Economic Growth

Relating to tax credit certificates issued by the Iowa capital investment board.

SSB 1065 Ways and Means

Relating to the establishment of an industrial processing exemption study committee including an effective date.

SSB 1066 Education

Authorizing the boards of directors of school districts and community colleges to create, and expend moneys for the operational support of, a school-based or community-college-based organization.

SSB 1067 Education

Relating to the compulsory school attendance age.

SSB 1068 Education

Relating to the responsibilities of the department of education, including the accreditation of schools and the development of long-range plans by the division of libraries and information services.

SSB 1069 Commerce

Relating to negotiable instruments, by providing for liabilities among certain parties, and providing a statute of limitations.

SUBCOMMITTEE ASSIGNMENTS

Senate Concurrent Resolution 1

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

Senate Concurrent Resolution 2

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

Senate File 14

NATURAL RESOURCES AND ENVIRONMENT: Lundby and Seng, Co-chairs; Putney and Wood

Senate File 53

EDUCATION: Angelo and Dvorsky, Co-chairs; Beall and McKinley

Senate File 59

EDUCATION: Brunkhorst and Connolly, Co-chairs; Dvorsky and McKinley

Senate File 62

STATE GOVERNMENT: Black and Zieman, Co-chairs; Tinsman and Wood

Senate File 63

STATE GOVERNMENT: Connolly and Miller, Co-chairs; Hatch and Ward

Senate File 66

STATE GOVERNMENT: Brunkhorst and Kibbie, Co-chairs; Connolly and Kettering

Senate File 67

STATE GOVERNMENT: Brunkhorst and Kibbie, Co-chairs; Connolly and Kettering

House File 102

WAYS AND MEANS: Connolly, Chair; Hahn, Stewart, and Zaun

SSB 1059

COMMERCE: McKinley and Warnstadt, Co-chairs; Angelo, Behn, Courtney, and McCoy

SSB 1060

WAYS AND MEANS: Danielson and Wieck, Co-chairs; Miller and Quirmbach

SSB 1061

WAYS AND MEANS: Connolly and Hahn, Co-chairs; Stewart and Zaun

SSB 1062

WAYS AND MEANS: Connolly and Wieck, Co-chairs; Miller and Quirmbach

SSB 1063

ECONOMIC GROWTH: Danielson, Chair; Hatch, McKinley, and Shull

SSB 1064

ECONOMIC GROWTH: Stewart, Chair; Brunkhorst, Rielly, and Seymour

SSB 1065

WAYS AND MEANS: Hahn and McCoy, Co-chairs; Dotzler and McKinley

SSB 1066

EDUCATION: Boettger and Connolly, Co-chairs; Dvorsky and Mulder

SSB 1067

EDUCATION: Angelo and Quirmbach, Co-chairs; Brunkhorst and Wood

SSB 1068

EDUCATION: Connolly and McKinley, Co-chairs; Dvorsky and Ward

SSB 1069

COMMERCE: Kettering and Rielly, Co-chairs; Stewart and Zaun

FINAL COMMITTEE REPORTS OF BILL ACTION

AGRICULTURE

Bill Title: *SENATE FILE 71 (SSB 1024), a bill for an act relating to an appropriation from the environment first fund for the establishment of permanent soil and water conservation practices, by allocating moneys to support the administration of local governmental units, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Fraise, Johnson, Courtney, Gaskill, Hahn, Hancock, Houser, Kibbie, Mulder, Putney, Ragan, and Rielly. Nays, none. Absent, 2: Black 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 Agriculture Committee on Senate File 71, and they were attached to the committee report.

APPROPRIATIONS

Bill Title: *SENATE FILE 75 (formerly SF 30), a bill for an act allocating funding appropriated to assist individuals assigned to active duty military service and providing effective and applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 22: Angelo, Dvorsky, Boettger, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Johnson, Kettering, Lamberti, Miller, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, Ward, and Warnstadt. Nays, none. Absent, 2: Black 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 Appropriations Committee on Senate File 75, and they were attached to the committee report.

COMMERCE

Bill Title: *SENATE FILE 74 (SSB 1001), a bill for an act relating to financial institutions, by prohibiting the deceptive use of name, and providing remedies and penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Behn, Warnstadt, Angelo, Beall, Bolkcom, Courtney, Gronstal, Kettering, McCoy, McKinley, Rielly, Stewart, Zaun, and Zieman. Nays, none. Absent, 2: Iverson and Wieck.

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 74, and they were attached to the committee report.

ETHICS

Bill Title: SENATE RESOLUTION 5 (SSB 1021), a resolution relating to the Senate Rules Governing Lobbyists and their interactions with the Senate and members of the Senate during the Eighty-First General Assembly.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 6: Kibbie, Lamberti, Connolly, Dearden, McKibben, and Mulder. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 6 (SSB 1022), a resolution relating to the Senate Code of Ethics governing the conduct of members of the Senate in relation to their senatorial duties during the Eighty-first General Assembly.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 6: Kibbie, Lamberti, Connolly, Dearden, McKibben, and Mulder. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: SENATE FILE 76 (formerly SF 32), a bill for an act relating to income tax deductions for donations made for tsunami relief and including effective and retroactive applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Bolkcom, Zieman, Danielson, Dotzler, Hahn, McCoy, McKibben, McKinley, Miller, Quirmbach, Seng, Stewart, Wieck, and Zaun. Nays, none. Absent, 2: Connolly and Lamberti.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, JANUARY 27, 2005

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

JOURNAL OF THE SENATE

EIGHTEENTH CALENDAR DAY
TWELFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, January 27, 2005

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

Prayer was offered by the Most Reverend Jerome Hanus, archbishop of the archdiocese of Dubuque. He was the guest of Senators Connolly and Hancock.

The Journal of Wednesday, January 26, 2005, was approved.

RECESS

On motion of Senator Gronstal, the Senate recessed at 8:47 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 BILL
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 75.

Senate File 75

On motion of Senator Warnstadt, **Senate File 75**, a bill for an act allocating funding appropriated to assist individuals assigned to active duty military service and providing effective and applicability date provisions, 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. 75), the vote was:

Yeas, 49:

Angelo	Fraise	Lamberti	Seymour
Beall	Gaskill	Lundby	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirmbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
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 Pro Tempore McKibben took the chair at 9:00 a.m.

CONSIDERATION OF RESOLUTIONS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolutions 5 and 6.

Senate Resolution 5

On motion of Senator Lamberti, **Senate Resolution 5**, a resolution relating to the Senate Rules Governing Lobbyists and their interactions with the Senate and members of the Senate during the Eighty-First General Assembly, was taken up for consideration.

Senator Lamberti moved the adoption of Senate Resolution 5, which motion prevailed by a voice vote.

Senate Resolution 6

On motion of Senator Kibbie, **Senate Resolution 6**, a resolution relating to the Senate Code of Ethics governing the conduct of members of the Senate in relation to their senatorial duties during the Eighty-first General Assembly, was taken up for consideration.

Senator Kibbie moved the adoption of Senate Resolution 6, which motion prevailed by a voice vote.

REPORT OF COMMITTEE MEETING

RULES AND ADMINISTRATION

Covened: January 27, 2005, 8:40 a.m.

Members Present: Gronstal and Iverson, Co-chairs; Angelo, Boettger, Courtney, Dvorsky, Kibbie, Lamberti, and Ragan.

Members Absent: Hahn (excused).

Committee Business: Approved SRs 3 and 7.

Adjourned: 8:45 a.m.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 7, a resolution commending Iowans for their military service in Iraq and supporting their quick return home.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Gronstal, Iverson, Angelo, Boettger, Courtney, Dvorsky, Kibbie, Lamberti, and Ragan. Nays, none. Absent, 1: Hahn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 7.

Senate Resolution 7

On motion of Senator Miller, **Senate Resolution 7**, a resolution commending Iowans for their military service in Iraq and supporting their quick return home, with report of committee recommending passage, was taken up for consideration.

Senator Miller moved the adoption of Senate Resolution 7, which motion prevailed by a voice vote.

President Lamberti took the chair at 9:14 a.m.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 74 and 57.

Senate File 74

On motion of Senator Kettering, **Senate File 74**, a bill for an act relating to financial institutions, by prohibiting the deceptive use of name, and providing remedies and penalties, 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. 74), the vote was:

Yeas, 49:

Angelo	Fraise	Lamberti	Seymour
Beall	Gaskill	Lundby	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman

Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirmbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
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 57

On motion of Senator Schoenjahn, **Senate File 57**, a bill for an act authorizing the appointment of a nine-member city zoning board of adjustment, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 57), the vote was:

Yeas, 49:

Angelo	Fraise	Lamberti	Seymour
Beall	Gaskill	Lundby	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirmbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
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 Gronstal asked and received unanimous consent that **Senate Files 57**, **74**, and **75** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:35 a.m. until 1:00 p.m., Monday, January 31, 2005.

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:

AGENCY ICN REPORT

Iowa Communications Network (ICN) Usage report for FY 2004, pursuant to Iowa Code section 8D.10, was received from the following agency:

IOWA NATIONAL GUARD — Report received on January 27, 2005.

PRESENTATION OF VISITORS

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

Twenty student senators from Iowa Central Community College in Fort Dodge, accompanied by Dave Drissel and Rick Sandquist. Senator Beall.

REPORTS OF COMMITTEE MEETINGS

ECONOMIC GROWTH

Convened: January 27, 2005, 3:00 p.m.

Members Present: Brunkhorst and Hatch, Co-chairs; Beall, Behn, Danielson, Dotzler, Hahn, McKinley, Ragan, Rielly, Seymour, Shull, Stewart, and Zaun.

Members Absent: None.

Committee Business: Presentations by Department of Cultural Affairs and Fund of Funds.

Adjourned: 3:50 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: January 27, 2005, 3:10 p.m.

Members Present: Black and Houser, Co-chairs; Bolkcom, Dearden, Gaskill, Hancock, Johnson, Kettering, Lundby, Putney, Schoenjahn, Seng, and Wood.

Members Absent: Miller (excused).

Committee Business: Presentation by DNR.

Adjourned: 3:45 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: January 27, 2005, 9:40 a.m.

Members Present: Putney and Stewart, Co-chairs; Dvorsky, McCoy, Mulder, and Zieman.

Members Absent: None.

Committee Business: Presentation by Department of Administrative Services.

Recessed: 9:45 a.m.

Reconvened: 9:50 a.m.

Adjourned: 11:05 a.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: January 27, 2005, 9:55 a.m.

Members Present: Gaskill and Seng, Co-chairs; Black, Hahn, Houser, and Schoenjahn.

Members Absent: None.

Committee Business: Presentation by Department of Agriculture.

Adjourned: 10:30 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: January 27, 2005, 9:45 a.m.

Members Present: Dotzler and Ward, Co-chairs; Behn, Danielson, and Rielly.

Members Absent: Brunkhorst (excused).

Committee Business: Presentations by representatives from University of Iowa, Iowa State University, and University of Northern Iowa.

Adjourned: 11:25 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: January 27, 2005, 9:45 a.m.

Members Present: Boettger and Horn, Co-chairs; McKinley, Quirmbach, Shull, and Wood.

Members Absent: None.

Committee Business: Presentations by Board of Educational Examiners, IPTV, and Department of Education.

Adjourned: 10:50 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: January 27, 2005, 9:50 a.m.

Members Present: Hatch and Tinsman, Co-chairs; Bolkcom, Ragan, and Seymour.

Members Absent: Johnson (excused).

Committee Business: Presentation on the ABCD Initiative and review of the Department of Public Health budget.

Adjourned: 11:15 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: January 27, 2005, 9:45 a.m.

Members Present: Fraise and McKibben, Co-chairs; Hancock, Kreiman, and Miller.

Members Absent: Iverson (excused).

Committee Business: Presentation by the judicial branch.

Adjourned: 11:10 a.m.

INTRODUCTION OF BILLS

Senate File 77, by Warnstadt and Wieck, a bill for an act allowing cities and counties to create enterprise zones near modes of transportation.

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

Senate File 78, by committee on Local Government, a bill for an act relating to the exemption from city taxes of land included in an application for voluntary annexation or in a city's involuntary annexation petition and including effective and applicability date provisions.

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

Senate File 79, by Bolkcom, a bill for an act relating to condemnation of agricultural land for recreational trails and providing an effective date.

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

Senate File 80, by Bolkcom, a bill for an act allowing greater third-party ballot access by redefining political party.

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

Senate File 81, by Bolkcom, a bill for an act requiring Iowa national pollutant discharge elimination system program permit holders to post signs at discharge points and providing a penalty.

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

Senate File 82, by Bolkcom, a bill for an act restricting the application of pesticides and fertilizers in cities and providing a penalty.

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

Senate File 83, by Dotzler, a bill for an act providing for a food establishment reinspection fee and making a penalty applicable.

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

Senate File 84, by Bolkcom, a bill for an act requiring the department of education to study the sale of carbonated beverages in schools.

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

Senate File 85, by McKinley, a bill for an act relating to the request for a regulatory analysis.

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

Senate File 86, by McKinley, a bill for an act providing for negotiated rulemaking.

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

Senate File 87, by McKinley, a bill for an act limiting the preference to purchase an unused right-of-way.

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

STUDY BILLS RECEIVED

SSB 1070 Judiciary

Relating to family law provisions including dissolution of marriage and domestic relations, termination of parental rights proceedings, and postsecondary education subsidy provisions, providing an effective date, and providing for retroactive applicability.

SSB 1071 Judiciary

Relating to the payment of restitution by a person convicted of a criminal offense.

SSB 1072 Judiciary

Relating to child support recovery and nullifying related administrative rules.

SSB 1073 Judiciary

Prohibiting a donation or contribution to an agency, organization, or political subdivision of the state in a criminal proceeding.

SSB 1074 Judiciary

Relating to requiring certain persons to submit a DNA sample for DNA profiling, authorizing a fee, providing a penalty, and providing effective and contingent effective dates.

SSB 1075 Judiciary

Creating a private cause of action for certain consumer fraud violations.

SSB 1076 Human Resources

Relating to adult day service regulation and providing penalties.

SSB 1077 Human Resources

Relating to the regulation of elder group homes and providing penalties.

SSB 1078 Human Resources

Relating to substitute decision making and guardians and conservators, providing for the collection and appropriation of fees, and making an appropriation.

SSB 1079 Human Resources

Relating to assisted living programs, providing for application of a penalty, and providing for a fee.

SSB 1080 Human Resources

Relating to confidentiality and liability provisions involving the child advocacy board and the programs and volunteers associated with the board and making a penalty applicable.

SSB 1081 Natural Resources and Environment

Providing for the imposition of civil penalties for the unlawful commercialization of wildlife.

SSB 1082 Natural Resources and Environment

Relating to accounts and fees under the water quality protection fund.

SSB 1083 Judiciary

Relating to the imposition of civil and criminal penalties and investigation costs where a person fraudulently or otherwise receives certain state benefits.

SUBCOMMITTEE ASSIGNMENTS

Senate Joint Resolution 2

STATE GOVERNMENT: Brunkhorst and Hatch, Co-chairs; Kibbie and Miller

Senate Resolution 7

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

Senate File 2

NATURAL RESOURCES AND ENVIRONMENT: Gaskill and Hancock, Co-chairs; Dearden and Kettering

Senate File 39

NATURAL RESOURCES AND ENVIRONMENT: Putney and Schoenjahn, Co-chairs; Hancock and Kettering

Senate File 42

NATURAL RESOURCES AND ENVIRONMENT: Johnson and Wood, Co-chairs; Black and Houser

Senate File 44

NATURAL RESOURCES AND ENVIRONMENT: Black, Chair; Bolkcom, Houser and Putney

Senate File 65

ECONOMIC GROWTH: Zaun, Chair; Beall, Behn, and Rielly

Senate File 70

STATE GOVERNMENT: Hatch and McKibben, Co-chairs; Kibbie and Miller

SSB 1070

JUDICIARY: Kreiman and Larson, Co-chairs; Hancock and McKibben

SSB 1071

JUDICIARY: Hancock and Ward, Co-chairs; Kreiman and Miller

SSB 1072

JUDICIARY: Schoenjahn and Tinsman, Co-chairs; Kreiman and Miller

SSB 1073

JUDICIARY: Dvorsky and McKibben, Co-chairs; Kreiman and Ward

SSB 1074

JUDICIARY: Boettger and Horn, Co-chairs; Warnstadt and Zaun

SSB 1075

JUDICIARY: Warnstadt and Zaun, Co-chairs; Hancock and Larson

SSB 1076

HUMAN RESOURCES: Bolkcom and Johnson, Co-chairs; Gaskill and Wood

SSB 1077

HUMAN RESOURCES: Bolkcom and Seymour, Co-chairs; Dotzler and Houser

SSB 1078

HUMAN RESOURCES: Boettger and Wood, Co-chairs; Johnson and Ragan

SSB 1079

HUMAN RESOURCES: Quirmbach and Tinsman, Co-chairs; Bolkcom and Seymour

SSB 1080

HUMAN RESOURCES: Kreiman and Tinsman, Co-chairs; Behn and Wood

SSB 1081

NATURAL RESOURCES AND ENVIRONMENT: Miller, Chair; Dearden, Gaskill, and Wood

SSB 1082

NATURAL RESOURCES AND ENVIRONMENT: Bolkcom, Chair; Black, Kettering, and Lundby

SSB 1083

JUDICIARY: Boettger and Kreiman, Co-chairs; Hancock and Ward

FINAL COMMITTEE REPORTS OF BILL ACTION

LOCAL GOVERNMENT

Bill Title: *SENATE FILE 78 (formerly SF 24), a bill for an act relating to the exemption from city taxes of land included in an application for voluntary annexation or in a city's involuntary annexation petition and including effective and applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Quirmbach, Shull, Houser, Kreiman, McCoy, Mulder, Putney, Rielly, Schoenjahn, Stewart, and Zaun. Nays, none. Absent, 1: Lundby.

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 78, and they were attached to the committee report.

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 3, a resolution urging congressional action to allow all eligible veterans to receive concurrently both their full military retired pay and military disability compensation.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Gronstal, Iverson, Angelo, Boettger, Courtney, Dvorsky, Kibbie, Lamberti, and Ragan. Nays, none. Absent, 1: Hahn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

PROOF

STATE OF IOWA

Senate Journal

MONDAY, JANUARY 31, 2005

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

JOURNAL OF THE SENATE

TWENTY-SECOND CALENDAR DAY
THIRTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, January 31, 2005

The Senate met in regular session at 1:05 p.m., President Kibbie presiding.

Prayer was offered by Dr. Hal Green, pastor of the Wesley Methodist Church in Muscatine, Iowa. He was the guest of Senator Hahn.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Genevieve Craggs.

The Journal of Thursday, January 27, 2005, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Houser, for the week, on request of Senator Zieman.

ADJOURNMENT

On motion of Senator Zieman, the Senate adjourned at 1:13 p.m. until 8:30 a.m., Tuesday, February 1, 2005.

APPENDIX

CERTIFICATES OF RECOGNITION

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

John Carroll, Avoca—For achieving the rank of Eagle Scout, Boy Scout Troop 90. Senator Boettger (1/31/05).

Jack Northup, Arlington—For celebrating your 80th birthday. Senator Schoenjahn (1/31/05).

Marie Reid, Burlington—For celebrating your 95th birthday. Senator Courtney (1/31/05).

Helene Sleeter, Burlington—For celebrating your 95th birthday. Senator Courtney (1/31/05).

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:

DEPARTMENT OF ECONOMIC DEVELOPMENT

Endow Iowa Program activities for 2004, pursuant to 2004 Acts, House File 2311. Report received on January 31, 2005.

Report regarding the activities of the Community College Job Retention Program, pursuant to Iowa Code section 260F.9(1). Report received on January 31, 2005.

IOWA HIGHER EDUCATION LOAN AUTHORITY

2004 Annual Report, pursuant to Iowa Code section 261A.21. Report received on January 31, 2005.

DEPARTMENT OF HUMAN RIGHTS

2004 Annual Report of the Commission on the Status of Women. Report received on January 31, 2005.

DEPARTMENT OF JUSTICE

Report estimating the return of a local exchange carrier operating under price regulation and estimates of investment, revenues, and expenses associated with the sale of classified directory advertising for Qwest Communications, pursuant to Iowa Code section 476.98. Report received January 26, 2005.

REPORTS OF COMMITTEE MEETINGS

EDUCATION

Convened: January 31, 2005, 3:10 p.m.

Members Present: Connolly and McKinley, Co-chairs; Beall, Boettger, Brunkhorst, Dvorsky, Kreiman, Mulder, Quirmbach, Schoenjahn, and Ward.

Members Absent: Angelo, Lamberti, and Wood (all excused).

Committee Business: Presentation by Division of Financial and Information Services.

Adjourned: 3:50 p.m.

LOCAL GOVERNMENT

Convened: January 31, 2005, 2:15 p.m.

Members Present: Quirmbach and Shull, Co-chairs; Kreiman, McCoy, Mulder, Putney, Rielly, Schoenjahn, Stewart, and Zaun.

Members Absent: Houser and Lundby (both excused).

Committee Business: Presentation by Iowa County Recorders Association. Approved SSB 1058.

Adjourned: 3:05 p.m.

INTRODUCTION OF RESOLUTION

Senate Joint Resolution 3, by Iverson, Lamberti, Zieman, McKinley, Gaskill, Houser, Boettger, Kettering, Ward, Tinsman, Putney, Johnson, Mulder, Lundby, Hahn, Behn, Shull, McKibben, Seymour, Miller, Brunkhorst, and Zaun, a joint resolution requesting the proposal of an amendment to the Constitution of the United States restricting the ability of the federal judiciary to mandate any state or subdivision of any state to levy or increase taxes.

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

INTRODUCTION OF BILLS

Senate File 88, by Dotzler, Ragan, Hatch, Dvorsky, Danielson, Seng, Beall, Kreiman, Wood, Stewart, Connolly, Black, Fraise, Gronstal, Courtney, Horn, Bolkcom, Rielly, and Hancock, a bill for an act prohibiting job discrimination based on comparable worth and sex and making penalties applicable.

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

Senate File 89, by Bolkcom, a bill for an act relating to the collection and maintenance of obesity-related data by the Iowa department of public health and participating elementary and secondary schools.

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

Senate File 90, by Bolkcom, a bill for an act establishing a local food distribution program and fund at the Leopold center for sustainable agriculture at Iowa state university of science and technology and making an appropriation.

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

Senate File 91, by Bolkcom, a bill for an act relating to recycling waste oil filters and establishing fees.

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

Senate File 92, by Kreiman, a bill for an act providing for the elimination of specified school district budget guarantee provisions, and providing an effective date.

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

STUDY BILLS RECEIVED

SSB 1084 Judiciary

Relating to the purchase, possession, or consumption of alcohol by a person under legal age, and providing a penalty.

SSB 1085 Economic Growth

Relating to the endow Iowa program and providing an effective date provision.

SSB 1086 Judiciary

Relating to a criminal defendant seeking postconviction relief.

SSB 1087 Judiciary

Eliminating a provision allowing a criminal offender to make a donation in lieu of performing community services.

SSB 1088 Judiciary

Relating to nonsubstantive Code corrections and including effective and retroactive applicability date provisions.

SUBCOMMITTEE ASSIGNMENTS

Senate File 48

COMMERCE: Beall and Iverson, Co-chairs; Bolkcom and McKinley

Senate File 54

JUDICIARY: Kreiman and Lamberti, Co-chairs; Dvorsky and McKibben

Senate File 56

JUDICIARY: Lamberti and Quirmbach, Co-chairs; Hancock and Miller

Senate File 58

JUDICIARY: Fraise and McKibben, Co-chairs; Kreiman and Ward

Senate File 60

JUDICIARY: Kreiman and Lamberti, Co-chairs; Horn and Miller

Senate File 64

JUDICIARY: Kreiman and Tinsman, Co-chairs; Dvorsky and Ward

Senate File 82

LOCAL GOVERNMENT: Mulder and Rielly, Co-chairs; Houser and Stewart

Senate File 87

JUDICIARY: Fraise and Zaun, Co-chairs; Boettger and Kreiman

Senate File 90

AGRICULTURE: Fraise and Johnson, Co-chairs; Brunkhorst and Rielly

SSB 1084

JUDICIARY: Horn and Tinsman, Co-chairs; Schoenjahn and Zaun

SSB 1085

ECONOMIC GROWTH: Shull, Chair; Dotzler, Hatch, and Zaun

SSB 1086

JUDICIARY: McKibben and Schoenjahn, Co-chairs; Larson and Quirmbach

SSB 1087

JUDICIARY: Fraise and Zaun, Co-chairs; Dvorsky and McKibben

SSB 1088

JUDICIARY: Schoenjahn and Zaun, Co-chairs; Hancock and Ward

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 31st day of January, 2005:

Senate File 36.

MICHAEL E. MARSHALL
Secretary of the Senate

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, FEBRUARY 1, 2005

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

JOURNAL OF THE SENATE

TWENTY-THIRD CALENDAR DAY
FOURTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, February 1, 2005

The Senate met in regular session at 8:35 a.m., President Kibbie presiding.

Prayer was offered by Pastor Jim Guyer, pastor of the Cedar Heights Presbyterian Church in Cedar Falls, Iowa. He was the guest of Senator Danielson.

SPECIAL GUESTS

Senator Boettger welcomed the following nine visitors from Malaysia: Juhar bin Mahiruddin, Datuk James Andrew Vitales, Zakaria Bin Mohd Edris, Philip Benedict Lasimbang, Metah bin Asang, Au Kam Wah, Mohd Yusop bin Majid, Basali bin Tarireh, and Datuk Gapari J. Kitingan. These visitors were representing the Commonwealth Parliamentary Association of Sabah, Malaysia.

Juhar bin Mahiruddin addressed the Senate with brief remarks.

President Kibbie presented Juhar bin Mahiruddin a gift on behalf of the Iowa Senate and the International Relations Committee.

The Senate rose and expressed its welcome.

The Journal of Monday, January 31, 2005, was approved.

BILL REFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that **Senate File 71** be referred from the Regular Calendar to the committee on **Appropriations.**

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 8:46 a.m. until 8:30 a.m., Wednesday, February 2, 2005.

APPENDIX

APPOINTMENTS BY THE SENATE DEMOCRATIC AND REPUBLICAN LEADERS

IOWA LEGISLATIVE COUNCIL

(Iowa Code section 2.41) (Expires 2/1/2006)

*Michael E. Gronstal, Chair
*Stewart E. Iverson, Jr.
*John P. Kibbie
*Jeff Lamberti
**Robert E. Dvorsky
*Larry McKibben
*Jeff Angelo
Nancy J. Boettger
Joe Bolkcom
Thomas G. Courtney
Amanda Ragan
Mark Zieman

IOWA LEGISLATIVE COUNCIL COMMITTEES

(Iowa Code section 2.45) (Expires 2/1/2006)

ADMINISTRATION
Jeff Angelo, Chair
Nancy J. Boettger
Thomas G. Courtney

CAPITAL PROJECTS
Mark Zieman, Chair
*Jeff Angelo
*Robert E. Dvorsky
John P. Kibbie
Larry McKibben

FISCAL
*Jeff Angelo, Chair
*Joe Bolkcom
*Robert E. Dvorsky
Larry McKibben
*Mark Zieman

INTERNATIONAL RELATIONS
Daryl Beall, Co-chair
Nancy J. Boettger, Co-chair
Dennis H. Black
Gene Fraise
David Johnson
Maggie Tinsman

SERVICE
Nancy J. Boettger, Chair
Michael E. Gronstal
Stewart E. Iverson, Jr.

STUDIES
Stewart E. Iverson, Jr., Co-chair
Amanda Ragan, Co-chair
Nancy J. Boettger
Michael E. Gronstal
John P. Kibbie
Jeff Lamberti

*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:

DEPARTMENT OF ADMINISTRATIVE SERVICES

Report regarding Evaluation of and Recommendations for the Wallace State Office Building. Report received on January 31, 2005.

DEPARTMENT OF HUMAN RIGHTS

Long-Range Goals for Iowa's Criminal and Juvenile Justice Systems report, pursuant to Iowa Code section 216A.135. Report received on February 1, 2005.

IOWA JUDICIAL BRANCH

Report regarding the Enhanced Court Collections Fund and the Court Technology Fund, pursuant to 2004 Acts, Senate File 2298, section 176(8). Report received on January 31, 2005.

REPORTS OF COMMITTEE MEETINGS

HUMAN RESOURCES

Convened: January 31, 2005, 4:35 p.m.

Members Present: Ragan and Seymour, Co-chairs; Behn, Boettger, Bolkcom, Dotzler, Gaskill, Hatch, Johnson, Kreiman, Quirmbach, Tinsman, and Wood.

Members Absent: Houser (excused).

Committee Business: Presentation by director of the Employment Policy Group Center for Disabilities and Development.

Adjourned: 5:00 p.m.

ECONOMIC GROWTH

Convened: February 1, 2005, 1:05 p.m.

Members Present: Brunkhorst and Hatch, Co-chairs; Beall, Behn, Danielson, Dotzler, Hahn, Ragan, Rielly, Shull, Stewart, and Zaun.

Members Absent: McKinley and Seymour (both excused).

Committee Business: Presentations on Iowa Community College Job Training Program, Iowa Finance Authority, and Iowa Workforce Research and Development.

Adjourned: 2:00 p.m.

GOVERNMENT OVERSIGHT

Convened: February 1, 2005, 9:30 a.m.

Members Present: Courtney and Lundy, Co-chairs; Connolly and Wieck.

Members Absent: None.

Committee Business: Presentation by Department of Public Safety.

Adjourned: 10:50 a.m.

HUMAN RESOURCES

Convened: February 1, 2005, 2:10 p.m.

Members Present: Ragan, Co-chair; Behn, Boettger, Bolkcom, Dotzler, Gaskill, Hatch, Johnson, Kreiman, Quirmbach, Tinsman, and Wood.

Members Absent: Seymour, Co-chair; and Houser (both excused).

Committee Business: Presentation by Department of Public Health.

Adjourned: 3:00 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: February 1, 2005, 1:05 p.m.

Members Present: Black, Co-chair; Bolkcom, Dearden, Gaskill, Hancock, Johnson, Kettering, Lundby, Miller, Putney, Schoenjahn, Seng, and Wood.

Members Absent: Houser, Co-chair (excused).

Committee Business: Discussion concerning the deer population in Iowa.

Adjourned: 1:25 p.m.

TRANSPORTATION

Convened: February 1, 2005, 2:10 p.m.

Members Present: McCoy and Putney, Co-chairs; Beall, Danielson, Dearden, Fraise, Hahn, Kettering, Shull, Ward, and Zieman.

Members Absent: Warnstadt (excused).

Committee Business: Presentation by Highway 30 Coalition.

Adjourned: 2:55 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: February 1, 2005, 9:35 a.m.

Members Present: Putney and Stewart, Co-chairs; McCoy, Mulder, and Zieman.

Members Absent: Dvorsky (excused).

Committee Business: Presentations by Secretary of State, director of Ethics and Campaign Disclosure Board, and Legislative Services Agency.

Adjourned: 11:25 a.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: February 1, 2005, 9:30 a.m.

Members Present: Gaskill and Seng, Co-chairs; Black, Hahn, and Schoenjahn.

Members Absent: Houser (excused).

Committee Business: Presentations by Legislative Services Agency and Department of Natural Resources.

Adjourned: 10:35 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: February 1, 2005, 9:30 a.m.

Members Present: Dotzler and Ward, Co-chairs; Behn, Brunkhorst, Danielson, and Rielly.

Members Absent: None.

Committee Business: Presentation by Department of Management.

Adjourned: 10:30 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: February 1, 2005, 9:40 a.m.

Members Present: Hatch and Tinsman, Co-chairs; Bolkcom, Johnson, Ragan, and Seymour.

Members Absent: None.

Committee Business: Presentations by Department of Public Health and Community Care of North Carolina.

Adjourned: 11:25 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: February 1, 2005, 9:35 a.m.

Members Present: Fraise and McKibben, Co-chairs; Hancock, Kreiman, and Miller.

Members Absent: Iverson (excused).

Committee Business: Presentation by Legislative Services Agency.

Adjourned: 10:15 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

Convened: February 1, 2005, 9:35 a.m.

Members Present: Kettering and Warnstadt, Co-chairs; Angelo, Beall, Dearden, and Zaun.

Members Absent: None.

Committee Business: Presentation by Legislative Services Agency.

Adjourned: 10:10 a.m.

INTRODUCTION OF BILLS

Senate File 93, by Tinsman, a bill for an act reducing the amounts of pension income and social security benefits that are taxable by the state and including a retroactive applicability date provision.

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

Senate File 94, by Dearden, a bill for an act raising the state minimum hourly wage.

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

Senate File 95, by McKinley, a bill for an act amending the Iowa administrative procedure Act as it relates to public participation in the rulemaking process, the adoption and effectiveness of

administrative rules, and the delegation of rulemaking authority to administrative agencies.

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

Senate File 96, by Kibbie and Houser, a bill for an act relating to the sale of gasoline, by providing for ethanol blended gasoline, providing for taxes on gasoline, and providing for an effective date and applicability.

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

Senate File 97, by Dvorsky, 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 98, by committee on Local Government, a bill for an act relating to county recorders and vital statistics record fees, and providing an effective date.

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

Senate File 99, by Kreiman, a bill for an act relating to the sale of gasoline, including ethanol blended gasoline, providing for taxes on gasoline, and providing for an effective date and applicability.

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

Senate File 100, by Bolkcom, a bill for an act increasing the scheduled fine for failure to yield to a pedestrian.

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

STUDY BILLS RECEIVED

SSB 1089 Commerce

Relating to the regulation and deregulation of communications services including the determination of comparable services, the consideration of market forces, providing for expedited deregulation proceedings, eliminating accounting plan requirements, eliminating reporting requirements to the general assembly, and providing an effective date.

SSB 1090 Commerce

Relating to equipment dealerships, by providing for the sale or transfer of a dealership and providing for the Act's applicability.

SSB 1091 Commerce

Establishing a health insurance contract administrative fee for health plans of retired state employees.

SSB 1092 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 1093 Transportation

Relating to motor vehicle registration fees for certain motor trucks.

SSB 1094 Agriculture

Providing for veterinary emergency preparedness and response by the department of agriculture and land stewardship.

SSB 1095 Ways and Means

Relating to the transferability of eligible housing business tax credits for new housing investment under the enterprise zone program.

SSB 1096 Commerce

Relating to health insurance premium rate restrictions for small employer carriers.

SSB 1097 Commerce

Relating to the regulation and deregulation of retail telephone business services provided by local exchange carriers.

SSB 1098 Commerce

Relating to group insurance coverage for mental health and substance abuse treatment, and providing for the Act's applicability.

SUBCOMMITTEE ASSIGNMENTS

Senate File 77

ECONOMIC GROWTH: Stewart, Chair; Beall, Behn, Brunkhorst, Rielly, and Seymour

Senate File 84

EDUCATION: Brunkhorst and Dvorsky, Co-chairs; Mulder and Wood

SSB 1089

COMMERCE: McKinley and Warnstadt, Co-chairs; Angelo, Behn, Courtney, and McCoy

SSB 1090

COMMERCE: Beall and Zieman, Co-chairs; Courtney and Kettering

SSB 1091

COMMERCE: Courtney and Wieck, Co-chairs; Beall and Zieman

SSB 1092

JUDICIARY: Quirmbach and Ward, Co-chairs; Hancock and McKibben

SSB 1093

TRANSPORTATION: Danielson and Putney, Co-chairs; Fraise and Ward

SSB 1094

AGRICULTURE: Fraise and Johnson, Co-chairs; Courtney and Putney

SSB 1095

WAYS AND MEANS: Dotzler and Zieman, Co-chairs; McCoy and McKinley

SSB 1096

COMMERCE: Courtney and Wieck, Co-chairs; McKinley and Rielly

SSB 1097

COMMERCE: McKinley and Warnstadt, Co-chairs; Angelo, Behn, Courtney, and McCoy

SSB 1098

COMMERCE: Bolkcom and Iverson, Co-chairs; Beall and Wieck

FINAL COMMITTEE REPORT OF BILL ACTION

LOCAL GOVERNMENT

Bill Title: SENATE FILE 98 (SSB 1058), a bill for an act relating to county recorders and vital statistics record fees, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Quirmbach, Shull, Kreiman, McCoy, Mulder, Putney, Rielly, Schoenjahn, Stewart, and Zaun. Nays, none. Absent, 2: Houser and Lundby.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, FEBRUARY 2, 2005

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

JOURNAL OF THE SENATE

TWENTY-FOURTH CALENDAR DAY
FIFTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, February 2, 2005

The Senate met in regular session at 8:35 a.m., President Kibbie presiding.

Prayer was offered by Don Bramschreiber, lay pastor of the First Baptist Church in Ottumwa, Iowa. He was the guest of Senator Kreiman.

The Journal of Tuesday, February 1, 2005, was approved.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 8:42 a.m. until 8:30 a.m., Thursday, February 3, 2005.

APPENDIX

CERTIFICATE OF RECOGNITION

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

Floyd Perry, La Porte City—For celebrating your 90th birthday. Senator Schoenjahn (2/2/05).

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: February 1, 2005, 3:05 p.m.

Members Present: Fraise and Johnson, Co-chairs; Black, Brunkhorst, Courtney, Gaskill, Hahn, Hancock, Kibbie, Mulder, Putney, Ragan, and Rielly.

Members Absent: Houser (excused).

Committee Business: Presentation by Secretary of Agriculture.

Adjourned: 4:00 p.m.

EDUCATION

Convened: February 2, 2005, 1:05 p.m.

Members Present: Connolly and McKinley, Co-chairs; Angelo, Beall, Boettger, Brunkhorst, Kreiman, Mulder, Quirmbach, Schoenjahn, Ward, and Wood.

Members Absent: Dvorsky and Lamberti (both excused).

Committee Business: Subcommittee assignments.

Adjourned: 1:20 p.m.

GOVERNMENT OVERSIGHT

Convened: February 2, 2005, 10:45 a.m.

Members Present: Courtney and Lundby, Co-chairs; Connolly and Wieck.

Members Absent: None.

Committee Business: Presentations by Department of Administrative Services and president of Iowa Operations of Music and Amusement.

Adjourned: 12:00 p.m.

LOCAL GOVERNMENT

Convened: February 2, 2005, 1:30 p.m.

Members Present: Quirmbach and Shull, Co-chairs; McCoy, Mulder, Putney, Rielly, Schoenjahn, Stewart, and Zaun.

Members Absent: Houser, Kreiman, and Lundby (all excused).

Committee Business: Presentation by Iowa State County Treasurers Association.

Adjourned: 2:00 p.m.

STATE GOVERNMENT

Convened: February 2, 2005, 1:40 p.m.

Members Present: Horn and McKibben, Co-chairs; Black, Brunkhorst, Connolly, Danielson, Hancock, Hatch, Kettering, Kibbie, Miller, Tinsman, Ward, Wieck, Wood, and Zieman.

Members Absent: None.

Committee Business: Subcommittee assignments. Presentation by county auditors.

Adjourned: 2:10 p.m.

WAYS AND MEANS

Convened: February 2, 2005, 2:15 p.m.

Members Present: Bolkcom and Zieman, Co-chairs; Connolly, Danielson, Dotzler, Hahn, Lamberti, McCoy, McKibben, McKinley, Miller, Quirmbach, Seng, Stewart, and Zaun.

Members Absent: Wieck (excused).

Committee Business: Passed HF 102.

Adjourned: 2:25 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: February 2, 2005, 9:35 a.m.

Members Present: Putney and Stewart, Co-chairs; McCoy, Mulder, and Zieman.

Members Absent: Dvorsky (excused).

Committee Business: Presentation by Department of Administrative Services.

Adjourned: 10:05 a.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: February 2, 2005, 9:30 a.m.

Members Present: Gaskill and Seng, Co-chairs; Black, Hahn, and Schoenjahn.

Members Absent: Houser (excused).

Committee Business: Presentation by Secretary of Agriculture.

Adjourned: 10:35 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: February 2, 2005, 9:30 a.m.

Members Present: Dotzler and Ward, Co-chairs; Behn, Brunkhorst, Danielson, and Rielly.

Members Absent: None.

Committee Business: Presentation by Iowa Workforce Development.

Recessed: 9:55 a.m.

Reconvened: 10:15 a.m.

Adjourned: 11:30 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: February 2, 2005, 9:35 a.m.

Members Present: Boettger and Horn, Co-chairs; Quirmbach, Shull, and Wood.

Members Absent: McKinley (excused).

Committee Business: Presentation by Legislative Services Agency.

Adjourned: 9:55 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: February 2, 2005, 9:40 a.m.

Members Present: Hatch and Tinsman, Co-chairs; Bolkcom, Johnson, Ragan, and Seymour.

Members Absent: None.

Committee Business: Presentations by Department of Human Services and Legislative Services Agency.

Adjourned: 11:30 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: February 2, 2005, 9:40 a.m.

Members Present: Fraise and McKibben, Co-chairs; Hancock, Kreiman, and Miller.

Members Absent: Iverson (excused).

Committee Business: Presentation by Department of Corrections.

Adjourned: 10:50 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

Convened: February 2, 2005, 9:40 a.m.

Members Present: Kettering and Warnstadt, Co-chairs; Beall, Dearden, and Zaun.

Members Absent: Angelo (excused).

Committee Business: Presentation by director of the Office of Aviation.

Adjourned: 10:00 a.m.

INTRODUCTION OF BILLS

Senate File 101, by Lamberti, a bill for an act relating to the adoption subsidy program administered by the department of human services by revising limitations on attorney fees.

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

Senate File 102, by Wieck, Seymour, Miller, Brunkhorst, Hahn, McKibben, McKinley, Johnson, Ward, Tinsman, Kettering, Gaskill, Putney, Shull, Zaun, Mulder, Angelo, Zieman, Iverson, Lundby, Lamberti, Boettger, and Behn, 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 103, by Brunkhorst, Boettger, Mulder, McKinley, Ward, Johnson, Behn, Kettering, Lundby, Seymour, Zaun, McKibben, Hahn, Wieck, Gaskill, Putney, Zieman, Lamberti, and Iverson, a bill for an act relating to driver education by a teaching parent.

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

Senate File 104, by Black and Zieman, a bill for an act providing a sales and use tax exemption for certain appliances that meet the energy efficiency rating established for the appliance by the United States environmental protection agency and providing an effective date.

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

Senate File 105, by Black, a bill for an act designating highway 2 as the second infantry division highway.

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

STUDY BILLS RECEIVED

SSB 1099 Commerce

Relating to debt collection disclosure requirements for state bank affiliates.

SSB 1100 Transportation

Relating to obstructions in highways and providing penalties.

SUBCOMMITTEE ASSIGNMENTS

Senate Joint Resolution 3

STATE GOVERNMENT: Miller and Wood, Co-chairs; Brunkhorst and Danielson

Senate File 71

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs

Senate File 80

STATE GOVERNMENT: Wieck and Wood, Co-chairs; Brunkhorst and Connolly

Senate File 83

STATE GOVERNMENT: Hancock and Miller, Co-chairs; Danielson and Kettering

Senate File 85

STATE GOVERNMENT: Kibbie and Ward, Co-chairs; Connolly and Kettering

Senate File 86

STATE GOVERNMENT: Kibbie and Ward, Co-chairs; Connolly and Kettering

Senate File 95

STATE GOVERNMENT: Kibbie and Ward, Co-chairs; Connolly and Kettering

SSB 1099

COMMERCE: Kettering and Rielly, Co-chairs; Stewart and Zaun

SSB 1100

TRANSPORTATION: Dearden and Hahn, Co-chairs; Beall and Kettering

FINAL COMMITTEE REPORT OF BILL ACTION

WAYS AND MEANS

Bill Title: HOUSE FILE 102, a bill for an act relating to state income taxes by authorizing individuals, corporations, and financial institutions to elect to take the additional first-year depreciation allowance and the increased expensing allowance and to allow the additional first-year depreciation allowance and the increased expensing allowance which were deductible for a tax year for which a tax return was filed prior to a certain date to be deducted on the return filed for the subsequent tax year and including an effective date provision and a retroactive applicability date provision.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Bolkcom, Zieman, Connolly, Danielson, Dotzler, Hahn, Lamberti, McCoy, McKibben, McKinley, Miller, Quirmbach, Seng, Stewart, and Zaun. Nays, none. Absent, 1: Wieck.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on February 2, 2005, the Governor approved and transmitted to the Secretary of State the following bill:

S.F. 36 – Providing for the establishment of the state percent of growth for purposes of the state school foundation program and providing an applicability date.

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, FEBRUARY 3, 2005

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

JOURNAL OF THE SENATE

TWENTY-FIFTH CALENDAR DAY
SIXTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 3, 2005

The Senate met in regular session at 8:35 a.m., President Kibbie presiding.

Prayer was offered by Pastor Stephanie Raphael-Nakos, pastor of the Willard Street United Methodist Church in Ottumwa, Iowa. She was the guest of Senator Kreiman.

The Journal of Wednesday, February 2, 2005, 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 2, 2005, **adopted** the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 3, a concurrent resolution relating to joint rules of the Senate and House of Representatives for the Eighty-first General Assembly.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Iverson, for the day, on request of Senator Lamberti.

RECESS

On motion of Senator Lamberti, the Senate recessed at 8:40 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 8:53 a.m., President Kibbie presiding.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 3, by committee on Rules and Administration, a concurrent resolution relating to the compensation of chaplains, officers, and employees of the eighty-first general assembly.

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

REPORT OF COMMITTEE MEETING

RULES AND ADMINISTRATION

Convened: February 3, 2005, 8:40 a.m.

Members Present: Gronstal, Co-chair; Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan.

Members Absent: Iverson, Co-chair (excused).

Committee Business: Passed SCR 3 and HCR 3. Approved Governor's appointments.

Adjourned: 8:50 a.m.

FINAL COMMITTEE REPORTS OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE CONCURRENT RESOLUTION 3, a concurrent resolution relating to the compensation of chaplains, officers, and employees of the eighty-first general assembly.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Gronstal, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, 1: Iverson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE CONCURRENT RESOLUTION 3, a concurrent resolution relating to joint rules of the Senate and House of Representatives for the Eighty-first General Assembly.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Gronstal, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, 1: Iverson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTIONS
(Regular Calendar)

Senator Lamberti asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 3 and House Concurrent Resolution 3.

Senate Concurrent Resolution 3

On motion of Senator Lamberti, **Senate Concurrent Resolution 3**, a concurrent resolution relating to the compensation of chaplains, officers, and employees of the eighty-first general assembly, was taken up for consideration.

Senator Lamberti moved the adoption of Senate Concurrent Resolution 3, which motion prevailed by a voice vote.

House Concurrent Resolution 3

On motion of Senator Lamberti, **House Concurrent Resolution 3**, a concurrent resolution relating to joint rules of the Senate and House of Representatives for the Eighty-first General Assembly, with report of committee recommending passage, was taken up for consideration.

Senator Lamberti moved the adoption of House Concurrent Resolution 3, which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Lamberti asked and received unanimous consent that **Senate Concurrent Resolution 3** and **House Concurrent Resolution 3** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Lamberti, the Senate adjourned at 8:57 a.m. until 1:00 p.m., Monday, February 7, 2005.

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
ACCOUNTANCY EXAMINING BOARD (Sec. 542.3)	
Nancy Bruner, Cedar Rapids	06/07/2004 – 04/30/2006
COMMISSION ON THE STATUS OF AFRICAN-AMERICANS (Sec. 216A.142)	
Charlotte Westerhaus, Cedar Rapids	08/25/2004 – 04/30/2005
BOARD OF BEHAVIORAL SCIENCE EXAMINERS (Sec. 147.14 (13))	
Kenneth Fann, Atlantic	06/03/2004 – 04/30/2007
Marcia Michaels, Ames	04/15/2004 – 04/30/2005
BOILER AND PRESSURE VESSEL BOARD (Sec. 89.14)	
Robert Brecke, Cedar Rapids	08/23/2004 – 04/30/2005
Timothy Fehr, Iowa City	08/23/2004 – 04/30/2005
Amy Iles, Hastings	08/23/2004 – 04/30/2005
James Kruzic, Pleasantville	08/23/2004 – 04/30/2006
Susan Oltrogge, Des Moines	08/23/2004 – 04/30/2007
Joseph Rodenkirk, Cedar Rapids	08/23/2004 – 04/30/2006
Lynne Rush, Victor	08/23/2004 – 04/30/2006
Keith Taeger, West Burlington	09/15/2004 – 04/30/2007
CREDIT UNION REVIEW BOARD (Sec. 533.53)	
Melanie Hass, LaPorte City	09/07/2004 – 04/30/2006
IOWA DRUG POLICY ADVISORY COUNCIL (Sec. 80E.2)	
Stewart Barnes, Des Moines	11/15/2004 – 04/30/2006
Brian Vos, New Virginia	11/08/2004 – 04/30/2006
Christina Wilson, West Des Moines	11/08/2004 – 04/30/2008
STATE BOARD OF EDUCATION (Sec. 256.3)	
Wayne Kobberdahl, Council Bluffs	05/14/2004 – 04/30/2010
BOARD OF EDUCATIONAL EXAMINERS (Sec. 272.3)	
Greg Robinson, Urbandale	05/13/2004 – 04/30/2007
ELEVATOR SAFETY BOARD (Sec. 89A.13)	
Todd Christensen, Des Moines	10/07/2004 – 04/30/2006
Rita Conner, Ames	10/07/2004 – 04/30/2006
Pete Fromm, Ankeny	10/07/2004 – 04/30/2006
Kristine Kesterson, Williamsburg	10/07/2004 – 04/30/2005
Scott Scholle, Urbandale	10/07/2004 – 04/30/2007

Marvin Schumacher, Denver	10/07/2004 – 04/30/2007
Wayne Sims, Des Moines	10/07/2004 – 04/30/2005
Siobhan Workman, Des Moines	10/07/2004 – 04/30/2005

IOWA EMPOWERMENT BOARD (Sec. 28.3)

Judy McCoy Davis, Des Moines	11/15/2004 – 04/30/2006

IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD (Sec. 68B.32)

Patricia Harper, Waterloo	09/14/2004 – 04/30/2005

IOWA FINANCE AUTHORITY (Sec. 16.2)

Heather Kramer, Marion	09/23/2004 – 04/30/2007

INFORMATION TECHNOLOGY COUNCIL (Sec. 8A.204)

Christian Gurney, Urbandale	08/17/2004 – 04/30/2007
Kristina Junkins, Bondurant	08/17/2004 – 04/30/2006
Donna Mueller, Windsor Heights	08/27/2004 – 04/30/2006

BOARD OF INTERPRETERS FOR THE HEARING IMPAIRED EXAMINERS (Sec. 147.14 (21))

Philippe Gallant, Norwalk	09/20/2004 – 04/30/2006
Judy Gouldsmith, Council Bluffs	09/20/2004 – 04/30/2007
Carissa Huffman, Bettendorf	09/20/2004 – 04/30/2005
Diana Kautzky, Johnston	09/20/2004 – 04/30/2006
David Moorman-Rice, Altoona	09/20/2004 – 04/30/2007
Bethany Sather, Ankeny	09/20/2004 – 04/30/2006
Stuart Thiessen, Des Moines	09/20/2004 – 04/30/2005

IOWACCESS ADVISORY COUNCIL (Sec. 8A.221)

Barbara Corson, Des Moines	08/24/2004 – 04/30/2006
Tina Schmidt, Nevada	08/24/2004 – 04/30/2006

COMMISSION ON THE STATUS OF IOWANS OF ASIAN AND PACIFIC ISLANDER HERITAGE (Sec. 216A.152)

Rita Arora, Iowa City	09/28/2004 – 04/30/2006
Thomas Baccam, Des Moines	09/28/2004 – 04/30/2006
Cyndi Chen, Des Moines	09/28/2004 – 04/30/2006
Ning Chia, Pella	09/28/2004 – 04/30/2008
Lin Ly, Burlington	09/28/2004 – 04/30/2006
Frank Osako, Cedar Rapids	09/28/2004 – 04/30/2008
Richard Park, Davenport	09/28/2004 – 04/30/2008
Cecilia Peralta, Fort Dodge	09/28/2004 – 04/30/2008
Barry Thongvanh, Storm Lake	09/28/2004 – 04/30/2008

BOARD OF EXAMINERS FOR MASSAGE THERAPY (Sec. 147.14 (17))

Laura Black, Council Bluffs	09/23/2004 – 04/30/2007
Kathy Spencer-Jensen, Sioux City	03/31/2004 – 04/30/2005

MENTAL HEALTH, MENTAL RETARDATION, DEVELOPMENTAL DISABILITIES, AND BRAIN INJURY COMMISSION (Sec. 225C.5 (1))

Shelly Chandler, Urbandale	09/07/2004 – 04/30/2005
Lynn Crannell, Slater	08/10/2004 – 04/30/2007
James Rixner, Sioux City	07/28/2004 – 04/30/2006

MENTAL HEALTH RISK POOL BOARD (Sec.426B.5 (3))

Jane Halliburton, Ames	09/13/2004 – 04/30/2006

STATE BOARD OF REGENTS (Sec. 262.1–2)

Michael Gartner, Des Moines	01/24/2005 – 04/30/2005
Rose Vasquez, Des Moines	09/13/2004 – 04/30/2005

SMALL BUSINESS ADVISORY COUNCIL (Sec. 15.108 (7)(h))

Shelley Coldiron, Ames	05/12/2004 – 04/30/2006

BOARD OF SOCIAL WORK EXAMINERS (Sec. 147.14 (20))

Christine Hoffman, Ottumwa	05/01/2004 – 04/30/2007
David Stout, Ankeny	07/22/2004 – 04/30/2006
Mary Tasler, Webster City	08/11/2004 – 04/30/2006

IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION (Sec. 8D.3(2))

Curtis Stamp, Des Moines	08/12/2004 – 04/30/2007

STATE TRANSPORTATION COMMISSION (Sec. 307.3)

Wayne Sawtelle, Marshalltown	01/05/2005 – 04/30/2007

COMMISSION OF VETERANS AFFAIRS (Sec. 35A.2)

Larry Bowden, Des Moines	10/27/2004 – 04/30/2008
Mary Regur, Newton	10/27/2004 – 04/30/2006
David Rehbein, Ames	10/27/2004 – 04/30/2006
Cecelia Schroeder, Des Moines	10/27/2004 – 04/30/2008
Rosetta Waychus, Mason City	10/27/2004 – 04/30/2007

IOWA BOARD OF VETERINARY MEDICINE (Sec. 169.5)

Michael Stein, Iowa City	06/22/2004 – 04/30/2005

IOWA WORKFORCE DEVELOPMENT BOARD (Sec. 84A.1A)

Vicki Duchene, Newton	10/20/2004 – 04/30/2006

The appointments were 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 appointments to state boards, commissions, and departments to Senate standing committees, as indicated for investigation on February 3, 2005:

BUSINESS AND LABOR RELATIONS

Vicki Duchene – Iowa Workforce Development Board

COMMERCE

Melanie Hass – Credit Union Review Board

Curtis Stamp – Iowa Telecommunications and Technology Commission

ECONOMIC GROWTH

Shelley Coldiron – Small Business Advisory Council

EDUCATION

Wayne Kobberdahl – State Board of Education

Greg Robinson – Board of Educational Examiners

Michael Gartner – State Board of Regents
Rose Vasquez – State Board of Regents

HUMAN RESOURCES

Kenneth Fann – Board of Behavioral Science Examiners
Marcia Michaels – Board of Behavioral Science Examiners

Judy McCoy Davis – Iowa Empowerment Board

Rita Arora – Commission on the Status of Iowans of Asian and Pacific Islander Heritage
Thomas Baccam – Commission on the Status of Iowans of Asian and Pacific Islander Heritage
Cyndi Chen – Commission on the Status of Iowans of Asian and Pacific Islander Heritage
Ning Chia – Commission on the Status of Iowans of Asian and Pacific Islander Heritage
Lin Ly – Commission on the Status of Iowans of Asian and Pacific Islander Heritage
Frank Osako – Commission on the Status of Iowans of Asian and Pacific Islander Heritage

Richard Park – Commission on the Status of Iowans of Asian and Pacific Islander Heritage
Cecilia Peralta – Commission on the Status of Iowans of Asian and Pacific Islander Heritage
Barry Thongvanh – Commission on the Status of Iowans of Asian and Pacific Islander Heritage

Philippe Gallant – Board of Interpreters for the Hearing Impaired Examiners
Judy Gouldsmith – Board of Interpreters for the Hearing Impaired Examiners
Carissa Huffman – Board of Interpreters for the Hearing Impaired Examiners
Diana Kautzky – Board of Interpreters for the Hearing Impaired Examiners
David Moorman-Rice – Board of Interpreters for the Hearing Impaired Examiners
Bethany Sather – Board of Interpreters for the Hearing Impaired Examiners
Stuart Thiessen – Board of Interpreters for the Hearing Impaired Examiners

Shelly Chandler – Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission
Lynn Crannell – Mental Health, Mental Retardation, Development Disabilities, and Brain Injury Commission
James Rixner – Mental Health, Mental Retardation, Development Disabilities, and Brain Injury Commission

JUDICIARY

Stewart Barnes – Iowa Drug Policy Advisory Council
Brian Vos – Iowa Drug Policy Advisory Council
Christina Wilson – Iowa Drug Policy Advisory Council

LOCAL GOVERNMENT

Jane Halliburton – Mental Health Risk Pool Board

STATE GOVERNMENT

Nancy Bruner – Accountancy Examining Board

Charlotte Westerhaus – Commission on the Status of African-Americans

Robert Brecke – Boiler and Pressure Vessel Board
Timothy Fehr – Boiler and Pressure Vessel Board
Amy Iles – Boiler and Pressure Vessel Board
James Kruzic – Boiler and Pressure Vessel Board
Susan Oltrogge – Boiler and Pressure Vessel Board
Joseph Rodenkirk – Boiler and Pressure Vessel Board
Lynne Rush – Boiler and Pressure Vessel Board
Keith Taeger – Boiler and Pressure Vessel Board

Todd Christensen – Elevator Safety Board
Rita Conner – Elevator Safety Board
Pete Fromm – Elevator Safety Board
Kristine Kesterson – Elevator Safety Board
Scott Scholle – Elevator Safety Board

Marvin Schumacher – Elevator Safety Board
Wayne Sims – Elevator Safety Board
Siobhan Workman – Elevator Safety Board

Patricia Harper – Iowa Ethics and Campaign Disclosure Board

Christian Gurney – Information Technology Council
Kristina Junkins – Information Technology Council
Donna Mueller – Information Technology Council

Barbara Corson – IowAccess Advisory Council
Tina Schmidt – IowAccess Advisory Council

Laura Black – Board of Examiners for Massage Therapy
Kathy Spencer-Jensen – Board of Examiners for Massage Therapy

Christine Hoffman – Board of Social Work Examiners
David Stout – Board of Social Work Examiners
Mary Tasler – Board of Social Work Examiners

Larry Bowden – Commission of Veterans Affairs
Mary Regur – Commission of Veterans Affairs
David Rehbein – Commission of Veterans Affairs
Cecelia Schroeder – Commission of Veterans Affairs
Rosetta Waychus – Commission of Veterans Affairs

Michael Stein – Iowa Board of Veterinary Medicine

TRANSPORTATION

Wayne Sawtelle – State Transportation Commission

WAYS AND MEANS

Heather Kramer – Iowa Finance Authority

CERTIFICATES OF RECOGNITION

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

Chris and Deloris Blake, Kris-Del Dairy, Davenport—For winning the Iowa Good Neighbor Award. Senator Wood (2/3/05).

Pauline Flamme, Gladbrook—For being inducted into the Iowa 4-H Hall of Fame. Senator Putney (2/3/05).

Don Greiman, Garner—For being inducted into the Iowa 4-H Hall of Fame. Senator Putney (2/3/05).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: February 2, 2005, 3:05 p.m.

Members Present: Angelo and Dvorsky, Co-chairs; Boettger, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Johnson, Kettering, Miller, Putney, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, and Ward.

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

Committee Business: Presentation by State Auditor.

Adjourned: 4:15 p.m.

AGRICULTURE

Convened: February 3, 2005, 2:10 p.m.

Members Present: Fraise and Johnson, Co-chairs; Black, Brunkhorst, Gaskill, Hahn, Hancock, Kibbie, Mulder, Putney, Ragan, and Rielly.

Members Absent: Courtney and Houser (both excused).

Committee Business: Presentation by Iowa Soybean Association.

Adjourned: 2:45 p.m.

JUDICIARY

Convened: February 3, 2005, 11:30 a.m.

Members Present: Kreiman and Miller, Co-chairs; Boettger, Dvorsky, Fraise, Hancock, Horn, Quirmbach, Schoenjahn, Ward, and Zaun.

Members Absent: Brunkhorst, Lamberti, McKibben, Tinsman, and Warnstadt (all excused).

Committee Business: Approved SSB 1088.

Adjourned: 11:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: February 3, 2005, 9:50 a.m.

Members Present: Putney and Stewart, Co-chairs; Dvorsky, McCoy, Mulder, and Zieman.

Members Absent: None.

Committee Business: Presentation by IPERS. Reviewed Governor's FY 2006 funding recommendations for Department of Administrative Services.

Adjourned: 10:55 a.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: February 3, 2005, 10:00 a.m.

Members Present: Gaskill and Seng, Co-chairs; Black, Hahn, and Schoenjahn.

Members Absent: Houser (excused).

Committee Business: Presentation by AON Risk Services.

Adjourned: 10:20 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: February 3, 2005, 9:45 a.m.

Members Present: Dotzler and Ward, Co-chairs; Behn, Brunkhorst, Danielson, and Rielly.

Members Absent: None.

Committee Business: Presentation by Legislative Services Agency.

Adjourned: 11:15 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: February 3, 2005, 9:50 a.m.

Members Present: Boettger and Horn, Co-chairs; McKinley, Quirmbach, Shull, and Wood.

Members Absent: None

Committee Business: Presentations on early childhood programs from Shared Visions Preschool, Head Start Association, and Community Empowerment Facilitator, and presentation by Department of Education.

Adjourned: 11:50 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: February 3, 2005, 9:30 a.m.

Members Present: Hatch and Tinsman, Co-chairs; Bolkcom, Johnson, Ragan, Seymour.

Members Absent: None.

Committee Business: Presentation by Iowa Coalition for Family and Children's Services.

Adjourned: 11:55 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: February 3, 2005, 9:45 a.m.

Members Present: Fraise and McKibben, Co-chairs; Hancock and Kreiman.

Members Absent: Iverson and Miller (both excused).

Committee Business: Presentation by Iowa State Patrol.

Adjourned: 10:35 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

Convened: February 3, 2005, 9:55 a.m.

Members Present: Kettering, Co-chair; Dearden, and Zaun.

Members Absent: Warnstadt, Co-chair; Angelo, and Beall (all excused).

Committee Business: Presentation by Department of Transportation.

Adjourned: 11:05 am.

INTRODUCTION OF BILLS

Senate File 106, by Bolkcom, a bill for an act relating to ongoing absentee voter status for general elections.

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

Senate File 107, by Bolkcom, Dearden, Dvorsky, Kreiman, Fraise, Ragan, Wood, Connolly, Quirmbach, Kibbie, Beall, Lundby, and Seng, a bill for an act relating to recycling by providing for the acceptance of empty beverage containers by dealers of beverages, increasing the reimbursement amount paid by a distributor for empty beverage

containers, providing a property tax exemption for glass recyclers, and providing civil penalties.

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

Senate File 108, by Bolkcom, a bill for an act concerning appropriations for community college salaries.

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

Senate File 109, by Wieck, Johnson, Kettering, Iverson, Lundby, Angelo, Zieman, Hahn, Putney, Tinsman, Mulder, Ward, Gaskill, McKinley, Behn, Miller, Zaun, Brunkhorst, Boettger, Shull, McKibben, and Seymour, a bill for an act relating to the Iowa long-term care asset disregard incentive program, providing for a repeal, providing a contingent effective date, and providing an appropriation.

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

Senate File 110, by Black, a bill for an act relating to apparel worn while hunting upland game birds.

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

Senate File 111, by Bolkcom, a bill for an act relating to reporting requirements for delayed deposit services and making penalties applicable.

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

Senate File 112, by Bolkcom, a bill for an act relating to the creation of a task force to provide for the implementation of Medicare Part D, providing an appropriation, and providing an effective date.

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

STUDY BILLS RECEIVED

SSB 1101 Education

Requiring school districts to adopt and annually review policies prohibiting bullying and harassment.

SSB 1102 Government Oversight

Relating to dual governmental employment by executive branch officials and state employees.

SSB 1103 Agriculture

Relating to the establishment of a form of business association referred to as a cooperative, and providing for fees and tax credits, providing penalties, and providing effective dates.

SSB 1104 Transportation

Relating to state department of transportation duties concerning its budget, distribution of state institutional, secondary, and farm-to-market road funds, vehicle weight restrictions, all-terrain vehicle use, and airport transfers to aviation authorities.

SSB 1105 Agriculture

Providing for life science enterprises authorized to hold agricultural land, making penalties applicable, and providing an effective date.

SUBCOMMITTEE ASSIGNMENTS

Senate File 103

TRANSPORTATION: Hahn, Chair; Fraise, Kettering, and Warnstadt

Senate File 105

TRANSPORTATION: Kettering, Chair; Danielson, Dearden, and Zieman

SSB 1101

EDUCATION: Boettger and Connolly, Co-chairs; Dvorsky and McKinley

SSB 1102

GOVERNMENT OVERSIGHT: Connolly and Lundby, Co-chairs

SSB 1103

AGRICULTURE: Kibbie and Mulder, Co-chairs; Courtney and Johnson

SSB 1104

TRANSPORTATION: McCoy and Putney, Co-chairs; Shull and Warnstadt

SSB 1105

AGRICULTURE: Black and Johnson, Co-chairs; Brunkhorst and Rielly

PROOF

STATE OF IOWA

Senate Journal

MONDAY, FEBRUARY 7, 2005

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

JOURNAL OF THE SENATE

TWENTY-NINTH CALENDAR DAY
SEVENTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, February 7, 2005

The Senate met in regular session at 1:00 p.m., President Lamberti presiding.

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Jane Lee.

The Journal of Thursday, February 3, 2005, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Beall, for Monday and Tuesday, February 7 and 8, 2005, on request of Senator Gronstal; and Senators Lundby and McKinley, for the day, on request of Senator Wieck.

ADJOURNMENT

On motion of Senator Zieman, the Senate adjourned at 1:10 p.m. until 8:30 a.m., Tuesday, February 8, 2005.

APPENDIX

APPOINTMENTS TO BOARDS AND COMMISSIONS

In accordance with Senate Rule 59, the following senators were appointed to subcommittees of standing committees on February 7, 2005, to investigate the appointment and reappointment of the following appointees:

BUSINESS AND LABOR RELATIONS

As a member of the Iowa Workforce Development Board:

VICKI DUCHENE – Dotzler and Seymour, Co-chairs; Courtney and Shull

COMMERCE

As a member of the Credit Union Review Board:

MELANIE HASS – Kettering and Stewart, Co-chairs; Bolkcom and Wieck

As a member of the Iowa Telecommunications and Technology Commission:

CURTIS STAMP – McCoy and Zaun, Co-chairs; Kettering and Rielly

ECONOMIC GROWTH

As a member of the Small Business Advisory Council:

SHELLEY COLDIRON – Beall and Behn, Co-chairs; Rielly and Shull

HUMAN RESOURCES

As members of the Board of Behavioral Science Examiners:

KENNETH FANN – Hatch and Johnson, Co-chairs; Houser and Wood
MARCIA MICHAELS – Hatch and Johnson, Co-chairs; Houser and Wood

As a member of the Iowa Empowerment Board:

JUDY McCOY DAVIS – Boettger and Kreiman, Co-chairs; Ragan and Tinsman

As members of the Commission on the Status of Iowans of Asian and Pacific Islander Heritage:

RITA ARORA – Boettger and Bolkcom, Co-chairs; Behn and Hatch
THOMAS BACCAM – Boettger and Bolkcom, Co-chairs; Behn and Hatch
CYNDI CHEN – Boettger and Bolkcom, Co-chairs; Behn and Hatch
NING CHIA – Boettger and Bolkcom, Co-chairs; Behn and Hatch
LIN LY – Boettger and Bolkcom, Co-chairs; Behn and Hatch

FRANK OSAKO – Boettger and Bolkcom, Co-chairs; Behn and Hatch
RICHARD PARK – Boettger and Bolkcom, Co-chairs; Behn and Hatch
CECILIA PERALTA – Boettger and Bolkcom, Co-chairs; Behn and Hatch
BARRY THONGVANH – Boettger and Bolkcom, Co-chairs; Behn and Hatch

As members of the Board of Interpreters for the Hearing Impaired Examiners:

PHILIPPE GALLANT – Quirmbach and Seymour, Co-chairs; Johnson and Kreiman
JUDY GOULDSMITH – Quirmbach and Seymour, Co-chairs; Johnson and Kreiman
CARISSA HUFFMAN – Quirmbach and Seymour, Co-chairs; Johnson and Kreiman
DIANA KAUTZKY – Quirmbach and Seymour, Co-chairs; Johnson and Kreiman
DAVID MOORMAN-RICE – Quirmbach and Seymour, Co-chairs; Johnson and Kreiman
BETHANY SATHER – Quirmbach and Seymour, Co-chairs; Johnson and Kreiman
STUART THIESSEN – Quirmbach and Seymour, Co-chairs; Johnson and Kreiman

As members of the Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission:

SHELLY CHANDLER – Tinsman and Wood, Co-chairs; Dotzler and Gaskill
LYNN CRANNELL – Tinsman and Wood, Co-chairs; Dotzler and Gaskill
JAMES RIXNER – Tinsman and Wood, Co-chairs; Dotzler and Gaskill

JUDICIARY

As members of the Iowa Drug Policy Advisory Council:

STEWART BARNES – Quirmbach and Zaun, Co-chairs; Ward and Warnstadt
BRIAN VOS – Boettger and Hancock, Co-chairs; Dvorsky and Zaun
CHRISTINA WILSON – Schoenjahn and Ward, Co-chairs; Horn and Zaun

LOCAL GOVERNMENT

As a member of the Mental Health Risk Pool Board:

JANE HALLIBURTON – Mulder and Quirmbach, Co-chairs; Stewart and Zaun

TRANSPORTATION

As a member of the State Transportation Commission:

WAYNE SAWTELLE – Fraise and Zieman, Co-chairs; Danielson and Kettering

WAYS AND MEANS

As a member of the Iowa Finance Authority:

HEATHER KRAMER – Bolkcom and Miller, Co-chairs; Connolly and Zaun

WITHDRAWAL OF GOVERNOR'S APPOINTEE

The following letter from the Governor was received in the office of the Secretary of the Senate on February 4, 2005:

I submitted the name of Jane Halliburton to serve on the Mental Health Risk Pool Board on January 7, 2005. I am withdrawing her name from further consideration by the Senate.

Sincerely,
THOMAS J. VILSACK
Governor

CERTIFICATES OF RECOGNITION

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

Jesse Bodensteiner, Ossian—For achieving the rank of Eagle Scout, Boy Scout Troop 88. Senator Zieman (2/7/05).

John Bodensteiner, Ossian—For achieving the rank of Eagle Scout, Boy Scout Troop 88. Senator Zieman (2/7/05).

Jonathan Brokens, Scotch Grove—For achieving the rank of Eagle Scout, Boy Scout Troop 66. Senator Hancock (2/7/05).

Dorothy Carson, Waterloo—For celebrating your 95th birthday. Senator Dotzler (2/7/05).

Coach Lee Toole, Lewis Central High School—For being inducted into the Iowa High School Baseball Coaches Association Hall of Fame. Senator Gronstal (2/7/05).

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:

DEPARTMENT OF PUBLIC HEALTH

Access to Obstetrical Care Report, pursuant to Iowa Code section 135.11(18). Report received on February 7, 2005.

2004 Child Death Review Team Report, pursuant to Iowa Code section 135.43. Report received on February 7, 2005.

Nursing, Medical, Dental, and Pharmacy Boards Sharing of Administrative Staff Report, pursuant to 2004 Acts, Senate File 2298. Report received on February 7, 2005.

Substance Abuse Treatment Programs Success Rates Report, pursuant to 2004 Acts, House File 2577. Report received on February 7, 2005.

State Advisory Committee on Viral Hepatitis, pursuant to 2004 Acts, House Resolution 145. Report received on February 7, 2005.

REPORTS OF COMMITTEE MEETINGS

ECONOMIC GROWTH

Convened: February 3, 2005, 3:30 p.m.

Members Present: Brunkhorst and Hatch, Co-chairs; Behn, Danielson, Dotzler, Hahn, McKinley, Ragan, Rielly, Seymour, Shull, Stewart, and Zaun.

Members Absent: Beall (excused).

Committee Business: Approved SSB 1064. Presentations by Rebuild Iowa Coalition, Iowa Software and Information Technology, and Department of Economic Development.

Adjourned: 4:45 p.m.

LOCAL GOVERNMENT

Convened: February 7, 2005, 2:05 p.m.

Members Present: Quirmbach and Shull, Co-chairs; Kreiman, Mulder, Putney, Rielly, Schoenjahn, Stewart, and Zaun.

Members Absent: Houser, Lundby, and McCoy (all excused).

Committee Business: Discussion on subcommittee assignments.

Adjourned: 2:10 p.m.

STATE GOVERNMENT

Convened: February 7, 2005, 2:10 p.m.

Members Present: Horn, Co-chair; Black, Brunkhorst, Connolly, Danielson, Hancock, Hatch, Kettering, Kibbie, Miller, Tinsman, Ward, Wood, and Zieman.

Members Absent: McKibben, Co-chair; and Wieck (both excused).

Committee Business: Passed SFs 21 and 52.

Adjourned: 2:25 p.m.

INTRODUCTION OF BILLS

Senate File 113, by committee on Judiciary, a bill for an act relating to nonsubstantive Code corrections and including effective and retroactive applicability date provisions.

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

Senate File 114, by committee on Economic Growth, a bill for an act relating to tax credit certificates issued by the Iowa capital investment board and providing an effective date.

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

Senate File 115, by Boettger, a bill for an act relating to school corporations by changing the date of the election of directors of local school districts and merged areas, changing the terms of office for elective offices, changing the date of the organization meeting of a school board, requiring the oath of office for school corporation board members to be taken at the organization meeting, and including an effective date, applicability, and transition provision.

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

Senate File 116, by Ward, a bill for an act relating to the disposal of personal property after entry of a judgment for forcible entry and detainer.

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

Senate File 117, by Iverson, a bill for an act relating to criteria for eligible businesses under the enterprise zone program and providing effective and retroactive applicability date provisions.

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

Senate File 118, by Bolkcom, a bill for an act relating to staffing standards in health facilities, and providing penalties.

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

Senate File 119, by Bolkcom, a bill for an act permitting certain poker and euchre contests to be conducted by qualified organizations.

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

Senate File 120, by Bolkcom, Wood, Schoenjahn, Courtney, Black, Kibbie, Quirmbach, Connolly, Stewart, Fraise, Hatch, Kreiman, Ragan, Dvorsky, Dotzler, Horn, Seng, and Dearden, a bill for an act increasing the state's minimum hourly wage rate at a rate above the federal minimum hourly wage rate.

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

Senate File 121, by Bolkcom, a bill for an act providing an income tax credit for purchasing new fuel economy vehicles 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 1106 Economic Growth

To urge the governor to meet with governors from states adjacent to Iowa to negotiate an economic compact.

SSB 1107 Judiciary

Relating to the timing of a mental competency hearing for a person accused of a criminal offense.

SSB 1108 Judiciary

Relating to the department of public safety by updating references, changing the names of divisions in the department and changing practices and procedures.

SUBCOMMITTEE ASSIGNMENTS

Senate File 61

HUMAN RESOURCES: Hatch and Tinsman, Co-chairs; Johnson and Wood

Senate File 89

HUMAN RESOURCES: Bolkcom and Gaskill, Co-chairs; Houser and Wood

Senate File 97

JUDICIARY: Dvorsky and Miller, Co-chairs; Lamberti and Schoenjahn

Senate File 100

JUDICIARY: Kreiman and Miller, Co-chairs; Dvorsky and Lamberti

Senate File 101

HUMAN RESOURCES: Ragan and Seymour, Co-chairs; Behn and Kreiman

Senate File 112

HUMAN RESOURCES: Bolkcom and Houser, Co-chairs; Boettger and Kreiman

SSB 1106

ECONOMIC GROWTH: Brunkhorst, Chair; and Hatch

SSB 1107

JUDICIARY: Horn and Tinsman, Co-chairs; Larson and Quirmbach

SSB 1108

JUDICIARY: Hancock and Zaun, Co-chairs; Brunkhorst and Warnstadt

FINAL COMMITTEE REPORTS OF BILL ACTION

ECONOMIC GROWTH

Bill Title: SENATE FILE 114 (SSB 1064), a bill for an act relating to tax credit certificates issued by the Iowa capital investment board and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Brunkhorst, Hatch, Behn, Danielson, Dotzler, Hahn, McKinley, Ragan, Rielly, Seymour, Shull, Stewart, and Zaun. Nays, none. Absent, 1: Beall.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Bill Title: SENATE FILE 113 (SSB 1088), a bill for an act relating to nonsubstantive Code corrections and including effective and retroactive applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Kreiman, Miller, Boettger, Dvorsky, Fraise, Hancock, Horn, Quirmbach, Schoenjahn, Ward, and Zaun. Nays, none. Absent, 5: Brunkhorst, Lamberti, McKibben, Tinsman, and Warnstadt.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, FEBRUARY 8, 2005

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

JOURNAL OF THE SENATE

THIRTIETH CALENDAR DAY
EIGHTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, February 8, 2005

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

Prayer was offered by the Reverend Gary Kinkle, pastor of the First Evangelical Lutheran Church in Centerville, Iowa. He was the guest of Senators Kreiman and Shull.

The Journal of Monday, February 7, 2005, was approved.

ADJOURNMENT

On motion of Senator Courtney, the Senate adjourned at 8:38 a.m. until 9:00 a.m., Wednesday, February 9, 2005.

APPENDIX

APPOINTMENTS TO BOARDS AND COMMISSIONS

In accordance with Senate Rule 59, the following senators were appointed to subcommittees of standing committees on February 8, 2005, to investigate the appointment and reappointment of the following appointees:

EDUCATION

As a member of the State Board of Education:

WAYNE KOBBERDAHL – Brunkhorst and Wood, Co-chairs; Schoenjahn and Ward

As a member of the Board of Educational Examiners:

GREG ROBINSON – Schoenjahn and Ward, Co-chairs; Mulder and Wood

As members of the State Board of Regents:

MICHAEL GARTNER – Connolly and McKinley, Co-chairs; Angelo and Dvorsky
ROSE VASQUEZ – Angelo and Dvorsky, Co-chairs; Boettger and Connolly

STATE GOVERNMENT

As a member of the Accountancy Examining Board:

NANCY BRUNER – Hatch and McKibben, Co-chairs; Brunkhorst and Wood

As a member of the Commission on the Status of African-Americans:

CHARLOTTE WESTERHAUS – Hatch and Kettering, Co-chairs; Miller and Wood

As members of the Boiler and Pressure Vessel Board:

ROBERT BRECKE – Danielson and Kettering, Co-chairs; Hancock and Miller
TIMOTHY FEHR – Danielson and McKibben, Co-chairs; Brunkhorst and Hancock
AMY ILES – Brunkhorst and Danielson, Co-chairs; Hancock and McKibben
JAMES KRUZIC – Danielson and Miller, Co-chairs; Hancock and Kettering
SUSAN OLTROGGE – Hancock and Ward, Co-chairs; Danielson and Tinsman
JOSEPH RODENKIRK – Hancock and Zieman, Co-chairs; Danielson and Wieck
LYNNE RUSH – Hancock and Wieck, Co-chairs; Danielson and Zieman
KEITH TAEGER – Hancock and Tinsman, Co-chairs; Danielson and Ward

As members of the Elevator Safety Board:

TODD CHRISTENSEN – Hatch and Kettering, Co-chairs; Miller and Wood
RITA CONNER – Hatch and McKibben, Co-chairs; Brunkhorst and Wood
PETE FROMM – Brunkhorst and Hatch, Co-chairs; McKibben and Wood

KRISTINE KESTERSON – Hatch and Miller, Co-chairs; Kettering and Wood
SCOTT SCHOLLE – Ward and Wood, Co-chairs; Hatch and Tinsman
MARVIN SCHUMACHER – Wood and Zieman, Co-chairs; Hatch and Wieck
WAYNE SIMS – Wieck and Wood, Co-chairs; Hatch and Zieman
SIOBHAN WORKMAN – Tinsman and Wood, Co-chairs; Hatch and Ward

As a member of the Iowa Ethics and Campaign Disclosure Board:

PATRICIA HARPER – Kibbie and Tinsman, Co-chairs; Connolly and Ward

As members of the Information Technology Council:

CHRISTIAN GURNEY – Danielson and Wieck, Co-chairs; Black and Zieman
KRISTINA JUNKINS – Black and Ward, Co-chairs; Danielson and Tinsman
DONNA MUELLER – Kibbie and Zieman, Co-chairs; Danielson and Wieck

As members of the IowAccess Advisory Council:

BARBARA CORSON – Black and Miller, Co-chairs; Hancock and Kettering
TINA SCHMIDT – Black and Brunkhorst, Co-chairs; Hancock and McKibben

As members of the Board of Examiners for Massage Therapy:

LAURA BLACK – Hancock and Kettering, Co-chairs; Miller and Wood
KATHY SPENCER-JENSEN – McKibben and Wood, Co-chairs; Brunkhorst and Hatch

As members of the Board of Social Work Examiners:

CHRISTINE HOFFMAN – Hatch and Tinsman, Co-chairs; Black and Ward
DAVID STOUT – Black and Wieck, Co-chairs; Hatch and Zieman
MARY TASLER – Hatch and Zieman, Co-chairs; Black and Wieck

As members of the Commission of Veterans Affairs:

LARRY BOWDEN – Brunkhorst and Kibbie, Co-chairs; Danielson and McKibben
MARY REGUR – Danielson and McKibben, Co-chairs; Brunkhorst and Kibbie
DAVID REHBEIN – Kibbie and Miller, Co-chairs; Danielson and Kettering
CECELIA SCHROEDER – Kibbie and Ward, Co-chairs; Danielson and Tinsman
ROSETTA WAYCHUS – Danielson and Kettering, Co-chairs; Kibbie and Miller

As a member of the Iowa Board of Veterinary Medicine:

MICHAEL STEIN – Kibbie and Tinsman, Co-chairs; Danielson and Ward

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:

DEPARTMENT OF HUMAN SERVICES

Report identifying the impact on the hawk-i program of the elimination of the six-month waiting period for children with employer sponsored insurance, pursuant to 2003 Acts, House File 565. Report received on February 8, 2005.

IOWA COUNTY ENGINEERS ASSOCIATION SERVICE BUREAU

2004 Annual Report, pursuant to Iowa Code section 312.3B. Report received on February 8, 2005.

CERTIFICATES OF RECOGNITION

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

The Curran Family, Humboldt—For receiving the Family Tradition Award. Senator Kibbie (2/8/05).

Des Moines River Restoration Committee, Humboldt—For receiving the Neighborhood Restoration/Beautification Award. Senator Kibbie (2/8/05).

Tammy Duehr, Dubuque—For receiving the 2004 Milken Family Foundation National Educator Award. Senator Connolly (2/8/05).

Jim Gronbach, Humboldt—For receiving the Inspiration Award. Senator Kibbie (2/08/05).

Hamburg Inn, Iowa City—For keeping the Iowa Caucuses first in the nation and for being featured on the January 26, 2005, episode of "The West Wing." Senator Bolkcom (2/8/05).

Peter Holt, Humboldt—For receiving the Neighborhood Restoration/Beautification Award. Senator Kibbie (2/8/05).

City of Humboldt—For receiving the Horizon Award. Senator Kibbie (2/8/05).

Humboldt High School Student Senate, Humboldt—For receiving the 2005 Outstanding Youth Leadership Award. Senator Kibbie (2/08/05).

Norm "Mac" McArthur, Humboldt—For receiving the Humboldt-Dakota City Chamber of Commerce President's Award. Senator Kibbie (2/8/05).

Bill Sundell, Humboldt—For receiving the Youth Champion Award. Senator Kibbie (2/8/05).

REPORTS OF COMMITTEE MEETINGS

EDUCATION

Convened: February 7, 2005, 3:05 p.m.

Members Present: Connolly, Co-chair; Boettger, Brunkhorst, Dvorsky, Kreiman, Mulder, Quirmbach, Schoenjahn, Ward, and Wood.

Members Absent: McKinley, Co-chair; Angelo, Beall, and Lamberti (all excused).

Committee Business: Presentation by Department of Education.

Adjourned: 4:00 p.m.

HUMAN RESOURCES

Convened: February 7, 2005, 4:30 p.m.

Members Present: Ragan and Seymour, Co-chairs; Boettger, Bolkcom, Dotzler, Gaskill, Hatch, Houser, Johnson, Kreiman, Tinsman, and Wood.

Members Absent: Behn and Quirmbach (both excused).

Committee Business: Presentation by regional director of Health and Human Services.

Adjourned: 5:20 p.m.

JUDICIARY

Convened: February 7, 2005, 4:05 p.m.

Members Present: Kreiman and Miller, Co-chairs; Boettger, Brunkhorst, Fraise, Hancock, Horn, Quirmbach, Schoenjahn, Tinsman, Ward, and Zaun.

Members Absent: Dvorsky, Lamberti, McKibben, and Warnstadt (all excused).

Committee Business: Subcommittee assignments.

Adjourned: 4:15 p.m.

COMMERCE

Convened: February 8, 2005, 3:15 p.m.

Members Present: Behn and Warnstadt, Co-chairs; Angelo, Bolkcom, Courtney, Gronstal, Kettering, McKinley, Rielly, Stewart, Wieck, Zaun, and Zieman.

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

Committee Business: Approved SSBs 1002 and 1069 (as amended).

Adjourned: 3:25 p.m.

ECONOMIC GROWTH

Convened: February 8, 2005, 1:05 p.m.

Members Present: Brunkhorst and Hatch, Co-chairs; Behn, Danielson, Dotzler, Hahn, McKinley, Ragan, Rielly, Shull, Stewart, and Zaun.

Members Absent: Beall and Seymour (both excused).

Committee Business: Subcommittee assignment. Presentation on the Iowa Values Fund.

Adjourned: 1:45 p.m.

HUMAN RESOURCES

Convened: February 8, 2005, 2:05 p.m.

Members Present: Ragan and Seymour, Co-chairs; Behn, Boettger, Bolkcom, Dotzler, Gaskill, Hatch, Johnson, Kreiman, Quirmbach, Tinsman, and Wood.

Members Absent: Houser (excused).

Committee Business: Presentations by Department of Human Services, Francis Lauer Youth Shelter, and Coalition for Family and Children's Services.

Adjourned: 3:05 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: February 8, 2005, 1:05 p.m.

Members Present: Black and Houser, Co-chairs; Bolkcom, Dearden, Gaskill, Hancock, Johnson, Kettering, Lundby, Miller, Putney, Schoenjahn, Seng, and Wood.

Members Absent: None.

Committee Business: Presentations by BP America, Inc., and Marathon Asland Petroleum.

Adjourned: 2:00 p.m.

TRANSPORTATION

Convened: February 8, 2005, 2:05 p.m.

Members Present: McCoy and Putney, Co-chairs; Danielson, Dearden, Fraise, Hahn, Kettering, Shull, Ward, Warnstadt, and Zieman.

Members Absent: Beall (excused).

Committee Business: Subcommittee assignments. Approved Governor's appointee. Presentations by Cedar Rapids Chamber of Commerce and Mason City Chamber of Commerce.

Adjourned: 2:35 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: February 8, 2005, 9:35 a.m.

Members Present: Putney and Stewart, Co-chairs; Dvorsky, McCoy, Mulder, and Zieman.

Members Absent: None.

Committee Business: Presentations by Treasurer of State and Department of Revenue.

Adjourned: 10:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: February 8, 2005, 9:30 a.m.

Members Present: Gaskill and Seng, Co-chairs; Black, Hahn, Houser, and Schoenjahn.

Members Absent: None.

Committee Business: Presentation by Department of Natural Resources.

Adjourned: 10:40 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: February 8, 2005, 9:30 a.m.

Members Present: Dotzler and Ward, Co-chairs; Behn, Brunkhorst, Danielson, and Rielly.

Members Absent: None.

Committee Business: Presentations by Public Employment Relations Board and Iowa Workforce Development.

Adjourned: 11:05 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: February 8, 2005, 9:40 a.m.

Members Present: Boettger and Horn, Co-chairs; Shull and Wood.

Members Absent: McKinley and Quirmbach (both excused).

Committee Business: Presentations by Vocational Rehabilitation and Department for the Blind.

Adjourned: 10:00 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: February 8, 2005, 9:35 a.m.

Members Present: Hatch and Tinsman, Co-chairs; Bolkcom, Johnson, Ragan, and Seymour.

Members Absent: None.

Committee Business: Presentation by Department of Management and QEV Analytics.

Adjourned: 11:00 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: February 8, 2005, 9:35 a.m.

Members Present: Fraise and McKibben, Co-chairs; Hancock, Kreiman, and Miller.

Members Absent: Iverson (excused).

Committee Business: Presentations by Department of Corrections.

Adjourned: 10:55 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

Convened: February 8, 2005, 9:40 a.m.

Members Present: Kettering and Warnstadt, Co-chairs; Dearden and Zaun.

Members Absent: Angelo and Beall (both excused).

Committee Business: Presentation by Legislative Services Agency.

Adjourned: 9:50 a.m.

INTRODUCTION OF BILLS

Senate File 122, by committee on State Government, a bill for an act relating to cash prizes for raffles and providing an effective date.

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

Senate File 123, by committee on State Government, a bill for an act allowing an immediate family member to return a voted absentee ballot in person to the office of the county commissioner of elections.

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

Senate File 124, 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 125, by Bolkcom and Ragan, a bill for an act relating to the creation of a children's environmental health and protection advisory council.

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

Senate File 126, by Bolkcom, McCoy, Wood, Gronstal, Quirmbach, Connolly, Stewart, Hatch, Dvorsky, Dotzler, Seng, Black, and Lundby, a bill for an act prohibiting discrimination based upon a person's sexual orientation or gender identity under the Iowa civil rights Act.

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

Senate File 127, by Courtney, a bill for an act concerning the payment of medical costs for injuries incurred by members of the statewide fire and police retirement system in the performance of their duties.

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

Senate File 128, by Johnson, a bill for an act making the office of secretary of agriculture an appointive office.

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

Senate File 129, by Danielson, a bill for an act relating to the rail assistance program, making an appropriation, and providing a contingent effective date.

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

Senate File 130, by Dvorsky, Mulder, Hatch, and Tinsman, a bill for an act relating to an increase in the taxes on cigarettes and tobacco products, creating a medical assistance and health promotion fund, providing for appropriations, and providing an effective date.

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

STUDY BILLS RECEIVED

SSB 1109 Natural Resources and Environment

Relating to regulating and registering certain vessels, operating certain vessels by minors, inspecting certain vessels, operating vessels for hire or commercial vessels, providing for penalties, and registration fee increases to the state fish and game protection fund.

SSB 1110 Commerce

Relating to interstate natural gas pipelines including requirements regarding construction, operation, and maintenance, applicable penalties and resultant damages, and easements.

SSB 1111 Agriculture

Relating to the administration of the department of agriculture and land stewardship, by providing for its powers and duties.

SSB 1112 Business and Labor Relations

Concerning authorized testing substances for private sector employee drug testing.

SSB 1113 Business and Labor Relations

Relating to workers' compensation disability coverage for occupational hearing loss.

SSB 1114 Business and Labor Relations

Relating to the regulation of attorney fees in workers' compensation cases.

SSB 1115 Business and Labor Relations

To eliminate additional unemployment benefit wage credits in cases of plant closings.

SSB 1116 Business and Labor Relations

Relating to the labor commissioner's regulatory duties and responsibilities regarding occupational safety and health including training for inspections and investigations.

SSB 1117 Business and Labor Relations

To require a waiting period prior to eligibility for unemployment benefits.

SSB 1118 Business and Labor Relations

Relating to awards of noneconomic damages in civil cases.

SSB 1119 Business and Labor Relations

Relating to the characterization of personal injuries for purposes of workers' compensation liability.

SUBCOMMITTEE ASSIGNMENTS

Senate File 69

BUSINESS AND LABOR RELATIONS: Behn and Dotzler, Co-chairs; Courtney and McKibben

Senate File 88

BUSINESS AND LABOR RELATIONS: Behn and Horn, Co-chairs; McKibben and Seng

Senate File 93

WAYS AND MEANS: McKibben and Quirmbach, Co-chairs; Connolly and Zaun

Senate File 94

BUSINESS AND LABOR RELATIONS: Dearden and McKibben, Co-chairs; Behn and Courtney

Senate File 102

COMMERCE: Bolkcom and Wieck, Co-chairs; Rielly and Zaun

Senate File 104

WAYS AND MEANS: Bolkcom and Miller, Co-chairs; McCoy and Wieck

Senate File 108

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs

Senate File 109

HUMAN RESOURCES: Johnson and Wood, Co-chairs; Behn and Ragan

Senate File 110

NATURAL RESOURCES AND ENVIRONMENT: Dearden and Miller, Co-chairs; Gaskill and Hancock

Senate File 111

COMMERCE: Bolkcom and Kettering, Co-chairs; Stewart and Wieck

Senate File 115

EDUCATION: Boettger and Quirmbach, Co-chairs; Dvorsky and Mulder

Senate File 120

BUSINESS AND LABOR RELATIONS: McKibben and Seng, Co-chairs; Behn and Courtney

Senate File 121

WAYS AND MEANS: McCoy and Zaun, Co-chairs; Danielson and Hahn

SSB 1109

NATURAL RESOURCES AND ENVIRONMENT: Black and Johnson, Co-chairs; Kettering and Schoenjahn

SSB 1110

COMMERCE: Beall and Zaun, Co-chairs; Courtney and Kettering

SSB 1111

AGRICULTURE: Putney and Ragan, Co-chairs; Hahn and Rielly

SSB 1112

BUSINESS AND LABOR RELATIONS: Dotzler and Wieck, Co-chairs; Dearden and McKibben

SSB 1113

BUSINESS AND LABOR RELATIONS: Courtney and Wieck, Co-chairs; Dearden and Seymour

SSB 1114

BUSINESS AND LABOR RELATIONS: Behn and Dearden, Co-chairs; Horn and Wieck

SSB 1115

BUSINESS AND LABOR RELATIONS: Horn and Wieck, Co-chairs; McKibben and Seng

SSB 1116

BUSINESS AND LABOR RELATIONS: Behn and Dotzler, Co-chairs; Seng and Seymour

SSB 1117

BUSINESS AND LABOR RELATIONS: Courtney and Wieck, Co-chairs; Horn and Shull

SSB 1118

BUSINESS AND LABOR RELATIONS: Dearden and McKibben, Co-chairs; Courtney and Seymour

SSB 1119

BUSINESS AND LABOR RELATIONS: Behn and Dearden, Co-chairs; Horn and Shull

FINAL COMMITTEE REPORTS OF BILL ACTION

STATE GOVERNMENT

Bill Title: SENATE FILE 122 (formerly SF 21), a bill for an act relating to cash prizes for raffles and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Horn, Black, Brunkhorst, Connolly, Danielson, Hancock, Hatch, Kettering, Kibbie, Miller, Tinsman, Ward, Wood, and Zieman. Nays, none. Absent, 2: McKibben and Wieck.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 123 (formerly SF 52), a bill for an act allowing an immediate family member to return a voted absentee ballot in person to the office of the county commissioner of elections.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Horn, Black, Brunkhorst, Connolly, Danielson, Hancock, Hatch, Kettering, Kibbie, Miller, Tinsman, Ward, Wood, and Zieman. Nays, none. Absent, 2: McKibben and Wieck.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

GOVERNOR'S APPOINTEE PLACED ON INDIVIDUAL CONFIRMATION CALENDAR

The following appointee, assigned to standing committee for investigation, was placed on the Individual Confirmation Calendar without recommendation for confirmation.

TRANSPORTATION

Wayne Sawtelle – State Transportation Commission

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, FEBRUARY 9, 2005

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

JOURNAL OF THE SENATE

THIRTY-FIRST CALENDAR DAY
NINETEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, February 9, 2005

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

Prayer was offered by the Reverend Keith Smith, pastor of the Motor Friends Church in Milo, Iowa. He was the guest of Senator Shull.

The Journal of Tuesday, February 8, 2005, was approved.

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:10 a.m. until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:33 p.m., President Lamberti presiding.

SPECIAL GUESTS

Senator Iverson welcomed back Senator Charles W. Larson, Jr., member of the Iowa Senate, who has been serving with the U.S. Armed Forces in Iraq. Also present in the Senate chamber were Colonel Gary Braddock, Senator Larson's commander, and 54 soldiers of the 372nd Engineer Group.

This group recently returned from serving a year in Iraq, where they were engaged in the Operation Iraqi Freedom mission.

Senator Larson and Colonel Braddock addressed the Senate with brief remarks.

The Senate rose and expressed their welcome and their gratitude for the military service of the 372nd Engineer Group.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 1:41 p.m. until 8:30 a.m., Thursday, February 10, 2005.

APPENDIX

CERTIFICATES OF RECOGNITION

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

John Hartford, Humboldt—For receiving the Humboldt-Dakota City Chamber of Commerce President's Award. Senator Kibbie (2/9/05).

Volunteers who aided the city of Bradgate, Iowa, following the 2004 tornado—For receiving the Special Cooperation Award. Senator Kibbie (2/09/05).

The Friends of the Park Pool Committee—For receiving the Cooperation Award. Senator Kibbie (2/9/05).

REPORTS OF COMMITTEE MEETINGS

EDUCATION

Convened: February 9, 2005, 1:05 p.m.

Members Present: Connolly and McKinley, Co-chairs; Angelo, Beall, Boettger, Brunkhorst, Dvorsky, Mulder, Quirmbach, Schoenjahn, Ward, and Wood.

Members Absent: Kreiman and Lamberti (both excused).

Committee Business: Subcommittee assignments. Approved Governor's appointees.

Adjourned: 1:15 p.m.

GOVERNMENT OVERSIGHT

Convened: February 9, 2005, 9:35 a.m.

Members Present: Courtney and Lundby, Co-chairs; Connolly and Wieck.

Members Absent: None.

Committee Business: Presentations by Department of Administrative Services, Information Technology Enterprise, and Ethics and Campaign Disclosure Board.

Adjourned: 11:20 a.m.

WAYS AND MEANS

Convened: February 9, 2005, 2:05 p.m.

Members Present: Bolkcom and Zieman, Co-chairs; Connolly, Danielson, Dotzler, Hahn, McKinley, Miller, Quirmbach, Seng, Stewart, Wieck, and Zaun.

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

Committee Business: Presentation regarding the Iowa Fiscal Partnership.

Adjourned: 3:05 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: February 9, 2005, 9:35 a.m.

Members Present: Putney and Stewart, Co-chairs; McCoy, Mulder, and Zieman.

Members Absent: Dvorsky (excused).

Committee Business: Presentations by Governor's office, Office of the Secretary of State, and Department of Inspections and Appeals.

Adjourned: 10:40 a.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: February 9, 2005, 9:35 a.m.

Members Present: Gaskill and Seng, Co-chairs; Black, Hahn, Houser, and Schoenjahn.

Members Absent: None.

Committee Business: Presentation by Department of Agriculture.

Adjourned: 10:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: February 9, 2005, 9:40 a.m.

Members Present: Dotzler and Ward, Co-chairs; Behn, Brunkhorst, Danielson, and Rielly.

Members Absent: None.

Committee Business: Presentation by Department of Economic Development.

Adjourned: 11:15 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: February 9, 2005, 9:35 a.m.

Members Present: Boettger and Horn, Co-chairs; McKinley, Quirmbach, Shull, and Wood.

Members Absent: None.

Committee Business: Presentation by Midwestern Higher Education Compact.

Adjourned: 11:00 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: February 9, 2005, 9:35 a.m.

Members Present: Hatch and Tinsman, Co-chairs; Bolkcom, Johnson, and Ragan.

Members Absent: Seymour (excused).

Committee Business: Presentations by Mental Health, Mental Retardation, Developmental Disabilities, and Brian Injury Commission; Department of Human Services; and Legislative Services Agency.

Adjourned: 11:10 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: February 9, 2005, 9:30 a.m.

Members Present: Fraise and McKibben, Co-chairs; Hancock, Iverson, Kreiman, and Miller.

Members Absent: None.

Committee Business: Presentation by Department of Public Defense and State Public Defender.

Adjourned: 11:10 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

Convened: February 9, 2005, 9:05 a.m.

Members Present: Kettering and Warnstadt, Co-chairs; Angelo, Beall, Dearden, and Zaun.

Members Absent: None.

Committee Business: Approved TLSB 1094JA (as amended).

Adjourned: 9:50 a.m.

INTRODUCTION OF BILLS

Senate File 131, by Tinsman, a bill for an act providing for judicial branch employment and compensation of patient advocates for persons involuntarily hospitalized for mental illness.

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

Senate File 132, by Hatch, Beall, Dvorsky, and Putney, a bill for an act providing an individual income tax credit for charitable contributions of fine art or written materials made by the artist or author and including retroactive applicability date provisions.

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

Senate File 133, by Dvorsky and Wieck, a bill for an act authorizing the sale of Iowa communications network capacity under specified circumstances, affecting the operation of the network, and making appropriations.

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

Senate File 134, by committee on Commerce, a bill for an act relating to inheritance tax by eliminating the requirement that the department of revenue receive notice of withdrawal of funds from a joint account by a surviving joint owner.

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

Senate File 135, by Kibbie, a bill for an act relating to the imposition of the local option sales tax for school infrastructure purposes and including an effective date.

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

Senate File 136, by Kettering, a bill for an act increasing the child and dependent care credit under the individual income tax and including a retroactive applicability date provision.

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

Senate File 137, by Hahn, a bill for an act relating to free resident landowner deer hunting licenses.

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

Senate File 138, by Johnson, a bill for an act relating to cultural and entertainment districts and cultural, entertainment, and historical rehabilitation projects and providing an applicability date provision.

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

Senate File 139, by committee on Commerce, a bill for an act relating to negotiable instruments, by providing for liabilities among certain parties, and providing a statute of limitations.

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

STUDY BILLS RECEIVED

SSB 1120 Business and Labor Relations

Relating to the payment of interest on certain workers' compensation benefit payments.

SSB 1121 Business and Labor Relations

Relating to an award of punitive or exemplary damages in a civil case.

SSB 1122 Business and Labor Relations

Relating to the laws administered by the labor commissioner, and to penalties assessed for violation of those laws, including regulation of safety inspection of amusement rides, and providing an effective date.

SSB 1123 Business and Labor Relations

Relating to workers' compensation settlements, filings, filing fees, and an appropriation of such filing fees.

SSB 1124 Natural Resources and Environment

Relating to various conservation and recreation activities under the purview of the department of natural resources, modifying fees, and making penalties applicable.

SSB 1125 Natural Resources and Environment

Creating the uniform environmental covenants Act.

SSB 1126 Natural Resources and Environment

Relating to environmental regulations regarding water treatment, sewer systems, and household hazardous waste.

SSB 1127 Judiciary

Relating to agreements to arbitrate and providing remedies.

SSB 1128 Judiciary

Relating to the procedures and duties of the judicial branch, making an appropriation to the enhanced court collections fund, and providing for fees.

SSB 1129 Transportation

Relating to motor vehicle regulation by the state department of transportation, including motor vehicle registration and titling,

restricted and special driver's licenses for minors, driver licensing, regulations of commercial vehicles, the use of flashing lights on certain vehicles, citations for child restraint violations, permits for vehicles of excessive height or weight, procedures for motor vehicle dealers, and persons with disabilities parking, and relating to refunds of taxes on motor fuel used in taxicabs and buses that provide certain services.

SSB 1130 Natural Resources and Environment

Relating to water quality, by eliminating certain public water supply system permit fee requirements, creating a water quality needs and infrastructure program and fund, providing for an advisory committee, and making appropriations.

SSB 1131 Human Resources

Concerning billing for anatomic pathology services and making licensing sanctions applicable.

SUBCOMMITTEE ASSIGNMENTS

Senate File 68

NATURAL RESOURCES AND ENVIRONMENT: Johnson and Schoenjahn, Co-chairs; Hancock and Kettering

Senate File 72

NATURAL RESOURCES AND ENVIRONMENT: Putney and Seng, Co-chairs; Bolkcom and Gaskill

Senate File 81

NATURAL RESOURCES AND ENVIRONMENT: Bolkcom and Kettering, Co-chairs; Putney and Wood

Senate File 91

NATURAL RESOURCES AND ENVIRONMENT: Miller and Wood, Co-chairs; Dearden and Putney

Senate File 96

NATURAL RESOURCES AND ENVIRONMENT: Dearden and Houser, Co-chairs; Hancock and Johnson

Senate File 99

NATURAL RESOURCES AND ENVIRONMENT: Dearden and Houser, Co-chairs; Hancock and Miller

Senate File 116

JUDICIARY: Quirmbach and Ward, Co-chairs; Kreiman and Zaun

Senate File 124

JUDICIARY: Boettger and Kreiman, Co-chairs; Tinsman and Warnstadt

SSB 1120

BUSINESS AND LABOR RELATIONS: Dotzler and Wieck, Co-chairs; Horn and Seymour

SSB 1121

BUSINESS AND LABOR RELATIONS: Courtney and McKibben, Co-chairs; Dotzler and Wieck

SSB 1122

BUSINESS AND LABOR RELATIONS: Seng and Shull, Co-chairs; Horn and Seymour

SSB 1123

BUSINESS AND LABOR RELATIONS: Dearden and Seymour, Co-chairs; Behn and Horn

SSB 1124

NATURAL RESOURCES AND ENVIRONMENT: Hancock and Kettering, Co-chairs; Dearden and Johnson

SSB 1125

NATURAL RESOURCES AND ENVIRONMENT: Lundby and Seng, Co-chairs; Kettering and Schoenjahn

SSB 1126

NATURAL RESOURCES AND ENVIRONMENT: Bolkcom and Lundby, Co-chairs; Hancock and Kettering

SSB 1127

JUDICIARY: Lamberti and Quirmbach, Co-chairs; Schoenjahn and Tinsman

SSB 1128

JUDICIARY: Hancock and Lamberti, Co-chairs; Kreiman and Zaun

SSB 1129

TRANSPORTATION: McCoy and Putney, Co-chairs; Shull and Warnstadt

SSB 1130

NATURAL RESOURCES AND ENVIRONMENT: Bolkcom and Houser, Co-chairs; Miller and Wood

SSB 1131

HUMAN RESOURCES: Dotzler and Seymour, Co-chairs; Houser and Ragan

FINAL COMMITTEE REPORTS OF BILL ACTION

COMMERCE

Bill Title: SENATE FILE 134 (SSB 1002), a bill for an act relating to inheritance tax by eliminating the requirement that the department of revenue receive notice of withdrawal of funds from a joint account by a surviving joint owner.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Behn, Warnstadt, Angelo, Bolkcom, Courtney, Gronstal, Kettering, McKinley, Rielly, Stewart, Wieck, Zaun, and Zieman. Nays, none. Absent, 3: Beall, Iverson, and McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 139 (SSB 1069), a bill for an act relating to negotiable instruments, by providing for liabilities among certain parties, and providing a statute of limitations.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Behn, Warnstadt, Angelo, Bolkcom, Courtney, Gronstal, Kettering, McKinley, Rielly, Stewart, Wieck, Zaun, and Zieman. Nays, none. Absent, 3: Beall, Iverson, 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 Commerce Committee on Senate File 139, 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:

EDUCATION

Greg Robinson – Board of Educational Examiners

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, FEBRUARY 10, 2005

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

JOURNAL OF THE SENATE

THIRTY-SECOND CALENDAR DAY
TWENTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 10, 2005

The Senate met in regular session at 8:35 a.m., President Lamberti presiding.

Prayer was offered by the Reverend Matthew Martens, pastor of the Zion Lutheran Church in Clinton, Iowa. He was the guest of Senator Stewart.

The Journal of Wednesday, February 9, 2005, 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 9, 2005, **passed** the following bills in which the concurrence of the Senate is asked:

House File 175, a bill for an act relating to the names of business entities.

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

House File 190, a bill for an act expanding the duties of the child death review team and making a penalty applicable.

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

House File 197, a bill for an act relating to inheritance tax by eliminating the requirement that the department of revenue receive

notice of withdrawal of funds from a joint account by a surviving joint owner.

Read first time and **attached to companion Senate File 134.**

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 78.

Senate File 78

On motion of Senator Stewart, **Senate File 78**, a bill for an act relating to the exemption from city taxes of land included in an application for voluntary annexation or in a city's involuntary annexation petition and including effective and applicability date provisions, 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?" (S.F. 78), the vote was:

Yeas, 49:

Angelo	Fraise	Lamberti	Seymour
Beall	Gaskill	Lundby	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirmbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
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 Gronstal asked and received unanimous consent to take up for consideration Senate File 76.

Senate File 76

On motion of Senator Wieck, **Senate File 76**, a bill for an act relating to income tax deductions for donations made for tsunami relief and including effective and retroactive applicability date 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?" (S.F. 76), the vote was:

Yeas, 49:

Angelo	Fraise	Lamberti	Seymour
Beall	Gaskill	Lundby	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirmbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
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 Gronstal asked and received unanimous consent to take up for consideration Senate File 123.

Senate File 123

On motion of Senator Brunkhorst, **Senate File 123**, a bill for an act allowing an immediate family member to return a voted absentee ballot in person to the office of the county commissioner of election, 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. 123), the vote was:

Yeas, 34:

Beall	Dotzler	Kreiman	Seng
Black	Dvorsky	McCoy	Seymour
Boettger	Fraise	McKinley	Stewart
Bolkcom	Gronstal	Miller	Ward
Brunkhorst	Hancock	Mulder	Warnstadt
Connolly	Hatch	Quirmbach	Wood
Courtney	Horn	Ragan	Zaun
Danielson	Houser	Rielly	
Dearden	Kibbie	Schoenjahn	

Nays, 15:

Angelo	Iverson	Lundby	Tinsman
Behn	Johnson	McKibben	Wieck
Gaskill	Kettering	Putney	Zieman
Hahn	Lamberti	Shull	

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 Gronstal asked and received unanimous consent that **Senate Files 76**, **78**, and **123** be **immediately messaged** to the House.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 114.

Senate File 114

On motion of Senator Stewart, **Senate File 114**, a bill for an act relating to tax credit certificates issued by the Iowa capital investment board and providing an effective date, 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?" (S.F. 114), the vote was:

Yeas, 49:

Angelo	Fraise	Lamberti	Seymour
Beall	Gaskill	Lundby	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirmbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
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 Gronstal asked and received unanimous consent that **Senate File 114** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:15 a.m. until 1:00 p.m., Monday, February 14, 2005.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: February 10, 2005, 2:05 p.m.

Members Present: Fraise and Johnson, Co-chairs; Black, Brunkhorst, Courtney, Gaskill, Hahn, Hancock, Houser, Kibbie, Mulder, Putney, Ragan, and Rielly.

Members Absent: None.

Committee Business: Presentations by Struve Laboratories, Prairie Rivers RC&D, and economic development director of Plymouth County.

Adjourned: 3:15 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: February 10, 2005, 2:05 p.m.

Members Present: Black and Houser, Co-chairs; Bolkcom, Dearden, Gaskill, Hancock, Johnson, Kettering, Lundby, Putney, Schoenjahn, and Seng.

Members Absent: Miller and Wood (both excused).

Committee Business: Subcommittee assignments. Presentations by Struve Laboratories, Prairie Rivers RC&D, and economic development director of Plymouth County.

Adjourned: 3:15 p.m.

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 4, by Courtney, Fraise, Dearden, Kettering, Johnson, Hancock, Gaskill, Schoenjahn, Black, Houser, Wieck, Lundby, Horn, and Stewart, a joint resolution designating the channel catfish as the official state fish for the State of Iowa.

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

Senate Resolution 8, by Iverson, Lamberti, Behn, Gaskill, Kettering, Seymour, Ward, Brunkhorst, Tinsman, Johnson, Mulder, Putney, Miller, Angelo, Zieman, Hahn, Wieck, Shull, Gronstal, Zaun, McKinley, Houser, Boettger, Stewart, Courtney, Danielson, Rielly,

Bolkcom, Ragan, Kreiman, Warnstadt, Connolly, Horn, Wood, Hatch, Dotzler, Seng, Fraise, Black, Lundby, McKibben, Dearden, Hancock, Kibbie, Dvorsky, Quirmbach, Schoenjahn, McCoy, and Beall, a resolution honoring Senator Charles Larson and the members of the 372nd Engineer Group for their tour of duty in Iraq.

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

Senate Resolution 9, by Iverson, a resolution to honor the service of the 132nd Fighter Wing of the Iowa Air National Guard.

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

INTRODUCTION OF BILLS

Senate File 140, by Wieck, Johnson, Kettering, Iverson, Lundby, Angelo, Zieman, Hahn, Putney, Tinsman, Mulder, Ward, Gaskill, McKinley, Behn, Miller, Zaun, Brunkhorst, Boettger, Shull, McKibben, and Seymour, a bill for an act relating to the establishment of an Iowa long-term care asset disregard incentive program relative to the medical assistance program, providing for a repeal, providing a contingent effective date, and providing an appropriation.

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

Senate File 141, by Johnson, a bill for an act relating to reimbursement to owners of aboveground petroleum storage tanks for costs associated with the upgrade or permanent closure of aboveground petroleum storage tanks.

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

Senate File 142, by Lundby, a bill for an act relating to the annual registration fee for certain motor vehicles equipped for persons with disabilities or used by persons with wheelchairs.

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

Senate File 143, by Tinsman, a bill for an act relating to the long-term living system in Iowa including the establishment of a vision for Iowa's long-term living system and the creation of a consumer choice, support, and education program.

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

STUDY BILLS RECEIVED

SSB 1132 State Government

Eliminating the certified mail requirement concerning the orders.

SSB 1133 State Government

Relating to the regulation of liquefied petroleum gas storage tanks, making an appropriation, and providing penalties.

SSB 1134 State Government

Relating to violations of the open meetings and open records law by a member of a governmental body, the lawful custodian of a public record, or any other appropriate person.

SSB 1135 State Government

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.

SSB 1136 Ways and Means

Relating to the financing by cities of telecommunications projects and facilities, including requirements regarding feasibility studies and reports, requiring sealed bids and city voter approval, prohibiting financing for an amount above projected costs, increasing the

minimum voter approval rate for such projects, and providing effective and retroactive applicability dates.

SSB 1137 Local Government

Relating to local regulation of smoking.

SSB 1138 Government Oversight

Relating to bidding requirements for state executive branch purchases.

SSB 1139 Human Resources

Revising requirements applicable to county and multicounty decategorization of child welfare and juvenile justice funding projects.

SSB 1140 Human Resources

Relating to the provisions of the elder Iowans act.

SSB 1141 Human Resources

Requiring record checks of persons being employed by a hospital, health care facility, or other care provider and providing penalties.

SSB 1142 Commerce

Relating to various provisions administered by the insurance division of the department of commerce concerning premium tax refunds, the interstate insurance compact, insurer insolvency proceedings, individual health insurance, the small employer carrier reinsurance program, the Iowa comprehensive health association, fire insurance policies, the Iowa insurance guaranty association, the FAIR plan, motor vehicle service contracts, investments by county and state mutual associations, reciprocal or interinsurance contract premium rates, unauthorized activity of insurance producers, and annuity contracts for cemetery and funeral merchandise and funeral services, and making fees and penalties applicable and providing effective and retroactive applicability dates.

SSB 1143 Commerce

Relating to cemeteries and cemetery regulation, providing administration and enforcement procedures, establishing requirements for interment rights agreements and reporting, establishing and appropriating fees, and providing penalties.

SSB 1144 Agriculture

Relating to the regulation of agricultural seed, by providing for preemption of local legislation.

SUBCOMMITTEE ASSIGNMENTS

Senate Resolution 8

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

Senate Resolution 9

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

Senate File 106

STATE GOVERNMENT: Danielson and McKibben, Co-chairs; Ward and Wood

Senate File 118

HUMAN RESOURCES: Bolkcom and Seymour, Co-chairs; Hatch and Johnson

Senate File 126

STATE GOVERNMENT: Connolly and Miller, Co-chairs; Wood and Zieman

Senate File 128

STATE GOVERNMENT: Black and Zieman, Co-chairs; Tinsman and Wood

Senate File 133

GOVERNMENT OVERSIGHT: Courtney and Wieck, Co-chairs

SSB 1128
(Reassignment)

JUDICIARY: Dvorsky and Lamberti, Co-chairs; Kreiman and Zaun

SSB 1132

STATE GOVERNMENT: Brunkhorst and Danielson, Co-chairs; Hatch and Ward

SSB 1133

STATE GOVERNMENT: Hancock and Tinsman, Co-chairs; Brunkhorst and Danielson

SSB 1134

STATE GOVERNMENT: Kibbie and Miller, Co-chairs; Wood and Zieman

SSB 1135

STATE GOVERNMENT: Hancock and Kettering, Co-chairs; Wieck and Wood

SSB 1136

WAYS AND MEANS: Bolkcom and Zaun, Co-chairs; Danielson and Zieman

SSB 1137

LOCAL GOVERNMENT: Quirmbach and Shull, Co-chairs; McCoy and Putney

SSB 1138

GOVERNMENT OVERSIGHT: Connolly and Lundby, Co-chairs

SSB 1139

HUMAN RESOURCES: Hatch and Houser, Co-chairs; Kreiman and Tinsman

SSB 1140

HUMAN RESOURCES: Boettger and Bolkcom, Co-chairs; Johnson and Quirmbach

SSB 1141

HUMAN RESOURCES: Quirmbach and Seymour, Co-chairs; Boettger and Bolkcom

SSB 1142

COMMERCE: McCoy and Wieck, Co-chairs; Rielly and Zaun

SSB 1143

COMMERCE: Beall and Wieck, Co-chairs; Courtney and Zaun

SSB 1144

AGRICULTURE: Gaskill and Rielly, Co-chairs; Hancock and Mulder

PROOF

STATE OF IOWA

Senate Journal

MONDAY, FEBRUARY 14, 2005

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

JOURNAL OF THE SENATE

THIRTY-SIXTH CALENDAR DAY
TWENTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, February 14, 2005

The Senate met in regular session at 1:05 p.m., President Kibbie presiding.

Prayer was offered by the Reverend Mike Morgan, pastor of the First United Methodist Church in Marion, Iowa. He was the guest of Senator Lundby.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Elyse Beenken.

The Journal of Thursday, February 10, 2005, was approved.

RECESS

On motion of Senator Iverson, the Senate recessed at 1:20 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 1:23 p.m., President Kibbie presiding.

REPORT OF COMMITTEE MEETING

RULES AND ADMINISTRATION

Convened: February 14, 2005, 1:20 p.m.

Members Present: Gronstal and Iverson, Co-chairs; Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan.

Members Absent: None.

Committee Business: Approved SRs 8 and 9.

Adjourned: 1:23 p.m.

FINAL COMMITTEE REPORTS OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 8, a resolution honoring Senator Charles Larson and the members of the 372nd Engineer Group for their tour of duty in Iraq.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Iverson, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 9, a resolution to honor the service of the 132nd Fighter Wing of the Iowa Air National Guard.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Iverson, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. 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 8.

Senate Resolution 8

On motion of Senator Iverson, the following resolution, with report of committee recommending passage, was taken up for consideration:

1 SENATE RESOLUTION 8
2 By: Iverson, Lamberti, Behn, Gaskill, Kettering,
3 Seymour, Ward, Brunkhorst, Tinsman, Johnson,
4 Mulder, Putney, Miller, Angelo, Zieman, Hahn,
5 Wieck, Shull, Gronstal, Zaun, McKinley, Houser,

6 Boettger, Stewart, Courtney, Danielson, Rielly,
7 Bolkcom, Ragan, Kreiman, Warnstadt, Connolly,
8 Horn, Wood, Hatch, Dotzler, Seng, Fraise, Black,
9 Lundby, McKibben, Dearden, Hancock, Kibbie,
10 Dvorsky, Quirmbach, Schoenjahn, McCoy, and Beall
11 A resolution honoring Senator Charles Larson and the
12 members of the 372nd Engineer Group for their tour
13 of duty in Iraq.
14 WHEREAS, Iowa State Senator Charles Larson has
15 recently concluded his service in Iraq as Major
16 Charles Larson, Command Judge Advocate of the 372nd
17 Engineer Group, a unit of the United States Army
18 Reserve; and
19 WHEREAS, Major Larson, along with members of the
20 372nd Engineer Group, was mobilized for duty in
21 December 2003; and
22 WHEREAS, while in Iraq Major Larson and the members
23 of the 372nd Engineer Group led an effort to help
24 school children and assist medical clinics in Iraq as
25 part of Operation Iraqi Hope; and
26 WHEREAS, in addition to his legal duties, Major
27 Larson spearheaded his group's humanitarian mission
28 and supervised the construction of 12 new schools,
29 three city halls, two water treatment facilities, a
30 veterinarian clinic, and the renovation of a rural

Page 2

1 community's electrical infrastructure; NOW THEREFORE,
2 BE IT RESOLVED BY THE SENATE, That the Senate, on
3 behalf of all Iowans, thanks Senator and Major Charles
4 Larson, his fellow members in the 372nd Engineering
5 Group, and indeed the members of all Iowa military
6 units in Iraq and around the world for their service
7 to their country, to the people of Iraq, and to the
8 cause of freedom.
9 BE IT FURTHER RESOLVED BY THE SENATE, That the
10 Senate welcomes Senator and Major Larson back to his
11 home and to the Senate, welcomes the members of the
12 372nd Engineer Group back to Iowa, and wishes all Iowa
13 soldiers a good tour of duty and a safe return home.

Senator Iverson moved the adoption of Senate Resolution 8, which motion prevailed by a voice vote.

Senator Larson addressed the Senate with brief remarks.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 9.

Senate Resolution 9

On motion of Senator Iverson, **Senate Resolution 9**, a resolution to honor the service of the 132nd Fighter Wing of the Iowa Air National Guard, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved the adoption of Senate Resolution 9, which motion prevailed by a voice vote.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 1:30 p.m. until 8:30 a.m., Tuesday, February 15, 2005.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Harold Feldpausch, Davenport—For being a member of the American Legion for 50 years. Senator Wood (2/14/05).

John Glunz, Eldridge—For being a member of the American Legion for 50 years. Senator Wood (2/14/05).

Verna Sothman Henning, Walcott—For celebrating your 80th birthday. Senator Wood (2/14/05).

Donald Kednig, Long Grove—For being a member of the American Legion for 50 years. Senator Wood (2/14/05).

Grover and Lois Meier, Calamus—For celebrating your 66th wedding anniversary. Senator Wood (2/14/05).

Alvin "Whitey" Mohr, Long Grove—For being a member of the American Legion for 60 years. Senator Wood (2/14/05).

Francis Van Loon, Eldridge—For being a member of the American Legion for 50 years. Senator Wood (2/14/05).

REPORTS OF COMMITTEE MEETINGS

ECONOMIC GROWTH

Convened: February 10, 2005, 3:35 p.m.

Members Present: Brunkhorst and Hatch, Co-chairs; Beall, Behn, Danielson, Dotzler, Hahn, McKinley, Ragan, Seymour, Shull, Stewart, and Zaun.

Members Absent: Rielly (excused).

Committee Business: Presentations by Endow Iowa, Pella Community Foundation, and Legislative Services Agency.

Adjourned: 4:40 p.m.

EDUCATION

Convened: February 14, 2005, 2:50 p.m.

Members Present: Connolly and McKinley, Co-chairs; Angelo, Beall, Boettger, Brunkhorst, Dvorsky, Kreiman, Larson, Mulder, Quirmbach, Schoenjahn, Ward, and Wood.

Members Absent: None.

Committee Business: Presentation by ACT.

Adjourned: 3:45 p.m.

STATE GOVERNMENT

Convened: February 14, 2005, 2:05 p.m.

Members Present: Horn and McKibben, Co-chairs; Black, Brunkhorst, Connolly, Danielson, Hancock, Hatch, Kettering, Miller, Tinsman, Ward, Wieck, Wood, and Zieman.

Members Absent: Kibbie (excused).

Committee Business: Approved Governor's appointees.

Adjourned: 2:20 p.m.

INTRODUCTION OF BILLS

Senate File 144, by Bolkcom, Wood, Schoenjahn, Courtney, Black, Connolly, Stewart, Quirmbach, Kreiman, Ragan, Fraise, Danielson, Dvorsky, Horn, Hancock, Rielly, Hatch, and Brunkhorst, a bill for an act relating to delayed deposit services including fees, notices, transaction amounts, and reporting requirements.

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

Senate File 145, by Bolkcom, Wood, Schoenjahn, Gronstal, Kibbie, Courtney, Black, Connolly, Stewart, Quirmbach, Kreiman, Ragan, Fraise, Danielson, Dvorsky, Horn, Hancock, Rielly, Beall, and Hatch, a bill for an act relating to consumer credit by creating the refund anticipation loan Act and providing penalties.

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

Senate File 146, by Bolkcom, a bill for an act establishing a courthouse security surcharge, creating a courthouse security fund, and making appropriations to the fund.

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

Senate File 147, by Bolkcom, a bill for an act creating a bicycle traffic safety fund and a special "share-the-road" motor vehicle registration plate and making an appropriation.

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

Senate File 148, by Brunkhorst, a bill for an act relating to the property taxation of property of public entities used in competition with private commercial business enterprises.

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

Senate File 149, by Johnson, a bill for an act exempting the sale of all horses from the sales and use taxes.

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

Senate File 150, by McCoy, Lundby, Connolly, Hatch, Bolkcom, Quirmbach, Dvorsky, Courtney, and Dotzler, a bill for an act expanding prohibitions of unfair or discriminatory practices at educational institutions.

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

Senate File 151, by Mulder, a bill for an act restricting the sale of bait by nonresidents who hold a license to engage in aquaculture.

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

STUDY BILLS RECEIVED

SSB 1145 Judiciary

Providing for the issuance of a no-contact order against the biological parent of an adopted person whose presence or contact with the adopted person poses a threat to the health or safety of the adopted person.

SSB 1146 Judiciary

Relating to workers' compensation insurance coverage information and benefits.

SSB 1147 Natural Resources and Environment

Relating to deer population management and providing penalties and appropriations.

SSB 1148 Human Resources

To eliminate certain restrictions on the authority of a physician assistant to prescribe certain schedule II controlled substances.

SSB 1149 Commerce

Relating to the investment of public funds by the treasurer of state, state agencies, and political subdivisions including the investment of public funds not covered by federal deposit insurance in certificates of deposit.

SUBCOMMITTEE ASSIGNMENTS

Senate File 117

ECONOMIC GROWTH: Stewart, Chair; Behn, Rielly, and Seymour

Senate File 125

HUMAN RESOURCES: Johnson and Wood, Co-chairs; Quirmbach and Seymour

Senate File 127

STATE GOVERNMENT: Danielson and Ward, Co-chairs; Hancock and Wieck

Senate File 129

ECONOMIC GROWTH: Danielson, Chair; Behn, Dotzler, and Seymour

Senate File 130

WAYS AND MEANS: Bolkcom and Zieman, Co-chairs; Connolly and Zaun

Senate File 132

WAYS AND MEANS: Larson and Stewart, Co-chairs; Miller and Seng

Senate File 136

WAYS AND MEANS: McKinley and Quirmbach, Co-chairs; Connolly and Zaun

Senate File 138

WAYS AND MEANS: Dotzler and Wieck, Co-chairs; Hahn and McCoy

Senate File 140

COMMERCE: Beall and Zaun, Co-chairs; Bolkcom and Larson

House File 190

HUMAN RESOURCES: Kreiman and Seymour, Co-chairs; Hatch and Johnson

SSB 1145

JUDICIARY: Hancock and Larson, Co-chairs; Kreiman and Ward

SSB 1146

JUDICIARY: Dvorsky and Larson, Co-chairs; Horn and Ward

SSB 1147

NATURAL RESOURCES AND ENVIRONMENT: Black and Houser, Co-chairs; Dearden and Miller

SSB 1148

HUMAN RESOURCES: Ragan and Tinsman, Co-chairs; Boettger and Dotzler

SSB 1149

COMMERCE: Beall and Kettering, Co-chairs; Stewart and Zaun

GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendations for confirmation:

STATE GOVERNMENT

Robert Brecke – Boiler and Pressure Vessel Board
Timothy Fehr – Boiler and Pressure Vessel Board
Amy Iles – Boiler and Pressure Vessel Board
Susan Oltrogge – Boiler and Pressure Vessel Board
Joseph Rodenkirk – Boiler and Pressure Vessel Board
Lynne Rush – Boiler and Pressure Vessel Board
Keith Taeger – Boiler and Pressure Vessel Board

Rita Conner – Elevator Safety Board
Marvin Schumacher – Elevator Safety Board
Siobhan Workman – Elevator Safety Board

Christian Gurney – Information Technology Council
Kristina Junkins – Information Technology Council

Barbara Corson – IowAccess Advisory Council

Kathy Spencer-Jensen – Board of Examiners for Massage Therapy

David Stout – Board of Social Work Examiners

Rosetta Waychus – Commission of Veterans Affairs

Michael Stein – Iowa Board of Veterinary Medicine

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, FEBRUARY 15, 2005

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

JOURNAL OF THE SENATE

THIRTY-SEVENTH CALENDAR DAY
TWENTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, February 15, 2005

The Senate met in regular session at 8:32 a.m., President Kibbie presiding.

Prayer was offered by the Reverend Bill Bernau, pastor of the Grace Lutheran Church in Adel, Iowa. He was the guest of Senator Quirmbach.

The Journal of Monday, February 14, 2005, 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 14, 2005, **passed** the following bills in which the concurrence of the Senate is asked:

House File 186, a bill for an act updating the Code references to the Internal Revenue Code and including retroactive applicability and effective date provisions.

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

House File 216, a bill for an act relating to motor vehicle regulation by the state department of transportation, including motor vehicle registration and titling, restricted and special driver's licenses for minors, driver licensing, regulation of commercial vehicles, the use of flashing lights on certain vehicles, citations for child restraint violations, permits for vehicles of excessive height or weight, procedures for motor vehicle dealers, and persons with disabilities

parking, and relating to refunds of taxes on motor fuel used in taxicabs and buses that provide certain services.

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

House File 227, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and retroactive applicability date provisions.

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

House File 253, a bill for an act relating to governmental ethics and the duties of the Iowa ethics and campaign disclosure board.

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

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 8:39 a.m. until 8:30 a.m., Wednesday, February 16, 2005.

APPENDIX

ANNOUNCEMENTS OF APPOINTMENTS BY THE CO-PRESIDENTS AND THE FLOOR LEADERS OF THE SENATE

ADMINISTRATIVE RULES REVIEW COMMITTEE
Jeff Angelo (effective until 12/31/05)
Michael Connolly
Thomas G. Courtney (effective 1/1/06)
John P. Kibbie
Mary Lundby
Paul McKinley

COUNCIL FOR AGRICULTURAL EDUCATION
David Johnson

IOWA CAPITAL INVESTMENT BOARD
Paul McKinley
Roger Stewart

CAPITOL PLANNING COMMISSION
Jack Hatch
Mary Lundby

STATE CHILD CARE ADVISORY COUNCIL
Steve Warnstadt

CHILD SUPPORT ADVISORY COMMITTEE
Keith A. Kreiman
Brad Zaun

COLLEGE STUDENT AID COMMISSION
Herman C. Quirmbach

COMMUNITY COLLEGE WORKING GROUP OF STAKEHOLDERS
Daryl Beall
Doug Shull

CRIMINAL AND JUVENILE JUSTICE PLANNING ADVISORY COUNCIL
Robert E. Dvorsky
Pat Ward

IOWA ECONOMIC DEVELOPMENT BOARD
Thomas G. Courtney
E. Thurman Gaskill

ELDER AFFAIRS COMMISSION
Jeff Danielson
David Johnson

IOWA EMPOWERMENT BOARD
Nancy J. Boettger
Amanda Ragan
Frank B. Wood

BOARD OF TRUSTEES FOR STATEWIDE FIRE AND POLICE RETIREMENT SYSTEM
Wally E. Horn
Ron Wieck

HAWK-I BOARD
Amanda Ragan
James A. Seymour

IOWA COMPREHENSIVE HEALTH INSURANCE ASSOCIATION BOARD
Paul McKinley

INDIGENT DEFENSE ADVISORY COMMISSION
Gene Fraise (effective until 6/30/05)
Charles W. Larson, Jr. (effective 7/1/05)

INFORMATION TECHNOLOGY COUNCIL
Bob Brunkhorst
William A. Dotzler, Jr.

IOWA COMMISSION ON INTERSTATE COOPERATION
Daryl Beall
Nancy J. Boettger
Gene Fraise
Doug Shull
Roger Stewart

IOWACCESS ADVISORY COUNCIL
Bob Brunkhorst
Jeff Danielson

IPERS INVESTMENT BOARD
John P. Kibbie
Mark Zieman

IOWA LAW ENFORCEMENT ACADEMY COUNCIL
Charles W. Larson, Jr.

MEDICAL ASSISTANCE ADVISORY COUNCIL
Jack Hatch
James A. Seymour

MENTAL HEALTH, MENTAL RETARDATION, DEVELOPMENTAL DISABILITIES, AND BRAIN INJURY COMMISSION
Jack Hatch
Maggie Tinsman

PREVENTION OF DISABILITIES POLICY COUNCIL
Maggie Tinsman
Frank B. Wood

PROPERTY TAX IMPLEMENTATION COMMITTEE
Herman C. Quirmbach
Mark Zieman

PUBLIC RETIREMENT SYSTEMS COMMITTEE
Michael Connolly
Tom Rielly
Doug Shull
Pat Ward
Mark Zieman

RENEWABLE FUELS AND COPRODUCTS ADVISORY COMMITTEE
Dennis H. Black
James F. Hahn

RURAL HEALTH AND PRIMARY CARE ADVISORY COMMITTEE
Keith A. Kreiman
Dave Mulder

SENIOR LIVING COORDINATING UNIT
Nancy J. Boettger
Amanda Ragan

COMMISSION ON THE STATUS OF WOMEN
Matt McCoy
Maggie Tinsman

COMMISSION ON TOBACCO USE PREVENTION AND CONTROL
Herman C. Quirmbach
Maggie Tinsman

IOWA WORKFORCE DEVELOPMENT BOARD
William A. Dotzler, Jr.
Pat Ward

CERTIFICATES OF RECOGNITION

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

Dr. Kenneth Andersen, Center Point—For being chosen as one of KCRG-TV9 and the Show You Care Sponsors' "Nine Who Care" Jefferson Awards winners. Senator Lundby (2/15/05).

Rosemary and Frank Ehret, Burlington—For celebrating your 60th wedding anniversary. Senator Courtney (2/15/05).

Eric Fisher, Dubuque—For being named one of Iowa's top youth volunteers for 2005 by The Prudential Spirit of Community Awards. Senator Connolly (2/15/05).

Fern Gray, Danville—For celebrating your 90th birthday. Senator Courtney (2/15/05).

Clifford Hinson, Kingston—For celebrating your 90th birthday. Senator Courtney (2/15/05).

Millie Lange, Ames—For celebrating your 80th birthday. Senator Quirmbach (2/15/05).

Helen Mott, Ames—For celebrating your 90th birthday. Senator Quirmbach (2/15/05).

Holly Poort, Malvern—For being named one of Iowa's top youth volunteers for 2005 by The Prudential Spirit of Community Awards. Senator Houser (2/15/05).

Mr. and Mrs. Russell and Marjorie Stensland, Radcliffe—For celebrating your 60th wedding anniversary. Senator Iverson (2/15/05).

PETITION

The following petition was presented and placed on file:

From 84 seventh and eighth graders from Cascade Junior High in Cascade, Iowa, favoring legislation to expand Iowa's bottle bill to include noncarbonated beverage containers. Senator Hancock.

REPORTS OF COMMITTEE MEETINGS

HUMAN RESOURCES

Convened: February 14, 2005, 3:50 p.m.

Members Present: Ragan and Seymour, Co-chairs; Behn, Boettger, Bolkcom, Dotzler, Gaskill, Hatch, Houser, Johnson, Quirmbach, Tinsman, and Wood.

Members Absent: Kreiman (excused).

Committee Business: Presentation by Department of Elder Affairs. Approved Governor's appointees.

Adjourned: 4:30 p.m.

AGRICULTURE

Convened: February 15, 2005, 3:10 p.m.

Members Present: Fraise and Johnson, Co-chairs; Black, Brunkhorst, Courtney, Hahn, Hancock, Kibbie, Mulder, Putney, Ragan, and Rielly.

Members Absent: Gaskill and Houser (both excused).

Committee Business: Presentations by veterinarian from Iowa State University and by Agri-Security.

Adjourned: 3:40 p.m.

ECONOMIC GROWTH

Convened: February 15, 2005, 1:05 p.m.

Members Present: Brunkhorst and Hatch, Co-chairs; Beall, Behn, Dotzler, Ragan, Reilly, Seymour, Shull, Stewart, and Zaun.

Members Absent: Danielson, Hahn, and McKinley (all excused).

Committee Business: Discussion on report from Workforce Training Committee.

Adjourned: 1:30 p.m.

GOVERNMENT OVERSIGHT

Convened: February 15, 2005, 9:50 a.m.

Members Present: Courtney and Lundby, Co-chairs; Connolly and Wieck.

Members Absent: None.

Committee Business: Discussion with Scott County Attorney and Attorney General's Office.

Adjourned: 10:20 a.m.

JUDICIARY

Convened: February 15, 2005, 12:05 p.m.

Members Present: Kreiman and Miller, Co-chairs; Boettger, Brunkhorst, Dvorsky, Hancock, Horn, Larson, McKibben, Quirmbach, Schoenjahn, Tinsman, Warnstadt, and Zaun.

Members Absent: Fraise and Ward (both excused).

Committee Business: Approved SSB 1025 (as amended).

Adjourned: 12:40 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: February 15, 2005, 1:05 p.m.

Members Present: Black and Houser, Co-chairs; Bolkcom, Dearden, Hancock, Johnson, Lundby, Miller, Putney, Schoenjahn, Seng, and Wood.

Members Absent: Gaskill and Kettering (both excused).

Committee Business: Presentations by American Coalition for Ethanol and the Broin Company.

Adjourned: 2:00 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: February 15, 2005, 9:35 a.m.

Members Present: Putney and Stewart, Co-chairs; Dvorsky, McCoy, Mulder, and Zieman.

Members Absent: None.

Committee Business: Presentations by Secretary of State, Department of Management, and Department of Commerce.

Adjourned: 10:05 a.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: February 15, 2005, 9:30 a.m.

Members Present: Gaskill and Seng, Co-chairs; Black, Hahn, Houser, and Schoenjahn.

Members Absent: None.

Committee Business: Presentation by Department of Natural Resources.

Adjourned: 10:30 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: February 15, 2005, 9:45 a.m.

Members Present: Dotzler and Ward, Co-chairs; Behn, Brunkhorst, Danielson, and Rielly.

Members Absent: None.

Committee Business: Presentation by Department of Economic Development.

Adjourned: 10:25 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: February 15, 2005, 9:45 a.m.

Members Present: Boettger and Horn, Co-chairs; McKinley, Quirmbach, Shull, and Wood.

Members Absent: None.

Committee Business: Presentations by Iowa State University, University of Iowa, University of Northern Iowa, and Lakeside Laboratory.

Adjourned: 11:35 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: February 15, 2005, 9:45 a.m.

Members Present: Hatch and Tinsman, Co-chairs; Bolkcom, Johnson, Ragan, and Seymour.

Members Absent: None.

Committee Business: Presentations by Mercy West Medical Clinic, Iowa Nebraska Primary Care Association, and Child and Family Policy Center.

Adjourned: 11:15 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: February 15, 2005, 9:50 a.m.

Members Present: Fraise, Co-chair; Hancock, Kreiman, and Miller.

Members Absent: McKibben, Co-chair; and Larson (both excused).

Committee Business: Presentation by Department of Public Safety.

Adjourned: 11:00 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

Convened: February 15, 2005, 9:45 a.m.

Members Present: Kettering and Warnstadt, Co-chairs; Angelo, Beall, Dearden, and Zaun.

Members Absent: None.

Committee Business: Presentations by Legislative Services Agency and Department of Administrative Services.

Adjourned: 11:00 a.m.

INTRODUCTION OF BILLS

Senate File 152, by Kibbie, Courtney, Quirmbach, Stewart, Connolly, Wood, Beall, Ragan, Fraise, Dvorsky, Danielson, Dotzler, Horn, Seng, Hancock, Dearden, Rielly, Bolkcom, Hatch, Kreiman, Schoenjahn, Black, and Gronstal, a bill for an act providing for special late voter registration to enable an eligible elector to vote at the polling place on election day and providing a durational residency requirement for voting.

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

Senate File 153, by Bolkcom, a bill for an act relating to establishing standard provisions and formats for long-term care insurance policies.

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

Senate File 154, by Wieck, a bill for an act providing for income tax credits for the cost of purchasing health insurance coverage by certain small employers and providing effective and retroactive applicability dates.

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

Senate File 155, by Miller, a bill for an act requiring a driver's license applicant to provide proof of automobile liability coverage on a motor vehicle.

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

Senate File 156, by Hatch, Beall, Hancock, Rielly, Bolkcom, Wood, Connolly, Stewart, Kreiman, Ragan, Dvorsky, Horn, Lundby, Dotzler, Warnstadt, Danielson, and Courtney, a bill for an act relating to health care by providing for increased health care access, developing a lay health workers network, and providing appropriations.

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

Senate File 157, by Bolkcom, a bill for an act making an appropriation for the older Iowans legislature.

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

Senate File 158, by Miller, a bill for an act relating to taxation and fees by making changes to the state corporate and individual income taxes, the state sales and use taxes, certain use of revenues from the state sales tax, certain motor vehicle registration fees, assessment of property for purposes of property taxation, county and city budgets funded primarily by property taxes, school district budgets funded primarily by state and local taxes, state mandates funding, tax increment financing districts, local assessors, and property tax exemptions and credits, and including effective and applicability date provisions.

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

Senate File 159, by Hatch, Hancock, Rielly, Beall, Bolkcom, Wood, Schoenjahn, Kibbie, Connolly, Stewart, Quirmbach, Kreiman, Ragan, Fraise, Warnstadt, Dvorsky, and Horn, a bill for an act relating to the creation of a consumer choice, support, and education program.

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

Senate File 160, by Hatch, Dotzler, Hancock, Seng, Warnstadt, Horn, Bolkcom, Schoenjahn, Courtney, Black, Gronstal, Kibbie, Stewart, Connolly, Wood, Beall, Ragan, Fraise, Dvorsky, Danielson, Dearden, Kreiman, and Rielly, a bill for an act relating to small employer voluntary health care purchasing pools.

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

Senate File 161, by Hatch, Hancock, Rielly, Beall, Bolkcom, Wood, Schoenjahn, Kibbie, McCoy, Connolly, Stewart, Quirmbach, Kreiman, Ragan, Fraise, Dotzler, Danielson, Warnstadt, Dvorsky, and Horn, a bill for an act relating to fair market drug pricing.

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

Senate File 162, by Hatch, Hancock, Rielly, Beall, Bolkcom, Wood, Schoenjahn, Courtney, Gronstal, Kibbie, McCoy, Connolly, Stewart, Quirmbach, Kreiman, Ragan, Warnstadt, Dvorsky, and Horn, a bill for an act relating to the expansion of the healthy and well kids in Iowa program to cover parents.

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

Senate File 163, by Hatch, Hancock, Rielly, Beall, Bolkcom, Kibbie, Connolly, Kreiman, Ragan, Danielson, Dotzler, Dvorsky, and Horn, a bill for an act providing for the establishment of a health care information technology and infrastructure advisory committee, and making an appropriation.

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

Senate File 164, by Lundby, a bill for an act relating to county supervisors in certain counties by allowing full-time or part-time status to be decided by the electorate, by requiring a five-member board of supervisors elected by voters in districts, by requiring districts to be drawn by the state commissioner of elections, and including implementation, effective date, and transition provisions.

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

SUBCOMMITTEE ASSIGNMENTS

Senate File 135

EDUCATION: Beall and Larson, Co-chairs; Schoenjahn and Ward

Senate File 140
(Reassignment)

COMMERCE: Beall and Wieck, Co-chairs; Bolkcom and Larson

Senate File 143

HUMAN RESOURCES: Ragan and Tinsman, Co-chairs; Bolkcom and Seymour

Senate File 147

TRANSPORTATION: Putney, Chair; Dearden, Fraise, and Ward

Senate File 148

WAYS AND MEANS: McKibben and Quirmbach, Co-chairs; Larson and Seng

Senate File 149

WAYS AND MEANS: Connolly and Zaun, Co-chairs; Dotzler and Miller

Senate File 150

EDUCATION: McKinley and Quirmbach, Co-chairs; Boettger and Dvorsky

House File 175

JUDICIARY: Dvorsky and McKibben, Co-chairs; Boettger and Kreiman

GOVERNOR'S APPOINTEES PLACED ON EN BLOC CONFIRMATION CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Confirmation Calendar with recommendations for confirmation.

HUMAN RESOURCES

Marcia Michaels – Board of Behavioral Science Examiners

Lynn Crannell – Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, FEBRUARY 16, 2005

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

JOURNAL OF THE SENATE

THIRTY-EIGHTH CALENDAR DAY
TWENTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, February 16, 2005

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

Prayer was offered by the Reverend Kevin Gingerich, pastor of the Bloomfield United Methodist Church in Bloomfield and Drakesville, Iowa. He was the guest of Senator Kreiman.

The Journal of Tuesday, February 15, 2005, was approved.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 8:39 a.m. until 8:30 a.m., Thursday, February 17, 2005.

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:

DEPARTMENT OF HUMAN RIGHTS

2004 Annual Report of the Commission on the Status of Woman. Report received on February 16, 2005.

REPORTS OF COMMITTEE MEETINGS

TRANSPORTATION

Convened: February 15, 2005, 11:45 a.m.

Members Present: McCoy and Putney, Co-chairs; Fraise, Hahn, Kettering, and Ward.

Members Absent: Beall, Danielson, Dearden, Shull, Warnstadt, and Zieman (all excused).

Committee Business: Field trip to UPS facility at Des Moines International Airport.

Adjourned: 1:15 p.m.

EDUCATION

Convened: February 16, 2005, 1:05 p.m.

Members Present: Connolly and McKinley, Co-chairs; Angelo, Beall, Boettger, Brunkhorst, Dvorsky, Kreiman, Larson, Mulder, Quirmbach, Schoenjahn, Ward, and Wood.

Members Absent: None.

Committee Business: Passed SF 168. Approved Governor's appointees.

Adjourned: 1:25 p.m.

GOVERNMENT OVERSIGHT

Convened: February 16, 2005, 9:45 a.m.

Members Present: Courtney and Lundby, Co-chairs; Connolly and Wieck.

Members Absent: None.

Committee Business: Presentations by Department of Human Services and Creston School District.

Adjourned: 11:35 a.m.

JUDICIARY

Convened: February 16, 2005, 12:05 p.m.

Members Present: Kreiman and Miller, Co-chairs; Boettger, Brunkhorst, Hancock, Horn, Larson, McKibben, Quirmbach, Schoenjahn, Tinsman, Ward, and Warnstadt.

Members Absent: Dvorsky, Fraise, and Zaun. (all excused).

Committee Business: Approved SSB 1004 (as amended) and passed HF 175.

Adjourned: 12:20 p.m.

STATE GOVERNMENT

Convened: February 16, 2005, 1:35 p.m.

Members Present: Horn and McKibben, Co-chairs; Black, Connolly, Danielson, Hancock, Hatch, Kettering, Kibbie, Miller, Tinsman, Wood, and Zieman.

Members Absent: Brunkhorst, Ward, and Wieck (all excused).

Committee Business: Subcommittee assignments. Approved Governor's appointees.

Adjourned: 1:45 p.m.

WAYS AND MEANS

Convened: February 16, 2005, 2:05 p.m.

Members Present: Bolkcom and Zieman, Co-chairs; Connolly, Danielson, Dotzler, Hahn, McCoy, McKibben, McKinley, Miller, Quirmbach, Seng, Stewart, and Zaun.

Members Absent: Larson and Wieck (both excused).

Committee Business: Presentations by Department of Revenue and Council on State Taxation.

Adjourned: 3:05 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: February 16, 2005, 9:35 a.m.

Members Present: Putney and Stewart, Co-chairs; Dvorsky, McCoy, Mulder, and Zieman.

Members Absent: None.

Committee Business: Presentations by Ethics and Campaign Disclosure Board, Governor's Office of Drug Control Policy, and Department of Human Rights.

Adjourned: 10:40 a.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: February 16, 2005, 9:45 a.m.

Members Present: Gaskill and Seng, Co-chairs; Black, Hahn, and Schoenjahn.

Members Absent: Houser (excused).

Committee Business: Presentation by Department of Natural Resources.

Adjourned: 10:40 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: February 16, 2005, 9:50 a.m.

Members Present: Dotzler and Ward, Co-chairs; Behn, Brunkhorst, Danielson, and Rielly.

Members Absent: None.

Committee Business: Presentations by Vision Iowa and CAT programs.

Adjourned: 10:55 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: February 15, 2005, 9:45 a.m.

Members Present: Boettger and Horn, Co-chairs; McKinley, Quirmbach, Shull, and Wood.

Members Absent: None.

Committee Business: Presentations by Iowa Association of Independent Colleges and Universities, Simpson College, Buena Vista University, and Wartburg College.

Adjourned: 10:55 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: February 16, 2005, 9:45 a.m.

Members Present: Hatch and Tinsman, Co-chairs; Bolkcom, Ragan, and Seymour.

Members Absent: Johnson (excused).

Committee Business: Presentations by Department of Human Services, Early Education Benefits Association, and Legislative Services Agency.

Adjourned: 11:20 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: February 16, 2005, 9:45 a.m.

Members Present: Fraise and McKibben, Co-chairs; Hancock, Kreiman, Larson, and Miller.

Members Absent: None.

Committee Business: Presentations by Attorney General, Board of Parole, and Legislative Services Agency.

Adjourned: 11:15 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

Convened: February 16, 2005, 9:45 a.m.

Members Present: Kettering and Warnstadt, Co-chairs; Angelo, Beall, Dearden, and Zaun.

Members Absent: None.

Committee Business: Presentations by Department of Cultural Affairs, Department of Public Safety, Department of Education, and Department of Agriculture.

Adjourned: 11:00 a.m.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 4, by Iverson, a concurrent resolution urging the United States Congress to appropriate funding for the Historic Barn Preservation Act.

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

INTRODUCTION OF BILLS

Senate File 165, by Kreiman, a bill for an act relating to sanctioning the motor vehicle operating privileges of a person upon a second or subsequent conviction for motor fuel theft from a retail dealer.

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

Senate File 166, by Courtney, a bill for an act relating to eligibility for reimbursement of costs associated with the upgrade or permanent closure of aboveground petroleum storage tanks.

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

Senate File 167, by Warnstadt, a bill for an act relating to combining protests of assessment on multiple parcels separately assessed and providing an applicability date.

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

Senate File 168, by Boettger and Kibbie, a bill for an act entering Iowa into the midwestern higher education compact.

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

Senate File 169, by committee on Judiciary, a bill for an act relating to the regulation of substances which are precursors to

amphetamine and methamphetamine and providing a penalty and effective dates.

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

Senate File 170, by Angelo, a bill for an act relating to delinquent property taxes and other duties of the county treasurer and including effective date and applicability date provisions.

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

Senate File 171, by Miller, a bill for an act providing for certain human services programs and funding streams to be administered by counties in lieu of the department of human services and providing an effective date.

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

Senate File 172, by Johnson, a bill for an act relating to condemnation proceedings.

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

Senate File 173, by Beall, Tinsman, Lundby, Connolly, Stewart, Quirmbach, Dvorsky, Dotzler, Danielson, Kreiman, Warnstadt, Horn, Seng, Hancock, Dearden, Rielly, Schoenjahn, Bolkcom, Black, Gronstal, Kibbie, McCoy, Fraise, and Ragan, a bill for an act relating to the assessment of a brain injury surcharge, creating a brain injury surcharge fund, and making appropriations to the fund.

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

Senate File 174, by Beall, Tinsman, Kreiman, Lundby, Ragan, Connolly, Stewart, Quirmbach, Dvorsky, Dotzler, Danielson, Dearden, Rielly, Schoenjahn, Bolkcom, Wood, Courtney, Black, Gronstal, Kibbie, Fraise, and McCoy, a bill for an act relating to third-party payment of health care coverage costs for mental health

conditions including eating disorders, and for substance abuse treatment services.

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

STUDY BILLS RECEIVED

SSB 1150 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 general fund.

SSB 1151 Government Oversight

Providing the release of confidential information relating to persons committed to the custody of the department of corrections, or placed with a judicial district department of correctional services.

SSB 1152 Judiciary

Requiring a no-contact order when a defendant is convicted of a forcible felony.

SSB 1153 Judiciary

Relating to the state and local public defenders and the representation of indigent persons in court.

SSB 1154 Judiciary

Relating to the appointment of a judicial officer, a clerk of the district court, or a chief juvenile court officer.

SSB 1155 Judiciary

Relating to administrative modification of a child support order.

SSB 1156 Education

Relating to policies establishing residency qualifications for purposes of postsecondary tuition and fees paid at public institutions.

SSB 1157 Education

Relating to early education program requirements and voluntary standards.

SSB 1158 Education

Providing supplementary weighting for shared school district operational functions, making an appropriation, and providing effective and applicability dates.

SSB 1159 Education

Relating to teacher and administrator quality, including the student achievement and teacher quality program and a new administrator quality program, and making appropriations.

SSB 1160 Education

Relating to the establishment of state and school antiharassment or antibullying policies, providing data collection and reporting requirements, and providing for immunity and other related matters.

SSB 1161 Education

Relating to training programs for adult volunteers who work with adolescent youths in after school mentoring programs, and making an appropriation.

SSB 1162 Education

Relating to improvement of the early care, child care services, education, health, and human services systems under the oversight of the departments of education and human services, the Iowa empowerment board, and the child development coordinating council, and creating a children's cabinet in the executive branch.

SSB 1163 Education

Relating to the establishment of a community education grant program, and making an appropriation.

SSB 1164 Education

Relating to the duties and operations of the state board of education, the department of education, and local school boards, including provisions relating to dropout and dropout prevention programs, high school equivalency diplomas, the school start date, evening and part-time schools, open enrollment, requirements for school bus drivers, and extended school programs.

SUBCOMMITTEE ASSIGNMENTS

Senate Joint Resolution 4

STATE GOVERNMENT: Hancock and Miller, Co-chairs; Black and Wieck

Senate Concurrent Resolution 4

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

Senate File 131

JUDICIARY: Quirmbach and Tinsman, Co-chairs; Horn and Larson

Senate File 142

TRANSPORTATION: Dearden and Ward, Co-chairs; Warnstadt and Zieman

Senate File 146

JUDICIARY: Horn and McKibben, Co-chairs; Dvorsky and Miller

Senate File 152

STATE GOVERNMENT: Danielson and Zieman, Co-chairs; Brunkhorst and Wood

Senate File 155

TRANSPORTATION: Beall and Ward, Co-chairs; Danielson and Kettering

Senate File 168

EDUCATION: Boettger and Connolly, Co-chairs; Brunkhorst and Dvorsky

House File 216

TRANSPORTATION: Danielson and Hahn, Co-chairs; Fraise and Shull

House File 227

JUDICIARY: Boettger and Quirmbach, Co-chairs; Schoenjahn and Zaun

House File 253

STATE GOVERNMENT: Kibbie and McKibben, Co-chairs; Hatch and Ward

SSB 1150

APPROPRIATIONS: Kettering and Warnstadt, Co-chairs; Angelo and Dvorsky

SSB 1151

GOVERNMENT OVERSIGHT: Courtney and Lundby, Co-chairs

SSB 1152

JUDICIARY: Kreiman and McKibben, Co-chairs; Hancock and Larson

SSB 1153

JUDICIARY: Hancock and Zaun, Co-chairs; Kreiman and Larson

SSB 1154

JUDICIARY: Fraise and Ward, Co-chairs; Kreiman and McKibben

SSB 1155

JUDICIARY: Fraise and Larson, Co-chairs; Brunkhorst and Kreiman

SSB 1156

EDUCATION: Connolly and Ward, Co-chairs; Angelo and Dvorsky

SSB 1157

EDUCATION: McKinley and Schoenjahn, Co-chairs; Angelo and Beall

SSB 1158

EDUCATION: Brunkhorst and Wood, Co-chairs; Boettger and Kreiman

SSB 1159

EDUCATION: Connolly and McKinley, Co-chairs; Angelo and Schoenjahn

SSB 1160

EDUCATION: Connolly and Larson, Co-chairs; Dvorsky and Brunkhorst

SSB 1161

EDUCATION: Angelo and Schoenjahn, Co-chairs; Connolly and McKinley

SSB 1162

EDUCATION: Connolly and McKinley, Co-chairs; Angelo and Kreiman

SSB 1163

EDUCATION: Boettger and Schoenjahn, Co-chairs; Connolly and Mulder

SSB 1164

EDUCATION: Boettger and Schoenjahn, Co-chairs; Connolly and Brunkhorst

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: SENATE FILE 71 (SSB 1024), a bill for an act relating to an appropriation from the environment first fund for the establishment of permanent soil and water conservation practices, by allocating moneys to support the administration of local governmental units, and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 24: Angelo, Dvorsky, Black, Boettger, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Johnson, Kettering, Lamberti, Miller, Putney, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, Ward, and Warnstadt. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Bill Title: *SENATE FILE 169 (SSB 1025), a bill for an act relating to the regulation of substances which are precursors to amphetamine and methamphetamine and providing a penalty and effective dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Kreiman, Miller, Boettger, Brunkhorst, Dvorsky, Hancock, Horn, Larson, McKibben, Quirmbach, Schoenjahn, Tinsman, Warnstadt, and Zaun. Nays, none. Absent, 2: Fraise and Ward.

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 169, and they were attached to the committee report.

ALSO:

Bill Title: HOUSE FILE 175, a bill for an act relating to the names of business entities.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Kreiman, Miller, Boettger, Brunkhorst, Hancock, Horn, Larson, McKibben, Quirmbach, Schoenjahn, Tinsman, Ward, and Warnstadt. Nays, none. Absent 3: Dvorsky, Fraise, and Zaun.

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:

EDUCATION

Wayne Kobberdahl – State Board of Education

Rose Vasquez – State Board of Regents

STATE GOVERNMENT

Patricia Harper – Iowa Ethics and Campaign Disclosure Board

Donna Mueller – Information Technology Council

Laura Black – Board of Examiners for Massage Therapy

Larry Bowden – Commission of Veterans Affairs
Mary Regur – Commission of Veterans Affairs
David Rehbein – Commission of Veterans Affairs
Cecelia Schroeder – Commission of Veterans Affairs

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, FEBRUARY 17, 2005

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

JOURNAL OF THE SENATE

THIRTY-NINTH CALENDAR DAY
TWENTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 17, 2005

The Senate met in regular session at 8:30 a.m., President Kibbie presiding.

Prayer was offered by the Reverend Tim Philips, pastor of the Gloria Dei Lutheran Church in Urbandale, Iowa. He was the guest of Senator Zaun.

The Journal of Wednesday, February 16, 2005, 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 16, 2005, **passed** the following bills in which the concurrence of the Senate is asked:

House File 123, a bill for an act relating to the criminal penalty surcharge and creating a criminalistics laboratory fund.

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

House File 222, a bill for an act relating to the nonpartisan election of township officers.

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

House File 252, a bill for an act relating to the control of noxious weeds on land by providing alternative notice procedures to landowners and other responsible persons.

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

House File 277, a bill for an act relating to the deregulation of communications services including considering market forces, eliminating accounting plan requirements, establishing antitrust procedures and remedies, eliminating reporting requirements, eliminating the Iowa broadband initiative, and providing a penalty.

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

House File 281, a bill for an act relating to certain penalties for filing false affidavits and the time for examining and determining a correct return under the state inheritance tax and increasing the amount of property that may be transferred to minors under certain conditions and including a retroactive applicability date provision.

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

House File 291, a bill for an act relating to accounts and fees under the water quality protection fund.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Courtney, until he arrives, on request of Senator Fraise.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 113.

Senate File 113

On motion of Senator Schoenjahn, **Senate File 113**, a bill for an act relating to nonsubstantive Code corrections and including effective and retroactive applicability date provision, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 113), the vote was:

Yeas, 49:

Angelo	Gaskill	Larson	Seymour
Beall	Gronstal	Lundby	Shull
Behn	Hahn	McCoy	Stewart
Black	Hancock	McKibben	Tinsman
Boettger	Hatch	McKinley	Ward
Bolkcom	Horn	Miller	Warnstadt
Brunkhorst	Houser	Mulder	Wieck
Connolly	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	
Fraise	Lamberti	Seng	

Nays, none.

Absent, 1:

Courtney

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 102.

House File 102

On motion of Senator Connolly, **House File 102**, a bill for an act relating to state income taxes by authorizing individuals, corporations, and financial institutions to elect to take the additional first-year depreciation allowance and the increased expensing allowance and to allow the additional first-year depreciation allowance and the increased expensing allowance which were deductible for a tax year for which a tax return was filed prior to a

certain date to be deducted on the return filed for the subsequent tax year and including an effective date provision and a retroactive applicability date provision, 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. 102), the vote was:

Yeas, 49:

Angelo	Fraise	Larson	Seymour
Beall	Gaskill	Lundby	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirmbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Lamberti	Seng	

Nays, 1:

Kreiman

Absent, none.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 113** and **House File 102** be **immediately messaged** to the House.

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 9:27 a.m., President Kibbie presiding.

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:

Marcia Michaels – Board of Behavioral Science Examiners

Greg Robinson – Board of Educational Examiners

Marvin Schumacher – Elevator Safety Board
Siobhan Workman – Elevator Safety Board

Patricia Harper – Iowa Ethics and Campaign Disclosure Board

Christian Gurney – Information Technology Council
Kristina Junkins – Information Technology Council

Barbara Corson – IowAccess Advisory Council

Laura Black – Board of Examiners for Massage Therapy
Kathy Spencer-Jensen – Board of Examiners for Massage Therapy

Rose Vasquez – State Board of Regents

David Stout – Board of Social Work Examiners

Larry Bowden (reappointment) – Commission of Veterans Affairs
Mary Regur – Commission of Veterans Affairs
David Rehbein – Commission of Veterans Affairs
Cecelia Schroeder – Commission of Veterans Affairs
Rosetta Waychus – Commission of Veterans Affairs

Michael Stein – Iowa Board of Veterinary Medicine

Senator Iverson moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman

Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 98.

Senate File 98

On motion of Senator Schoenjahn, **Senate File 98**, a bill for an act relating to county recorders and vital statistics record fees, and providing an effective date, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 98), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman

Dotzler	Kibbie	Rielly
Dvorsky	Kreiman	Schoenjahn

Nays, none.

Absent, none.

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

CONSIDERATION OF BILL
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 134.

Senate File 134

On motion of Senator Stewart, **Senate File 134**, a bill for an act relating to inheritance tax by eliminating the requirement that the department of revenue receive notice of withdrawal of funds from a joint account by a surviving joint owner, was taken up for consideration.

Senator Stewart asked and received unanimous consent that **House File 197** be **substituted** for **Senate File 134**.

House File 197

On motion of Senator Stewart, **House File 197**, a bill for an act relating to inheritance tax by eliminating the requirement that the department of revenue receive notice of withdrawal of funds from a joint account by a surviving joint owner, 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. 197), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour

Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

WITHDRAWN

Senator Stewart asked and received unanimous consent that **Senate File 134** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 98** and **House File 197** 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 169.

Senate File 169

On motion of Senator Kreiman, **Senate File 169**, a bill for an act relating to the regulation of substances which are precursors to amphetamine and methamphetamine and providing a penalty and effective date, was taken up for consideration.

Senator Brunkhorst offered amendment S–3002, filed by Senator Brunkhorst, et al., from the floor to pages 1–6 of the bill, and moved its adoption.

Amendment S–3002 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. 169), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 169** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 10:00 a.m. until 12:45 p.m., Monday, February 21, 2005.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Justin John Croghan, Manilla—For receiving the rank of Eagle Scout, Boy Scout Troop 99. Senator Kettering (2/17/05).

Megan Hess, Spencer—For being named one of Iowa's top youth volunteers for 2005 by The Prudential Spirit of Community Awards. Senator Johnson (2/17/05).

James Keller Lee, Council Bluffs—For receiving 22 honors related to numerous years of distinguished service in the United States Military. Senator Gronstal (2/17/05).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: February 16, 2005, 3:15 p.m.

Members Present: Angelo and Dvorsky, Co-chairs; Black, Boettger, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Johnson, Kettering, Lamberti, Miller, Putney, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, Ward, and Warnstadt.

Members Absent: None.

Committee Business: Passed SF 71.

Adjourned: 3:25 p.m.

ECONOMIC GROWTH

Convened: February 17, 2005, 2:10 p.m.

Members Present: Brunkhorst and Hatch, Co-chairs; Beall, Behn, Danielson, Dotzler, Hahn, McKinley, Ragan, Rielly, Shull, Stewart, and Zaun.

Members Absent: Seymour (excused).

Committee Business: Approved Governor's appointee.

Adjourned: 2:40 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: February 17, 2005, 2:05 p.m.

Members Present: Black and Houser, Co-chairs; Bolkcom, Dearden, Gaskill, Hancock, Johnson, Kettering, Lundby, Putney, Schoenjahn, Seng, and Wood.

Members Absent: Miller (excused).

Committee Business: Presentation by Department of Natural Resources.

Adjourned: 2:50 p.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: February 17, 2005, 10:05 a.m.

Members Present: Gaskill and Seng, Co-chairs; Black, Hahn, Houser, and Schoenjahn.

Members Absent: None.

Committee Business: Presentation by Department of Natural Resources.

Adjourned: 10:35 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: February 17, 2005, 10:10 a.m.

Members Present: Dotzler and Ward, Co-chairs; Behn, Brunkhorst, Danielson, and Rielly.

Members Absent: None.

Committee Business: Presentations by Department of Economic Development and Iowa Finance Authority.

Adjourned: 11:05 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: February 17, 2005, 10:05 a.m.

Members Present: Boettger and Horn, Co-chairs; McKinley, Quirmbach, Shull, and Wood.

Members Absent: None.

Committee Business: Presentations by Iowa Association of Community College Trustees, North Iowa Area Community College, and Kirkwood Community College.

Adjourned: 11:25 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: February 17, 2005, 10:05 a.m.

Members Present: Hatch and Tinsman, Co-chairs; Bolkcom, Johnson, Ragan, and Seymour.

Members Absent: None.

Committee Business: Presentations by Department of Human Services and Legislative Services Agency.

Adjourned: 12:00 p.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: February 17, 2005, 10:10 a.m.

Members Present: Fraise and McKibben, Co-chairs; Hancock, Kreiman, and Larson.

Members Absent: Miller (excused).

Committee Business: Presentations by Iowa Law Enforcement Academy and Iowa Civil Rights Commission.

Adjourned: 11:05 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

Convened: February 17, 2005, 10:05 a.m.

Members Present: Kettering and Warnstadt, Co-chairs; Angelo, Beall, and Zaun.

Members Absent: Dearden (excused).

Committee Business: Presentations by Department of Corrections, Department of Human Services, and Department of Natural Resources.

Adjourned: 11:00 a.m.

INTRODUCTION OF BILLS

Senate File 175, by committee on Judiciary, a bill for an act relating to certain penalties for filing false affidavits and the time for examining and determining a correct return under the state inheritance tax and increasing the amount of property that may be transferred to minors under certain conditions and including a retroactive applicability date provision.

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

Senate File 176, by committee on Education, a bill for an act entering Iowa into the midwestern higher education compact.

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

Senate File 177, by Angelo, Beall, Wieck, Dvorsky, and Putney, a bill for an act relating to education technology, including the creation of an Iowa learning technology commission and pilot program, establishment of a research triangle and clearinghouse, and allowing for the use of physical plant and equipment levy revenues for education technology.

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

Senate File 178, 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 179, by Ward, a bill for an act requiring every insurer offering certain individual or group health insurance policies to provide coverage for certain enteral formulas.

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

STUDY BILLS RECEIVED

SSB 1165 Ways and Means

Allowing counties to impose document filing fees to fund housing initiatives.

SSB 1166 Ways and Means

Relating to increased recording fees to be used for purposes of funding housing initiatives.

SSB 1167 Ways and Means

Exempting from the sales and use taxes the purchase of coins, currency, and bullion.

SSB 1168 Ways and Means

Relating to the property taxation of nursing facilities and including effective and applicability date provisions.

SSB 1169 Business and Labor Relations

Establishing a general prevailing rate of hourly wages requirement for public works project employees based on wages paid for work of a similar character in the locality in which the work is performed, and providing penalties.

SSB 1170 Judiciary

Establishing a uniform mediation Act.

SSB 1171 Transportation

Relating to requirement for the issuance of driver's licenses to foreign nationals.

SSB 1172 Transportation

Increasing speed limits on certain multilaned, divided highways and primary highways.

SSB 1173 Transportation

Relating to motor vehicle regulation by the state department of transportation, including motor vehicle registration and titling, restricted and special driver's licenses for minors, driver licensing,

regulation of commercial vehicles, the use of flashing lights on certain vehicles, citations for child restraint violations, permits for vehicles of excessive height or weight, procedures for motor vehicle dealers, and persons with disabilities parking, and relating to refunds of taxes on motor fuel used in taxicabs and buses that provide certain services.

SSB 1174 Human Resources

Providing for regulation by the Iowa department of public health of playgrounds operated by public agencies and providing an applicability date.

SSB 1175 Commerce

Relating to certain unauthorized activity of insurers and insurance producers, and making penalties applicable.

SSB 1176 Ways and Means

Providing a deduction in computing the individual income tax for certain unreimbursed expenses relating to a human organ transplant and including a retroactive applicability date.

SSB 1177 Ways and Means

Providing individual and corporate income tax credits for soy-based cutting tool oil and including an applicability date provision.

SUBCOMMITTEE ASSIGNMENTS

Senate File 144

COMMERCE: Bolkcom and Wieck, Co-chairs; Kettering and Stewart

Senate File 145

COMMERCE: Bolkcom and Wieck, Co-chairs; Kettering and Stewart

Senate File 153

COMMERCE: Bolkcom and Wieck, Co-chairs; Rielly and Zaun

Senate File 154

COMMERCE: Courtney and Wieck, Co-chairs; Bolkcom and Kettering

Senate File 158

WAYS AND MEANS: Miller and Stewart, Co-chairs; McCoy and Zieman

Senate File 160

COMMERCE: Rielly and Wieck, Co-chairs; Bolkcom and Kettering

Senate File 164

LOCAL GOVERNMENT: McCoy and Putney, Co-chairs; Quirmbach and Shull

Senate File 165

JUDICIARY: Kreiman and Miller, Co-chairs; Horn and Ward

Senate File 167

WAYS AND MEANS: Hahn and Seng, Co-chairs; Danielson and McKibben

Senate File 173

JUDICIARY: Brunkhorst and Warnstadt, Co-chairs; Miller and Quirmbach

House File 186

WAYS AND MEANS: Connolly and Larson, Co-chairs; Quirmbach and Zaun

House File 227
(Reassignment)

JUDICIARY: Boettger and Fraise, Co-chairs; Schoenjahn and Zaun

SSB 1060
(Reassignment)

WAYS AND MEANS: Danielson and Wieck, Co-chairs; Larson and Quirmbach

SSB 1165

WAYS AND MEANS: McCoy and Miller, Co-chairs; Seng and Wieck

SSB 1166

WAYS AND MEANS: Hahn and McCoy, Co-chairs; McKinley and Seng

SSB 1167

WAYS AND MEANS: Connolly and Wieck, Co-chairs; Dotzler and Miller

SSB 1168

WAYS AND MEANS: Larson and Quirmbach, Co-chairs; Danielson and Miller

SSB 1169

BUSINESS AND LABOR RELATIONS: Dearden and McKibben, Co-chairs; Behn and Horn

SSB 1170

JUDICIARY: Kreiman and Miller, Co-chairs; Quirmbach and Ward

SSB 1171

TRANSPORTATION: McCoy and Putney, Co-chairs; Dearden and Shull

SSB 1172

TRANSPORTATION: Kettering and McCoy, Co-chairs; Beall and Shull

SSB 1173

TRANSPORTATION: Warnstadt and Zieman, Co-chairs; Danielson and Ward

SSB 1174

HUMAN RESOURCES: Behn and Wood, Co-chairs; Quirmbach and Seymour

SSB 1175

COMMERCE: Larson and McCoy, Co-chairs; Rielly and Zaun

SSB 1176

WAYS AND MEANS: Larson and Stewart, Co-chairs; Seng and Zaun

SSB 1177

WAYS AND MEANS: Stewart and Zieman, Co-chairs; Dotzler and Hahn

FINAL COMMITTEE REPORTS OF BILL ACTION

EDUCATION

Bill Title: SENATE FILE 176 (formerly SF 168), a bill for an act entering Iowa into the midwestern higher education compact.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Connolly, McKinley, Angelo, Beall, Boettger, Brunkhorst, Dvorsky, Kreiman, Larson, Mulder, Quirmbach, Schoenjahn, Ward, and Wood. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Bill Title: *SENATE FILE 175 (SSB 1004), a bill for an act relating to certain penalties for filing false affidavits and the time for examining and determining a correct return under the state inheritance tax and increasing the amount of property that may be transferred to minors under certain conditions and including a retroactive applicability date provision.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Kreiman, Miller, Boettger, Brunkhorst, Hancock, Horn, Larson, McKibben, Quirmbach, Schoenjahn, Tinsman, Ward, and Warnstadt. Nays, none. Absent, 3: Dvorsky, Fraise, and Zaun.

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 175, 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:

ECONOMIC GROWTH

Shelley Coldiron – Small Business Advisory Council

AMENDMENT FILED

S–3002	S.F.	169	Bob Brunkhorst David Miller Keith A. Kreiman Herman C. Quirmbach

PROOF

STATE OF IOWA

Senate Journal

MONDAY, FEBRUARY 21, 2005

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

JOURNAL OF THE SENATE

FORTY-THIRD CALENDAR DAY
TWENTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, February 21, 2005

The Senate met in regular session at 12:52 p.m., President Lamberti presiding.

Prayer was offered by the Reverend Dave Weirsbe, pastor of the Clear Lake Evangelical Free Church in Clear Lake, Iowa. He was the guest of Senator Gaskill.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by students from Spirit Lake High School, who were the guests of Senator Johnson.

The Journal of Thursday, February 17, 2005, was approved.

SPECIAL GUEST

Senator Gaskill introduced Miss Iowa, Carolyn Nicholas, from Clear Lake, Iowa. She is a law student at Drake University. Her platform is Alzheimer's disease.

Miss Iowa, Carolyn Nicholas, addressed the Senate with brief remarks.

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 February 21, 2005, **adopted** the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 7, that a joint convention of the two houses of the 2005 session of the Eighty-First General Assembly be held on Monday, February 21, 2005, at 1:00 p.m.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Lundby, for the week, on request of Senator Wieck.

RECESS

On motion of Senator Gronstal, the Senate recessed at 1:04 p.m. for a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 1:05 p.m., President Lamberti presiding.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: HOUSE CONCURRENT RESOLUTION 7, that a joint convention of the two houses of the 2005 session of the Eighty-First General Assembly be held on Monday, February 21, 2005, at 1:00 p.m.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Gronstal, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, 1: Iverson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Concurrent Resolution 7.

House Concurrent Resolution 7

On motion of Senator Gronstal, **House Concurrent Resolution 7**, that a joint convention of the two houses of the 2005 session of the Eighty-First General Assembly be held on Monday, February 21, 2005, at 1:00 p.m, with report of committee recommending passage, was taken up for consideration.

Senator Gronstal moved the adoption of House Concurrent Resolution 7, which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Concurrent Resolution 7** be **immediately messaged** to the House.

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 7, 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 7, duly adopted, the joint convention was called to order at 1:13 p.m., President Lamberti presiding.

Senator Gronstal 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 Gronstal moved that a committee of seven, four 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 Angelo, Black, Shull, and Seng on the part

of the Senate, and Representatives Alons, Heddens, and Lukan on the part of the House.

Senator Gronstal moved that a committee of seven, four 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 Mulder, Warnstadt, Wieck, and Stewart on the part of the Senate, and Representatives Tymeson, Zirkelbach, and Chambers on the part of the House.

State Auditor David Vaudt, Treasurer of State Michael L. Fitzgerald, and Attorney General Tom Miller were escorted into the House chamber.

General Dardis's wife, Carmel, was 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.

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 introduced Miss Iowa, Carolyn Nicholas, who sang "God Bless the U.S.A."

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, Presidents Lamberti and Kibbie, 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 outstanding support over the years, especially during the recent mobilization of our soldiers and airmen, as we participate in the Global War on Terror. As a matter of fact, Iowa was one of only 15 states that offered benefits in six separate categories ranging from educational benefits, to family support, to tax breaks for soldiers.

Governor Vilsack, our Commander-in-Chief, and Lieutenant Governor Pederson, we thank you for your unwavering support of our men and women in uniform. 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 have visited our injured soldiers in hospitals. Also, you have been there to offer your deepest sympathy to our families who have lost loved ones during this War on Terror. Governor Vilsack always makes that first and most difficult call. We thank you for your caring leadership and strong support.

I am very honored to be with such a distinguished audience today to present a brief update on your Iowa National Guard. My update will include comments on:
• Our continued mobilization for the Global War on Terror, and
• My recent trip to Afghanistan, including the introduction of two special young Americans and defenders of freedom who have joined us in the chamber today, and our family readiness and support programs that are invaluable to our soldiers and airmen as we execute the War on Terror.

Our involvement in the Global War on Terror continues. Today, we have approximately 1,600 soldiers and airmen deployed around the world—850 with Operation Iraqi Freedom, 750 with Operation Enduring Freedom, and 100 preparing for overseas deployment. There are currently very few Iowa airmen deployed, but that will change this summer when the 132nd Fighter Wing deploys to Al Udeid Air Base, Qatar, for the seventh deployment in eight years to the Middle East—400 are expected to deploy. The 185th Aerial Refueling Wing continues to fly ongoing missions for the War on Terror. This is approximately 17 percent of our available force, much better than 50–80 percent of our force deployed in the past two years. These percentages ranked us number one in the nation many different times.

Since the events of September 11, 2001, approximately 7,500 soldiers and airmen have been on duty for the Global War on Terror (nearly 80 percent of our force). Of this 7,500, 6,612 soldiers and airmen have been mobilized and deployed for the War on Terror. These are unprecedented taskings for sure! As a matter of fact, the number of soldiers and airmen involved in the Global War on Terror since September 11, 2001, exceeds the number of soldiers mobilized during World War II. We are experiencing the highest tasking levels ever, and it will be recorded as a very significant period of time in the history of the Iowa Guard.

The Active Duty continues to ask for Iowa units! Why does Active Duty continue to ask for Iowa units? Simply put, because Iowa is one of the most combat-ready states in the nation. We have relevant units and relevant missions. We have combat-ready units. We have high strength levels—at 100 percent strength. And we have the quality of young men and women who get the job done!

The challenge we now have is one of regaining our readiness and reconstituting our equipment. We have left some equipment in Iraq and Afghanistan. Replacement and

repair of that equipment is paramount. We must maintain our strength. One hundred percent strength is a must!

We must improve on lessons learned from recent mobilizations and continue to work with senior leadership to implement necessary changes and improvements to streamline future deployments. We are continuously preparing for follow-on rotations as required. We need predictability in this area for our members and their families and employers who have been so supportive. We understand this is a long and protracted War on Terror, and we will be involved for some time to come.

I must add, we are very proud of still being at 100 percent strength. The Iowa Guard was recognized in January as being number one in the nation for recruiting production. We realize this is a down market nationally, but we are number one in a down market. We now have the largest number of students signed up for the National Guard Tuition Assistance Program ever! This is a true testimony to the value of this program for the Iowa Guard and the state of Iowa.

We are currently fifth in the nation for retention, as we retain 85 percent plus of members every year, and 94 percent last year. A commitment to the Iowa Guard is a commitment to Iowa. We thank you for the strong support of this program.

I just recently experienced a highlight of my entire military career, which I have not fully realized. I had the opportunity to visit the Iowa soldiers of Task Force 168 in Afghanistan just before the holidays. Task Force 168 is approximately 750 Iowa soldiers and is the largest number of soldiers deployed in any one unit of Task Force since World War II. In addition, this is the first time the 168th Infantry Battalion from southwest Iowa has been deployed since World War II.

I visited Major General Olson, the 25th Infantry Division Commander, at Bagram Air Field in Afghanistan. He was quick to compliment the Iowa soldiers. He stated that Task Force 168 is performing their mission in an outstanding manner, and he was very proud of our soldiers. We are also very proud of our soldiers of Task Force 168. They are located in 13 Provincial Reconstruction Team sites (PRTs) throughout Afghanistan and are providing security for reconstruction efforts, resupplying fire bases close to Pakistan and Iran, and working with Afghan people in their communities.

It is hard to explain what I saw—you have to be on the ground and see it firsthand. New schools are being built, including 34 at the Gardez PRT. Women and children fill the streets, and women are attending school for the first time. We now have programs for shoes and clothing for women and children, and we are providing medical attention to Afghan people. Civil affairs assistance is being provided on provincial government issues. New highways are being built, new wells are being dug, and various infrastructure projects are underway. It was an incredible sight to behold!

Interesting facts on Afghan people:
- They continue to maintain a defensive mentality; they have been fighting for 40 years.
- Everything is built with walls around it, even the houses.
- Many children have open sores on their faces and arms from no medical attention.
- There are no shoes for most everyone.
- One child in five dies before the age of five.
- Of Afghan detainees, only 10 percent can read or write.

The Afghan people have embraced this rebuilding of Afghanistan. They want democracy, and they want to enjoy the freedoms we enjoy today. They want all the Taliban, Al Qaeda, and remnants of the old Afghanistan military gone.

How do we know this? Their intelligence to Coalition Forces, and now the Afghan National Army, is precise and exact. They are attempting to take their country back! A ground swell you could not turn back if you wanted.

The Afghan National Army was certified in January 2005, after 3½ plus years of training. The commanding general, Major General Muslim, was captured by the Taliban and he escaped. He estimates that the country is 400 years behind the United States. He thanked us for the opportunity to come from darkness and see the light. They want to hunt down every last Taliban, Al Qaeda, and member of the old Afghanistan military. And I believe they will!

I visited Iowa soldiers at PRTs all over Afghanistan. We flew in Blackhawk and Chinook helicopters with Apache helicopter escort and cover. I presented Combat Infantry Badges, Division Combat Patches, Purple Hearts, and Adjutant General Medallions. We visited about the opportunity and the experience that these soldiers were having, and the impact they will have on a new Afghanistan. They were all very proud of their accomplishments and recognize they were making a difference.

Most importantly, I told the soldiers how proud we were of them and thanked them for the sacrifices they and their families are making, as well as their dedication to duty, their commitment to excellence, and their willingness to serve. They truly are our "hometown heroes."

One of the PRTs I visited was in Sharan, Afghanistan, which is a few miles from the Pakistan border. It has special meaning to me. The PRT was renamed "Kearney Base" in honor of Specialist James Kearney, an Iowan from Emerson who died from wounds suffered in convoy attack on November 1, 2004. In this attack, both Specialist Michael Johnson and Sergeant Ken Lukes were injured.

I visited Sergeant Ken Lukes at Walter Reed Medical Center in Washington, D.C., while I was en route to Afghanistan. Again, I was so impressed with the unbreakable spirit our young men and women maintain today after all they have experienced. They remain so positive and anxious to return to their units. Sergeant Lukes was no exception.

I visited with Specialist Johnson at Specialist Kearney's funeral, and he had the same attitude. He was very positive and wanted to be back with his unit in Afghanistan. Everything is put into perspective after you visit with these soldiers.

It causes me to pause and reflect upon how fortunate we are to have these quality young men and women in uniform today. They have altered their lives forever with injuries but yet remain so positive. It is an honor to meet the troops who have been wounded. It is so uplifting and inspiring to see their spirit, their drive to become rehabilitated, their love of country, and their continued support of the mission.

I delivered a personal letter from Governor Vilsack to Sergeant Lukes. He was very honored to receive a letter from the Governor, his Commander-in-Chief. I asked Sergeant Lukes what his message was to the soldiers at "Kearney Base." He said, "Tell

them I miss them. Tell them I wish I could be with them and that I am doing okay." I delivered that message Ken!

We talked about Specialist Kearney's funeral in Red Oak and the tremendous display of American spirit and patriotism in Red Oak and Emerson. Ken, they send a message back to you. They all miss you and wish you the best of luck in your rehab. You are an inspiration to us all!

Allow me to introduce to you "heroes from the battlefield." They represent bravery, heroism, and valor above and beyond the call of duty. Both soldiers have received Purple Hearts and Bronze Stars. They are great Americans, patriots for sure—Sergeant Ken Lukes from Protivin and Specialist Michael Johnson from Red Oak!

Ladies and gentlemen, our families are our greatest treasure. I always say, take every opportunity to tell your family how much they mean to you; we sometimes have a tendency to take them for granted. This is a main theme in my philosophy of command. Our guard family is the heart and soul of the Iowa Guard.

Our family readiness support program is recognized as a top program in the nation. Cathy Luther, the state coordinator of our Family Readiness Group, her staff, and volunteers do an outstanding job in executing this program. Recently, the Family Readiness Group from Company A 1-168 Infantry was awarded the 2004 Reserve Family Readiness Award. This is a very prestigious award that is given to only one unit from each reserve component across the nation—they were one of six total awardees. Members of this group traveled to Washington, D.C., over this past weekend to receive the award in a ceremony. This is an example of the quality family support program that I refer to.

They and our guard families are working with family issues. They are serving their state and nation, and they are making sacrifices. They are providing strong support for their deployed loved ones, as 15-, 16-, and 18-month separations are a considerable period of time. Yes, they are providing comfort and support to families who have soldiers who have been injured and have even died as a result of injuries in the Global War on Terror! They truly are our "heroes on the home front." This is proof you don't have to wear a uniform today to be a hero.

Today our Enduring Family Program is helping our returning soldiers and airmen with their transition back into everyday family life and the transition back to a full-time civilian job. Due to the length of deployment (up to 18 months, with some even extended for a second year) and the numbers of deaths, injuries, and close calls our soldiers have experienced, as well as anxieties our families were going through at home, we realized that we needed help from many different areas. Specialists that have assisted our families are from:

- Iowa Network of Critical Incident Stress Management Teams
- National Association of Social Workers
- American Red Cross
- Iowa Attorney General's Crisis Response Team
- Iowa Association for Marriage and Family Therapists
- Iowa Psychological Association
- Iowa Mental Health Counselors Association
- Iowa Legal Aid
- Army Community Service of Rock Island, Illinois
- United Way of Iowa

We thank all agencies and specialists for their expertise and assistance to our families and returning soldiers and airmen. The Enduring Family Program truly has been an Iowa effort!

Many of you have joined us on sendoffs and welcome home events, as we do the best we can in recognizing our soldiers and airmen for their service to their country. We are doing everything we can to make this transition as seamless as possible.

Ladies and gentlemen, the members of the Family Support Group, our Enduring Family Program, and our guard family have joined us in the chamber today. Please stand and allow us to recognize you and say thanks for all you do for our men and women in uniform.

As I close my remarks today, we pause to pay tribute to and recognize the service of our fallen heroes. These losses have touched Iowa in a deep and profound way. Thirty young men in uniform have made the ultimate sacrifice with their lives while defending or preparing to defend 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 or whose family is an Iowa family.

We pay a special tribute today to the families of the 30 young men who have given their lives in defense of freedom. These families' lives are forever changed by the death of their loved one. The void left in their hearts by their loss must at times seem impossible to fill.

My profound hope is that they sense the love and support of so many, and they realize our eternal gratitude for the price their loved one paid. Be assured they are not alone in their loss. They now share a common bond with other families and with all members of our military family. The sacrifice these young men have made will never be forgotten!

Ladies and gentlemen, it was an honor being with you today. Thank you for your support of the men and women in uniform. God bless you and your families. Thank you!

Representatives Tymeson, Heddens, and Schickel introduced Tracy Andrele of the Honoring Iowa's Families project. She presented a painting to Governor Thomas J. Vilsack to be displayed at the Capitol. The artist, David Rottinghaus, addressed the General Assembly describing his painting entitled "Honoring Iowa's Heroes."

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.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 2:05 p.m. until 8:30 a.m., Tuesday, February 22, 2005.

APPENDIX

CERTIFICATE OF RECOGNITION

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

Garrett A. Christeson, Rockford—For achieving the rank of Eagle Scout. Senator Ragan (2/21/05).

REPORTS OF COMMITTEE MEETINGS

LOCAL GOVERNMENT

Convened: February 21, 2005, 2:35 p.m.

Members Present: Quirmbach, Co-chair; Houser, McCoy, Mulder, Putney, Schoenjahn, and Stewart.

Members Absent: Shull, Co-chair; Kreiman, Lundby, Rielly, and Zaun (all excused).

Committee Business: Subcommittee assignments.

Adjourned: 2:40 p.m.

RULES AND ADMINISTRATION

Convened: February 21, 2005, 1:00 p.m.

Members Present: Gronstal, Co-chair; Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan.

Members Absent: Iverson, Co-chair (excused).

Committee Business: Passed HCR 7.

Adjourned: 1:05 p.m.

STATE GOVERNMENT

Convened: February 21, 2005, 2:35 p.m.

Members Present: Horn and McKibben, Co-chairs; Black, Brunkhorst, Connolly, Danielson, Hancock, Hatch, Kibbie, Miller, Tinsman, Ward, Wieck, Wood, and Zieman.

Members Absent: Kettering (excused).

Committee Business: Approved Governor's appointees.

Adjourned: 2:40 p.m.

INTRODUCTION OF BILLS

Senate File 180, by Hahn, a bill for an act relating to the powers of soil and water conservation districts and county conservation boards.

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

Senate File 181, by Connolly, a bill for an act relating to the regulation of pharmacy benefits managers and providing for civil relief.

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

Senate File 182, by Connolly, a bill for an act relating to the residency requirements for city civil service employees.

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

Senate File 183, by Houser, a bill for an act relating to the review of subdivision plats by a local board of health or a county sanitarian.

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

Senate File 184, by Hancock, a bill for an act providing emergency medical services providers and volunteer fire fighters with income tax credits and including effective and retroactive applicability date provisions.

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

Senate File 185, by Johnson, a bill for an act relating to boat speed restrictions on waters under the jurisdiction of the natural resource commission, and providing penalties.

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

Senate File 186, by Seymour, a bill for an act relating to establishing the unborn child pain awareness and prevention Act and providing penalties.

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

Senate File 187, by Hancock, a bill for an act providing for renewable fuel by establishing standards for ethanol blended gasoline and biodiesel fuel, and making penalties applicable.

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

STUDY BILLS RECEIVED

SSB 1178 Local Government

Relating to certain bid threshold requirements and the use of construction management services for construction of certain public works projects.

SSB 1179 Economic Growth

Providing individual and corporate income tax credits for the costs of information technology training of certain employees and including effective and retroactive applicability date provisions.

SSB 1180 Transportation

Relating to registration fees for certain motor trucks and providing effective and applicability dates.

SSB 1181 Human Resources

Relating to the creation of a consumer choice, support, and education program.

SSB 1182 Human Resources

Relating to the provision of legal assistance to victims of parental kidnapping.

SSB 1183 Human Resources

Relating to the evaluation and disposition of dependent adult abuse cases within assisted living programs, elder group homes, and adult day services programs.

SUBCOMMITTEE ASSIGNMENTS

Senate File 141

NATURAL RESOURCES AND ENVIRONMENT: Black and Johnson, Co-chairs; Kettering and Schoenjahn

Senate File 159

HUMAN RESOURCES: Ragan and Tinsman, Co-chairs; Bolkcom and Seymour

Senate File 161

HUMAN RESOURCES: Hatch and Seymour, Co-chairs; Boettger and Quirmbach

Senate File 162

HUMAN RESOURCES: Behn and Kreiman, Co-chairs; Hatch and Johnson

Senate File 163

HUMAN RESOURCES: Hatch and Houser, Co-chairs; Johnson and Kreiman

Senate File 166

NATURAL RESOURCES AND ENVIRONMENT: Black and Johnson, Co-chairs; Kettering and Schoenjahn

Senate File 170

LOCAL GOVERNMENT: Mulder and Stewart, Co-chairs; Rielly and Zaun

Senate File 172

LOCAL GOVERNMENT: Kreiman and Zaun, Co-chairs; Mulder and Stewart

House Concurrent Resolution 7

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

SSB 1178

LOCAL GOVERNMENT: Quirmbach and Shull, Co-chairs; Kreiman and Putney

SSB 1179

ECONOMIC GROWTH: Dotzler, Chair; Brunkhorst, Hahn, and Ragan

SSB 1180

TRANSPORTATION: Fraise and Putney, Co-chairs; Dearden and Ward

SSB 1181

HUMAN RESOURCES: Ragan and Seymour, Co-chairs; Bolkcom and Tinsman

SSB 1182

HUMAN RESOURCES: Ragan and Seymour, Co-chairs; Houser and Kreiman

SSB 1183

HUMAN RESOURCES: Bolkcom and Tinsman, Co-chairs; Boettger and Dotzler

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

Vicki Duchene – Iowa Workforce Development Board

STATE GOVERNMENT

Nancy Bruner – Accountancy Examining Board

Charlotte Westerhaus – Commission on the Status of African-Americans

James Kruzic – Boiler and Pressure Vessel Board

Todd Christensen – Elevator Safety Board
Pete Fromm – Elevator Safety Board
Kristine Kesterson – Elevator Safety Board
Scott Scholle – Elevator Safety Board
Wayne Sims – Elevator Safety Board

Tina Schmidt – IowAccess Advisory Council

Christine Hoffman – Board of Social Work Examiners
Mary Tasler – Board of Social Work Examiners

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, FEBRUARY 22, 2005

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

JOURNAL OF THE SENATE

FORTY-FOURTH CALENDAR DAY
TWENTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, February 22, 2005

The Senate met in regular session at 8:34 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, February 21, 2005, was approved.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 8:40 a.m. until 8:30 a.m., Wednesday, February 23, 2005.

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:

DEPARTMENT OF PUBLIC HEALTH

Vital Record Modernization Project update, pursuant to 2004 Acts, Senate File 2298. Report received on February 22, 2005.

Elderly Wellness Programs report, pursuant to 2004 Acts, Senate File 2298. Report received on February 22, 2005.

CERTIFICATES OF RECOGNITION

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

Alec Bonander, West Lyon High School—For qualifying for the 2005 State Wrestling Tournament in the 189-pound weight class. Senator Mulder (2/22/05).

Seth Fischer, Le Mars High School—For qualifying for the 2005 State Wrestling Tournament in the heavyweight weight class. Senator Mulder (2/22/05).

Nate Herda, Central Lyon High School—For qualifying for the 2005 State Wrestling Tournament in the 125-pound weight class. Senator Mulder (2/22/05).

Marshall Koethe, Akron-Westfield High School—For qualifying for the 2005 State Wrestling Tournament in the 125-pound weight class. Senator Mulder (2/22/05).

Derek Kosters, Western Christian High School—For qualifying for the 2005 State Wrestling Tournament in the 171-pound weight class. Senator Mulder (2/22/05).

Paul Lundgren, Maurice Orange City/Floyd Valley High School—For qualifying for the 2005 State Wrestling Tournament in the heavyweight weight class. Senator Mulder (2/22/05).

Paul P. Moran, Oak Lawn, Illinois—For your retirement after 39 years of service with the Oak Lawn Fire Department. Senator Rielly (2/22/05).

Andrew Moritz, Le Mars High School—For qualifying for the 2005 State Wrestling Tournament in the 130-pound weight class. Senator Mulder (2/22/05).

Brady Punt, Sioux Center High School—For qualifying for the 2005 State Wrestling Tournament in the 215-pound weight class. Senator Mulder (2/22/05).

Sean Smalley, Le Mars High School—For qualifying for the 2005 State Wrestling Tournament in the 135-pound weight class. Senator Mulder (2/22/05).

Solon Trustworthy Hardware, Solon—For 30 years of service to the community. Senator Dvorsky (2/22/05).

Chris Utesch, Akron-Westfield High School—For qualifying for the 2005 State Wrestling Tournament in the 130-pound weight class. Senator Mulder (2/22/05).

Marc Wermersen, Sioux Center High School—For qualifying for the 2005 State Wrestling Tournament in the 145-pound weight class. Senator Mulder (2/22/05).

REPORTS OF COMMITTEE MEETINGS

BUSINESS AND LABOR RELATIONS

Convened: February 21, 2005, 3:15 p.m.

Members Present: Dearden and Wieck, Co-chairs; Behn, Courtney, Dotzler, Horn, Seng, and Seymour.

Members Absent: McKibben and Shull (both excused).

Committee Business: Subcommittee assignments. Approved Governor's appointees.

Adjourned: 3:25 p.m.

EDUCATION

Convened: February 21, 2005, 3:15 p.m.

Members Present: Connolly and McKinley, Co-chairs; Angelo, Beall, Boettger, Brunkhorst, Dvorsky, Kreiman, Mulder, Quirmbach, Schoenjahn, Ward, and Wood.

Members Absent: Larson (excused).

Committee Business: Approved Governor's appointee.

Adjourned: 3:35 p.m.

HUMAN RESOURCES

Convened: February 21, 2005, 4:20 p.m.

Members Present: Ragan and Seymour, Co-chairs; Behn, Boettger, Bolkcom, Dotzler, Gaskill, Hatch, Houser, Kreiman, Quirmbach, Tinsman, and Wood.

Members Absent: Johnson (excused).

Committee Business: Passed HF 190. Approved Governor's appointees.

Adjourned: 4:50 p.m.

TRANSPORTATION

Convened: February 21, 2005, 4:15 p.m.

Members Present: McCoy and Putney, Co-chairs; Beall, Danielson, Dearden, Fraise, Hahn, Ward, Warnstadt, and Zieman.

Members Absent: Kettering and Shull (both excused).

Committee Business: Passed SF 103 and HF 216. Subcommittee assignments.

Adjourned: 4:45 p.m.

ECONOMIC GROWTH

Convened: February 22, 2005, 1:05 p.m.

Members Present: Brunkhorst and Hatch, Co-chairs; Beall, Behn, Danielson, Dotzler, Hahn, McKinley, Ragan, Rielly, Seymour, Shull, Stewart, and Zaun.

Members Absent: None.

Committee Business: Subcommittee assignment.

Adjourned: 1:20 p.m.

GOVERNMENT OVERSIGHT

Convened: February 22, 2005, 10:30 a.m.

Members Present: Courtney, Co-chair; and Wieck.

Members Absent: Lundby, Co-chair; and Connolly (both excused).

Committee Business: Presentation by office of Secretary of State.

Adjourned: 11:40 a.m.

JUDICIARY

Convened: February 22, 2005, 12:05 p.m.

Members Present: Kreiman and Miller, Co-chairs; Boettger, Brunkhorst, Fraise, Hancock, Horn, Larson, Quirmbach, Schoenjahn, Tinsman, Warnstadt, and Zaun.

Members Absent: Dvorsky, McKibben, and Ward (all excused).

Committee Business: Approved SSB 1005 (as amended). Approved Governor's appointee.

Adjourned: 12:35 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: February 22, 2005, 1:10 p.m.

Members Present: Black and Houser, Co-chairs; Bolkcom, Dearden, Hancock, Johnson, Kettering, Miller, Putney, Schoenjahn, Seng, and Wood.

Members Absent: Gaskill and Lundby (both excused).

Committee Business: Approved SSB 1147.

Adjourned: 1:30 p.m.

TRANSPORTATION

Convened: February 22, 2005, 1:50 p.m.

Members Present: McCoy and Putney, Co-chairs; Danielson, Dearden, Hahn, Kettering, Shull, Ward, and Zieman.

Members Absent: Beall, Fraise, and Warnstadt (all excused).

Committee Business: Tour of McAninch Corporation.

Adjourned: 2:45 p.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: February 22, 2005, 10:25 a.m.

Members Present: Gaskill and Seng, Co-chairs; Black, Hahn, Houser, and Schoenjahn.

Members Absent: None.

Committee Business: Presentation by State Veterinarian.

Adjourned: 11:00 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: February 22, 2005, 10:30 a.m.

Members Present: Dotzler and Ward, Co-chairs; Brunkhorst, Danielson, and Rielly.

Members Absent: Behn (excused).

Committee Business: Presentation by Cedar Rapids Chamber of Commerce.

Adjourned: 11:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: February 22, 2005, 10:20 a.m.

Members Present: Tinsman, Co-chair; Johnson, Ragan, and Seymour.

Members Absent: Hatch, Co-chair; and Bolkcom (both excused).

Committee Business: Presentation by Department of Human Services, Annie E. Casey Foundation, Institute for Social and Economic Development, and National Conference of State Legislators.

Adjourned: 11:00 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

Convened: February 22, 2005, 10:25 a.m.

Members Present: Kettering and Warnstadt, Co-chairs; Beall, Dearden, and Zaun.

Members Absent: Angelo (excused).

Committee Business: Presentations by Department of Public Defense, Iowa Public Television, and Department of Economic Development.

Adjourned: 11:10 a.m.

INTRODUCTION OF BILLS

Senate File 188, by Bolkcom, a bill for an act relating to the use of the moneys in the senior living trust fund, providing for appropriation of the moneys in the fund, and providing for a repeal.

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

Senate File 189, by McKinley, a bill for an act repealing registration requirements for construction contractors and providing for related matters.

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

Senate File 190, by Bolkcom, a bill for an act restricting the idling of school buses on school grounds.

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

Senate File 191, by Warnstadt, a bill for an act relating to the distribution to a city or county of state sales tax collected at events sponsored by a private entity and the city or county and making an appropriation.

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

Senate File 192, by Tinsman and Ragan, a bill for an act requiring the department of human services to develop and implement a voluntary child care quality rating system.

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

Senate File 193, by Tinsman and Johnson, a bill for an act relating to the providing of another business or activity in a health care facility.

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

Senate File 194, by Gronstal, a bill for an act requiring performance of a criminal history check of applicants for real estate broker and salesperson licenses.

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

Senate File 195, by committee on Transportation, a bill for an act relating to driver education by a teaching parent.

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

Senate File 196, by Lundby, a bill for an act providing for the regulation of commercial canine operations.

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

Senate File 197, by Bolkcom, a bill for an act prohibiting a state agency from taking an action that results in the transfer of a state employment position outside of the United States.

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

STUDY BILLS RECEIVED

SSB 1184 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 1185 Natural Resources and Environment

Relating to the adoption of fees for the operation of and discharge from a disposal system and making an appropriation.

SSB 1186 Appropriations

Relating to state government financial matters concerning charter agencies, the state appeal board, and reinvention initiatives of the department of management, and making appropriations.

SSB 1187 Natural Resources and Environment

Relating to the purchase of renewable energy including establishing a renewable energy purchase tax credit program within the utilities board of the department of commerce, and providing effective and retroactive applicability dates.

SSB 1188 Natural Resources and Environment

Relating to alternate energy production including establishing a small producer alternate energy tax credit program within the utilities board of the department of commerce, requiring public utilities to offer net metering to alternate energy production facilities, and permitting a school corporation to own and operate an alternate energy production facility, and providing effective and retroactive applicability dates.

SSB 1189 Natural Resources and Environment

Relating to a schedule established by the environmental protection commission for civil penalties.

SSB 1190 Business and Labor Relations

Relating to the applicability of federal overtime pay requirements.

SSB 1191 Ways and Means

Relating to entities eligible to claim certain property-related tax credits.

SSB 1192 Ways and Means

Providing an income tax credit for purchasing new fuel economy vehicles and including effective and retroactive applicability date provisions.

SSB 1193 Judiciary

Relating to the establishment of a critical care fund for the payment of certain medical malpractice claims and making an appropriation.

SSB 1194 Judiciary

Relating to the creation of critical incident review teams within the department of corrections.

SSB 1195 Judiciary

Providing for the regulation of abstractors, establishing fees, penalties, and judicial remedies, and providing an effective date.

SSB 1196 State Government

Limiting causes of action against veterinary practitioners who provide care to animals suffering distress.

SSB 1197 State Government

Providing for employer and employee contributions to the Iowa public employees' retirement system.

SSB 1198 State Government

Relating to the conduct of elections and voter registration and including applicability provisions.

SSB 1199 State Government

Relating to the duties and responsibilities of the state board of regents and the institutions under its control and providing for the nonreversion of funds.

SSB 1200 Human Resources

Relating to health care facility violations and penalties for such violations.

SSB 1201 Human Resources

Relating to the establishment of a state vision for the long-term living system.

SSB 1202 Human Resources

Relating to governmental services involving audit reports and the family investment program.

SSB 1203 Human Resources

Relating to the suspension of a child support obligation.

SSB 1204 Human Resources

Relating to the creation of a task force to provide for the implementation of Medicare Part D and providing an effective date.

SUBCOMMITTEE ASSIGNMENTS

Senate File 156

APPROPRIATIONS: Hatch and Tinsman, Co-chairs; Angelo and Dvorsky

Senate File 157

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs

Senate File 174

COMMERCE: Beall and Wieck, Co-chairs; Courtney and Larson

Senate File 177

EDUCATION: Angelo and Dvorsky, Co-chairs; Beall and Brunkhorst

Senate File 178

STATE GOVERNMENT: Hancock and Miller, Co-chairs; Danielson and Zieman

Senate File 184

WAYS AND MEANS: Danielson and Zaun, Co-chairs; Hahn and Seng

Senate File 189

STATE GOVERNMENT: Connolly and Tinsman, Co-chairs; Brunkhorst and Hatch

Senate File 190

EDUCATION: Dvorsky and Larson, Co-chairs; Ward and Wood

House File 123

JUDICIARY: Kreiman and McKibben, Co-chairs; Brunkhorst and Dvorsky

House File 252

AGRICULTURE: Brunkhorst and Courtney, Co-chairs; Hahn and Hancock

House File 277

COMMERCE: Behn and Warnstadt, Co-chairs; Angelo, Courtney, McCoy, and McKinley

House File 281

JUDICIARY: Hancock and McKibben, Co-chairs; Horn and Zaun

SSB 1184

APPROPRIATIONS: Hatch and Tinsman, Co-chairs; Angelo and Ragan

SSB 1185

NATURAL RESOURCES AND ENVIRONMENT: Hancock and Kettering, Co-chairs; Gaskill and Wood

SSB 1186

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs; Lamberti and Warnstadt

SSB 1187

NATURAL RESOURCES AND ENVIRONMENT: Houser and Schoenjahn, Co-chairs; Bolkcom, Lundby, Miller, and Wood

SSB 1188

NATURAL RESOURCES AND ENVIRONMENT: Houser and Schoenjahn, Co-chairs; Bolkcom, Lundby, Miller, and Wood

SSB 1189

NATURAL RESOURCES AND ENVIRONMENT: Houser and Wood, Co-chairs; Miller and Seng

SSB 1190

BUSINESS AND LABOR RELATIONS: Dearden and McKibben, Co-chairs; Behn and Courtney

SSB 1191

WAYS AND MEANS: Connolly and Miller, Co-chairs; Danielson and Zaun

SSB 1192

WAYS AND MEANS: Larson and McCoy, Co-chairs; Dotzler and McKibben

SSB 1193

JUDICIARY: Kreiman and Larson, Co-chairs; Horn and Tinsman

SSB 1194

JUDICIARY: Fraise and McKibben, Co-chairs; Schoenjahn and Zaun

SSB 1195

JUDICIARY: Horn and McKibben, Co-chairs; Brunkhorst and Hancock

SSB 1196

STATE GOVERNMENT: Wieck and Wood, Co-chairs; Kettering and Kibbie

SSB 1197

STATE GOVERNMENT: Kibbie and Zieman, Co-chairs; Horn, McKibben, Miller, and Wood

SSB 1198

STATE GOVERNMENT: Danielson and Kettering, Co-chairs; Ward and Wood

SSB 1199

STATE GOVERNMENT: Danielson and Ward, Co-chairs; Horn and Wieck

SSB 1200

HUMAN RESOURCES: Boettger and Hatch, Co-chairs; Dotzler and Johnson

SSB 1201

HUMAN RESOURCES: Bolkcom and Tinsman, Co-chairs; Ragan and Seymour

SSB 1202

HUMAN RESOURCES: Behn and Kreiman, Co-chairs; Gaskill and Wood

SSB 1203

HUMAN RESOURCES: Kreiman and Johnson, Co-chairs; Behn and Dotzler

SSB 1204

HUMAN RESOURCES: Bolkcom and Seymour, Co-chairs; Kreiman and Tinsman

FINAL COMMITTEE REPORTS OF BILL ACTION

HUMAN RESOURCES

Bill Title: HOUSE FILE 190, a bill for an act expanding the duties of the child death review team and making a penalty applicable.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Ragan, Seymour, Behn, Boettger, Bolkcom, Dotzler, Gaskill, Hatch, Houser, Kreiman, Quirmbach, Tinsman, and Wood. Nays, none. Absent, 1: Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

TRANSPORTATION

Bill Title: *SENATE FILE 195 (formerly SF 103), a bill for an act relating to driver education by a teaching parent.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: McCoy, Putney, Danielson, Fraise, Hahn, Ward, Warnstadt, and Zieman. Nays, 2: Beall and Dearden. Absent, 2: Kettering 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 195, and they were attached to the committee report.

ALSO:

Bill Title: HOUSE FILE 216, a bill for an act relating to motor vehicle regulation by the state department of transportation, including motor vehicle registration and titling, restricted and special driver's licenses for minors, driver licensing, regulation of commercial vehicles, the use of flashing lights on certain vehicles, citations for child restraint violations, permits for vehicles of excessive height or weight, procedures for motor vehicle dealers, and persons with disabilities parking, and relating to refunds of taxes on motor fuel used in taxicabs and buses that provide certain services.

Recommendation: DO PASS.

Final Vote: Ayes, 9: McCoy, Putney, Beall, Danielson, Dearden, Fraise, Hahn, Ward, and Warnstadt. Nays, 1: Zieman. Absent, 2: Kettering and Shull.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

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

Michael Gartner – State Board of Regents

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

Melanie Hass – Credit Union Review Board

Curtis Stamp – Iowa Telecommunications and Technology Commission

HUMAN RESOURCES

Judy McCoy Davis – Iowa Empowerment Board

Judy Gouldsmith – Board of Interpreters for the Hearing Impaired Examiners
Carissa Huffman – Board of Interpreters for the Hearing Impaired Examiners
Diana Kautzky – Board of Interpreters for the Hearing Impaired Examiners
David Moorman-Rice – Board of Interpreters for the Hearing Impaired Examiners
Bethany Sather – Board of Interpreters for the Hearing Impaired Examiners
Stuart Thiessen – Board of Interpreters for the Hearing Impaired Examiners

Rita Arora – Commission on the Status of Iowans of Asian & Pacific Islander Heritage
Thomas Baccam – Commission on the Status of Iowans of Asian & Pacific Islander Heritage
Cyndi Chen – Commission on the Status of Iowans of Asian & Pacific Islander Heritage
Ning Chia – Commission on the Status of Iowans of Asian & Pacific Islander Heritage
Lin Ly – Commission on the Status of Iowans of Asian & Pacific Islander Heritage
Frank Osako – Commission on the Status of Iowans of Asian & Pacific Islander Heritage
Richard Park – Commission on the Status of Iowans of Asian & Pacific Islander Heritage
Cecilia Peralta – Commission on the Status of Iowans of Asian & Pacific Islander Heritage
Barry Thongvanh – Commission on the Status of Iowans of Asian & Pacific Islander Heritage

JUDICIARY

Stewart Barnes – Iowa Drug Policy Advisory Council
Brian Vos – Iowa Drug Policy Advisory Council
Christina Wilson – Iowa Drug Policy Advisory Council

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, FEBRUARY 23, 2005

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

JOURNAL OF THE SENATE

FORTY-FIFTH CALENDAR DAY
TWENTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, February 23, 2005

The Senate met in regular session at 8:38 a.m., President Lamberti presiding.

Prayer was offered by the Reverend Jim Howland, pastor of the First Presbyterian Church in Winterset, Iowa. He was the guest of Senator Shull.

The Journal of Tuesday, February 22, 2005, was approved.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 8:46 a.m. until 8:30 a.m., Thursday, February 24, 2005.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Ray Anderson, Burlington—For celebrating your 85th birthday. Senator Courtney (2/23/05).

Mr. and Mrs. Jim and Millie Bell, Burlington—For celebrating your 60th wedding anniversary. Senator Courtney (2/23/05).

Anna Bessine, Burlington—For celebrating your 90th birthday. Senator Courtney (2/23/05).

Mr. and Mrs. Walter and Marian Brunken, Burlington—For celebrating your 60th wedding anniversary. Senator Courtney (2/23/05)

Virginia Phelps, Waterloo—For celebrating your 90th birthday. Senator Dotzler (2/23/05).

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: February 22, 2005, 3:10 p.m.

Members Present: Fraise and Johnson, Co-chairs; Black, Brunkhorst, Courtney, Hahn, Hancock, Houser, Kibbie, Mulder, Putney, Ragan, and Rielly.

Members Absent: Gaskill (excused).

Committee Business: Approved SSBs 1094, 1105, and 1111. Presentations by Grain Warehouse Bureau and Renewable Fuels Association.

Adjourned: 3:55 p.m.

COMMERCE

Convened: February 22, 2005, 4:05 p.m.

Members Present: Behn and Warnstadt, Co-chairs; Angelo, Beall, Bolkcom, Courtney, Gronstal, Kettering, Larson, McCoy, McKinley, Rielly, Stewart, Zaun, and Zieman.

Members Absent: Wieck (excused).

Committee Business: Approved Governor's appointees. Presentation by Coalition Against Abusive Lending.

Adjourned: 4:30 p.m.

HUMAN RESOURCES

Convened: February 22, 2005, 2:10 p.m.

Members Present: Ragan and Seymour, Co-chairs; Behn, Boettger, Bolkcom, Dotzler, Hatch, Houser, Johnson, Kreiman, Quirmbach, Tinsman, and Wood.

Members Absent: Gaskill (excused).

Committee Business: Presentations by Integrated Care Solutions, Inc. Approved Governor's appointees.

Adjourned: 3:05 p.m.

GOVERNMENT OVERSIGHT

Convened: February 23, 2005, 9:45 a.m.

Members Present: Courtney, Co-chair; Connolly and Wieck.

Members Absent: Lundby, Co-chair (excused).

Committee Business: Presentation by Iowa Insurance Commissioner.

Adjourned: 10:40 a.m.

STATE GOVERNMENT

Convened: February 23, 2005, 1:40 p.m.

Members Present: Horn and McKibben, Co-chairs; Brunkhorst, Danielson, Hancock, Kettering, Kibbie, Miller, Wieck, Wood, and Zieman.

Members Absent: Black, Connolly, Hatch, Tinsman, and Ward (all excused).

Committee Business: Approved SSB 1132. Subcommittee assignments.

Adjourned: 1:45 p.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: February 23, 2005, 9:30 a.m.

Members Present: Gaskill and Seng, Co-chairs; Black, Hahn, Houser, and Schoenjahn.

Members Absent: None.

Committee Business: Presentation by Department of Natural Resources.

Adjourned: 10:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: February 23, 2005, 9:50 a.m.

Members Present: Dotzler and Ward, Co-chairs; Behn, Brunkhorst, and Rielly.

Members Absent: Danielson (excused).

Committee Business: Presentations by Iowa Capital Investment Corporation and Aavin Equity Partners.

Adjourned: 10:40 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: February 23, 2005, 9:50 a.m.

Members Present: Hatch and Tinsman, Co-chairs; Bolkcom, Johnson, Ragan, and Seymour.

Members Absent: None.

Committee Business: Presentations by Department of Management and Department of Public Health.

Adjourned: 11:40 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

Convened: February 23, 2005, 9:40 a.m.

Members Present: Kettering and Warnstadt, Co-chairs; Beall, Dearden, and Zaun.

Members Absent: Angelo (excused).

Committee Business: Presentations by Iowa Association of County Fairs and Iowa State Fair Authority.

Adjourned: 10:35 a.m.

INTRODUCTION OF BILLS

Senate File 198, by Warnstadt, a bill for an act relating to the transportation of a respondent in a substance abuse or mental health commitment or treatment proceeding.

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

Senate File 199, by Bolkcom, a bill for an act relating to information required to be provided and reported relative to the provision of health care benefits, and providing an effective date.

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

Senate File 200, by committee on Agriculture, a bill for an act relating to the administration of the department of agriculture and land stewardship, by providing for its powers and duties.

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

Senate File 201, by committee on Agriculture, a bill for an act providing for veterinary emergency preparedness and response by the department of agriculture and land stewardship.

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

Senate File 202, by Lamberti, a bill for an act prohibiting the running of license revocation and ineligibility periods for defendants confined in operating-while-intoxicated cases.

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

Senate File 203, by Warnstadt, Hatch, Ward, and Dotzler, a bill for an act relating to safe walkways for railroad workers and making penalties applicable.

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

Senate File 204, by Warnstadt, Hatch, Ward, and Dotzler, a bill for an act relating to the issuance of traffic citations for railroad crossing violations.

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

Senate File 205, by committee on Agriculture, a bill for an act providing for life science enterprises authorized to hold agricultural land, making penalties applicable, and providing an effective date.

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

Senate File 206, by committee on Natural Resources and Environment, a bill for an act relating to deer population management and providing penalties and appropriations.

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

Senate File 207, by Connolly, Dvorsky, Lundby, and Tinsman, a bill for an act prohibiting the unauthorized possession of semiautomatic assault weapons without a permit, providing and applying certain penalties, and including a transition provision for weapons possessed upon the effective date of the Act.

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

Senate File 208, by Tinsman, Dvorsky, and Ward, a bill for an act relating to a landlord's retaliatory actions against a tenant for summoning or receiving police or emergency assistance in response to a domestic abuse situation.

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

Senate File 209, by McCoy, a bill for an act relating to consumer access to consumer credit reports, and providing a private right of action.

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

Senate File 210, by committee on Judiciary, a bill for an act relating to specified requirements applicable to a real estate broker or attorney providing services in connection with a real estate auction.

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

STUDY BILLS RECEIVED

SSB 1205 Agriculture

Relating to agricultural contracts, including for the production and marketing of agricultural commodities, providing for its applicability, and providing penalties.

SSB 1206 Commerce

Relating to identity theft including criminal violations and damages recoverable in a civil action, providing for forfeiture of property and for certain rights of financial institutions, and providing for civil remedies.

SSB 1207 Commerce

Relating to various provisions administered by the insurance division of the department of commerce concerning premium tax refunds, the interstate insurance compact, insurer insolvency proceedings, individual health insurance, the small employer carrier reinsurance program, the Iowa comprehensive health association, fire insurance policies, the Iowa insurance guaranty association, the FAIR plan, motor vehicle service contracts, investments by county and state mutual associations, reciprocal or interinsurance contract premium rates, and annuity contracts for cemetery and funeral merchandise and funeral services, and making fees and penalties applicable and providing effective and retroactive applicability dates.

SSB 1208 Human Resources

Relating to child abuse reporting and information access.

SSB 1209 Human Resources

Relating to improvement of the early care, education, health, and human services systems under the oversight of the Iowa empowerment board and creating a children's cabinet in the executive branch.

SSB 1210 Human Resources

Relating to the creation of a consumer choice, support, and education program.

SSB 1211 Human Resources

Providing for the Iowa department of public health to administer the Iowa food code in place of the department of inspections and appeals.

SUBCOMMITTEE ASSIGNMENTS

Senate File 179

COMMERCE: Courtney and McKinley, Co-chairs; Angelo and Warnstadt

Senate File 191

WAYS AND MEANS: Connolly and Larson, Co-chairs; Stewart and Wieck

Senate File 194

COMMERCE: Beall and Larson, Co-chairs; Courtney and Kettering

SSB 1205

AGRICULTURE: Fraise and Hahn, Co-chairs; Gaskill and Kibbie

SSB 1206

COMMERCE: Kettering and Rielly, Co-chairs; Beall and Zaun

SSB 1207

COMMERCE: McCoy and Wieck, Co-chairs; Rielly and Zaun

SSB 1208

HUMAN RESOURCES: Houser and Kreiman, Co-chairs; Boettger and Quirmbach

SSB 1209

HUMAN RESOURCES: Hatch and Seymour, Co-chairs; Behn and Wood

SSB 1210

HUMAN RESOURCES: Ragan and Seymour, Co-chairs; Bolkcom and Johnson

SSB 1211

HUMAN RESOURCES: Johnson and Ragan, Co-chairs; Behn and Quirmbach

FINAL COMMITTEE REPORTS OF BILL ACTION

AGRICULTURE

Bill Title: SENATE FILE 200 (SSB 1111), a bill for an act relating to the administration of the department of agriculture and land stewardship, by providing for its powers and duties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Fraise, Johnson, Black, Courtney, Hahn, Hancock, Houser, Kibbie, Mulder, Putney, Ragan, and Rielly. Nays, none. Absent, 2: Brunkhorst and Gaskill.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 201 (SSB 1094), a bill for an act providing for veterinary emergency preparedness and response by the department of agriculture and land stewardship.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Fraise, Johnson, Black, Courtney, Hahn, Hancock, Houser, Kibbie, Mulder, Putney, Ragan, and Rielly. Nays, none. Absent, 2: Brunkhorst and Gaskill.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 205 (SSB 1105), a bill for an act providing for life science enterprises authorized to hold agricultural land, making penalties applicable, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Fraise, Johnson, Black, Courtney, Hahn, Hancock, Houser, Kibbie, Mulder, Putney, Ragan, and Rielly. Nays, none. Absent, 2: Brunkhorst and Gaskill.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Bill Title: *SENATE FILE 210 (SSB 1005), a bill for an act relating to specified requirements applicable to a real estate broker or attorney providing services in connection with a real estate auction.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Kreiman, Miller, Boettger, Brunkhorst, Fraise, Hancock, Horn, Larson, Quirmbach, Schoenjahn, Warnstadt, and Zaun. Nays, none. Absent, 4: Dvorsky, McKibben, Tinsman, and Ward.

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 210, and they were attached to the committee report.

NATURAL RESOURCES AND ENVIRONMENT

Bill Title: *SENATE FILE 206 (SSB 1147), a bill for an act relating to deer population management and providing penalties and appropriations.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Black, Houser, Bolkcom, Dearden, Hancock, Johnson, Kettering, Miller, Putney, Schoenjahn, Seng, and Wood. Nays, none. Absent, 2: Gaskill and Lundby.

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 206, 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:

HUMAN RESOURCES

Philippe Gallant – Board of Interpreters for the Hearing Impaired Examiners

Shelly Chandler – Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission

James Rixner – Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, FEBRUARY 24, 2005

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

JOURNAL OF THE SENATE

FORTY-SIXTH CALENDAR DAY
TWENTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 24, 2005

The Senate met in regular session at 8:38 a.m., President Lamberti presiding.

Prayer was offered by the Reverend Loren Strait, pastor of the Glen Echo Christian Church in Des Moines, Iowa. He was the guest of Senator Zaun.

The Journal of Wednesday, February 23, 2005, 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 23, 2005, **passed** the following bill in which the concurrence of the House was asked:

Senate File 113, a bill for an act relating to nonsubstantive Code corrections and including effective and retroactive applicability date provisions.

ALSO: That the House has on February 23, 2005, **passed** the following bills in which the concurrence of the Senate is asked:

House File 141, 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 **Business and Labor Relations**.

House File 173, a bill for an act prohibiting false compartments in vehicles for the purpose of intentionally concealing or transporting contraband and providing penalties.

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

House File 187, a bill for an act relating to the utility replacement tax task force.

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

House File 228, a bill for an act relating to the payment of restitution by a person convicted of a criminal offense.

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

House File 247, a bill for an act providing for negotiated rulemaking.

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

House File 248, a bill for an act relating to the request for a regulatory analysis.

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

House File 275, a bill for an act relating to the purchase, possession, or consumption of alcohol by a person under legal age, and providing a penalty.

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

House File 310, a bill for an act exempting the sale of toys to certain nonprofit organizations from state sales and use taxes.

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

House File 313, a bill for an act relating to the establishment of an industrial processing exemption study committee and including an effective date.

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

House File 332, a bill for an act allowing certain abstractors to request a mortgage release.

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

House File 339, a bill for an act relating to the regulation of tobacco product retailers, and making penalties applicable.

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

SPECIAL GUESTS

Senator Mulder introduced the following five wrestlers who are participating in the 2005 State Wrestling Tournament: Marc Wermersen and Brady Punt from Sioux Center High School, and Andrew Moritz, Sean Smalley, and Seth Fischer from Le Mars High School.

The Senate welcomed the wrestlers to the Senate chamber.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Gronstal called up the following eligible appointees on the En Bloc Confirmation Calendar:

Nancy Bruner – Accountancy Examining Board

Charlotte Westerhaus – Commission on the Status of African-Americans

Robert Brecke – Boiler and Pressure Vessel Board
Timothy Fehr – Boiler and Pressure Vessel Board
Amy Iles – Boiler and Pressure Vessel Board
James Kruzic – Boiler and Pressure Vessel Board
Susan Oltrogge – Boiler and Pressure Vessel Board
Joseph Rodenkirk – Boiler and Pressure Vessel Board
Lynne Rush – Boiler and Pressure Vessel Board
Keith Taeger – Boiler and Pressure Vessel Board

Melanie Hass – Credit Union Review Board

Brian Vos – Iowa Drug Policy Advisory Council
Christina Wilson – Iowa Drug Policy Advisory Council

Wayne Kobberdahl – State Board of Education

Todd Christensen – Elevator Safety Board
Rita Conner – Elevator Safety Board
Pete Fromm – Elevator Safety Board
Kristine Kesterson – Elevator Safety Board
Scott Scholle – Elevator Safety Board
Wayne Sims – Elevator Safety Board

Judy McCoy Davis – Iowa Empowerment Board

Donna Mueller – Information Technology Council

Philippe Gallant – Board of Interpreters for the Hearing Impaired Examiners
Judy Gouldsmith – Board of Interpreters for the Hearing Impaired Examiners
Carissa Huffman – Board of Interpreters for the Hearing Impaired Examiners
Diana Kautzky – Board of Interpreters for the Hearing Impaired Examiners
David Moorman-Rice – Board of Interpreters for the Hearing Impaired Examiners
Stuart Thiessen – Board of Interpreters for the Hearing Impaired Examiners

Tina Schmidt – IowAccess Advisory Council

Rita Arora – Commission on the Status of Iowans of Asian and Pacific Islander Heritage
Thomas Baccam – Commission on the Status of Iowans of Asian and Pacific Islander Heritage
Cyndi Chen – Commission on the Status of Iowans of Asian and Pacific Islander Heritage
Ning Chia – Commission on the Status of Iowans of Asian and Pacific Islander Heritage
Lin Ly – Commission on the Status of Iowans of Asian and Pacific Islander Heritage
Frank Osako – Commission on the Status of Iowans of Asian and Pacific Islander Heritage

Richard Park – Commission on the Status of Iowans of Asian and Pacific Islander Heritage
Barry Thongvanh – Commission on the Status of Iowans of Asian and Pacific Islander Heritage

Shelly Chandler – Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission
Lynn Crannell – Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission
James Rixner – Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission

Shelley Coldiron – Small Business Advisory Council

Christine Hoffman – Board of Social Work Examiners
Mary Tasler – Board of Social Work Examiners

Curtis Stamp – Iowa Telecommunications and Technology Commission

Vicki Duchene – Iowa Workforce Development Board

Senator Gronstal 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	Larson	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirmbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Kreiman	Seng	

Nays, none.

Absent, 1:

Lundby

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 216 and Senate Files 139 and 122.

House File 216

On motion of Senator Danielson, **House File 216**, a bill for an act relating to motor vehicle regulation by the state department of transportation, including motor vehicle registration and titling, restricted and special driver's licenses for minors, driver licensing, regulation of commercial vehicles, the use of flashing lights on certain vehicles, citations for child restraint violations, permits for vehicles of excessive height or weight, procedures for motor vehicle dealers, and persons with disabilities parking, and relating to refunds of taxes on motor fuel used in taxicabs and buses that provide certain service, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 216), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kibbie	Rielly
Beall	Fraise	Kreiman	Schoenjahn
Behn	Gaskill	Lamberti	Seng
Black	Gronstal	Larson	Seymour
Boettger	Hahn	McCoy	Shull
Bolkcom	Hancock	McKibben	Stewart
Brunkhorst	Hatch	McKinley	Tinsman
Connolly	Horn	Miller	Ward
Courtney	Houser	Mulder	Warnstadt
Danielson	Iverson	Putney	Wieck
Dearden	Johnson	Quirmbach	Wood
Dotzler	Kettering	Ragan	Zaun

Nays,1:

Zieman

Absent, 1:

Lundby

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

Senate File 139

On motion of Senator Rielly, **Senate File 139**, a bill for an act relating to negotiable instruments, by providing for liabilities among certain parties, and providing a statute of limitation, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 139), the vote was:

Yeas, 49:

Angelo	Fraise	Lamberti	Seymour
Beall	Gaskill	Larson	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirmbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Kreiman	Seng	

Nays, none.

Absent, 1:

Lundby

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

Senate File 122

On motion of Senator Hancock, **Senate File 122**, a bill for an act relating to cash prizes for raffles and providing an effective date, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 122), the vote was:

Yeas, 49:

Angelo	Fraise	Lamberti	Seymour
Beall	Gaskill	Larson	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirmbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Kreiman	Seng	

Nays, none.

Absent, 1:

Lundby

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 Gronstal asked and received unanimous consent to take up for consideration House Files 175 and 190.

House File 175

On motion of Senator McKibben, **House File 175**, a bill for an act relating to the names of business entities, 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. 175), the vote was:

Yeas, 49:

Angelo	Fraise	Lamberti	Seymour
Beall	Gaskill	Larson	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirmbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Kreiman	Seng	

Nays, none.

Absent, 1:

Lundby

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

House File 190

On motion of Senator Kreiman, **House File 190**, a bill for an act expanding the duties of the child death review team and making a penalty applicable, 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. 190), the vote was:

Yeas, 49:

Angelo	Fraise	Lamberti	Seymour
Beall	Gaskill	Larson	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirmbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Kreiman	Seng	

Nays, none.

Absent, 1:

Lundby

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

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 122** and **139** and **House Files 175**, **190**, and **216** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:41 a.m. until 1:00 p.m., Monday, February 28, 2005.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Jackie Warnstadt, Sioux City—For being selected as the Sioux City Community School District Teacher of the Year. Senator Warnstadt (2/24/05).

Brad Zeutenhorst, Sioux Center—For coaching qualifiers for the 2005 State Wrestling Tournament. Senator Mulder (2/24/05).

REPORTS OF COMMITTEE MEETINGS

EDUCATION

Convened: February 23, 2005, 1:15 p.m.

Members Present: Connolly and McKinley, Co-chairs; Angelo, Beall, Boettger, Brunkhorst, Dvorsky, Kreiman, Mulder, Quirmbach, Schoenjahn, Ward, and Wood.

Members Absent: Larson (excused).

Committee Business: Passed SF 23 (as amended).

Adjourned: 1:35 p.m.

COMMERCE

Convened: February 24, 2005, 1:05 p.m.

Members Present: Behn and Warnstadt, Co-chairs; Angelo, Bolkcom, Courtney, Gronstal, Kettering, Larson, McKinley, Rielly, Stewart, Wieck, Zaun, and Zieman.

Members Absent: Beall and McCoy (both excused).

Committee Business: Passed HF 277 (as amended).

Adjourned: 1:50 p.m.

ECONOMIC GROWTH

Convened: February 24, 2005, 2:05 p.m.

Members Present: Brunkhorst and Hatch, Co-chairs; Danielson, Dotzler, Hahn, McKinley, Ragan, Rielly, Seymour, Shull, Stewart, and Zaun.

Members Absent: Beall and Behn (both excused).

Committee Business: Discussion on Iowa Values Fund.

Adjourned: 2:50 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: February 24, 2005, 9:50 a.m.

Members Present: Black and Houser, Co-chairs; Bolkcom, Dearden, Gaskill, Hancock, Johnson, Kettering, Miller, Putney, Schoenjahn, Seng, and Wood.

Members Absent: Lundby (excused).

Committee Business: Passed SF 141. Presentation by Superintendent of State Parks.

Adjourned: 10:50 a.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: February 24, 2005, 10:10 a.m.

Members Present: Gaskill and Seng, Co-chairs; and Hahn.

Members Absent: Black, Houser, and Schoenjahn (all excused).

Committee Business: Presentation by Department of Agriculture and Land Stewardship.

Adjourned: 10:50 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: February 24, 2005, 9:55 a.m.

Members Present: Dotzler, Co-chair; Brunkhorst, Danielson, and Rielly.

Members Absent: Ward, Co-chair; and Behn (both excused).

Committee Business: Presentation by the Greater Dubuque Development Corporation.

Adjourned: 11:05 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: February 24, 2005, 9:55 a.m.

Members Present: Hatch and Tinsman, Co-chairs; Bolkcom, Johnson, Ragan, and Seymour.

Members Absent: None.

Committee Business: Presentations by Department of Human Services, St. Luke's Hospital, Area Substance Abuse Council, and Iowa Finance Authority.

Adjourned: 12:00 p.m.

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 5, by Miller, a joint resolution proposing an amendment to the Iowa Constitution requiring that certain tax increases be submitted to a vote of the people.

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

Senate Resolution 10, by Beall, Boettger, Black, Fraise, Johnson, and Tinsman, a resolution recognizing the importance of citizen diplomacy.

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

INTRODUCTION OF BILLS

Senate File 211, by Beall, Connolly, Stewart, Ragan, McCoy, Bolkcom, Hatch, Courtney, Black, Dvorsky, and Kreiman, a bill for an act relating to substitute decision making and guardians and conservators, providing for the collection and appropriation of fees, and making an appropriation.

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

Senate File 212, by Lundby, a bill for an act relating to the notice requirements to terminate a rental agreement at a mobile home park or manufactured home community.

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

Senate File 213, by Beall, Connolly, Stewart, Ragan, McCoy, Bolkcom, Hatch, Seng, Dearden, Hancock, Dotzler, Schoenjahn,

Wood, Courtney, Black, Gronstal, Fraise, Dvorsky, and Kreiman, 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 214, by Hatch, a bill for an act relating to enrollment of an inmate of a public institution in the medical assistance program.

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

Senate File 215, by committee on State Government, a bill for an act modifying the certified mail requirement concerning the service and delivery of certain civil rights complaints and orders.

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

Senate File 216, by Bolkcom and Dvorsky, a bill for an act requiring 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 217, by Bolkcom and Kettering, a bill for an act relating to the maximum finance charge allowed for consumer loans secured by a certificate of title to a motor vehicle and making penalties applicable.

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

Senate File 218, by Ragan, Bolkcom, and Kreiman, a bill for an act relating to the reimbursement for medical assistance home and community-based services waiver services for the elderly.

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

Senate File 219, by Quirmbach, a bill for an act relating to the duties of county recorders and county auditors concerning instruments affecting real estate.

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

Senate File 220, by committee on Education, a bill for an act relating to the authorized uses of physical plant and equipment levy revenue, and including an applicability provision.

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

STUDY BILLS RECEIVED

SSB 1212 Education

Relating to organizations supportive of community colleges and schools by allowing individual income tax credits for contributions made to certain school tuition organizations, authorizing a school district or community college to include a nonprofit educational foundation on its insurance coverages if reimbursed, and including an applicability date provision.

SSB 1213 Local Government

Providing for the establishment of a committee to examine alternatives and develop an implementation plan regarding adoption of an integrated state fire code.

SSB 1214 Local Government

Relating to fees imposed for food safety inspections conducted by municipal corporations.

SSB 1215 Local Government

Relating to the assessment and collection of penalty, fee, and interest charges imposed for the late payment of building code penalties, fines, and inspection and enforcement fees.

SSB 1216 Education

Relating to the local option sales and services tax for school infrastructure purposes by redefining the statewide tax revenues per student and changing the applicability of the certificate of need requirement and including an effective date.

SSB 1217 Education

Making changes in the computation of the statewide tax revenues per student and the applicability of the certificate of need requirement under the local option sales and services tax for school infrastructure purposes and including an effective date.

SSB 1218 Government Oversight

Relating to the licensing and regulation of plumbers and mechanical professionals, providing an appropriation and penalties, and providing an effective date.

SSB 1219 Local Government

Relating to certain bid threshold requirements for certain public works projects.

SSB 1220 Human Resources

Relating to dependent adults and at-risk older adults, including protective services.

SSB 1221 Human Resources

Relating to dependent adults, including the crime of dependent adult abuse, and providing penalties.

SSB 1222 Human Resources

Providing for the creation of revolving funds, the establishment and appropriation of fees, and other specified changes relating to programs and activities under the purview of the Iowa department of public health.

SSB 1223 Human Resources

Relating to mental health, mental retardation, developmental disabilities, and brain injury services and the services fund administered by counties by revising levy provisions applicable to that fund, providing for county administration of services on behalf of the state, and providing for development of assessment processes, and including an effective and applicability date.

SSB 1224 Human Resources

Relating to child care services administered by the department of human services by revising requirements for the state child care assistance program and providing for implementation of a voluntary child care rating system.

SUBCOMMITTEE ASSIGNMENTS

Senate Resolution 10

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

Senate File 182

LOCAL GOVERNMENT: Rielly and Zaun, Co-chairs; Mulder and Schoenjahn

Senate File 183

LOCAL GOVERNMENT: Putney and Stewart, Co-chairs; Mulder and Rielly

Senate File 188

HUMAN RESOURCES: Bolkcom and Houser, Co-chairs; Dotzler and Gaskill

Senate File 192

HUMAN RESOURCES: Ragan and Tinsman, Co-chairs; Gaskill and Kreiman

Senate File 193

HUMAN RESOURCES: Ragan and Tinsman, Co-chairs; Hatch and Johnson

Senate File 196

LOCAL GOVERNMENT: Mulder and Quirmbach, Co-chairs; Kreiman and Zaun

Senate File 197

STATE GOVERNMENT: Hancock and Kettering, Co-chairs; Wood and Zieman

House File 222

LOCAL GOVERNMENT: Quirmbach and Shull, Co-chairs; Putney and Stewart

SSB 1212

EDUCATION: Connolly and McKinley, Co-chairs; Brunkhorst and Dvorsky

SSB 1213

LOCAL GOVERNMENT: Quirmbach and Shull, Co-chairs; Schoenjahn and Zaun

SSB 1214

LOCAL GOVERNMENT: Quirmbach and Shull, Co-chairs; Mulder and Rielly

SSB 1215

LOCAL GOVERNMENT: Quirmbach and Shull, Co-chairs; Schoenjahn and Zaun

SSB 1216

EDUCATION: Angelo and Wood, Co-chairs; Boettger and Connolly

SSB 1217

EDUCATION: Angelo and Connolly, Co-chairs; Boettger and Wood

SSB 1218

GOVERNMENT OVERSIGHT: Courtney and Lundby, Co-chairs

SSB 1219

LOCAL GOVERNMENT: Quirmbach and Shull, Co-chairs; Stewart and Zaun

SSB 1220

HUMAN RESOURCES: Boettger and Bolkcom, Co-chairs; Houser and Kreiman

SSB 1221

HUMAN RESOURCES: Kreiman and Seymour, Co-chairs; Johnson and Quirmbach

SSB 1222

HUMAN RESOURCES: Behn and Wood, Co-chairs; Dotzler and Tinsman

SSB 1223

HUMAN RESOURCES: Gaskill and Hatch, Co-chairs; Seymour and Wood

SSB 1224

HUMAN RESOURCES: Ragan and Tinsman, Co-chairs; Behn and Wood

FINAL COMMITTEE REPORTS OF BILL ACTION

COMMERCE

Bill Title: HOUSE FILE 277, a bill for an act relating to the deregulation of communications services including considering market forces, eliminating accounting plan requirements, establishing antitrust procedures and remedies, eliminating reporting requirements, eliminating the Iowa broadband initiative, and providing a penalty.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S–3003.

Final Vote: Ayes, 13: Behn, Warnstadt, Angelo, Bolkcom, Courtney, Gronstal, Kettering, McKinley, Rielly, Stewart, Wieck, Zaun, and Zieman. Nays, none. Absent, 3: Beall, Larson, and McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EDUCATION

Bill Title: *SENATE FILE 220 (formerly SF 23), a bill for an act relating to the authorized uses of physical plant and equipment levy revenue, and including an applicability provision.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Connolly, McKinley, Angelo, Beall, Boettger, Brunkhorst, Dvorsky, Kreiman, Mulder, Quirmbach, Schoenjahn, Ward, and Wood. Nays, none. Absent, 1: Larson.

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 220, and they were attached to the committee report.

NATURAL RESOURCES AND ENVIRONMENT

Bill Title: SENATE FILE 141, a bill for an act relating to reimbursement to owners of aboveground petroleum storage tanks for costs associated with the upgrade or permanent closure of aboveground petroleum storage tanks.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Black, Houser, Bolkcom, Dearden, Gaskill, Hancock, Johnson, Kettering, Miller, Putney, Schoenjahn, Seng, and Wood. Nays, none. Absent, 1: Lundby.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Bill Title: *SENATE FILE 215 (SSB 1132), a bill for an act modifying the certified mail requirement concerning the service and delivery of certain civil rights complaints and orders.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Horn, McKibben, Brunkhorst, Danielson, Hancock, Kettering, Kibbie, Miller, Wieck, Wood, and Zieman. Nays, none. Absent, 5: Black, Connolly, Hatch, Tinsman, and Ward.

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 215, and they were attached to the committee report.

AMENDMENT FILED

S–3003 H.F. 277 Commerce

PROOF

STATE OF IOWA

Senate Journal

MONDAY, FEBRUARY 28, 2005

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

JOURNAL OF THE SENATE

FIFTIETH CALENDAR DAY
TWENTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, February 28, 2005

The Senate met in regular session at 1:03 p.m., President Kibbie presiding.

Prayer was offered by the Reverend Elsa Lawry, pastor of the United Methodist Church in State Center, Iowa. She was the guest of Senator McKibben.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Elizabeth Beadle.

The Journal of Thursday, February 24, 2005, was approved.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 1:09 p.m. until 8:30 a.m., Tuesday, March 1, 2005.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Mr. and Mrs. Paul and Margaret Brim, Webster City—For celebrating your 70th wedding anniversary. Senator Iverson (2/28/05).

Becky Hacker-Kluver, Webster City—For being named the 2005 Iowa Middle Level Principal of the Year. Senator Iverson (2/28/05).

REPORTS OF COMMITTEE MEETINGS

EDUCATION

Convened: February 28, 2005, 2:05 p.m.

Members Present: Connolly and McKinley, Co-chairs; Angelo, Beall, Boettger, Brunkhorst, Dvorsky, Kreiman, Mulder, Quirmbach, Schoenjahn, and Wood.

Members Absent: Larson and Ward (both excused).

Committee Business: Passed SF 46 (as amended).

Adjourned: 2:30 p.m.

TRANSPORTATION

Convened: February 28, 2005, 3:00 p.m.

Members Present: McCoy and Putney, Co-chairs; Beall, Danielson, Dearden, Fraise, Hahn, Kettering, Shull, Warnstadt, and Zieman.

Members Absent: Ward (excused).

Committee Business: Discussed SSBs 1171 and 1172.

Adjourned: 3:40 p.m.

WAYS AND MEANS

Convened: February 28, 2005, 1:35 p.m.

Members Present: Bolkcom and Zieman, Co-chairs; Connolly, Danielson, Hahn, McCoy, McKibben, McKinley, Quirmbach, Seng, Stewart, and Zaun.

Members Absent: Dotzler, Larson, Miller, and Wieck (all excused).

Committee Business: Approved Governor's appointee.

Adjourned: 1:40 p.m.

INTRODUCTION OF BILLS

Senate File 221, by Dotzler, a bill for an act encouraging community investment in before and after school programs by allowing school districts to request additional allowable growth and providing for related matters.

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

Senate File 222, by Dotzler, a bill for an act relating to a midwest interstate passenger rail compact and providing an effective date.

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

Senate File 223, by Mulder, a bill for an act relating to the publishing of notice of recommendations to grant permits for diversion, storage, and withdrawal of water.

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

Senate File 224, by Bolkcom, a bill for an act relating to childhood obesity and foods and beverages sold and served on public school campuses, providing for a task force, and providing an effective date.

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

Senate File 225, by Tinsman, a bill for an act relating to reimbursement under the medical assistance program for services provided in a provider-based practice that includes nonphysician practitioners.

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

Senate File 226, by Tinsman, a bill for an act relating to permissible utilization of laser, pulsed light, and radio frequency devices, and providing a penalty.

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

Senate File 227, by Warnstadt, a bill for an act providing license and permit sanctions for specified violations involving a retail liquor control license, wine permit, or beer permit.

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

Senate File 228, by Gronstal, a bill for an act to prohibit the printing of credit card numbers and expiration dates on sales receipts and providing a penalty.

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

Senate File 229, by Johnson, a bill for an act relating to the regulation and registration of certain vessels, the operation of certain vessels by minors, inspections of certain vessels, the operation of vessels for hire or commercial vessels, providing for penalties, and appropriating the moneys collected from certain registration fee increases to the state fish and game protection fund.

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

STUDY BILLS RECEIVED

SSB 1225 Commerce

Relating to the operation of credit unions, by regulating the conduct of business in other states, by eliminating a membership qualification, and by providing for the preservation of records.

SSB 1226 Commerce

Providing for the regulation of persons engaged in soliciting business opportunities, including franchises.

SSB 1227 Commerce

Specifying testing substances for private sector employee drug testing.

SSB 1228 Judiciary

Relating to the use of moneys deposited into the inmate labor fund.

SSB 1229 Judiciary

Creating an alternative dispute resolution process in residential construction defect cases and providing a penalty.

SUBCOMMITTEE ASSIGNMENTS

Senate File 171

HUMAN RESOURCES: Kreiman and Seymour, Co-chairs; Hatch and Tinsman

Senate File 181

HUMAN RESOURCES: Bolkcom and Johnson, Co-chairs; Houser and Wood

Senate File 186

HUMAN RESOURCES: Hatch and Seymour, Co-chairs; Boettger and Bolkcom

Senate File 198

JUDICIARY: Tinsman and Warnstadt, Co-chairs; Boettger and Hancock

Senate File 202

JUDICIARY: Brunkhorst and Schoenjahn, Co-chairs; Kreiman and Miller

Senate File 204

JUDICIARY: Ward and Warnstadt, Co-chairs; Hancock and Zaun

Senate File 207

JUDICIARY: Dvorsky and Tinsman, Co-chairs; Kreiman and Larson

Senate File 208

JUDICIARY: Dvorsky and Tinsman, Co-chairs; Kreiman and Ward

Senate File 209

COMMERCE: McCoy and McKinley, Co-chairs; Courtney and Larson

Senate File 212

JUDICIARY: Horn and Zaun, Co-chairs; Brunkhorst and Kreiman

Senate File 217

COMMERCE: Bolkcom and Kettering, Co-chairs; Stewart and Zaun

House File 141

BUSINESS AND LABOR RELATIONS: Seng and Shull, Co-chairs; Horn and Seymour

House File 228

JUDICIARY: Hancock and Larson, Co-chairs; Kreiman and Tinsman

House File 275

JUDICIARY: Fraise and Tinsman, Co-chairs; Brunkhorst and Kreiman

House File 332

COMMERCE: Beall and Zaun, Co-chairs; Kettering and Rielly

SSB 1225

COMMERCE: Bolkcom and Larson, Co-chairs; Rielly and Zaun

SSB 1226

COMMERCE: Beall and Larson, Co-chairs; McKinley and Rielly

SSB 1227

COMMERCE: Courtney and Wieck, Co-chairs; Bolkcom and Zaun

SSB 1228

JUDICIARY: Hancock and Ward, Co-chairs; Horn and Miller

SSB 1229

JUDICIARY: Kreiman and Tinsman, Co-chairs; Miller and Schoenjahn

GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendations for confirmation:

HUMAN RESOURCES

Kenneth Fann – Board of Behavioral Science Examiners

WAYS AND MEANS

Heather Kramer – Iowa Finance Authority

AMENDMENT FILED

S–3004 S.F. 220 Steve Warnstadt

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, MARCH 1, 2005

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

JOURNAL OF THE SENATE

FIFTY-FIRST CALENDAR DAY
THIRTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, March 1, 2005

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

Prayer was offered by the Reverend Randy Widbin, pastor of the Christ Community Evangelical Free Church in Sioux Center, Iowa. He was the guest of Senator Mulder.

The Journal of Monday, February 28, 2005, 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 28, 2005, **passed** the following bill in which the concurrence of the House was asked:

Senate File 75, a bill for an act allocating funding appropriated to assist individuals assigned to active duty military service and providing effective and applicability date provisions.

ALSO: That the House has on February 28, 2005, **passed** the following bill in which the concurrence of the Senate is asked:

House File 420, a bill for an act relating to third-party payment of health care coverage costs for biologically based mental illness treatment services.

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

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 8:36 a.m. until 8:30 a.m., Wednesday, March 2, 2005.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

HUMAN RESOURCES

Convened: February 28, 2005, 3:05 p.m.

Members Present: Ragan and Seymour, Co-chairs; Behn, Boettger, Dotzler, Hatch, Houser, Johnson, Kreiman, Quirmbach, Tinsman, and Wood.

Members Absent: Bolkcom and Gaskill (both excused).

Committee Business: Approved Governor's appointee.

Adjourned: 3:10 p.m.

AGRICULTURE

Convened: March 1, 2005, 10:40 a.m.

Members Present: Fraise and Johnson, Co-chairs; Brunkhorst, Courtney, Gaskill, Hahn, Hancock, Kibbie, Mulder, Putney, Ragan, and Rielly.

Members Absent: Black and Houser (both excused).

Committee Business: Approved SSB 1144.

Adjourned: 10:50 a.m.

COMMERCE

Convened: March 1, 2005, 3:10 p.m.

Members Present: Behn, Co-chair; Angelo, Beall, Bolkcom, Courtney, Gronstal, Kettering, McCoy, McKinley, Rielly, Stewart, Wieck, Zaun, and Zieman.

Members Absent: Warnstadt, Co-chair; and Larson.

Committee Business: Approved SSB 1047 (as amended) and SSB 1099 (as amended).

Adjourned: 3:20 p.m.

ECONOMIC GROWTH

Convened: March 1, 2005, 2:00 p.m.

Members Present: Brunkhorst and Hatch, Co-chairs; Beall, Behn, Danielson, Dotzler, Hahn, McKinley, Ragan, Rielly, Seymour, Shull, Stewart, and Zaun.

Members Absent: None.

Committee Business: Subcommittee assignment.

Adjourned: 3:00 p.m.

GOVERNMENT OVERSIGHT

Convened: March 1, 2005, 9:35 a.m.

Members Present: Lundby, Co-chair; and Connolly.

Members Absent: Courtney, Co-chair, and Wieck (both excused).

Committee Business: Discussion with Department of Transportation.

Adjourned: 11:20 a.m.

JUDICIARY

Convened: March 1, 2005, 1:00 p.m.

Members Present: Kreiman and Miller, Co-chairs; Boettger, Brunkhorst, Dvorsky, Fraise, Hancock, Horn, McKibben, Quirmbach, Schoenjahn, Tinsman, and Zaun.

Members Absent: Larson, Ward, and Warnstadt (all excused).

Committee Business: Passed HF 281. Approved SSB 1073.

Adjourned: 1:35 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: March 1, 2005, 2:05 p.m.

Members Present: Black and Houser, Co-chairs; Bolkcom, Dearden, Gaskill, Hancock, Johnson, Kettering, Lundby, Miller, Putney, Schoenjahn, Seng, and Wood.

Members Absent: None.

Committee Business: Presentation on wind energy.

Adjourned: 2:50 p.m.

INTRODUCTION OF BILLS

Senate File 230, by Warnstadt, a bill for an act relating to substance abuse and mental health commitment or treatment proceedings.

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

Senate File 231, by Warnstadt, a bill for an act relating to the utilization of a portion of economic development-related financial assistance provided by state agencies for certain agricultural purposes.

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

Senate File 232, by Warnstadt, 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 233, by Gronstal, a bill for an act relating to the licensure of engineers employed on an excursion gambling boat that has been removed from navigation and is a permanently moored vessel.

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

Senate File 234, by Bolkcom, a bill for an act making an appropriation from the healthy Iowans tobacco trust to the Iowa department of public health for tobacco use prevention and control.

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

Senate File 235, by Bolkcom, a bill for an act relating to reimbursement for a home and community-based services waiver under the medical assistance program.

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

Senate File 236, by Bolkcom, a bill for an act requiring notice and consent for certain transfers of jurisdiction of a highway.

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

Senate File 237, by Bolkcom, a bill for an act requiring the department of human services to provide a form for documenting the use of an exception to a limitation on the number of reserve bed days authorized for a state supplementary assistance recipient residing in a residential care facility.

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

Senate File 238, by Hatch, a bill for an act relating to involuntary commitment hearings in substance abuse and mental health cases.

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

Senate File 239, by Hatch, a bill for an act relating to mental health, mental retardation, and developmental disabilities services by providing for service authorization through the central point of coordination process of a person's county of residence and establishing responsibility for service costs.

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

Senate File 240, by Bolkcom, a bill for an act related to chromated copper arsenate treated wood and providing a penalty.

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

Senate File 241, by Bolkcom, a bill for an act relating to the purchase, possession, or consumption of alcohol by a person under 21 years of age and increasing fines.

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

Senate File 242, by Ragan, a bill for an act relating to consumer education and outreach for the Medicare Part D program, and providing an appropriation.

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

Senate File 243, by Wieck, a bill for an act defining the term "possession" for purposes of the criminal law.

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

Senate File 244, by Courtney, a bill for an act relating to workers' compensation, including certain benefits and procedures administered by the workers' compensation commissioner, workers' compensation liability insurance, liability insurance, confidential information filed with the workers' compensation commission, liability of third parties, subrogation and indemnification of employers, and repeal of provisions specific to occupational disease compensation, and providing penalties.

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

Senate File 245, by committee on Education, a bill for an act relating to a secondary school core curriculum, including requiring the state board of education to determine a model core curriculum and set a statewide core curriculum completion rate goal, and requiring school districts and schools to report core curriculum completion percentages annually.

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

STUDY BILLS RECEIVED

SSB 1230 Ways and Means

Relating to tax credits provided for purposes of acquiring agricultural assets by beginning farmers, and providing effective and applicability dates.

SSB 1231 Ways and Means

Increasing the maximum rate of the local hotel and motel tax.

SSB 1232 Natural Resources and Environment

Providing for the retention of solid waste tonnage fees by sanitary landfills for purposes of regional collection centers and third parties providing services similar to regional collection centers.

SSB 1233 Natural Resources and Environment

Relating to various conservation and recreation activities under the purview of the department of natural resources, modifying fees, and making penalties applicable.

SSB 1234 Transportation

Relating to close-clearance warning devices along railways and providing a penalty.

SSB 1235 Transportation

Relating to traffic citations issued for railroad crossing violations.

SSB 1236 Transportation

Relating to the licensing requirements of dealers of new motor vehicles including the license application, establishing or changing the location of the place of business of a dealer of new motor vehicles, and providing for payment of costs and providing an effective date.

SSB 1237 Transportation

Relating to the licensing requirements of dealers of new motor vehicles including the license application, establishing or changing the location of a dealer's place of business, and providing for payment of costs and providing an effective date.

SSB 1238 Transportation

Relating to the local regulation of motor vehicles including the renewal of motor vehicle registrations by county treasurers and the collection of delinquent parking fines owed to a city or county.

SSB 1239 Transportation

Relating to regional transit districts.

SSB 1240 Ways and Means

Relating to taxation by making changes relating to property tax, income tax, city and county budgets, and providing effective dates and for the Act's applicability.

SSB 1241 Judiciary

Relating to the criminal offense of theft of leased or rented personal property and making penalties applicable.

SSB 1242 Economic Growth

Relating to economic development activities, providing for tax credits, and making appropriations.

SSB 1243 Ways and Means

Relating to local government budgets by modifying statutory state mandate language, requiring funding of essential services by cities and counties, requiring state approval of a proposed levy for a special appraiser's fund, placing a maximum dollars limitation on cities and counties, modifying property assessment guidelines, creating a property assessment appeal board to hear appeals of the actions of

local boards of review, stating the intent of the general assembly as to future property tax proposals, and including applicability date provisions.

SSB 1244 Agriculture

Relating to the promotion of biodiesel and E-85 blended gasoline as renewable fuels.

SSB 1245 Human Resources

Relating to shelter care services funded through the department of human services and providing effective and applicability date provisions.

SSB 1246 Agriculture

Relating to animal feeding operations, by providing for the regulation of open feedlot operations, and providing for penalties.

SUBCOMMITTEE ASSIGNMENTS

Senate File 79

AGRICULTURE: Fraise and Johnson, Co-chairs; Gaskill and Hancock

Senate File 107

NATURAL RESOURCES AND ENVIRONMENT: Putney and Schoenjahn, Co-chairs; Hancock and Kettering

Senate File 185

NATURAL RESOURCES AND ENVIRONMENT: Dearden and Johnson, Co-chairs; Hancock and Kettering

Senate File 211

HUMAN RESOURCES: Behn and Wood, Co-chairs; Ragan and Seymour

Senate File 214

HUMAN RESOURCES: Hatch and Houser, Co-chairs; Dotzler and Johnson

Senate File 218

HUMAN RESOURCES: Johnson and Ragan, Co-chairs; Bolkcom and Tinsman

Senate File 219

LOCAL GOVERNMENT: Kreiman and Putney, Co-chairs; Houser and Stewart

Senate File 223

NATURAL RESOURCES AND ENVIRONMENT: Gaskill and Wood, Co-chairs; Putney and Seng

Senate File 225

HUMAN RESOURCES: Bolkcom and Tinsman, Co-chairs; Boettger and Wood

Senate File 229

NATURAL RESOURCES AND ENVIRONMENT: Black and Johnson, Co-chairs; Kettering and Schoenjahn

SSB 1230

WAYS AND MEANS: Miller and Stewart, Co-chairs; Hahn and Seng

SSB 1231

WAYS AND MEANS: McKibben and Quirmbach, Co-chairs; Connolly and Zaun

SSB 1232

NATURAL RESOURCES AND ENVIRONMENT: Johnson and Wood, Co-chairs; Kettering and Seng

SSB 1233

NATURAL RESOURCES AND ENVIRONMENT: Dearden and Johnson, Co-chairs; Kettering and Seng

SSB 1234

TRANSPORTATION: Danielson, Chair; Kettering, Warnstadt, and Zieman

SSB 1235

TRANSPORTATION: Warnstadt, Chair; Fraise, Hahn, and Putney

SSB 1236

TRANSPORTATION: McCoy, Chair; Shull, Ward, and Warnstadt

SSB 1237

TRANSPORTATION: McCoy, Chair; Shull, Ward, and Warnstadt

SSB 1238

TRANSPORTATION: Dearden, Chair; McCoy, Shull, and Ward

SSB 1239

TRANSPORTATION: Dearden, Chair; Beall, Hahn, and Zieman

SSB 1240

WAYS AND MEANS: Quirmbach and Zieman, Co-chairs; Connolly and McKibben

SSB 1241

JUDICIARY: Kreiman and Zaun, Co-chairs; Dvorsky and Miller

SSB 1242

ECONOMIC GROWTH: Brunkhorst and Hatch, Co-chairs

SSB 1243

WAYS AND MEANS: Quirmbach and Zieman, Co-chairs; Danielson and Larson

SSB 1244

AGRICULTURE: Kibbie and Putney, Co-chairs; Brunkhorst and Fraise

SSB 1245

HUMAN RESOURCES: Ragan and Seymour, Co-chairs; Houser and Kreiman

SSB 1246

AGRICULTURE: Johnson and Kibbie, Co-chairs; Fraise and Houser

FINAL COMMITTEE REPORT OF BILL ACTION

EDUCATION

Bill Title: *SENATE FILE 245 (formerly SF 46), a bill for an act relating to a secondary school core curriculum, including requiring the state board of education to determine a model core curriculum and set a statewide core curriculum completion rate goal, and requiring school districts and schools to report core curriculum completion percentages annually.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Connolly, McKinley, Angelo, Beall, Boettger, Brunkhorst, Dvorsky, Mulder, Quirmbach, Schoenjahn, and Wood. Nays, 1: Kreiman. Absent, 2: Larson and Ward.

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 245, 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 1st day of March, 2005:

Senate File 113.

MICHAEL E. MARSHALL
Secretary of the Senate

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, MARCH 2, 2005

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

JOURNAL OF THE SENATE

FIFTY-SECOND CALENDAR DAY
THIRTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, March 2, 2005

The Senate met in regular session at 8:40 a.m., President Kibbie presiding.

Prayer was offered by the Reverend Chris Bozung, pastor of the Cornerstone Church in Marion, Iowa. He was the guest of Senator Lundby.

The Journal of Tuesday, March 1, 2005, 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 1, 2005, **adopted** the following resolutions in which the concurrence of the Senate is asked:

House Concurrent Resolution 4, a concurrent resolution relating to Pioneer Lawmakers.

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

House Concurrent Resolution 5, a concurrent resolution relating to a biennial memorial session.

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

BILL REFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that **Senate File 206** be referred from the Regular Calendar to the committee on **Ways and Means.**

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 8:48 a.m. until 8:30 a.m., Thursday, March 3, 2005.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Helen Bie, Ames—For celebrating your 90th birthday. Senator Quirmbach (3/2/05).

Emmetsburg/Armstrong-Ringsted Wrestling Team—For becoming the Class 2A Iowa High School Athletic Association 2005 State Wrestling Tournament Champions. Senator Kibbie (3/2/05).

Aaron Janssen, Emmetsburg—For becoming the Class 2A 152-pound 4th place finisher at the 2005 State Wrestling Tournament. Senator Kibbie (3/2/05).

Adam Kenny, Emmetsburg—For becoming the Class 2A 215-pound 2nd place finisher at the State Wrestling Tournament. Senator Kibbie (3/2/05).

Justin Kerber, Emmetsburg—For becoming the Class 2A 145-pound 1st place finisher at the 2005 State Wrestling Tournament. Senator Kibbie (3/2/05).

Joe Noonan, Emmetsburg—For becoming the Class 2A 189-pound 4th place finisher at the 2005 State Wrestling Tournament. Senator Kibbie (3/2/05).

Phyllis Pals, Belmond—For celebrating 70 years in business with P&G Supermarket and for celebrating your 90th birthday on March 24, 2005. Senator Iverson (3/2/05).

Matt Stillman, Emmetsburg—For becoming the Class 2A 119-pound 5th place finisher at the 2005 State Wrestling Tournament. Senator Kibbie (3/2/05).

Bryan Sundall, Emmetsburg—For becoming the Class 2A 125-pound 4th place finisher at the 2005 State Wrestling Tournament. Senator Kibbie (3/2/05).

Hannah Hauge Tesdall, Story City—For celebrating your 100th birthday on January 2, 2005. Senator Iverson (3/2/05).

Fern Thompson, Madrid—For celebrating your 88th birthday. Senator Quirmbach (3/2/05).

PETITION

The following petition was presented and place on file:

From residents of Clay and Palo Alto counties opposing the cutting of trees on public lands by the Iowa Department of Natural Resources and requesting a meeting in Ruthven, Iowa, concerning this issue. Senator Kibbie.

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: March 2, 2005, 3:05 p.m.

Members Present: Behn and Warnstadt, Co-chairs; Angelo, Beall, Bolkcom, Courtney, Gronstal, Kettering, McKinley, Rielly, Stewart, Wieck, Zaun, and Zieman.

Members Absent: Larson and McCoy (both excused).

Committee Business: Approved SSBs 1149 and 1206 (as amended).

Adjourned: 3:15 p.m.

EDUCATION

Convened: March 2, 2005, 10:00 a.m.

Members Present: Connolly and McKinley, Co-chairs; Angelo, Beall, Boettger, Dvorsky, Kreiman, Mulder, Quirmbach, Schoenjahn, and Wood.

Members Absent: Brunkhorst, Larson, and Ward (all excused).

Committee Business: Informational meeting for Governor's appointee.

Adjourned: 10:45 a.m.

HUMAN RESOURCES

Convened: March 2, 2005, 2:05 p.m.

Members Present: Ragan and Seymour, Co-chairs; Behn, Boettger, Bolkcom, Dotzler, Johnson, Kreiman, Quirmbach, Tinsman, and Wood.

Members Absent: Gaskill, Hatch, and Houser (all excused).

Committee Business: Approved SSBs 1042 (as amended) and 1131.

Adjourned: 2:25 p.m.

LOCAL GOVERNMENT

Convened: March 2, 2005, 11:00 a.m.

Members Present: Quirmbach and Shull, Co-chairs; Houser, Kreiman, McCoy, Mulder, Putney, Rielly, Schoenjahn, Stewart, and Zaun.

Members Absent: Lundby (excused).

Committee Business: Passed SF 170 (as amended).

Adjourned: 11:25 a.m.

TRANSPORTATION

Convened: March 2, 2005, 2:00 p.m.

Members Present: McCoy and Putney, Co-chairs; Dearden, Hahn, Kettering, Shull, and Zieman.

Members Absent: Beall, Danielson, Fraise, Ward, and Warnstadt (all excused).

Committee Business: Annett Holdings Trucking Company field trip.

Adjourned: 3:15 p.m.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 5, by McKibben and Dotzler, a concurrent resolution urging the United States Congress to appropriate funding for the Historic Barn Preservation Act.

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

INTRODUCTION OF BILLS

Senate File 246, by committee on Judiciary, a bill for an act prohibiting a donation or contribution to an agency, organization, or political subdivision of the state in a criminal proceeding.

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

Senate File 247, by Lundby, a bill for an act relating to notifying the parent or legal guardian and the school of enrollment if certain persons under legal age are in possession of an alcoholic beverage.

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

Senate File 248, by Hatch, a bill for an act providing for the establishment and administration of a mental health court pilot project.

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

Senate File 249, by Lundby, a bill for an act relating to sanitary disposal projects and sanitary landfills, by prohibiting the siting of a landfill within three miles of a city's boundaries without city approval and providing an effective date.

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

Senate File 250, by Lundby, a bill for an act relating to dogs housed in animal shelters and pounds by providing for the administration of rabies vaccinations.

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

Senate File 251, by Wood, a bill for an act relating to animal feeding operations, by establishing a regulatory information service and providing for compliance.

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

Senate File 252, by Hahn, a bill for an act relating to the issuance of free antlerless deer depredation permits to landowners and providing a penalty.

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

Senate File 253, by Warnstadt, a bill for an act relating to the appropriation of the interest and earnings on sales and use tax revenues for state technology.

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

Senate File 254, by Warnstadt, a bill for an act providing for the use of biomass as an additive or supplement to natural gas.

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

Senate File 255, by Kreiman and Ragan, a bill for an act relating to criminal law, including the criminal offense of harassment and issuing a search warrant.

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

Senate File 256, by Hatch, a bill for an act making an appropriation to the real estate appraiser examining board for investigators.

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

Senate File 257, by Tinsman, a bill for an act relating to protesting a county or city budget.

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

Senate File 258, by Dotzler, Danielson, Dvorsky, Bolkcom, Wood, Schoenjahn, Courtney, Black, Kibbie, Quirmbach, Connolly, and Hatch, a bill for an act relating to the property assessment limitation on property classified as residential and providing an applicability date.

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

Senate File 259, by committee on Agriculture, a bill for an act relating to the regulation of agricultural seed, by providing for preemption of local legislation.

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

Senate File 260, by committee on Commerce, a bill for an act relating to debt collection disclosure requirements for certain financial institution affiliates.

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

Senate File 261, by Zieman, a bill for an act relating to refund values for empty beverage containers.

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

Senate File 262, by Ward, a bill for an act providing an exemption to the regulation of boilers and unfired steam pressure vessels.

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

Senate File 263, by Warnstadt, a bill for an act relating to city contract letting procedures.

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

STUDY BILLS RECEIVED

SSB 1247 State Government

Establishing an interior design examining board, providing for the registration of interior designers, and providing fees and penalties.

SSB 1248 Local Government

Providing for payroll deduction for county, city, and school district employees for charitable giving.

SSB 1249 State Government

Relating to the regulation of auctions and the licensing of auctioneers and other auction personnel and providing fees, penalties, and an appropriation.

SSB 1250 Judiciary

Relating to the criminal offense of theft of leased or rented personal property and making penalties applicable.

SSB 1251 Judiciary

Relating to the Iowa probate code, the Iowa trust code, and certain other trusts.

SSB 1252 Judiciary

Relating to liens associated with agricultural production by providing for the termination of those liens.

SSB 1253 Judiciary

Authorizing the juvenile court under a juvenile delinquency or child in need of assistance permanency order to also appoint a guardian or conservator for the child for purposes of probate.

SUBCOMMITTEE ASSIGNMENTS

Senate Joint Resolution 5

STATE GOVERNMENT: Connolly and Kettering, Co-chairs; Kibbie and Tinsman

Senate Concurrent Resolution 5

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

Senate File 199

HUMAN RESOURCES: Bolkcom and Houser, Co-chairs; Gaskill and Hatch

Senate File 213

STATE GOVERNMENT: Connolly and Wieck, Co-chairs; Kibbie and Tinsman

Senate File 216

STATE GOVERNMENT: Danielson and Miller, Co-chairs; Hancock and Zieman

Senate File 226

STATE GOVERNMENT: Danielson and Ward, Co-chairs; Brunkhorst and Wood

Senate File 227

JUDICIARY: Brunkhorst and Warnstadt, Co-chairs; Hancock and Zaun

Senate File 230

JUDICIARY: Boettger and Kreiman, Co-chairs; Ward and Warnstadt

Senate File 233

STATE GOVERNMENT: Black and Tinsman, Co-chairs; Wood and Zieman

Senate File 238

JUDICIARY: Kreiman and Tinsman, Co-chairs; Miller and Warnstadt

Senate File 240

STATE GOVERNMENT: Danielson and Miller, Co-chairs; Hancock and Kettering

Senate File 241

JUDICIARY: Hancock and Zaun, Co-chairs; Kreiman and McKibben

Senate File 243

JUDICIARY: Brunkhorst and Kreiman, Co-chairs; Horn and Miller

Senate File 247

JUDICIARY: Boettger and Kreiman, Co-chairs; Warnstadt and Zaun

Senate File 248

JUDICIARY: Brunkhorst and Hancock, Co-chairs; Schoenjahn and Ward

Senate File 255

JUDICIARY: Hancock and Larson, Co-chairs; Kreiman and Ward

House File 173

JUDICIARY: Kreiman and Larson, Co-chairs; Hancock and Ward

House File 247

STATE GOVERNMENT: Kibbie and Wieck, Co-chairs; Brunkhorst and Connolly

House File 248

STATE GOVERNMENT: Kibbie and Wieck, Co-chairs; Brunkhorst and Connolly

House File 339

STATE GOVERNMENT: Hatch and Ward, Co-chairs; Danielson and Tinsman

SSB 1237
(Reassignment)

TRANSPORTATION: Putney, Chair; Beall, Fraise, and Kettering

SSB 1247

STATE GOVERNMENT: Black and Ward, Co-chairs; Kibbie and Tinsman

SSB 1248

LOCAL GOVERNMENT: Quirmbach and Shull, Co-chairs; Kreiman and Zaun

SSB 1249

STATE GOVERNMENT: Hancock and Tinsman, Co-chairs; McKibben and Wood

SSB 1250

JUDICIARY: Kreiman and Zaun, Co-chairs; Horn and McKibben

SSB 1251

JUDICIARY: Ward and Warnstadt, Co-chairs; Hancock and Miller

SSB 1252

JUDICIARY: Schoenjahn and Zaun, Co-chairs; Ward and Warnstadt

SSB 1253

JUDICIARY: Boettger and Quirmbach, Co-chairs; Kreiman and Tinsman

FINAL COMMITTEE REPORTS OF BILL ACTION

AGRICULTURE

Bill Title: *SENATE FILE 259 (SSB 1144), a bill for an act relating to the regulation of agricultural seed, by providing for preemption of local legislation.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Fraise, Johnson, Brunkhorst, Gaskill, Hahn, Kibbie, Mulder, Putney, and Rielly. Nays, 3: Courtney, Hancock, and Ragan. 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 File 259, and they were attached to the committee report.

COMMERCE

Bill Title: *SENATE FILE 260 (SSB 1099), a bill for an act relating to debt collection disclosure requirements for certain financial institution affiliates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Behn, Angelo, Beall, Bolkcom, Courtney, Gronstal, Kettering, McCoy, McKinley, Rielly, Stewart, Wieck, Zaun, and Zieman. Nays, none. Absent, 2: Warnstadt and Larson.

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 260, and they were attached to the committee report.

JUDICIARY

Bill Title: SENATE FILE 246 (SSB 1073), a bill for an act prohibiting a donation or contribution to an agency, organization, or political subdivision of the state in a criminal proceeding.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Miller, Boettger, Brunkhorst, Dvorsky, Fraise, Hancock, Horn, McKibben, Quirmbach, Schoenjahn, Tinsman, and Zaun. Nays, 1: Kreiman. Absent, 3: Larson, Ward, and Warnstadt.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 281, a bill for an act relating to certain penalties for filing false affidavits and the time for examining and determining a correct return under the state inheritance tax and increasing the amount of property that may be transferred to minors under certain conditions and including a retroactive applicability date provision.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Kreiman, Miller, Boettger, Brunkhorst, Dvorsky, Fraise, Hancock, Horn, McKibben, Quirmbach, Schoenjahn, Tinsman, and Zaun. Nays, none. Absent, 3: Larson, Ward, and Warnstadt.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILL ASSIGNED TO COMMITTEE

President Kibbie announced that **House File 420** was assigned to the committee on **Commerce.**

AMENDMENTS FILED

S–3005	S.F.	220	Steve Warnstadt
S–3006	S.F.	71	Jeff Angelo
S–3007	H.F.	277	David Johnson

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, MARCH 3, 2005

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

JOURNAL OF THE SENATE

FIFTY-THIRD CALENDAR DAY
THIRTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, March 3, 2005

The Senate met in regular session at 8:32 a.m., President Kibbie presiding.

Prayer was offered by the Reverend Shurmaine McAlpine, pastor of the United Methodist Church in Woodbine, Iowa. She was the guest of Senator Seymour.

The Journal of Wednesday, March 2, 2005, 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 2, 2005, **amended and adopted** the following resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 3, a concurrent resolution relating to the compensation of chaplains, officers, and employees of the eighty-first general assembly. (S–3009)

ALSO: That the House has on March 2, 2005, **passed** the following bills in which the concurrence of the Senate is asked:

House File 276, a bill for an act requiring that meetings relating to postsecondary school registration held by the Iowa coordinating council for post-high school education be open to the public.

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

House File 312, a bill for an act relating to campaign finance committee reporting, use of committee funds or property, independent expenditures, and placement of campaign signs.

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

House File 373, a bill for an act relating to equipment dealerships, by providing for the sale or transfer of a dealership and providing for the Act's applicability.

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

House File 374, a bill for an act relating to veterans by providing for the compensation of members of a county commission of veteran affairs, providing for the issuance of combined hunting and fishing licenses to certain veterans, establishing a hepatitis C awareness program for veterans, concerning funds in an account for a state veterans cemetery, and providing an effective date.

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

House File 375, a bill for an act relating to the duties imposed on a real estate broker by a brokerage agreement.

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

House File 400, 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 and referred to committee on **Ways and Means.**

House File 466, 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 general fund.

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

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Gaskill and Larson, for the day, on request of Senator Iverson.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 3.

Senate Resolution 3

On motion of Senator Warnstadt, **Senate Resolution 3**, a resolution urging congressional action to allow all eligible veterans to receive concurrently both their full military retired pay and military disability compensation, with report of committee recommending passage, was taken up for consideration.

Senator Warnstadt moved the adoption of Senate Resolution 3, 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 141.

Senate File 141

On motion of Senator Johnson, **Senate File 141**, a bill for an act relating to reimbursement to owners of aboveground petroleum storage tanks for costs associated with the upgrade or permanent closure of aboveground petroleum storage tanks, 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?” (S.F. 141), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kreiman	Schoenjahn
Beall	Fraise	Lamberti	Seng
Behn	Gronstal	Lundby	Seymour
Black	Hahn	McCoy	Shull
Boettger	Hancock	McKibben	Stewart
Bolkcom	Hatch	McKinley	Tinsman
Brunkhorst	Horn	Miller	Ward
Connolly	Houser	Mulder	Warnstadt
Courtney	Iverson	Putney	Wieck
Danielson	Johnson	Quirmbach	Wood
Dearden	Kettering	Ragan	Zaun
Dotzler	Kibbie	Rielly	Zieman

Nays, none.

Absent, 2:

Gaskill Larson

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

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Iverson called up the following eligible appointees on the En Bloc Confirmation Calendar:

Kenneth Fann, Board of Behavioral Science Examiners

Stewart Barnes, Iowa Drug Policy Advisory Council

Heather Kramer, Iowa Finance Authority

Bethany Sather, Board of Interpreters for the Hearing Impaired Examiners

Cecilia Peralta, Commission on the Status of Iowans of Asian and Pacific Islander Heritage

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	Kreiman	Schoenjahn
Beall	Fraise	Lamberti	Seng
Behn	Gronstal	Lundby	Seymour
Black	Hahn	McCoy	Shull
Boettger	Hancock	McKibben	Stewart
Bolkcom	Hatch	McKinley	Tinsman
Brunkhorst	Horn	Miller	Ward
Connolly	Houser	Mulder	Warnstadt
Courtney	Iverson	Putney	Wieck
Danielson	Johnson	Quirmbach	Wood
Dearden	Kettering	Ragan	Zaun
Dotzler	Kibbie	Rielly	Zieman

Nays, none.

Absent, 2:

Gaskill Larson

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 277 and Senate Files 205 and 176.

House File 277

On motion of Senator Warnstadt, **House File 277**, a bill for an act relating to the deregulation of communications services including considering market forces, eliminating accounting plan requirements, establishing antitrust procedures and remedies, eliminating reporting requirements, eliminating the Iowa broadband initiative, and providing a penalty, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Warnstadt offered amendment S–3003, filed by the committee on Judiciary on February 24, 2005, to page 2 of the bill, and moved its adoption.

Amendment S–3003 was adopted by a voice vote.

Senator Johnson offered amendment S–3007, filed by him on March 2, 2005, to page 4 of the bill.

Senator Johnson withdrew amendment S–3007.

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?" (H.F. 277), the vote was:

Yeas, 47:

Angelo	Dvorsky	Kreiman	Seng
Beall	Fraise	Lamberti	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	Miller	Ward
Brunkhorst	Horn	Mulder	Warnstadt
Connolly	Houser	Putney	Wieck
Courtney	Iverson	Quirmbach	Wood
Danielson	Johnson	Ragan	Zaun
Dearden	Kettering	Rielly	Zieman
Dotzler	Kibbie	Schoenjahn	

Nays, 1:

McKinley

Absent, 2:

Gaskill Larson

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

Senate File 205

On motion of Senator Johnson, **Senate File 205**, a bill for an act providing for life science enterprises authorized to hold agricultural land, making penalties applicable, and providing an effective date, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 205), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kreiman	Schoenjahn
Beall	Fraise	Lamberti	Seng
Behn	Gronstal	Lundby	Seymour
Black	Hahn	McCoy	Shull
Boettger	Hancock	McKibben	Stewart
Bolkcom	Hatch	McKinley	Tinsman
Brunkhorst	Horn	Miller	Ward
Connolly	Houser	Mulder	Warnstadt
Courtney	Iverson	Putney	Wieck
Danielson	Johnson	Quirmbach	Wood
Dearden	Kettering	Ragan	Zaun
Dotzler	Kibbie	Rielly	Zieman

Nays, none.

Absent, 2:

Gaskill	Larson

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

Senate File 176

On motion of Senator Boettger, **Senate File 176**, a bill for an act entering Iowa into the midwestern higher education compact, 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. 176), the vote was:

Yeas, 40:

Angelo	Dotzler	Johnson	Ragan
Beall	Dvorsky	Kibbie	Rielly
Black	Fraise	Kreiman	Schoenjahn
Boettger	Gronstal	Lamberti	Seng

Bolkcom	Hahn	McCoy	Seymour
Brunkhorst	Hancock	McKibben	Stewart
Connolly	Hatch	McKinley	Tinsman
Courtney	Horn	Mulder	Ward
Danielson	Houser	Putney	Warnstadt
Dearden	Iverson	Quirmbach	Wood

Nays, 8:

Behn	Lundby	Shull	Zaun
Kettering	Miller	Wieck	Zieman

Absent, 2:

Gaskill	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 Hatch, 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 71.

Senate File 71

On motion of Senator Johnson, **Senate File 71**, a bill for an act relating to an appropriation from the environment first fund for the establishment of permanent soil and water conservation practices, by allocating moneys to support the administration of local governmental units, and providing an effective date, with report of committee on Appropriations recommending passage, was taken up for consideration.

Senator Lundby offered amendment S–3008, filed by her from the floor to page 1 of the bill, and moved its adoption.

Amendment S–3008 was adopted by a voice vote.

Senator Angelo offered amendment S–3006, filed by him on March 2, 2005, to page 1 of the bill, and moved its adoption.

Amendment S–3006 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 71), the vote was:

Yeas, 47:

Angelo	Dvorsky	Lamberti	Seng
Beall	Fraise	Lundby	Seymour
Behn	Gronstal	McCoy	Shull
Black	Hahn	McKibben	Stewart
Boettger	Hancock	McKinley	Tinsman
Bolkcom	Horn	Miller	Ward
Brunkhorst	Houser	Mulder	Warnstadt
Connolly	Iverson	Putney	Wieck
Courtney	Johnson	Quirmbach	Wood
Danielson	Kettering	Ragan	Zaun
Dearden	Kibbie	Rielly	Zieman
Dotzler	Kreiman	Schoenjahn	

Nays, none.

Absent, 3:

Gaskill	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 Files 71**, **141**, **176**, and **205** and **House File 277** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 9:50 a.m. until 1:00 p.m., Monday, March 7, 2005.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Jordan Hasenkamp, Twin River Valley High School—For becoming the Class 1A 119-pound 3rd place finisher at the 2005 State Wrestling Tournament. Senator Kibbie (3/3/05).

Joe Johnson, Algona—For becoming the Class 2A 171-pound 5th place finisher at the 2005 State Wrestling Tournament. Senator Kibbie (3/3/05).

Matt Jorgenson, Pocahontas Area High School—For becoming the Class 2A 215-pound 3rd place finisher at the 2005 State Wrestling Tournament. Senator Kibbie (3/3/05).

Jordan Limbaugh, Algona—For becoming the Class 2A 275-pound 1st place finisher at the 2005 State Wrestling Tournament. Senator Kibbie (3/3/05).

CSM Allan D. Myers, 185th Corps Support Battalion, Red Oak—For receiving a Bronze Star for exceptional meritorious service on January 17, 2005. Senator Angelo (3/3/05).

Luke Satern, Humboldt—For becoming the Class 2A 135-pound 1st place finisher at the 2005 State Wrestling Tournament. Senator Kibbie (3/3/05).

Mr. and Mrs. Jim and Leona Seifert, Donahue—For celebrating your 40th wedding anniversary. Senator Wood (3/3/05).

Kyle Simonson, Algona—For becoming the Class 2A 189-pound 8th place finisher at the 2005 State Wrestling Tournament. Senator Kibbie (3/3/05).

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: March 3, 2005, 1:10 p.m.

Members Present: Fraise and Johnson, Co-chairs; Black, Hahn, Hancock, Houser, Kibbie, Mulder, Ragan, and Rielly.

Members Absent: Brunkhorst, Courtney, Gaskill, and Putney (all excused).

Committee Business: Discussion of SSB 1246.

Adjourned: 2:00 p.m.

ECONOMIC GROWTH

Convened: March 3, 2005, 2:05 p.m.

Members Present: Brunkhorst and Hatch, Co-chairs; Beall, Behn, Danielson, Dotzler, Hahn, McKinley, Ragan, Rielly, Shull, Stewart, and Zaun.

Members Absent: Seymour (excused).

Committee Business: Discussion on SF 65 and SSB 1242.

Adjourned: 2:40 p.m.

JUDICIARY

Convened: March 3, 2005, 11:05 a.m.

Members Present: Kreiman and Miller, Co-chairs; Boettger, Brunkhorst, Dvorsky, Fraise, Hancock, Horn, McKibben, Quirmbach, Schoenjahn, Tinsman, Ward, Warnstadt, and Zaun.

Members Absent: Larson (excused).

Committee Business: Passed HF 227 (as amended) and approved SSB 1108 (as amended).

Adjourned: 11:30 a.m.

LOCAL GOVERNMENT

Convened: March 3, 2005, 3:00 p.m.

Members Present: Quirmbach and Shull, Co-chairs; Kreiman, Lundby, McCoy, Mulder, Putney, Rielly, Schoenjahn, Stewart, and Zaun.

Members Absent: Houser (excused).

Committee Business: Passed SF 50 (as amended) and approved SSBs 1213 (as amended) and 1215 (as amended).

Adjourned: 3:40 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: March 3, 2005, 2:10 p.m.

Members Present: Black and Houser, Co-chairs; Bolkcom, Dearden, Hancock, Johnson, Kettering, Lundby, Putney, Schoenjahn, Seng, and Wood.

Members Absent: Gaskill and Miller (both excused).

Committee Business: Approved SSB 1109. Subcommittee assignments.

Adjourned: 2:15 p.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 11, by Angelo, a resolution honoring and celebrating the life of Iowa's own Johnny Carson.

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

INTRODUCTION OF BILLS

Senate File 264, by committee on Commerce, a bill for an act relating to the funding of the dual party relay service through assessments on telecommunications carriers providing telephone service.

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

Senate File 265, by committee on Local Government, a bill for an act relating to delinquent property taxes and other duties of the county treasurer and including effective date and applicability date provisions.

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

Senate File 266, by committee on Commerce, a bill for an act relating to the investment of public funds by the treasurer of state, state agencies, and political subdivisions including the investment of public funds not covered by federal deposit insurance in certificates of deposit.

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

Senate File 267, by Putney, a bill for an act providing financial requirements for persons executing contracts for the production of agricultural seed, making a penalty applicable, and providing an effective date.

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

Senate File 268, by Shull and Kreiman, a bill for an act authorizing a county attorney to represent township trustees in certain circumstances.

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

Senate File 269, by committee on Human Resources, a bill for an act concerning billing for anatomic pathology services and making licensing sanctions applicable.

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

Senate File 270, by committee on Commerce, a bill for an act relating to identity theft including criminal violations and damages recoverable in a civil action, providing for forfeiture of property and for certain rights of financial institutions, and providing for civil remedies.

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

STUDY BILL RECEIVED

SSB 1254 Education

Relating to the operations of the citizens' aide, the state board of education, the department of education, school districts, accredited nonpublic schools, and other state and local agencies with regard to attendance and truancy, academic standards, and related matters.

SUBCOMMITTEE ASSIGNMENTS

Senate File 206

WAYS AND MEANS: Miller and Seng, Co-chairs; Dotzler and Wieck

Senate File 231

ECONOMIC GROWTH: Behn, Chair; Beall, Hahn, and Ragan

Senate File 235

HUMAN RESOURCES: Bolkcom and Seymour, Co-chairs; Houser and Kreiman

Senate File 237

HUMAN RESOURCES: Bolkcom and Seymour, Co-chairs; Boettger and Dotzler

Senate File 239

HUMAN RESOURCES: Hatch and Seymour, Co-chairs; Johnson and Ragan

Senate File 249

NATURAL RESOURCES AND ENVIRONMENT: Lundby and Wood, Co-chairs; Kettering and Seng

Senate File 253

WAYS AND MEANS: Miller and Stewart, Co-chairs; Dotzler and Zaun

Senate File 254

NATURAL RESOURCES AND ENVIRONMENT: Gaskill and Hancock, Co-chairs; Putney and Wood

Senate File 257

LOCAL GOVERNMENT: Rielly and Zaun, Co-chairs; Mulder and Schoenjahn

Senate File 258

WAYS AND MEANS: McKibben and Quirmbach, Co-chairs; Danielson and Larson

Senate File 261

NATURAL RESOURCES AND ENVIRONMENT: Kettering and Schoenjahn, Co-chairs; Hancock and Putney

Senate File 262

STATE GOVERNMENT: Hancock and Ward, Co-chairs; Danielson and Miller

House Concurrent Resolution 4

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

House Concurrent Resolution 5

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

House File 187

WAYS AND MEANS: Danielson and Zaun, Co-chairs; Stewart and Wieck

House File 310

WAYS AND MEANS: Connolly and McKinley, Co-chairs; Miller and Stewart

House File 313

WAYS AND MEANS: Dotzler and Hahn, Co-chairs; Larson and McCoy

SSB 1254

EDUCATION: Connolly and McKinley, Co-chairs; Brunkhorst and Wood

FINAL COMMITTEE REPORTS OF BILL ACTION

COMMERCE

Bill Title: *SENATE FILE 264 (SSB 1047), a bill for an act relating to the funding of the dual party relay service through assessments on telecommunications carriers providing telephone service.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Behn, Angelo, Beall, Bolkcom, Courtney, Gronstal, Kettering, McCoy, McKinley, Rielly, Stewart, Wieck, Zaun, and Zieman. Nays, none. Absent, 2: Warnstadt and Larson.

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 264, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 266 (SSB 1149), a bill for an act relating to the investment of public funds by the treasurer of state, state agencies, and political subdivisions including the investment of public funds not covered by federal deposit insurance in certificates of deposit.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Behn, Warnstadt, Angelo, Beall, Bolkcom, Courtney, Gronstal, Kettering, McKinley, Rielly, Stewart, Wieck, Zaun, and Zieman. Nays, none. Absent, 2: Larson and McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 270 (SSB 1206), a bill for an act relating to identity theft including criminal violations and damages recoverable in a civil action, providing for forfeiture of property and for certain rights of financial institutions, and providing for civil remedies.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Behn, Warnstadt, Angelo, Beall, Bolkcom, Courtney, Gronstal, Kettering, McKinley, Rielly, Stewart, Wieck, Zaun, and Zieman. Nays, none. Absent, 2: Larson 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 Commerce Committee on Senate File 270, and they were attached to the committee report.

HUMAN RESOURCES

Bill Title: *SENATE FILE 269 (SSB 1131), a bill for an act concerning billing for anatomic pathology services and making licensing sanctions applicable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Ragan, Seymour, Behn, Boettger, Bolkcom, Dotzler, Johnson, Kreiman, Quirmbach, Tinsman, and Wood. Nays, none. Absent, 3: Gaskill, Hatch, 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 Human Resources Committee on Senate File 269, and they were attached to the committee report.

LOCAL GOVERNMENT

Bill Title: *SENATE FILE 265 (formerly SF 170), a bill for an act relating to delinquent property taxes and other duties of the county treasurer and including effective date and applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Quirmbach, Shull, Houser, Kreiman, McCoy, Mulder, Putney, Rielly, Schoenjahn, Stewart, and Zaun. Nays, none. Absent, 1: Lundby.

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 265, and they were attached to the committee report.

AMENDMENTS FILED

S–3008	S.F.	71	Mary Lundby
S–3009	S.C.R.	3	House
S–3010	S.F.	245	Frank B. Wood
			Bob Brunkhorst

PROOF

STATE OF IOWA

Senate Journal

MONDAY, MARCH 7, 2005

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

JOURNAL OF THE SENATE

FIFTY-SEVENTH CALENDAR DAY
THIRTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, March 7, 2005

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

Prayer was offered by the Reverend Howard Vrankin, pastor of the First Lutheran Church in Newton, Iowa. He was the guest of Senator Black.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Nicole Webb.

The Journal of Thursday, March 3, 2005, was approved.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 1:10 p.m. until 8:30 a.m., Tuesday, March 8, 2005.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Florence Bethurum, Dixon—For celebrating your 100th birthday. Senator Wood (3/7/05).

Amanda Larssen, Davenport—For celebrating your 95th birthday. Senator Wood (3/7/05).

Vaughn Lippoldt, Council Bluffs—For receiving a Hall of Fame award from the Kansas Music Educators Association. Senator Gronstal (3/7/05).

REPORTS OF COMMITTEE MEETINGS

HUMAN RESOURCES

Convened: March 7, 2005, 3:00 p.m.

Members Present: Ragan and Seymour, Co-chairs; Behn, Boettger, Bolkcom, Dotzler, Hatch, Houser, Johnson, Kreiman, Quirmbach, Tinsman, and Wood.

Members Absent: Gaskill (excused).

Committee Business: Passed SFs 192 and 193. Approved SSB 1140.

Adjourned: 3:45 p.m.

TRANSPORTATION

Convened: March 7, 2005, 3:05 p.m.

Members Present: McCoy and Putney, Co-chairs; Beall, Danielson, Dearden, Fraise, Hahn, Kettering, Shull, Ward, Warnstadt, and Zieman.

Members Absent: None.

Committee Business: Passed SF 142 and SF 51 (as amended). Approved SSB 1235.

Adjourned: 3:30 p.m.

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 6, by Gronstal and 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 Joint Resolution 7, by Gronstal and Iverson, a joint resolution authorizing the temporary use and consumption of wine and beer in the State Capitol in conjunction with the 2005 National Governors Association Annual Meeting.

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

Senate Resolution 12, by Zieman, a resolution to recognize the sesquicentennial of the town of New Hampton, Iowa.

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

INTRODUCTION OF BILLS

Senate File 271, by committee on Natural Resources and Environment, a bill for an act relating to regulating and registering certain vessels, operating certain vessels by minors, inspecting certain vessels, operating vessels for hire or commercial vessels, providing for penalties, and appropriating the moneys collected from certain registration fee increases to the state fish and game protection fund.

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

Senate File 272, by committee on Human Resources, a bill for an act relating to the council with which the director of human services consults regarding the medical assistance program.

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

Senate File 273, by Bolkcom, Dearden, Seng, Kreiman, Dvorsky, Beall, Connolly, Fraise, Quirmbach, Kibbie, Black, Courtney, Schoenjahn, Wood, and Ragan, a bill for an act relating to the sale,

issuance, and redemption of gift certificates including providing for abandonment, establishing restrictions on fees and charges, prohibiting expiration dates and other restrictive terms, and making penalties applicable.

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

Senate File 274, by Wood, a bill for an act directing the department of education to perform a review of the educational standards for physical education.

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

Senate File 275, by Ragan, Angelo, Kreiman, Hancock, Mulder, Gaskill, Putney, and Stewart, a bill for an act requiring the department of agriculture and land stewardship to revise certain application requirements applicable to the women, infants, and children Iowa farmers market nutrition program and the senior farmers market nutrition program and providing an effective date.

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

Senate File 276, by Houser, Seymour, Tinsman, Kettering, Wieck, Johnson, Boettger, Brunkhorst, McKinley, Connolly, Wood, Hancock, Kibbie, Courtney, and Seng, a bill for an act providing for the transfer of wine sale revenues to the grape and wine development fund.

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

Senate File 277, by Bolkcom, a bill for an act creating the home loan protection Act, and providing a penalty.

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

Senate File 278, by Kettering, a bill for an act relating to the exemption from property taxation of certain low-rent housing and including effective date and applicability date provisions.

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

Senate File 279, by Iverson, a bill for an act relating to an alternative dispute resolution process in a residential construction defect case and including a mediation provision.

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

Senate File 280, by committee on Local Government, a bill for an act relating to vital statistics, by allowing the county registrar to certify copies of records on the county registrar's intranet website.

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

Senate File 281, by committee on Local Government, a bill for an act relating to the assessment and collection of penalty, fee, and interest charges imposed for the late payment of building code penalties, fines, and inspection and enforcement fees.

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

Senate File 282, by committee on Local Government, a bill for an act providing for the establishment of a committee to examine alternatives and develop an implementation plan regarding adoption of an integrated state fire code.

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

Senate File 283, by committee on Judiciary, a bill for an act relating to the department of public safety by updating references, changing the names of divisions in the department, and changing practices and procedures.

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

Senate File 284, by Bolkcom, a bill for an act relating to the issuance of group insurance policies to certain nonprofit organizations.

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

Senate File 285, by Houser, a bill for an act relating to the imposition of a countywide hotel and motel tax.

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

Senate File 286, by Bolkcom, a bill for an act relating to motor vehicle fuel taxes, by exempting small biofuel producers.

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

Senate File 287, by Warnstadt, a bill for an act concerning the subrogation rights for a city under the statewide fire and police retirement system.

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

Senate File 288, by Hatch, a bill for an act relating to the registration of residential real estate appraisers and providing a penalty.

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

Senate File 289, by Hatch, a bill for an act providing for an increase in hotel, home food establishment, and food establishment inspection fees.

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

Senate File 290, by Warnstadt, a bill for an act relating to school finance by increasing the foundation property tax, increasing the regular program and special education support services foundation base, distributing specified program funds on a per pupil basis through the school finance formula, making an appropriation, and providing an effective date and applicability provision.

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

Senate File 291, by Hatch, a bill for an act providing for the establishment of an Iowa health freedom Act.

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

Senate File 292, by Warnstadt, a bill for an act extending veterans' benefits, preferences, eligibility for appointments, and the military service tax credit and exemption to certain members of the reserve forces of the United States and the Iowa national guard and providing an effective date.

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

Senate File 293, by Tinsman, a bill for an act providing for increased flexibility in school district utilization of funding when authorized by the school budget review committee under specified circumstances.

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

Senate File 294, by Beall, a bill for an act prohibiting a business entity from requesting or requiring certain state or federal information from another business entity and providing a penalty.

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

Senate File 295, 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.**

Senate File 296, by Dearden, a bill for an act relating to the rights of a peace officer during an investigation of that officer.

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

Senate File 297, by Connolly, a bill for an act providing for the establishment of an Iowa educator professional growth program, making an appropriation, and including effective and applicability date provisions.

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

Senate File 298, by Warnstadt, a bill for an act requiring creation of a small business health care coverage assistance program in the insurance division of the department of commerce.

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

Senate File 299, by Warnstadt, a bill for an act establishing pilot projects requiring the division of insurance to allow flexible small employer group health insurance coverage and requiring the insurance division to review insurance rating issues affecting small employers.

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

Senate File 300, by Warnstadt, a bill for an act relating to civil protections for military service members and dependents of military service members.

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

STUDY BILLS RECEIVED

SSB 1255 Education

Requiring successful completion of certain examinations prior to licensure and endorsement by the board of educational examiners and providing for related matters and an effective date.

SSB 1256 Education

Relating to state aid for teacher shortage incentives.

SSB 1257 Education

Relating to the Iowa early intervention block grant program.

SSB 1258 Education

Establishing a value-added assessment system to calculate annually the academic growth of students enrolled in school districts at grade levels three through eleven.

SSB 1259 Education

Relating to state aid for teacher shortage incentives.

SSB 1260 Education

Relating to organizations supportive of community colleges and schools by allowing individual income tax credits for contributions made to certain school tuition organizations, authorizing a school district or community college to include a nonprofit educational foundation in its insurance coverages if reimbursed, exempting from the scope of negotiations dues checkoff authorizations for teachers represented by a certified employee organization, and including an applicability date provision.

SSB 1261 Agriculture

Relating to the administration of the Iowa egg council, including by providing for the use, promotion, and research of eggs and egg products, and providing for an assessment.

SSB 1262 State Government

Relating to the licensure of gambling treatment programs.

SSB 1263 Agriculture

Relating to the regulating of establishments having custody of animals, and providing for fees and penalties.

SSB 1264 Education

Relating to school finance by increasing the regular program foundation base, providing for the repeal of specified levies, providing for a gradual increase in state funding for the instructional support program and incorporation of the program into the school finance formula, requiring school districts to publicize higher educational opportunities available to students enrolled in the district, removing certain barriers between secondary and post secondary institutions relating to supplementary weighting and post secondary enrollment options, requiring the school budget review committee to grant transportation assistance aid to school districts under certain circumstances, requiring the department of management to study the issue of tax increment financing for purposes of urban renewal, making an appropriation, and providing applicability and effective dates.

SSB 1265 Education

Establishing an energy conservation program for school districts, area education agencies, and community colleges.

SSB 1266 Appropriations

Relating to appropriation matters by making and increasing appropriations for the fiscal year beginning July 1, 2004, and providing effective and applicability date provisions.

SUBCOMMITTEE ASSIGNMENTS

Senate Resolution 11

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

Senate Resolution 12

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

Senate File 92

EDUCATION: Brunkhorst and Kreiman, Co-chairs; Connolly and Larson

Senate File 221

EDUCATION: Larson and Schoenjahn, Co-chairs; Beall and Brunkhorst

Senate File 224

EDUCATION: Angelo and Wood, Co-chairs; Connolly and McKinley

Senate File 228

COMMERCE: Stewart and Wieck, Co-chairs; Kettering and McCoy

Senate File 250

AGRICULTURE: Fraise and Johnson, Co-chairs; Brunkhorst and Hancock

Senate File 251

AGRICULTURE: Fraise and Johnson, Co-chairs; Gaskill and Rielly

Senate File 267

AGRICULTURE: Kibbie and Putney, Co-chairs; Gaskill and Ragan

Senate File 275

AGRICULTURE: Johnson and Ragan, Co-chairs; Hahn and Hancock

Senate File 276

NATURAL RESOURCES AND ENVIRONMENT: Black and Houser, Co-chairs; Bolkcom and Kettering

SSB 1255

EDUCATION: Brunkhorst and Schoenjahn, Co-chairs; Connolly and Mulder

SSB 1256

EDUCATION: McKinley and Schoenjahn, Co-chairs; Angelo and Beall

SSB 1257

EDUCATION: Dvorsky and McKinley, Co-chairs; Boettger and Connolly

SSB 1258

EDUCATION: McKinley and Wood, Co-chairs; Angelo and Quirmbach

SSB 1259

EDUCATION: Mulder and Schoenjahn, Co-chairs; Dvorsky and Ward

SSB 1260

EDUCATION: Mulder and Quirmbach, Co-chairs; Brunkhorst and Dvorsky

SSB 1261

AGRICULTURE: Black and Johnson, Co-chairs; Houser and Rielly

SSB 1262

STATE GOVERNMENT: Black and McKibben, Co-chairs; Connolly and Zieman

SSB 1263

AGRICULTURE: Mulder and Ragan, Co-chairs; Hancock and Johnson

SSB 1264

EDUCATION: Kreiman and McKinley, Co-chairs; Boettger and Connolly

SSB 1265

EDUCATION: Angelo and Schoenjahn, Co-chairs; Dvorsky and Mulder

SSB 1266

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs; Lamberti and Ragan

FINAL COMMITTEE REPORTS OF BILL ACTION

HUMAN RESOURCES

Bill Title: *SENATE FILE 272 (SSB 1042), a bill for an act relating to the council with which the director of human services consults regarding the medical assistance program.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Ragan, Seymour, Behn, Boettger, Bolkcom, Dotzler, Johnson, Kreiman, Quirmbach, Tinsman, and Wood. Nays, none. Absent, 3: Gaskill, Hatch, 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 Human Resources Committee on Senate File 272, and they were attached to the committee report.

JUDICIARY

Bill Title: *SENATE FILE 283 (SSB 1108), a bill for an act relating to the department of public safety by updating references, changing the names of divisions in the department, and changing practices and procedures.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Kreiman, Miller, Boettger, Brunkhorst, Dvorsky, Hancock, Horn, McKibben, Quirmbach, Schoenjahn, Tinsman, Ward, Warnstadt, and Zaun. Nays, 1: Fraise. Absent, 1: Larson.

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 283, and they were attached to the committee report.

ALSO:

Bill Title: HOUSE FILE 227, 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: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S–3011.

Final Vote: Ayes, 15: Kreiman, Miller, Boettger, Brunkhorst, Dvorsky, Fraise, Hancock, Horn, McKibben, Quirmbach, Schoenjahn, Tinsman, Ward, Warnstadt, and Zaun. Nays, none. Absent, 1: Larson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

LOCAL GOVERNMENT

Bill Title: *SENATE FILE 280 (formerly SF 50), a bill for an act relating to vital statistics, by allowing the county registrar to certify copies of records on the county registrar's intranet website.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Quirmbach, Shull, Kreiman, Mulder, Putney, Rielly, Schoenjahn, Stewart, and Zaun. Nays, 1: McCoy. Absent, 2: Houser and Lundby.

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 280, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 281 (SSB 1215), a bill for an act relating to the assessment and collection of penalty, fee, and interest charges imposed for the late payment of building code penalties, fines, and inspection and enforcement fees.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Quirmbach, Shull, Kreiman, Lundby, McCoy, Mulder, Putney, Rielly, Schoenjahn, Stewart, and Zaun. Nays, none. Absent, 1: 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 Local Government Committee on Senate File 281, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 282 (SSB 1213), a bill for an act providing for the establishment of a committee to examine alternatives and develop an implementation plan regarding adoption of an integrated state fire code.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Quirmbach, Shull, Lundby, Mulder, Rielly, Schoenjahn, Stewart, and Zaun. Nays, 2: Kreiman and Putney. Present, 1: McCoy. Absent, 1: 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 Local Government Committee on Senate File 282, and they were attached to the committee report.

NATURAL RESOURCES AND ENVIRONMENT

Bill Title: SENATE FILE 271 (SSB 1109), a bill for an act relating to regulating and registering certain vessels, operating certain vessels by minors, inspecting certain vessels, operating vessels for hire or commercial vessels, providing for penalties, and appropriating the moneys collected from certain registration fee increases to the state fish and game protection fund.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Black, Houser, Bolkcom, Dearden, Hancock, Johnson, Kettering, Lundby, Putney, Schoenjahn, Seng, and Wood. Nays, none. Absent, 2: Gaskill and Miller.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

PETITIONS

The following petitions were presented and placed on file:

From 56 residents of Polk County favoring legislation on mental health parity. Senator Lamberti.

From 16 residents of Wayne County favoring legislation to continue funding in the state budget for the fairs of Iowa. Senator McKinley.

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on March 3, 2005, the Governor approved and transmitted to the Secretary of State the following bill:

S.F. 113 – Relating to nonsubstantive Code corrections and including effective and retroactive applicability date provisions.

AMENDMENT FILED

S–3011 H.F. 227 Judiciary

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, MARCH 8, 2005

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

JOURNAL OF THE SENATE

FIFTY-EIGHTH CALENDAR DAY
THIRTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, March 8, 2005

The Senate met in regular session at 8:36 a.m., President Lamberti presiding.

Prayer was offered by the Reverend Jim Wakelin, pastor of the Bloomfield Christian Church in Bloomfield, Iowa. He was the guest of Senator Kreiman.

The Journal of Monday, March 7, 2005, 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 7, 2005, **passed** the following bill in which the concurrence of the House was asked:

Senate File 114, a bill for an act relating to tax credit certificates issued by the Iowa capital investment board and providing an effective date.

ALSO: That the House has on March 7, 2005, **concurred in the Senate amendment and passed** the following bill in which the concurrence of the House was asked:

House File 277, a bill for an act relating to the deregulation of communications services including considering market forces, eliminating accounting plan requirements, establishing antitrust procedures and remedies, eliminating reporting requirements, eliminating the Iowa broadband initiative, and providing a penalty.

ALSO: That the House has on March 7, 2005, **passed** the following bill in which the concurrence of the Senate is asked:

House File 418, a bill for an act concerning billing for anatomic pathology services and making licensing sanctions applicable.

Read first time and attached to **companion Senate File 269**.

SPECIAL GUESTS

Senator Mulder introduced the George-Little Rock Mustang girls' basketball team and their coach Ken Roseberry. The team is participating in the 2005 Iowa Girls' State Basketball Tournament.

The Senate welcomed the coach and players.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 8:45 a.m. until 8:30 a.m., Wednesday, March 9, 2005.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Jared Enderton, Graettinger-Terril High School—For becoming the Class 1A 171-pound 3rd place finisher at the 2005 State Wrestling Tournament. Senator Kibbie (3/8/05).

Alex Helmich, Graettinger-Terril High School—For becoming the Class 1A 103-pound 6th place finisher at the 2005 State Wrestling Tournament. Senator Kibbie (3/8/05).

Ken Roseberry and the George-Little Rock Mustang basketball team—For participating in the 2005 Iowa Girls' State Tournament. Senator Mulder (3/8/05).

Todd Tidgren and the Maurice Orange City-Floyd Valley Lady Dutch basketball team—For participating in the 2005 Iowa Girls' State Tournament. Senator Mulder (3/8/05).

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: March 8, 2005, 9:05 a.m.

Members Present: Fraise and Johnson, Co-chairs; Black, Brunkhorst, Courtney, Gaskill, Hahn, Hancock, Houser, Kibbie, Mulder, Putney, Ragan, and Rielly.

Members Absent: None.

Committee Business: Passed SFs 251 and 275. Approved SSB 1244.

Adjourned: 10:05 a.m.

COMMERCE

Convened: March 8, 2005, 10:30 a.m.

Members Present: Behn and Warnstadt, Co-chairs; Angelo, Beall, Bolkcom, Courtney, Gronstal, Larson, McCoy, McKinley, Rielly, Stewart, Wieck, Zaun, and Zieman.

Members Absent: Kettering (excused).

Committee Business: Passed SF 194. Approved SSB 1090 (as amended).

Adjourned: 10:50 a.m.

JUDICIARY

Convened: March 8, 2005, 1:00 p.m.

Members Present: Kreiman and Miller, Co-chairs; Boettger, Brunkhorst, Dvorsky, Fraise, Hancock, Horn, Larson, McKibben, Quirmbach, Schoenjahn, Tinsman, Ward, Warnstadt, and Zaun.

Members Absent: None.

Committee Business: Passed SFs 6 (as amended) and 131 (as amended). Approved SSBs 1016 (as amended), 1028, 1070 (as amended), 1128 (as amended), 1170, and 1228.

Adjourned: 2:05 p.m.

INTRODUCTION OF BILLS

Senate File 301, by Warnstadt, a bill for an act relating to the required fuel efficiency of newly purchased state vehicles.

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

Senate File 302, by committee on Transportation, a bill for an act relating to the annual registration fee for certain motor vehicles equipped for persons with disabilities or used by persons with wheelchairs.

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

Senate File 303, by committee on Human Resources, a bill for an act relating to the providing of another business or activity in a health care facility.

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

Senate File 304, by committee on Human Resources, a bill for an act relating to the provisions of the elder Iowans Act.

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

Senate File 305, by committee on Human Resources, a bill for an act requiring the department of human services to develop and implement a voluntary child care quality rating system.

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

Senate File 306, by Tinsman, a bill for an act providing for the establishment of a regional academy pilot program.

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

Senate File 307, by Danielson, a bill for an act relating to the issuance of a temporary injunction prohibiting the enforcement of financial obligations and liabilities related to an action seeking damages for personal injury.

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

Senate File 308, by Kreiman, a bill for an act relating to the utilities board, including board revocation of franchises for the construction or operation of electric transmission lines and the terms of service of members of the board.

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

Senate File 309, by Dvorsky, a bill for an act relating to the manufacture and sale of native distilled spirits, and establishing a permit fee.

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

Senate File 310, by Dvorsky, a bill for an act prohibiting the possession, transfer, or sale of a firearm or offensive weapon by a person who is the subject of a protective order or who has been convicted of a misdemeanor crime of domestic violence in violation of federal law and providing a penalty.

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

Senate File 311, by Johnson, a bill for an act relating to counties by authorizing the board of supervisors to establish an alternative government charter commission by resolution and by authorizing a county to impose an impact fee for new construction.

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

Senate File 312, by committee on Transportation, a bill for an act relating to advance notification of the need to renew a driver's license and making an appropriation.

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

Senate File 313, by committee on Transportation, a bill for an act relating to traffic citations issued for railroad crossing violations.

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

Senate File 314, by Brunkhorst, Seymour, Shull, Ward, Zieman, Mulder, Miller, Tinsman, Behn, Putney, Gaskill, Hahn, and Houser , a bill for an act relating to contributions made to medical savings accounts for state income tax purposes and including effective and retroactive applicability date provisions.

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

Senate File 315, by Tinsman, a bill for an act relating to county processing of orders for observation, evaluation, and treatment of public patients at the state psychiatric hospital at the state university of Iowa.

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

Senate File 316, by Ragan, a bill for an act relating to employment, by regulating the display of social security numbers on employee paychecks.

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

Senate File 317, by Ward, a bill for an act authorizing a city to sell land gifted or dedicated to a city for park purposes.

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

Senate File 318, by Mulder and Dotzler, a bill for an act legalizing the sale and use of fireworks, providing for exceptions and limitations on sales and use, and providing penalties.

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

Senate File 319, by Warnstadt, a bill for an act assessing a brain injury surcharge, creating a brain injury surcharge fund, and making appropriations to the fund.

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

STUDY BILLS RECEIVED

SSB 1267 Economic Growth

Relating to vertical infrastructure funding by providing for the crediting of gambling revenues, authorizing the issuance of bonds to provide vertical infrastructure funding, and making appropriations.

SSB 1268 Education

Increasing and expanding the tuition tax credit under the individual income tax and including a retroactive applicability date provision.

SSB 1269 Judiciary

Relating to the appointment of counsel in termination of parental rights proceedings.

SSB 1270 Commerce

Relating to the regulation and supervision of title insurance agents, to the sale of title insurance, providing for penalties, and providing for effective and applicability dates.

SSB 1271 Human Resources

Retaining and expending revenues generated from nurse licensing fees.

SSB 1272 Human Resources

Relating to the long-term living system in Iowa including establishment of the intent for Iowa's long-term living system.

SSB 1273 Local Government

Authorizing a city to sell land gifted or dedicated to a city for park purposes.

SUBCOMMITTEE ASSIGNMENTS

Senate Joint Resolution 6

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

Senate Joint Resolution 7

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

Senate File 187

NATURAL RESOURCES AND ENVIRONMENT: Dearden and Houser, Co-chairs; Hancock and Johnson

Senate File 234

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs

Senate File 242

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs

Senate File 244

BUSINESS AND LABOR RELATIONS: Courtney and McKibben, Co-chairs; Behn and Dearden

Senate File 256

APPROPRIATIONS: Dvorsky and Kettering, Co-chairs; Hatch and Ward

Senate File 263

LOCAL GOVERNMENT: Putney and Stewart, Co-chairs; Schoenjahn and Zaun

Senate File 268

LOCAL GOVERNMENT: Houser and Kreiman, Co-chairs; McCoy and Putney

Senate File 273

COMMERCE: Bolkcom and Kettering, Co-chairs; Beall and McKinley

Senate File 274

EDUCATION: Mulder and Wood, Co-chairs; Boettger and Schoenjahn

Senate File 277

STATE GOVERNMENT: Hatch and Wieck, Co-chairs; Black and Kettering

Senate File 278

WAYS AND MEANS: Connolly and Hahn, Co-chairs; Seng and Wieck

Senate File 279

JUDICIARY: Kreiman and Miller, Co-chairs; Brunkhorst and Schoenjahn

Senate File 284

COMMERCE: Bolkcom and Wieck, Co-chairs; Courtney and Kettering

Senate File 286

AGRICULTURE: Brunkhorst and Fraise, Co-chairs; Courtney and Johnson

Senate File 287

STATE GOVERNMENT: Danielson and Zieman, Co-chairs; Horn and Ward

Senate File 289

STATE GOVERNMENT: Hatch and McKibben, Co-chairs; Black and Zieman

Senate File 290

EDUCATION: Angelo and Kreiman, Co-chairs; Connolly and Ward

Senate File 291

STATE GOVERNMENT: Hatch and Wieck, Co-chairs; Black and Tinsman

Senate File 292

STATE GOVERNMENT: Danielson and Ward, Co-chairs; Brunkhorst and Kibbie

Senate File 293

EDUCATION: Angelo and Dvorsky, Co-chairs; Beall and Brunkhorst

Senate File 294

BUSINESS AND LABOR RELATIONS: Horn and Shull, Co-chairs; Seng and Seymour

Senate File 295

HUMAN RESOURCES: Bolkcom and Seymour, Co-chairs; Houser and Kreiman

Senate File 296

JUDICIARY: Fraise and Larson, Co-chairs; Hancock and Zaun

Senate File 297

EDUCATION: Larson and Wood, Co-chairs; Connolly and McKinley

Senate File 299

COMMERCE: Warnstadt and Wieck, Co-chairs; Courtney and Kettering

Senate File 300

STATE GOVERNMENT: Brunkhorst and Kibbie, Co-chairs; Danielson and Miller

Senate File 301

TRANSPORTATION: Hahn, Chair; Beall, Dearden and Shull

Senate File 308

COMMERCE: Courtney and McKinley, Co-chairs; McCoy and Zaun

House File 312

STATE GOVERNMENT: Wieck and Wood, Co-chairs; Danielson and Kettering

House File 373

COMMERCE: Beall and Zieman, Co-chairs; Courtney and Kettering

House File 374

STATE GOVERNMENT: Danielson and McKibben, Co-chairs; Horn and Kettering

House File 375

COMMERCE: Beall and Zaun, Co-chairs; Rielly and Zieman

House File 400

WAYS AND MEANS: Larson and Quirmbach, Co-chairs; Danielson and Miller

House File 466

APPROPRIATIONS: Kettering and Warnstadt, Co-chairs; Angelo and Dvorsky

SSB 1267

ECONOMIC GROWTH: Brunkhorst and Hatch, Co-chairs

SSB 1268

EDUCATION: Mulder and Quirmbach, Co-chairs; Ward and Wood

SSB 1269

JUDICIARY: McKibben and Warnstadt, Co-chairs; Boettger and Hancock

SSB 1270

COMMERCE: Courtney and Zieman, Co-chairs; Bolkcom and Zaun

SSB 1271

HUMAN RESOURCES: Hatch and Seymour, Co-chairs; Johnson and Ragan

SSB 1272

HUMAN RESOURCES: Ragan and Seymour, Co-chairs; Bolkcom and Tinsman

SSB 1273

LOCAL GOVERNMENT: Quirmbach and Shull, Co-chairs; Schoenjahn and Zaun

FINAL COMMITTEE REPORTS OF BILL ACTION

AGRICULTURE

Bill Title: SENATE FILE 275, a bill for an act requiring the department of agriculture and land stewardship to revise certain application requirements applicable to the women, infants, and children Iowa farmers market nutrition program and the senior farmers market nutrition program and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Fraise, Johnson, Black, Brunkhorst, Courtney, Gaskill, Hahn, Hancock, Houser, Kibbie, Mulder, Putney, Ragan, and Rielly. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

HUMAN RESOURCES

Bill Title: *SENATE FILE 303 (formerly SF 193), a bill for an act relating to the providing of another business or activity in a health care facility.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Ragan, Seymour, Behn, Boettger, Bolkcom, Dotzler, Hatch, Houser, Johnson, Kreiman, Quirmbach, Tinsman, and Wood. Nays, none. Absent, 1: 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 Human Resources Committee on Senate File 303, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 304 (SSB 1140), a bill for an act relating to the provisions of the elder Iowans Act.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Ragan, Seymour, Behn, Boettger, Bolkcom, Dotzler, Hatch, Houser, Johnson, Kreiman, Quirmbach, Tinsman, and Wood. Nays, none. Absent, 1: 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 Human Resources Committee on Senate File 304, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 305 (formerly SF 192), a bill for an act requiring the department of human services to develop and implement a voluntary child care quality rating system.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Ragan, Seymour, Behn, Boettger, Bolkcom, Dotzler, Hatch, Houser, Johnson, Kreiman, Quirmbach, Tinsman, and Wood. Nays, none. Absent, 1: 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 Human Resources Committee on Senate File 305, and they were attached to the committee report.

TRANSPORTATION

Bill Title: SENATE FILE 302 (formerly SF 142), a bill for an act relating to the annual registration fee for certain motor vehicles equipped for persons with disabilities or used by persons with wheelchairs.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: McCoy, Putney, Beall, Danielson, Dearden, Fraise, Hahn, Kettering, Shull, Ward, Warnstadt, and Zieman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 312 (formerly SF 51), a bill for an act relating to advance notification of the need to renew a driver's license and making an appropriation.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: McCoy, Putney, Beall, Danielson, Dearden, Fraise, Hahn, Kettering, Shull, Ward, Warnstadt, and Zieman. Nays, none. Absent, none.

Fiscal Note: 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 312, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 313 (SSB 1235), a bill for an act relating to traffic citations issued for railroad crossing violations.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: McCoy, Putney, Beall, Danielson, Dearden, Fraise, Hahn, Kettering, Shull, Ward, Warnstadt, and Zieman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILL ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

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 8th day of March, 2005:

Senate File 75.

MICHAEL E. MARSHALL
Secretary of the Senate

AMENDMENT FILED

S–3012 S.F. 265 Roger Stewart

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, MARCH 9, 2005

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

JOURNAL OF THE SENATE

FIFTY-NINTH CALENDAR DAY
THIRTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, March 9, 2005

The Senate met in regular session at 8:43 a.m., President Lamberti presiding.

Prayer was offered by Father Chris Fontanini of the Greater Des Moines Catholic Diocese of Des Moines, Iowa. He was the guest of Senator Zaun.

The Journal of Tuesday, March 8, 2005, was approved.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 264.

Senate File 264

On motion of Senator Angelo, **Senate File 264**, a bill for an act relating to the funding of the dual party relay service through assessments on telecommunications carriers providing telephone service, was taken up for consideration.

President Pro Tempore McKibben took the chair at 9:00 a.m.

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. 264), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

HOUSE AMENDMENT CONSIDERED

Senate Concurrent Resolution 3

Senator Gronstal called up for consideration **Senate Concurrent Resolution 3**, a concurrent resolution relating to the compensation of chaplains, officers, and employees of the eighty-first general assembly, amended by the House in House amendment S–3009, filed March 3, 2005.

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

The resolution passed the Senate by a voice vote.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 269.

Senate File 269

On motion of Senator Dotzler, **Senate File 269**, a bill for an act concerning billing for anatomic pathology services and making licensing sanctions applicable, was taken up for consideration.

Senator Dotzler asked and received unanimous consent that **House File 418** be **substituted** for **Senate File 269**.

House File 418

On motion of Senator Dotzler, **House File 418**, a bill for an act concerning billing for anatomic pathology services and making licensing sanctions applicable, 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. 418), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

WITHDRAWN

Senator Dotzler asked and received unanimous consent that **Senate File 269** be withdrawn from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Concurrent Resolution 3**, **Senate File 264**, and **House File 418** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:16 a.m. until 1:00 p.m.

APPENDIX — 1

REPORTS OF COMMITTEE MEETINGS

NATURAL RESOURCES AND ENVIRONMENT

Convened: March 8, 2005, 2:35 p.m.

Members Present: Black and Houser, Co-chairs; Bolkcom, Dearden, Gaskill, Hancock, Johnson, Kettering, Lundby, Miller, Putney, Schoenjahn, Seng, and Wood.

Members Absent: None.

Committee Business: Passed SF 110 and approved SSB 1130.

Adjourned: 2:50 p.m.

BUSINESS AND LABOR RELATIONS

Convened: March 9, 2005, 10:10 a.m.

Members Present: Dearden and Wieck, Co-chairs; Behn, Courtney, Dotzler, Horn, McKibben, Seng, Seymour, and Shull.

Members Absent: None.

Committee Business: Passed SF 316 and HF 141. Approved SSB 1051.

Adjourned: 10:25 a.m.

WAYS AND MEANS

Convened: March 9, 2005, 8:05 a.m.

Members Present: Bolkcom and Zieman, Co-chairs; Connolly, Danielson, Dotzler, Hahn, Miller, Quirmbach, Stewart, and Wieck.

Members Absent: Larson, McCoy, McKibben, McKinley, Seng, and Zaun (all excused).

Committee Business: Passed SF 206.

Adjourned: 8:20 a.m.

INTRODUCTION OF BILLS

Senate File 320, by committee on Commerce, a bill for an act requiring performance of a criminal history check of applicants for real estate broker and salesperson licenses.

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

Senate File 321, by committee on Judiciary, a bill for an act relating to the use of moneys deposited into the inmate labor fund.

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

Senate File 322, by committee on Judiciary, a bill for an act allowing certain abstractors to request a mortgage release.

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

Senate File 323, 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 324, by committee on Commerce, a bill for an act relating to equipment dealerships, by providing for the sale or transfer of a dealership and providing for the Act's applicability.

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

SUBCOMMITTEE ASSIGNMENTS

Senate File 288

COMMERCE: Rielly and Zieman, Co-chairs; Beall and Wieck

Senate File 306

EDUCATION: Boettger and Wood, Co-chairs; Dvorsky and McKinley

Senate File 309

STATE GOVERNMENT: Connolly and Miller, Co-chairs; Kibbie and Zieman

Senate File 316

BUSINESS AND LABOR RELATIONS: Dearden and Seymour, Co-chairs; Seng and Shull

Senate File 318

STATE GOVERNMENT: Hatch and Tinsman, Co-chairs; Brunkhorst and Kibbie

FINAL COMMITTEE REPORTS OF BILL ACTION

COMMERCE

Bill Title: *SENATE FILE 320 (formerly SF 194), a bill for an act requiring performance of a criminal history check of applicants for real estate broker and salesperson licenses.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Behn, Warnstadt, Angelo, Beall, Bolkcom, Courtney, Gronstal, Larson, McCoy, McKinley, Rielly, Stewart, Wieck, Zaun, and Zieman. Nays, none. Absent, 1: Kettering.

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 320, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 324 (SSB 1090), a bill for an act relating to equipment dealerships, by providing for the sale or transfer of a dealership and providing for the Act's applicability.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Behn, Warnstadt, Angelo, Beall, Bolkcom, Courtney, Gronstal, Larson, McCoy, McKinley, Rielly, Stewart, Wieck, Zaun, and Zieman. Nays, none. Absent, 1: Kettering.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Bill Title: SENATE FILE 321 (SSB 1228), a bill for an act relating to the use of moneys deposited into the inmate labor fund.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 16: Kreiman, Miller, Boettger, Brunkhorst, Dvorsky, Fraise, Hancock, Horn, Larson, McKibben, Quirmbach, Schoenjahn, Tinsman, Ward, Warnstadt, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 322 (SSB 1028), a bill for an act allowing certain abstractors to request a mortgage release.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 16: Kreiman, Miller, Boettger, Brunkhorst, Dvorsky, Fraise, Hancock, Horn, Larson, McKibben, Quirmbach, Schoenjahn, Tinsman, Ward, Warnstadt, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 323 (SSB 1170), a bill for an act establishing a uniform mediation Act.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 16: Kreiman, Miller, Boettger, Brunkhorst, Dvorsky, Fraise, Hancock, Horn, Larson, McKibben, Quirmbach, Schoenjahn, Tinsman, Ward, Warnstadt, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: SENATE FILE 206 (SSB 1147), a bill for an act relating to deer population management and providing penalties and appropriations.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Bolkcom, Zieman, Connolly, Danielson, Dotzler, Hahn, Miller, Quirmbach, Stewart, and Wieck. Nays, none. Absent, 6: Larson, McCoy, McKibben, McKinley, Seng, and Zaun.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AFTERNOON SESSION

The Senate reconvened at 1:06 p.m., President Lamberti presiding.

QUORUM CALL

Senator Gronstal requested a nonrecord roll call to determine that a quorum was present.

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

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Iverson, for the remainder of the day, and Senator Hatch, until he returns, on request of Senator Gronstal.

BILL REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that **Senate File 312** be referred from the Regular Calendar to the committee on **Appropriations.**

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 270.

Senate File 270

On motion of Senator Kettering, **Senate File 270**, a bill for an act relating to identity theft including criminal violations and damages recoverable in a civil action, providing for forfeiture of property and for certain rights of financial institutions, and providing for civil remedies, 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. 270), the vote was:

Yeas, 48:

Angelo	Dvorsky	Lamberti	Schoenjahn
Beall	Fraise	Larson	Seng
Behn	Gaskill	Lundby	Seymour
Black	Gronstal	McCoy	Shull
Boettger	Hahn	McKibben	Stewart
Bolkcom	Hancock	McKinley	Tinsman
Brunkhorst	Horn	Miller	Ward
Connolly	Houser	Mulder	Warnstadt
Courtney	Johnson	Putney	Wieck
Danielson	Kettering	Quirmbach	Wood
Dearden	Kibbie	Ragan	Zaun
Dotzler	Kreiman	Rielly	Zieman

Nays, none.

Absent, 2:

Hatch	Iverson

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

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 270** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 1:17 p.m. until 8:30 a.m., Thursday, March 10, 2005.

APPENDIX — 2

REPORTS OF COMMITTEE MEETINGS

HUMAN RESOURCES

Convened: March 9, 2005, 1:30 p.m.

Members Present: Ragan and Seymour, Co-chairs; Behn, Boettger, Bolkcom, Dotzler, Gaskill, Hatch, Houser, Johnson, Kreiman, Quirmbach, Tinsman, and Wood.

Members Absent: None.

Committee Business: Approved SSBs 1080 (as amended), 1202, 1203, 1204 (as amended), 1211 (as amended), and 1272.

Adjourned: 2:30 p.m.

LOCAL GOVERNMENT

Convened: March 9, 2005, 10:35 a.m.

Members Present: Quirmbach and Shull, Co-chairs; Houser, Kreiman, Lundby, McCoy, Mulder, Putney, Rielly, Schoenjahn, Stewart, and Zaun.

Members Absent: None.

Committee Business: Discussion on status of bills.

Recessed: 10:40 a.m.

Reconvened: 11:20 a.m.

Adjourned: 11:25 a.m.

STATE GOVERNMENT

Convened: March 9, 2005, 10:40 a.m.

Members Present: Horn and McKibben, Co-chairs; Black, Brunkhorst, Connolly, Danielson, Hancock, Hatch, Kettering, Kibbie, Miller, Tinsman, Ward, Wieck, Wood, and Zieman.

Members Absent: None.

Committee Business: Passed SF 292 and approved SSBs 1196, 1199, 1247, and 1249.

Adjourned: 11:35 a.m.

TRANSPORTATION

Convened: March 9, 2005, 1:40 p.m.

Members Present: McCoy and Putney, Co-chairs; Beall, Danielson, Dearden, Fraise, Hahn, Kettering, Shull, Ward, Warnstadt, and Zieman.

Members Absent: None.

Committee Business: Passed SF 301 and approved SSBs 1238 and 1239.

Adjourned: 2:10 p.m.

INTRODUCTION OF RESOLUTIONS

Senate Concurrent Resolution 6, by McCoy and Tinsman, a concurrent resolution designating March 2005 as Iowa Women's History Month.

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

Senate Resolution 13, by Iverson, a resolution honoring Rotary International on the occasion of its 100th anniversary and recognizing February 23, 2005, as Rotary International Day.

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

Senate Resolution 14, by Warnstadt and Behn, a resolution designating April 2005 as Financial Literacy for Youth Month in Iowa.

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

INTRODUCTION OF BILLS

Senate File 325, by committee on Judiciary, a bill for an act relating to the procedures and duties of the judicial branch, and making an appropriation to the enhanced court collections fund.

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

Senate File 326, by Kettering, a bill for an act relating to the property taxation of a residential dwelling of a religious institution and including effective and applicability date provisions.

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

Senate File 327, by Zieman and Kibbie, a bill for an act relating to voting machines, including by requiring that direct recording electronic voting machines used in the state produce paper records to be verified by voters.

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

Senate File 328, by Lundby, a bill for an act relating to annexation by prohibiting a city from conditioning the approval of a subdivision plat or plat of survey on an agreement to be annexed into the city unless the city agrees to provide city utility services, and including effective date and retroactive applicability provisions.

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

Senate File 329, by committee on Natural Resources and Environment, a bill for an act relating to water quality, by eliminating certain public water supply system permit fee requirements, creating a water quality needs and infrastructure program and fund, providing for an advisory committee, and making appropriations.

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

STUDY BILLS RECEIVED

SSB 1274 Ways and Means

Relating to the repeal of the state inheritance tax and state qualified use inheritance tax.

SSB 1275 Government Oversight

Relating to electronic notices of bidding opportunities for state purchases and of any extension or renewal of existing contracts.

SSB 1276 Appropriations

Relating to and making appropriations involving state government, including provisions affecting agriculture and natural resources.

SSB 1277 Appropriations

Relating to and making transportation and other infrastructure-related appropriations to the state department of transportation, including allocation and use of moneys from the general fund, the road use tax fund, and the primary road fund.

SSB 1278 Appropriations

Relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters and including an effective date.

SSB 1279 Appropriations

Relating to and making appropriations to the justice system.

SSB 1280 Appropriations

Relating to and making appropriations for health and human services for the fiscal year beginning July 1, 2005, and providing effective dates.

SSB 1281 Commerce

Requiring health care benefit coverage for certain prosthetic devices and providing an applicability date.

SUBCOMMITTEE ASSIGNMENTS

Senate Concurrent Resolution 6

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

Senate Resolution 13

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

Senate Resolution 14

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

Senate File 298

COMMERCE: Courtney and Zieman, Co-chairs; Stewart and Zaun

Senate File 315

HUMAN RESOURCES: Quirmbach and Seymour, Co-chairs; Behn and Kreiman

Senate File 319

HUMAN RESOURCES: Dotzler and Seymour, Co-chairs; Behn and Wood

Senate File 327

STATE GOVERNMENT: Kibbie and Zieman, Co-chairs; Horn and McKibben

Senate File 328

GOVERNMENT OVERSIGHT: Courtney and Lundby, Co-chairs

SSB 1274

WAYS AND MEANS: Connolly and McKibben, Co-chairs; Bolkcom and Zieman

SSB 1275

GOVERNMENT OVERSIGHT: Courtney and Lundby, Co-chairs

SSB 1276

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs

SSB 1277

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs

SSB 1278

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs

SSB 1279

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs

SSB 1280

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs

SSB 1281

COMMERCE: Angelo and Courtney, Co-chairs; Stewart and Zieman

FINAL COMMITTEE REPORTS OF BILL ACTION

BUSINESS AND LABOR RELATIONS

Bill Title: HOUSE FILE 141, 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.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Dearden, Wieck, Behn, Courtney, Dotzler, Horn, McKibben, Seng, Seymour, and Shull. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Bill Title: *SENATE FILE 325 (SSB 1128), a bill for an act relating to the procedures and duties of the judicial branch, and making an appropriation to the enhanced court collections fund.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 16: Kreiman, Miller, Boettger, Brunkhorst, Dvorsky, Fraise, Hancock, Horn, Larson, McKibben, Quirmbach, Schoenjahn, Tinsman, Ward, Warnstadt, and Zaun. 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 325, and they were attached to the committee report.

NATURAL RESOURCES AND ENVIRONMENT

Bill Title: SENATE FILE 329 (SSB 1130), a bill for an act relating to water quality, by eliminating certain public water supply system permit fee requirements, creating a water quality needs and infrastructure program and fund, providing for an advisory committee, and making appropriations.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Black, Houser, Bolkcom, Dearden, Gaskill, Hancock, Johnson, Kettering, Lundby, Miller, Putney, Schoenjahn, Seng, and Wood. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S–3013	S.F.	281	Herman C. Quirmbach
S–3014	S.J.R.	7	Michael E. Gronstal

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, MARCH 10, 2005

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

JOURNAL OF THE SENATE

SIXTIETH CALENDAR DAY
THIRTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, March 10, 2005

The Senate met in regular session at 8:35 a.m., President Lamberti presiding.

Prayer was offered by Senate Page Ellen Harris. She performed a vocal rendition of "The Lord's Prayer."

The Journal of Wednesday, March 9, 2005, 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 9, 2005, **amended and passed** the following bill in which the concurrence of the House was asked:

Senate File 169, a bill for an act relating to the regulation of substances which are precursors to amphetamine and methamphetamine and providing a penalty and effective dates. (S–3015)

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Iverson, for the day, on request of Senator Zieman.

SPECIAL GUESTS

Senator Mulder introduced the M.O.C.-Floyd Valley girls' basketball team and their coach Todd Tidgren. The team is participating in the 2005 Iowa Girls' State Basketball Tournament.

The Senate welcomed the coach and players.

The Senate stood at ease at 8:44 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:08 a.m., President Lamberti presiding.

HOUSE AMENDMENT CONSIDERED

Senate File 169

Senator Gronstal called up for consideration **Senate File 169**, a bill for an act relating to the regulation of substances which are precursors to amphetamine and methamphetamine and providing a penalty and effective date, amended by the House, and moved that the Senate refuse to concur in House amendment S–3015, filed March 10, 2005.

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

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 169** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:13 a.m. until 1:00 p.m., Monday, March 14, 2005.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Minnie Burdock, What Cheer—For celebrating your 100th birthday. Senator Rielly (3/10/05).

Daniel Cross, Red Oak—For achieving the rank of Eagle Scout, Boy Scout Troop 86. Senator Angelo (3/10/05).

The family of Sergeant Seth Garceau—To remember and honor the sacrifice that your son made to his state and country. Senator Schoenjahn (3/10/05).

Christopher Gerlt, Emerson—For achieving the rank of Eagle Scout, Boy Scout Troop 86. Senator Angelo (3/10/05).

Karol and Rozanne King—For receiving the Wallace's Farmer Iowa Master Farmer Award. Senator Seymour (3/10/05).

Rotary International—For a century of commitment to public service, progress, and prosperity. Senator Hahn (3/10/05).

Aaron John Russell, Red Oak—For achieving the rank of Eagle Scout, Boy Scout Troop 86. Senator Angelo (3/10/05).

Esther Sadler, Waterloo—For celebrating your 90th birthday. Senator Dotzler (3/10/05).

James Schilling, New Hampton—For achieving the rank of Eagle Scout, Boy Scout Troop 48. Senator Zieman (3/10/05).

Austin Schwarck, Marshalltown—For achieving the rank of Eagle Scout, Boy Scout Troop 324. Senator McKibben (3/10/05).

Mary Segebarth, Waterloo—For celebrating your 90th birthday. Senator Dotzler (3/10/05).

B. J. Shatoo, Marshalltown—For achieving the rank of Eagle Scout, Boy Scout Troop 324. Senator McKibben (3/10/05).

Kyle Sturm, Clarinda—For achieving the rank of Eagle Scout, Boy Scout Troop 86. Senator Angelo (3/10/05).

Ross B. Tuttle, Ogden—For achieving the rank of Eagle Scout, Boy Scout Troop 132. Senator Behn (3/10/05).

Jerry and Lori Wauters—For receiving the Iowa Good Neighbor Award. Senator Putney (3/10/05).

Jim "The Bear" Wheeler, West Branch High School Golf Coach—For being selected to the Iowa High School Golf Coaches Hall of Fame. Senator Johnson (3/10/05).

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: March 9, 2005, 3:55 p.m.

Members Present: Fraise and Johnson, Co-chairs; Black, Brunkhorst, Courtney, Hahn, Hancock, Houser, Kibbie, Mulder, Putney, Ragan, and Rielly.

Members Absent: Gaskill (excused).

Committee Business: Approved SSB 1246 (as amended).

Adjourned: 4:25 p.m.

APPROPRIATIONS

Convened: March 9, 2005, 3:15 p.m.

Members Present: Angelo and Dvorsky, Co-chairs; Black, Boettger, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Johnson, Kettering, Lamberti, Miller, Putney, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, Ward, and Warnstadt.

Members Absent: None.

Committee Business: Approved SSBs 1184 and 1266.

Adjourned: 3:50 p.m.

BUSINESS AND LABOR RELATIONS

Convened: March 10, 2005, 11:30 a.m.

Members Present: Dearden and Wieck, Co-chairs; Behn, Dotzler, Horn, McKibben, Seng, Seymour, and Shull.

Members Absent: Courtney (excused).

Committee Business: Approved SSB 1050 (as amended).

Adjourned: 11:40 a.m.

COMMERCE

Convened: March 10, 2005, 10:40 a.m.

Members Present: Behn and Warnstadt, Co-chairs; Angelo, Beall, Bolkcom, Courtney, Gronstal, Kettering, Larson, McCoy, McKinley, Rielly, Stewart, Wieck, Zaun, and Zieman.

Members Absent: None.

Committee Business: Passed SF 299 and approved SSBs 1142 and 1226.

Adjourned: 10:50 a.m.

ECONOMIC GROWTH

Convened: March 10, 2005, 1:00 p.m.

Members Present: Brunkhorst and Hatch, Co-chairs; Beall, Behn, Danielson, Dotzler, Hahn, McKinley, Ragan, Rielly, Seymour, Shull, Stewart, and Zaun.

Members Absent: None.

Committee Business: Approved SSB 1282.

Adjourned: 1:30 p.m.

LOCAL GOVERNMENT

Convened: March 10, 2005, 9:15 a.m.

Members Present: Quirmbach and Shull, Co-chairs; Houser, Kreiman, Lundby, McCoy, Mulder, Putney, Rielly, Schoenjahn, Stewart, and Zaun.

Members Absent: None.

Committee Business: Passed SF 268 and approved SSB 1248.

Adjourned: 9:50 a.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: March 10, 2005, 1:05 p.m.

Members Present: Black and Houser, Co-chairs; Bolkcom, Dearden, Gaskill, Hancock, Johnson, Kettering, Lundby, Miller, Putney, Schoenjahn, Seng, and Wood.

Members Absent: None.

Committee Business: Passed SFs 72, 261, and 276 (as amended). Approved SSBs 1125 (as amended), 1187 (as amended), and 1233 (as amended).

Recessed: 2:15 p.m.

Reconvened: 2:25 p.m.

Adjourned: 2:30 p.m.

STATE GOVERNMENT

Convened: March 10, 2005, 9:25 a.m.

Members Present: Horn and McKibben, Co-chairs; Black, Brunkhorst, Connolly, Danielson, Hancock, Hatch, Kettering, Kibbie, Miller, Tinsman, Ward, Wieck, Wood, and Zieman.

Members Absent: None.

Committee Business: Passed SF 327 and approved SSB 1198.

Adjourned: 9:50 a.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 15, by Zieman, a resolution honoring the City of Nashua on its sesquicentennial anniversary year.

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

INTRODUCTION OF BILLS

Senate File 330, by committee on Judiciary, a bill for an act relating to family law provisions including dissolution of marriage and domestic relations and termination of parental rights provisions.

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

Senate File 331, by committee on Judiciary, a bill for an act to establish an automated victim notification system in the department of justice.

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

Senate File 332, by committee on Judiciary, a bill for an act providing for judicial branch employment and compensation of patient advocates for persons involuntarily hospitalized for mental illness.

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

Senate File 333, by committee on State Government, a bill for an act extending veterans' benefits, preferences, eligibility for appointments, and the military service tax credit and exemption to certain members of the reserve forces of the United States and the Iowa national guard and providing an effective date.

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

Senate File 334, by committee on State Government, a bill for an act establishing an interior design examining board, providing for the registration of interior designers, and providing fees and penalties.

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

Senate File 335, by committee on Business and Labor Relations, a bill for an act relating to access to dependent adult abuse information and unemployment compensation claims.

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

Senate File 336, by committee on State Government, a bill for an act limiting causes of action against veterinary practitioners who provide care to animals suffering distress.

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

Senate File 337, by committee on Agriculture, a bill for an act relating to animal feeding operations, by establishing a regulatory information service and providing for compliance.

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

Senate File 338, by committee on State Government, a bill for an act relating to the regulation of auctions and the licensing of auctioneers and other auction personnel and providing fees, penalties, and an appropriation.

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

Senate File 339, by committee on Transportation, a bill for an act relating to regional transit districts.

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

Senate File 340, by committee on Transportation, a bill for an act relating to the local regulation of motor vehicles, including the renewal of motor vehicle registrations by county treasurers and the collection of delinquent parking fines owed to a city or county.

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

Senate File 341, by committee on Human Resources, a bill for an act relating to the long-term living system in Iowa including establishment of the intent for Iowa's long-term living system.

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

Senate File 342, by committee on Appropriations, a bill for an act relating to appropriation matters by making and increasing appropriations for the fiscal year beginning July 1, 2004, and providing effective and applicability date provisions.

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

Senate File 343, by committee on Human Resources, a bill for an act relating to governmental services involving audit reports and the family investment program.

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

Senate File 344, by committee on Transportation, a bill for an act relating to the required fuel efficiency of newly purchased state vehicles.

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

Senate File 345, by committee on Judiciary, a bill for an act relating to the reinstatement of a person's driver's license or nonresident operating privilege following a criminal action in an operating-while-intoxicated case resulting from the same circumstances that resulted in the administrative revocation being challenged in which the court found that the peace officer did not

have reasonable grounds to administer a chemical test or that the chemical test was otherwise inadmissible or invalid.

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

Senate File 346, 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.**

Senate File 347, by committee on Agriculture, a bill for an act relating to the promotion of biodiesel and E-85 blended gasoline as renewable fuels.

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

Senate File 348, by committee on State Government, a bill for an act relating to the duties and responsibilities of the state board of regents and the institutions under its control and providing for the nonreversion of funds.

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

Senate File 349, by committee on Business and Labor Relations, a bill for an act relating to employment, by regulating the display of social security numbers on employee paychecks and providing a penalty.

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

Senate File 350, by committee on Human Resources, a bill for an act relating to the suspension of a child support obligation.

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

Senate File 351, by committee on State Government, a bill for an act relating to voting machines, including by requiring that direct

recording electronic voting machines used in the state produce paper records to be verified by voters.

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

Senate File 352, by committee on Human Resources, a bill for an act relating to confidentiality and liability provisions involving the child advocacy board and the programs associated with the board and making a penalty applicable.

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

Senate File 353, by committee on Natural Resources and Environment, a bill for an act relating to apparel worn while hunting upland game birds.

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

STUDY BILLS RECEIVED

SSB 1282 Economic Growth

Relating to the application deadline for certification of enterprise zones.

SSB 1283 Ways and Means

Relating to the credits authorized under the state income, franchise, and insurance premiums taxes for increasing employment in the state and including effective and applicability date provisions.

SUBCOMMITTEE ASSIGNMENTS

Senate Resolution 15

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

Senate File 314

WAYS AND MEANS: Connolly and McKibben, Co-chairs; Miller and Quirmbach

Senate File 326

WAYS AND MEANS: Hahn and Quirmbach, Co-chairs; Dotzler and Miller

SSB 1282

ECONOMIC GROWTH: Ragan, Chair; and Brunkhorst

SSB 1283

WAYS AND MEANS: Connolly and Zieman, Co-chairs; Bolkcom and Zaun

FINAL COMMITTEE REPORTS OF BILL ACTION

AGRICULTURE

Bill Title: *SENATE FILE 337 (formerly SF 251), a bill for an act relating to animal feeding operations, by establishing a regulatory information service and providing for compliance.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Fraise, Johnson, Black, Brunkhorst, Courtney, Gaskill, Hahn, Hancock, Houser, Kibbie, Mulder, Putney, Ragan, and Rielly. Nays, none. Absent, none.

Fiscal Note: 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 337, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 347 (SSB 1244), a bill for an act relating to the promotion of biodiesel and E-85 blended gasoline as renewable fuels.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Fraise, Johnson, Black, Brunkhorst, Courtney, Gaskill, Hahn, Hancock, Houser, Kibbie, Mulder, Putney, Ragan, and Rielly. 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 Agriculture Committee on Senate File 347, and they were attached to the committee report.

APPROPRIATIONS

Bill Title: SENATE FILE 342 (SSB 1266), a bill for an act relating to appropriation matters by making and increasing appropriations for the fiscal year beginning July 1, 2004, and providing effective and applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 23: Angelo, Dvorsky, Black, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Johnson, Kettering, Lamberti, Miller, Putney, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, Ward, and Warnstadt. Nays, none. Absent, 1: Boettger.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 346 (SSB 1184), 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, Dvorsky, Black, Boettger, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Johnson, Kettering, Lamberti, Miller, Putney, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, Ward, and Warnstadt. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BUSINESS AND LABOR RELATIONS

Bill Title: SENATE FILE 335 (SSB 1051), a bill for an act relating to access to dependent adult abuse information and unemployment compensation claims.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Dearden, Wieck, Behn, Courtney, Dotzler, Horn, McKibben, Seng, Seymour, and Shull. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 349 (formerly SF 316), a bill for an act relating to employment, by regulating the display of social security numbers on employee paychecks and providing a penalty.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Dearden, Wieck, Behn, Dotzler, Horn, McKibben, Seng, Seymour, and Shull. Nays, 1: Courtney. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

HUMAN RESOURCES

Bill Title: SENATE FILE 341 (SSB 1272), a bill for an act relating to the long-term living system in Iowa including establishment of the intent for Iowa's long-term living system.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Ragan, Seymour, Behn, Boettger, Bolkcom, Dotzler, Gaskill, Hatch, Houser, Johnson, Kreiman, Quirmbach, Tinsman, and Wood. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 343 (SSB 1202), a bill for an act relating to governmental services involving audit reports and the family investment program.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Ragan, Seymour, Behn, Boettger, Bolkcom, Dotzler, Gaskill, Hatch, Houser, Johnson, Kreiman, Quirmbach, Tinsman, and Wood. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 350 (SSB 1203), a bill for an act relating to the suspension of a child support obligation.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Ragan, Seymour, Behn, Boettger, Bolkcom, Dotzler, Gaskill, Hatch, Houser, Johnson, Kreiman, Quirmbach, Tinsman, and Wood. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 352 (SSB 1080), a bill for an act relating to confidentiality and liability provisions involving the child advocacy board and the programs associated with the board and making a penalty applicable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Ragan, Seymour, Behn, Boettger, Bolkcom, Dotzler, Gaskill, Hatch, Houser, Johnson, Kreiman, Quirmbach, Tinsman, and Wood. 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 352, and they were attached to the committee report.

JUDICIARY

Bill Title: *SENATE FILE 330 (SSB 1070), a bill for an act relating to family law provisions including dissolution of marriage and domestic relations and termination of parental rights provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 16: Kreiman, Miller, Boettger, Brunkhorst, Dvorsky, Fraise, Hancock, Horn, Larson, McKibben, Quirmbach, Schoenjahn, Tinsman, Ward, Warnstadt, and Zaun. 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 330, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 331 (SSB 1016), a bill for an act to establish an automated victim notification system in the department of justice.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 16: Kreiman, Miller, Boettger, Brunkhorst, Dvorsky, Fraise, Hancock, Horn, Larson, McKibben, Quirmbach, Schoenjahn, Tinsman, Ward, Warnstadt, and Zaun. 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 331, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 332 (formerly SF 131), a bill for an act providing for judicial branch employment and compensation of patient advocates for persons involuntarily hospitalized for mental illness.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 16: Kreiman, Miller, Boettger, Brunkhorst, Dvorsky, Fraise, Hancock, Horn, Larson, McKibben, Quirmbach, Schoenjahn, Tinsman, Ward, Warnstadt, and Zaun. 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 332, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 345 (formerly SF 6), a bill for an act relating to the reinstatement of a person's driver's license or nonresident operating privilege following a criminal action in an operating-while-intoxicated case resulting from the same circumstances that resulted in the administrative revocation being challenged in which the court found that the peace officer did not have reasonable grounds to administer a chemical test or that the chemical test was otherwise inadmissible or invalid.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 16: Kreiman, Miller, Boettger, Brunkhorst, Dvorsky, Fraise, Hancock, Horn, Larson, McKibben, Quirmbach, Schoenjahn, Tinsman, Ward, Warnstadt, and Zaun. 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 345, and they were attached to the committee report.

LOCAL GOVERNMENT

Bill Title: SENATE FILE 268, a bill for an act authorizing a county attorney to represent township trustees in certain circumstances.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Quirmbach, Shull, Kreiman, Lundby, McCoy, Mulder, Putney, Rielly, Schoenjahn, Stewart, and Zaun. Nays, none. Absent, 1: Houser.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

NATURAL RESOURCES AND ENVIRONMENT

Bill Title: SENATE FILE 72, a bill for an act relating to the recycling and disposal of cell phones, providing penalties, and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Black, Houser, Bolkcom, Dearden, Gaskill, Hancock, Johnson, Kettering, Lundby, Miller, Putney, Schoenjahn, Seng, and Wood. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 353 (formerly SF 110), a bill for an act relating to apparel worn while hunting upland game birds.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Black, Houser, Bolkcom, Dearden, Gaskill, Hancock, Johnson, Kettering, Lundby, Miller, Putney, Schoenjahn, Seng, and Wood. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Bill Title: SENATE FILE 333 (formerly SF 292), a bill for an act extending veterans' benefits, preferences, eligibility for appointments, and the military service tax credit and exemption to certain members of the reserve forces of the United States and the Iowa national guard and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Horn, McKibben, Black, Brunkhorst, Danielson, Hancock, Hatch, Kettering, Kibbie, Miller, Tinsman, Ward, Wieck, Wood, and Zieman. Nays, none. Absent, 1: Connolly.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 334 (SSB 1247), a bill for an act establishing an interior design examining board, providing for the registration of interior designers, and providing fees and penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Horn, Black, Brunkhorst, Danielson, Hancock, Hatch, Kibbie, Tinsman, Ward, Wieck, Wood, and Zieman. Nays, 2: Connolly and Kettering. Present, 2: McKibben and Miller. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 336 (SSB 1196), a bill for an act limiting causes of action against veterinary practitioners who provide care to animals suffering distress.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 16: Horn, McKibben, Black, Brunkhorst, Connolly, Danielson, Hancock, Hatch, Kettering, Kibbie, Miller, Tinsman, Ward, Wieck, Wood, and Zieman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 338 (SSB 1249), a bill for an act relating to the regulation of auctions and the licensing of auctioneers and other auction personnel and providing fees, penalties, and an appropriation.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Horn, McKibben, Black, Danielson, Hancock, Hatch, Tinsman, Ward, Wieck, and Wood. Nays, 5: Brunkhorst, Connolly, Kettering, Kibbie, and Miller. Present, 1: Zieman. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 348 (SSB 1199), a bill for an act relating to the duties and responsibilities of the state board of regents and the institutions under its control and providing for the nonreversion of funds.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Horn, McKibben, Black, Connolly, Danielson, Hancock, Hatch, Kettering, Kibbie, Miller, Tinsman, Ward, Wieck, Wood, and Zieman. Nays, 1: Brunkhorst. 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 348, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 351 (formerly SF 327), a bill for an act relating to voting machines, including by requiring that direct recording electronic voting machines used in the state produce paper records to be verified by voters.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 16: Horn, McKibben, Black, Brunkhorst, Connolly, Danielson, Hancock, Hatch, Kettering, Kibbie, Miller, Tinsman, Ward, Wieck, Wood, and Zieman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

TRANSPORTATION

Bill Title: SENATE FILE 339 (SSB 1239), a bill for an act relating to regional transit districts.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: McCoy, Putney, Beall, Danielson, Dearden, Fraise, Hahn, Kettering, Shull, Ward, Warnstadt, and Zieman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 340 (SSB 1238), a bill for an act relating to the local regulation of motor vehicles, including the renewal of motor vehicle registrations by county treasurers and the collection of delinquent parking fines owed to a city or county.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: McCoy, Putney, Beall, Danielson, Dearden, Fraise, Hahn, Kettering, Shull, Ward, Warnstadt, and Zieman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 344 (formerly SF 301), a bill for an act relating to the required fuel efficiency of newly purchased state vehicles.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: McCoy, Putney, Beall, Danielson, Dearden, Fraise, Hahn, Kettering, Shull, Ward, Warnstadt, and Zieman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

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:

DEPARTMENT OF COMMERCE—
IOWA ALCOHOLIC BEVERAGES DIVISION

FY 2004 Annual Report, pursuant to Iowa Code section 123.55. Report received on March 10, 2005.

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 10th day of March, 2005:

Senate File 114.

MICHAEL E. MARSHALL
Secretary of the Senate

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on March 10, 2005, the Governor approved and transmitted to the Secretary of State the following bill:

S.F. 75 – Allocating funding appropriated to assist individuals assigned to active duty military service and providing effective and applicability date provisions.

AMENDMENT FILED

S–3015 S.F. 169 House

PROOF

STATE OF IOWA

Senate Journal

MONDAY, MARCH 14, 2005

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

JOURNAL OF THE SENATE

SIXTY-FOURTH CALENDAR DAY
THIRTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, March 14, 2005

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

Prayer was offered by the Reverend Doug Peters, pastor of the Walnut Hills United Methodist Church in Urbandale, Iowa. He was the guest of Senator Zaun.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Kimberly Wilson.

The Journal of Thursday, March 10, 2005, was approved.

The Senate stood at ease at 1:29 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:24 p.m., President Kibbie presiding.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 281.

House File 281

On motion of Senator McKibben, **House File 281**, a bill for an act relating to certain penalties for filing false affidavits and the time for examining and determining a correct return under the state inheritance tax and increasing the amount of property that may be

transferred to minors under certain conditions and including a retroactive applicability date provision, 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. 281), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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 175** 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 200.

Senate File 200

On motion of Senator Putney, **Senate File 200**, a bill for an act relating to the administration of the department of agriculture and land stewardship, by providing for its powers and duties, 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. 200), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 200** and **House File 281** 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 201, 210, and 246.

Senate File 201

On motion of Senator Fraise, **Senate File 201**, a bill for an act providing for veterinary emergency preparedness and response by the department of agriculture and land stewardship, 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?" (S.F. 201), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

Senate File 210

On motion of Senator Kreiman, **Senate File 210**, a bill for an act relating to specified requirements applicable to a real estate broker or

attorney providing services in connection with a real estate auction, 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?" (S.F. 210), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

Senate File 246

On motion of Senator McKibben, **Senate File 246**, a bill for an act prohibiting a donation or contribution to an agency, organization, or political subdivision of the state in a criminal proceeding, 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. 246), the vote was:

Yeas, 49:

Angelo	Fraise	Larson	Seymour
Beall	Gaskill	Lundby	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirmbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Lamberti	Seng	

Nays, 1:

Kreiman

Absent, none.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 201**, **210**, and **246** 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 260 and 265.

Senate File 260

On motion of Senator Rielly, **Senate File 260**, a bill for an act relating to debt collection disclosure requirements for certain financial institution affiliates, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 260), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

Senate File 265

On motion of Senator Stewart, **Senate File 265**, a bill for an act relating to delinquent property taxes and other duties of the county treasurer and including effective date and applicability date provisions, was taken up for consideration.

Senator Stewart offered amendment S–3012, filed by him on March 8, 2005, to page 19 of the bill, and moved its adoption.

Amendment S–3012 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?" (S.F. 265), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour

Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 260** and **265** be **immediately messaged** to the House.

The Senate stood at ease at 3:00 p.m. until the fall of the gavel.

The Senate resumed session at 3:38 p.m., President Kibbie 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 14, 2005, **passed** the following bill in which the concurrence of the House was asked:

Senate File 139, a bill for an act relating to negotiable instruments, by providing for liabilities among certain parties, and providing a statute of limitations.

ALSO: That the House has on March 14, 2005, **passed** the following bills in which the concurrence of the Senate is asked:

House File 370, a bill for an act allowing the Iowa finance authority to issue qualified residential rental project bonds under the private activity bond allocation Act.

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

House File 399, a bill for an act relating to the disposal of solid waste by planning areas and related solid waste management plans and reports.

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

House File 423, a bill for an act relating to participation in secondary school interscholastic sports at the varsity and inferior levels.

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

House File 438, a bill for an act relating to assessments associated with soil and water conservation districts, by providing for the deposit of moneys in a fund established by a district's commissioners.

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

House File 469, a bill for an act increasing the membership of the real estate commission.

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

House File 476, a bill for an act regulating the sale of ammonium nitrate by fertilizer dealers, and providing penalties.

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

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 275, 268, and 280.

Senate File 275

On motion of Senator Ragan, **Senate File 275**, a bill for an act requiring the department of agriculture and land stewardship to revise certain application requirements applicable to the women, infants, and children Iowa farmers market nutrition program and the senior farmers market nutrition 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?" (S.F. 275), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

Senate File 268

On motion of Senator Kreiman, **Senate File 268**, a bill for an act authorizing a county attorney to represent township trustees in certain circumstances, 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?" (S.F. 268), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

Senate File 280

On motion of Senator Quirmbach, **Senate File 280**, a bill for an act relating to vital statistics, by allowing the county registrar to certify copies of records on the county registrar's intranet website, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 280), the vote was:

Yeas, 49:

Angelo	Fraise	Lamberti	Seymour
Beall	Gaskill	Larson	Shull
Behn	Gronstal	Lundby	Stewart

Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirmbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Kreiman	Seng	

Nays, 1:

McCoy

Absent, none.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 268**, **275**, and **280** 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 282, 302, and 304.

Senate File 282

On motion of Senator Quirmbach, **Senate File 282**, a bill for an act providing for the establishment of a committee to examine alternatives and develop an implementation plan regarding adoption of an integrated state fire code, was taken up for consideration.

Senator Quirmbach offered amendment S–3017, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S–3017 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 282), the vote was:

Yeas, 45:

Angelo	Fraise	Lundby	Seymour
Beall	Gaskill	McCoy	Shull
Behn	Gronstal	McKibben	Stewart
Black	Hancock	McKinley	Tinsman
Boettger	Hatch	Miller	Ward
Bolkcom	Horn	Mulder	Warnstadt
Brunkhorst	Houser	Putney	Wieck
Connolly	Iverson	Quirmbach	Wood
Courtney	Johnson	Ragan	Zaun
Danielson	Kibbie	Rielly	
Dearden	Lamberti	Schoenjahn	
Dotzler	Larson	Seng	

Nays, 5:

Dvorsky	Kettering	Zieman
Hahn	Kreiman	

Absent, none.

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

Senate File 302

On motion of Senator Dearden, **Senate File 302**, a bill for an act relating to the annual registration fee for certain motor vehicles equipped for persons with disabilities or used by persons with wheelchairs, 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?" (S.F. 302), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

Senate File 304

On motion of Senator Boettger, **Senate File 304**, a bill for an act relating to the provisions of the elder Iowans Act, 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. 304), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman

Dotzler	Kibbie	Rielly
Dvorsky	Kreiman	Schoenjahn

Nays, none.

Absent, none.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 282**, **302**, and **304** 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 313, 321, and 324.

Senate File 313

On motion of Senator Warnstadt, **Senate File 313**, a bill for an act relating to traffic citations issued for railroad crossing violations, was taken up for consideration.

Senator Quirmbach asked and received unanimous consent that action on **Senate File 313** be **deferred**.

Senate File 321

On motion of Senator Ward, **Senate File 321**, a bill for an act relating to the use of moneys deposited into the inmate labor fund, 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?” (S.F. 321), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

Senate File 324

On motion of Senator Beall, **Senate File 324**, a bill for an act relating to equipment dealerships, by providing for the sale or transfer of a dealership and providing for the Act's applicability, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 324), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun

Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 321** and **324** be **immediately messaged** to the House.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 330 and 331.

Senate File 330

On motion of Senator Kreiman, **Senate File 330**, a bill for an act relating to family law provisions including dissolution of marriage and domestic relations and termination of parental rights provisions, 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?" (S.F. 330), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck

Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

Senate File 331

On motion of Senator Kreiman, **Senate File 331**, a bill for an act to establish an automated victim notification system in the department of justice, 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?" (S.F. 331), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 330** and **331** 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 141 and 227.

House File 141

On motion of Senator Seng, **House File 141**, 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, 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. 141), the vote was:

Yeas, 42:

Beall	Fraise	Lamberti	Schoenjahn
Black	Gaskill	Larson	Seng
Boettger	Gronstal	Lundby	Seymour
Bolkcom	Hahn	McCoy	Shull
Brunkhorst	Hancock	McKibben	Stewart
Connolly	Hatch	Miller	Ward
Courtney	Horn	Mulder	Warnstadt
Danielson	Houser	Putney	Wieck
Dearden	Johnson	Quirmbach	Wood
Dotzler	Kibbie	Ragan	
Dvorsky	Kreiman	Rielly	

Nays, 8:

Angelo	Iverson	McKinley	Zaun
Behn	Kettering	Tinsman	Zieman

Absent, none.

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

House File 227

On motion of Senator Fraise, **House File 227**, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and retroactive applicability date provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Kreiman offered amendment S–3011, filed by the committee on Judiciary on March 7, 2005, to page 24 of the bill, and moved its adoption.

Amendment S–3011 was adopted by a voice vote.

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. 227), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 141** and **227** be **immediately messaged** to the House.

BILLS REFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that **Senate Files 271, 281, 333,** and **334** be referred from the Regular Calendar to the committee on **Ways and Means** and **Senate Files 325, 329,** and **347** be referred from the Regular Calendar to the committee on **Appropriations.**

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 14, 2005, **passed** the following bill in which the concurrence of the House was asked:

Senate File 141, a bill for an act relating to reimbursement to owners of aboveground petroleum storage tanks for costs associated with the upgrade or permanent closure of aboveground petroleum storage tanks.

ALSO: That the House has on March 14, 2005, **passed** the following bills in which the concurrence of the Senate is asked:

House File 398, a bill for an act adding an exemption for colleges and universities established by city ordinance to the requirements relating to the registration of postsecondary schools.

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

House File 479, a bill for an act providing an exception to municipal tort liability for all-terrain vehicling.

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

House File 480, a bill for an act relating to the definition of telecommunicator for purposes of telecommunicator training standards promulgated by the Iowa law enforcement academy.

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

House File 529, a bill for an act relating to the members of the board of educational examiners and the authority of the board regarding complaints.

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

House File 581, a bill for an act relating to interstate natural gas pipelines including requirements regarding construction, operation, and maintenance, applicable penalties and resultant damages, and easements.

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

House File 607, a bill for an act relating to emergency services provided to residents of certain townships and including effective date and retroactive applicability date provisions.

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

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 5:02 p.m. until 8:30 a.m., Tuesday, March 15, 2005.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Gayle E. Alvarez—In appreciation of assisting the State of Iowa by attending festivities in St. Maries, Idaho, for Vernon J. Baker, WWII Medal of Honor recipient, on March 19, 2005. Senator Black (3/14/05).

Mr. and Mrs. Edlef Boysen, Mediapolis—For celebrating your 65th wedding anniversary. Senator Courtney (3/14/05).

Myranell Dockendorff, Danville—For celebrating your 85th birthday. Senator Courtney (3/14/05).

Brad Lower, Burlington—For winning the MAC Wrestling Championship in the 145-pound weight class, winning 1st place at State, and being chosen for the 1st Team All-Mississippi Athletic Conference. Senator Courtney (3/14/05).

Mary Meyer, Burlington—For celebrating your 90th birthday. Senator Courtney (3/14/05).

Dustin Paris, Burlington—For winning the MAC Wrestling Championship in the Heavyweight class. Senator Courtney (3/14/05).

Merle and Elsie Prater, Ames—For celebrating your 60th wedding anniversary. Senator Quirmbach (3/14/05).

Howard and JoAnn Radunz, Ocheyedan—For celebrating your 50th wedding anniversary. Senator Johnson (3/14/05).

Wilfred Schmeiser, Burlington—For celebrating your 90th birthday. Senator Courtney (3/14/05).

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:

DEPARTMENT FOR THE BLIND

Report on purchase of products with recycled content, pursuant to Iowa Code section 216B.3. Report received on March 11, 2005.

IOWA CHILD ADVOCACY BOARD

FY 2004 Annual Report. Report received on March 14, 2005.

REPORT OF COMMITTEE MEETING

JUDICIARY

Convened: March 10, 2005, 2:55 p.m.

Members Present: Kreiman and Miller, Co-chairs; Boettger, Brunkhorst, Dvorsky, Fraise, Hancock, Horn, Larson, Quirmbach, Schoenjahn, Tinsman, Ward, Warnstadt, and Zaun.

Members Absent: McKibben (excused).

Committee Business: Passed SFs 87 and 279. Approved SSBs 1029, 1030 (as amended), 1035 (as amended), 1107 (as amended), 1127 (as amended), 1152 (as amended), 1154 (as amended), 1155, 1241 (as amended), 1251 (as amended), and 1252.

Adjourned: 3:45 p.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 16, by Angelo, a resolution honoring the actress Hilary Swank and her Iowa roots.

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

INTRODUCTION OF BILLS

Senate File 354, by committee on Commerce, a bill for an act establishing pilot projects requiring the division of insurance to allow flexible small employer group health insurance coverage and requiring the insurance division to review insurance rating issues affecting small employers.

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

Senate File 355, by committee on Human Resources, a bill for an act relating to the creation of a task force to provide for the implementation of Medicare Part D and providing an effective date.

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

Senate File 356, by committee on Human Resources, a bill for an act providing for the Iowa department of public health to administer the hotel sanitation code, regulation of home food establishments,

Iowa food code, regulation of egg handlers, and inspection of cosmetology and barbering licensees in place of the department of inspections and appeals.

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

Senate File 357, by committee on Judiciary, a bill for an act relating to administrative modification of a child support order.

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

Senate File 358, by committee on Judiciary a bill for an act relating to liens associated with agricultural production, by providing for the termination of those liens.

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

Senate File 359, by committee on Local Government, a bill for an act providing for payroll deduction for county, city, and school district employees for charitable giving.

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

Senate File 360, by committee on Commerce, a bill for an act relating to various provisions administered by the insurance division of the department of commerce concerning premium tax refunds, the interstate insurance compact, insurer insolvency proceedings, individual health insurance, the small employer carrier reinsurance program, the Iowa comprehensive health association, fire insurance policies, the Iowa insurance guaranty association, the FAIR plan, motor vehicle service contracts, investments by county and state mutual associations, reciprocal or interinsurance contract premium rates, unauthorized activity of insurance producers, and annuity contracts for cemetery and funeral merchandise and funeral services, and making fees and penalties applicable and providing effective and retroactive applicability dates.

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

Senate File 361, by committee on Judiciary, a bill for an act relating to the criminal offense of theft of leased or rented personal property and making penalties applicable.

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

Senate File 362, by committee on Judiciary, a bill for an act relating to the establishment of multicounty jails.

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

Senate File 363, by committee on Commerce, a bill for an act providing for the regulation of persons engaged in soliciting business opportunities, including franchises.

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

Senate File 364, by committee on State Government, a bill for an act relating to the conduct of elections and voter registration and including effective date and applicability provisions.

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

Senate File 365, by committee on Economic Growth, a bill for an act relating to the application deadline for certification of enterprise zones.

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

Senate File 366, by committee on Judiciary, a bill for an act relating to the timing of a mental competency hearing for a person accused of a criminal offense.

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

Senate File 367, by committee on Natural Resources and Environment, a bill for an act relating to various conservation and recreation activities under the purview of the department of natural resources, modifying fees, and making penalties applicable.

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

Senate File 368, by committee on Natural Resources and Environment, a bill for an act relating to alcoholic beverages, by providing for the manufacture and sale of native distilled spirits and establishing a related permit fee, relating to the activities of the grape and wine development commission, and providing for the transfer of wine sale revenues to the grape and wine development fund.

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

Senate File 369, by committee on Judiciary, a bill for an act relating to the civil commitment of a sexually violent predator.

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

Senate File 370, by committee on Judiciary, a bill for an act relating to the duration of a no-contact order in a criminal case.

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

Senate File 371, by committee on Natural Resources and Environment, a bill for an act relating to the generation and purchase of renewable energy including establishing a renewable energy tax credit program administered by the utilities division of the department of commerce and the department of revenue, and providing an effective date.

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

Senate File 372, by committee on Agriculture, a bill for an act relating to animal feeding operations, by providing for the regulation of open feedlot operations, and providing for penalties.

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

Senate File 373, by committee on Natural Resources and Environment, a bill for an act relating to refund values for empty beverage containers.

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

Senate File 374, 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 375, by committee on Natural Resources and Environment, a bill for an act creating the uniform environmental covenants Act.

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

Senate File 376, 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 377, by committee on Natural Resources and Environment, a bill for an act relating to the recycling and disposal of cell phones, providing penalties, and providing an effective date.

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

Senate File 378, by committee on Business and Labor Relations, a bill for an act relating to workers' compensation liability insurance, the payment of certain weekly workers' compensation benefits, and workers' compensation settlements and filings, and providing for civil penalties.

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

Senate File 379, by committee on Judiciary, a bill for an act relating to the Iowa probate code, the Iowa trust code, and certain other trusts.

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

Senate File 380, by committee on Judiciary, a bill for an act relating to judicial branch procedures involving applications for

further review and the appointment of judicial officers and chief juvenile court officers.

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

Senate File 381, by committee on Judiciary, a bill for an act relating to an alternative dispute resolution process in a residential construction defect case and including a mediation provision.

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

Senate File 382, by committee on Judiciary, a bill for an act limiting the preference to purchase an unused right-of-way.

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

Senate File 383, by committee on Judiciary, a bill for an act relating to the penalty for sexual misconduct with offenders committed by an officer, employee, or agent of the department of corrections or a judicial district department of correctional services, and providing a penalty.

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

STUDY BILLS RECEIVED

SSB 1284 Appropriations

Relating to and making appropriations to the department of economic development, state board of regents, the department of workforce development, the Iowa finance authority, and the public employment relations board and related matters.

SSB 1285 Appropriations

Relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, environment first fund, tobacco settlement trust fund, and vertical infrastructure fund and including an effective date provision.

SUBCOMMITTEE ASSIGNMENTS

Senate File 312

APPROPRIATIONS: Kettering and Warnstadt, Co-chairs; Fraise and Miller

SSB 1284

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs

SSB 1285

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs

FINAL COMMITTEE REPORTS OF BILL ACTION

AGRICULTURE

Bill Title: *SENATE FILE 372 (SSB 1246), a bill for an act relating to animal feeding operations, by providing for the regulation of open feedlot operations, and providing for penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Fraise, Johnson, Black, Brunkhorst, Courtney, Hahn, Hancock, Houser, Kibbie, Mulder, Putney, Ragan, and Rielly. Nays, none. Absent, 1: 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 372, and they were attached to the committee report.

BUSINESS AND LABOR RELATIONS

Bill Title: *SENATE FILE 378 (SSB 1050), a bill for an act relating to workers' compensation liability insurance, the payment of certain weekly workers' compensation benefits, and workers' compensation settlements and filings, and providing for civil penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Dearden, Wieck, Behn, Dotzler, Horn, McKibben, Seng, Seymour, and Shull. Nays, none. 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 Business and Labor Relations Committee on Senate File 378, and they were attached to the committee report.

COMMERCE

Bill Title: SENATE FILE 354 (formerly SF 299), a bill for an act establishing pilot projects requiring the division of insurance to allow flexible small employer group health insurance coverage and requiring the insurance division to review insurance rating issues affecting small employers.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 16: Behn, Warnstadt, Angelo, Beall, Bolkcom, Courtney, Gronstal, Kettering, Larson, McCoy, McKinley, Rielly, Stewart, Wieck, Zaun, and Zieman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 360 (SSB 1142), a bill for an act relating to various provisions administered by the insurance division of the department of commerce concerning premium tax refunds, the interstate insurance compact, insurer insolvency proceedings, individual health insurance, the small employer carrier reinsurance program, the Iowa comprehensive health association, fire insurance policies, the Iowa insurance guaranty association, the FAIR plan, motor vehicle service contracts, investments by county and state mutual associations, reciprocal or interinsurance contract premium rates, unauthorized activity of insurance producers, and annuity contracts for cemetery and funeral merchandise and funeral services, and making fees and penalties applicable and providing effective and retroactive applicability dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 16: Behn, Warnstadt, Angelo, Beall, Bolkcom, Courtney, Gronstal, Kettering, Larson, McCoy, McKinley, Rielly, Stewart, Wieck, Zaun, and Zieman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 363 (SSB 1226), a bill for an act providing for the regulation of persons engaged in soliciting business opportunities, including franchises.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 16: Behn, Warnstadt, Angelo, Beall, Bolkcom, Courtney, Gronstal, Kettering, Larson, McCoy, McKinley, Rielly, Stewart, Wieck, Zaun, and Zieman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ECONOMIC GROWTH

Bill Title: SENATE FILE 365 (SSB 1282), a bill for an act relating to the application deadline for certification of enterprise zones.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Brunkhorst, Hatch, Beall, Behn, Danielson, Dotzler, Hahn, McKinley, Ragan, Rielly, Seymour, Shull, Stewart, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

HUMAN RESOURCES

Bill Title: *SENATE FILE 355 (SSB 1204), a bill for an act relating to the creation of a task force to provide for the implementation of Medicare Part D and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Ragan, Seymour, Behn, Boettger, Bolkcom, Dotzler, Gaskill, Hatch, Houser, Johnson, Kreiman, Quirmbach, Tinsman, and Wood. 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 355, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 356 (SSB 1211), a bill for an act providing for the Iowa department of public health to administer the hotel sanitation code, regulation of home food establishments, Iowa food code, regulation of egg handlers, and inspection of cosmetology and barbering licensees in place of the department of inspections and appeals.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Ragan, Seymour, Behn, Boettger, Bolkcom, Dotzler, Gaskill, Hatch, Houser, Johnson, Quirmbach, Tinsman, and Wood. Nays, 1: Kreiman. 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 356, and they were attached to the committee report.

JUDICIARY

Bill Title: SENATE FILE 357 (SSB 1155), a bill for an act relating to administrative modification of a child support order.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Kreiman, Miller, Boettger, Brunkhorst, Dvorsky, Fraise, Hancock, Horn, Larson, Quirmbach, Schoenjahn, Tinsman, Ward, Warnstadt, and Zaun. Nays, none. Absent, 1: McKibben.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 358 (SSB 1252), a bill for an act relating to liens associated with agricultural production, by providing for the termination of those liens.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Kreiman, Miller, Boettger, Brunkhorst, Dvorsky, Fraise, Hancock, Horn, Larson, Quirmbach, Schoenjahn, Tinsman, Ward, Warnstadt, and Zaun. Nays, none. Absent, 1: McKibben.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 361 (SSB 1241), a bill for an act relating to the criminal offense of theft of leased or rented personal property and making penalties applicable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Kreiman, Miller, Boettger, Brunkhorst, Dvorsky, Fraise, Hancock, Horn, Larson, Quirmbach, Schoenjahn, Tinsman, Ward, Warnstadt, and Zaun. Nays, none. Absent, 1: McKibben.

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 361, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 362 (SSB 1035), a bill for an act relating to the establishment of multicounty jails.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Kreiman, Miller, Boettger, Brunkhorst, Dvorsky, Fraise, Hancock, Horn, Larson, Quirmbach, Schoenjahn, Tinsman, Ward, Warnstadt, and Zaun. Nays, none. Absent, 1: McKibben.

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 362, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 366 (SSB 1107), a bill for an act relating to the timing of a mental competency hearing for a person accused of a criminal offense.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Kreiman, Miller, Boettger, Brunkhorst, Dvorsky, Fraise, Hancock, Horn, Larson, Quirmbach, Schoenjahn, Tinsman, Ward, Warnstadt, and Zaun. Nays, none. Absent, 1: McKibben.

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 366, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 369 (SSB 1030), a bill for an act relating to the civil commitment of a sexually violent predator.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Kreiman, Miller, Boettger, Brunkhorst, Dvorsky, Fraise, Hancock, Horn, Larson, Quirmbach, Schoenjahn, Tinsman, Ward, Warnstadt, and Zaun. Nays, none. Absent, 1: McKibben.

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 369, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 370 (SSB 1152), a bill for an act relating to the duration of a no-contact order in a criminal case.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Kreiman, Miller, Boettger, Brunkhorst, Dvorsky, Fraise, Hancock, Horn, Larson, Quirmbach, Schoenjahn, Tinsman, Ward, Warnstadt, and Zaun. Nays, none. Absent, 1: McKibben.

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 370, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 374 (SSB 1127), a bill for an act relating to agreements to arbitrate and providing remedies.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Kreiman, Miller, Boettger, Brunkhorst, Dvorsky, Fraise, Hancock, Horn, Larson, Quirmbach, Schoenjahn, Tinsman, Ward, Warnstadt, and Zaun. Nays, none. Absent, 1: McKibben.

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 374, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 379 (SSB 1251), a bill for an act relating to the Iowa probate code, the Iowa trust code, and certain other trusts.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Kreiman, Miller, Boettger, Brunkhorst, Dvorsky, Fraise, Hancock, Horn, Larson, Quirmbach, Schoenjahn, Tinsman, Ward, Warnstadt, and Zaun. Nays, none. Absent, 1: McKibben.

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 379, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 380 (SSB 1154), a bill for an act relating to judicial branch procedures involving applications for further review and the appointment of judicial officers and chief juvenile court officers.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Kreiman, Miller, Boettger, Brunkhorst, Dvorsky, Fraise, Hancock, Horn, Larson, Quirmbach, Schoenjahn, Tinsman, Ward, Warnstadt, and Zaun. Nays, none. Absent, 1: McKibben.

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 380, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 381 (formerly SF 279), a bill for an act relating to an alternative dispute resolution process in a residential construction defect case and including a mediation provision.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Kreiman, Miller, Boettger, Brunkhorst, Dvorsky, Fraise, Hancock, Horn, Larson, Schoenjahn, Tinsman, Ward, Warnstadt, and Zaun. Nays, 1: Quirmbach. Absent, 1: McKibben.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 382 (formerly SF 87), a bill for an act limiting the preference to purchase an unused right-of-way.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Kreiman, Miller, Boettger, Brunkhorst, Fraise, Hancock, Horn, Larson, Schoenjahn, Tinsman, Ward, Warnstadt, and Zaun. Nays, 1: Dvorsky. Present, 1: Quirmbach. Absent, 1: McKibben.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 383 (SSB 1029), a bill for an act relating to the penalty for sexual misconduct with offenders committed by an officer, employee, or agent of the department of corrections or a judicial district department of correctional services, and providing a penalty.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Kreiman, Miller, Boettger, Brunkhorst, Dvorsky, Fraise, Hancock, Horn, Larson, Quirmbach, Schoenjahn, Tinsman, Ward, Warnstadt, and Zaun. Nays, none. Absent, 1: McKibben.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17

LOCAL GOVERNMENT

Bill Title: SENATE FILE 359 (SSB 1248), a bill for an act providing for payroll deduction for county, city, and school district employees for charitable giving.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Quirmbach, Shull, Kreiman, Lundby, McCoy, Mulder, Putney, Rielly, Schoenjahn, Stewart, and Zaun. Nays, none. Absent, 1: Houser.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

NATURAL RESOURCES AND ENVIRONMENT

Bill Title: *SENATE FILE 367 (SSB 1233), a bill for an act relating to various conservation and recreation activities under the purview of the department of natural resources, modifying fees, and making penalties applicable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Black, Houser, Bolkcom, Dearden, Gaskill, Hancock, Johnson, Kettering, Lundby, Miller, Putney, Schoenjahn, Seng, and Wood. 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 Natural Resources and Environment Committee on Senate File 367, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 368 (formerly SF 276), a bill for an act relating to alcoholic beverages, by providing for the manufacture and sale of native distilled spirits and establishing a related permit fee, relating to the activities of the grape and wine development commission, and providing for the transfer of wine sale revenues to the grape and wine development fund.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Black, Houser, Bolkcom, Dearden, Gaskill, Hancock, Johnson, Kettering, Lundby, Putney, Schoenjahn, Seng, and Wood. Nays, none. Present, 1: Miller. 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 368, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 371 (SSB 1187), a bill for an act relating to the generation and purchase of renewable energy including establishing a renewable energy tax credit program administered by the utilities division of the department of commerce and the department of revenue, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Black, Houser, Bolkcom, Dearden, Gaskill, Hancock, Johnson, Kettering, Lundby, Miller, Putney, Schoenjahn, Seng, and Wood. 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 Natural Resources and Environment Committee on Senate File 371, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 373 (formerly SF 261), a bill for an act relating to refund values for empty beverage containers.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Black, Houser, Bolkcom, Dearden, Gaskill, Hancock, Johnson, Kettering, Lundby, Miller, Putney, Schoenjahn, Seng, and Wood. 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 Natural Resources and Environment Committee on Senate File 373, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 375 (SSB 1125), a bill for an act creating the uniform environmental covenants Act.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Black, Houser, Bolkcom, Dearden, Gaskill, Hancock, Johnson, Kettering, Lundby, Miller, Putney, Schoenjahn, Seng, and Wood. 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 Natural Resources and Environment Committee on Senate File 375, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 377 (formerly SF 72), a bill for an act relating to the recycling and disposal of cell phones, providing penalties, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Black, Houser, Bolkcom, Dearden, Gaskill, Hancock, Johnson, Kettering, Lundby, Miller, Putney, Schoenjahn, Seng, and Wood. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Bill Title: *SENATE FILE 364 (SSB 1198), a bill for an act relating to the conduct of elections and voter registration and including effective date and applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 16: Horn, McKibben, Black, Brunkhorst, Connolly, Danielson, Hancock, Hatch, Kettering, Kibbie, Miller, Tinsman, Ward, Wieck, Wood, and Zieman. 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 364, and they were attached to the committee report.

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on March 14, 2005, the Governor approved and transmitted to the Secretary of State the following bill:

S.F. 114 – Relating to tax credit certificates issued by the Iowa capital investment board and providing an effective date.

AMENDMENTS FILED

S–3016	S.F.	349	Thomas G. Courtney
S–3017	S.F.	282	Herman C. Quirmbach
S–3018	S.F.	339	Matt McCoy

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, MARCH 15, 2005

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

JOURNAL OF THE SENATE

SIXTY-FIFTH CALENDAR DAY
THIRTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, March 15, 2005

The Senate met in regular session at 8:32 a.m., President Pro Tempore Dvorsky presiding.

Prayer was offered by the Reverend William Spencer, pastor of Our Savior Lutheran Church in Marshalltown, Iowa. He was the guest of Senator McKibben.

The Journal of Monday, March 14, 2005, 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 14, 2005, **passed** the following bill in which the concurrence of the Senate is asked:

House File 642, a bill for an act relating to the regulation of agricultural seed, by providing for preemption of local legislation.

Read first time and **attached to similar Senate File 259.**

SPECIAL GUEST

Senator Kibbie introduced John Carty, T.D., a Fianna Fail member of the Irish Parliament and representative of County Mayo. He worked as an agricultural officer and farmer prior to his election to Dail Eireann (the Irish Parliament) in May 2002. He is now a full-time public representative for the constituency of County Mayo. Mr. Carty is currently a member of the following joint committees: Social

and Family Affairs (Convenor), Agriculture and Food, and British/Irish Inter-Parliamentary Body. He is also vice president of Aughamore Gaelic Athletic Association Club and chairman of South Mayo Family Research Center, Ballinrobe, County Mayo. Mr. Carty will represent the Republic of Ireland at the Emmetsburg St. Patrick's Day Association 2005 Celebration.

Mr. Carty addressed the Senate with brief remarks.

The Senate rose and expressed its welcome.

SPECIAL GUESTS

Senate Kibbie introduced 2005 Miss Shamrock Kayla Helget from Estherville Lincoln Central High School and her friend April Nauss. Also present were Mickey Conlon, chairman of the St. Patrick's Association, and Andy Joyce, dignitary escort.

David Earll played the bagpipes. He is the son of Michael and Mary Earll of Sibley, Iowa, and a student at Sibley-Ocheyedan High School.

The Senate rose and expressed its welcome.

RECESS

On motion of Senator Iverson, the Senate recessed at 8:52 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 8:55 a.m., President Pro Tempore Dvorsky presiding.

RECESS

On motion of Senator Iverson, the Senate recessed at 8:56 a.m. until 1:00 p.m.

APPENDIX — 1

CERTIFICATES OF RECOGNITION

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

Kermit Dahlen, Sioux City—For 25 years of dedicated service at Jackson Recovery Centers. Senator Warnstadt (3/15/05).

South Tama High School Band—For representing Iowa in the National Independence Day Parade on July 4, 2005. Senator Putney (3/15/05).

REPORTS OF COMMITTEE MEETINGS

RULES AND ADMINISTRATION

Convened: March 15, 2005, 8:52 a.m.

Members Present: Gronstal and Iverson, Co-chairs; Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan.

Members Absent: None.

Committee Business: Passed SJRs 6 and 7, SCRs 5 and 6, SRs 10, 11, 12, 13, 14, and 15, and HCRs 4 and 5.

Adjourned: 8:55 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: March 15, 2005, 10:10 a.m.

Members Present: Dotzler and Ward, Co-chairs; Behn, Brunkhorst, Danielson, and Rielly.

Members Absent: None.

Committee Business: Discussion and vote on appropriations bill.

Adjourned: 10:20 a.m.

SUBCOMMITTEE ASSIGNMENT

Senate Resolution 16

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

FINAL COMMITTEE REPORTS OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE JOINT RESOLUTION 6, 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, 10: Gronstal, Iverson, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE JOINT RESOLUTION 7, a joint resolution authorizing the temporary use and consumption of wine and beer in the State Capitol in conjunction with the 2005 National Governors Association Annual Meeting.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Iverson, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE CONCURRENT RESOLUTION 5, a concurrent resolution urging the United States Congress to appropriate funding for the Historic Barn Preservation Act.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Iverson, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE CONCURRENT RESOLUTION 6, a concurrent resolution designating March 2005 as Iowa Women's History Month.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Iverson, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 10, a resolution recognizing the importance of citizen diplomacy.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Iverson, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 11, a resolution honoring and celebrating the life of Iowa's own Johnny Carson.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Iverson, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 12, a resolution to recognize the sesquicentennial of the town of New Hampton, Iowa.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Iverson, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 13, a resolution honoring Rotary International on the occasion of its 100th anniversary and recognizing February 23, 2005, as Rotary International Day.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Iverson, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 14, a resolution designating April 2005 as Financial Literacy for Youth Month in Iowa.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Iverson, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 15, a resolution honoring the City of Nashua on its sesquicentennial anniversary year.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Iverson, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE CONCURRENT RESOLUTION 4, a concurrent resolution relating to Pioneer Lawmakers.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Iverson, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE CONCURRENT RESOLUTION 5, a concurrent resolution relating to a biennial memorial session.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Iverson, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AFTERNOON SESSION

The Senate reconvened at 1:07 p.m., President Kibbie 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 March 15, 2005, **adopted** the following resolution in which the concurrence of the Senate is asked:

House Joint Resolution 1, a joint resolution proposing an amendment to the Constitution of the State of Iowa to define marriage.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Lamberti, until he arrives, on request of Senator Zieman.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 272.

Senate File 272

On motion of Senator Boettger, **Senate File 272**, a bill for an act relating to the council with which the director of human services consults regarding the medical assistance program, 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. 272), the vote was:

Yeas, 49:

Angelo	Fraise	Larson	Seymour
Beall	Gaskill	Lundby	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirmbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Kreiman	Seng	

Nays, none.

Absent, 1:

Lamberti

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

CONFIRMATION OF GOVERNOR'S APPOINTMENT
(Individual Confirmation Calendar)

Senator Iverson called up the appointment of Michael Gartner, as a member of the State Board of Regents, placed on the Individual Confirmation Calendar on February 22, 2005, and found on page 326 of the Senate Journal.

Senator Connolly moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 38:

Beall	Dvorsky	Larson	Seymour
Black	Fraise	Lundby	Shull
Boettger	Gaskill	McCoy	Stewart
Bolkcom	Gronstal	McKinley	Tinsman
Brunkhorst	Hancock	Putney	Ward
Connolly	Horn	Quirmbach	Warnstadt

Courtney	Johnson	Ragan	Wood
Danielson	Kettering	Rielly	Zieman
Dearden	Kibbie	Schoenjahn	
Dotzler	Kreiman	Seng	

Nays, 10:

Angelo	Houser	Miller	Zaun
Behn	Iverson	Mulder	
Hahn	McKibben	Wieck	

Present, 1:

Hatch

Absent, 1:

Lamberti

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 215 and 245.

Senate File 215

On motion of Senator Brunkhorst, **Senate File 215**, a bill for an act modifying the certified mail requirement concerning the service and delivery of certain civil rights complaints and orders, 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. 215), the vote was:

Yeas, 49:

Angelo	Fraise	Larson	Seymour
Beall	Gaskill	Lundby	Shull
Behn	Gronstal	McCoy	Stewart

Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirmbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Kreiman	Seng	

Nays, none.

Absent, 1:

Lamberti

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

Senate File 245

On motion of Senator Brunkhorst, **Senate File 245**, a bill for an act relating to a secondary school core curriculum, including requiring the state board of education to determine a model core curriculum and set a statewide core curriculum completion rate goal, and requiring school districts and schools to report core curriculum completion percentages annually, was taken up for consideration.

Senator Wood offered amendment S–3010, filed by Senators Wood and Brunkhorst on March 3, 2005, to page 1 of the bill, and moved its adoption.

Amendment S–3010 was adopted by a voice vote.

Senator Connolly asked and received unanimous consent that action on **Senate File 245** be **deferred**.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 215** and **272** 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 320 and 335.

Senate File 320

On motion of Senator Beall, **Senate File 320**, a bill for an act requiring performance of a criminal history check of applicants for real estate broker and salesperson licenses, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 320), the vote was:

Yeas, 49:

Angelo	Fraise	Larson	Seymour
Beall	Gaskill	Lundby	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirmbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Kreiman	Seng	

Nays, none.

Absent, 1:

Lamberti

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

Senate File 335

On motion of Senator Horn, **Senate File 335**, a bill for an act relating to access to dependent adult abuse information and unemployment compensation claims, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 335), the vote was:

Yeas, 49:

Angelo	Fraise	Larson	Seymour
Beall	Gaskill	Lundby	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirmbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Kreiman	Seng	

Nays, none.

Absent, 1:

Lamberti

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 345 and 353.

Senate File 345

On motion of Senator Brunkhorst, **Senate File 345**, a bill for an act relating to the reinstatement of a person's driver's license or nonresident operating privilege following a criminal action in an operating-while-intoxicated case resulting from the same circumstances that resulted in the administrative revocation being challenged in which the court found that the peace officer did not have reasonable grounds to administer a chemical test or that the chemical test was otherwise inadmissible or invalid, 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. 345), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kibbie	Schoenjahn
Beall	Fraise	Kreiman	Seng
Behn	Gaskill	Larson	Seymour
Black	Gronstal	McCoy	Shull
Boettger	Hahn	McKibben	Stewart
Bolkcom	Hancock	McKinley	Tinsman
Brunkhorst	Hatch	Miller	Ward
Connolly	Horn	Mulder	Warnstadt
Courtney	Houser	Putney	Wieck
Danielson	Iverson	Quirmbach	Wood
Dearden	Johnson	Ragan	Zaun
Dotzler	Kettering	Rielly	Zieman

Nays, 1:

Lundby

Absent, 1:

Lamberti

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

Senate File 353

On motion of Senator Dearden, **Senate File 353**, a bill for an act relating to apparel worn while hunting upland game birds, 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?" (S.F. 353), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 320**, **335**, **345**, and **353** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 1:58 p.m. until 8:30 a.m., Wednesday, March 16, 2005.

APPENDIX — 2

CERTIFICATES OF RECOGNITION

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

Coach Loren DeJong and the MOC-FV Dutch—For being a contender in the 2005 3A Boys' State Basketball Tournament. Senator Mulder (3/15/05).

Emmetsburg Community School District Basketball Team—For qualifying for the 2005 2A State Boys' Basketball Tournament. Senator Kibbie (3/15/05).

Coach Barry Miedema and the Unity Christian Knights—For being a contender in the 2005 2A Boys' State Basketball Tournament. Senator Mulder (3/15/05).

Coach Heath Swanson and the Rock Valley Rockets—For being a contender in the 2005 1A Boys' State Basketball Tournament. Senator Mulder (3/15/05).

PRESENTATION OF VISITORS

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

Senior government students from Spirit Lake High School, Spirit Lake, Iowa, accompanied by Mr. Roland Schmidt. Senator Johnson.

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: March 15, 2005, 10:20 a.m.

Members Present: Putney and Stewart, Co-chairs; Mulder and Zieman.

Members Absent: Dvorsky and McCoy (both excused).

Committee Business: Discussion on HSB 278.

Adjourned: 11:20 a.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: March 15, 2005, 10:25 a.m.

Members Present: Gaskill and Seng, Co-chairs; Black, Hahn, Houser, and Schoenjahn.

Members Absent: None.

Committee Business: Passed HSB 276.

Adjourned: 10:50 a.m.

INTRODUCTION OF RESOLUTIONS

Senate Concurrent Resolution 7, by Gronstal, a concurrent resolution urging the President of the United States and the United States Congress to maintain the stability of the federal social security system and to forego any effort to privatize any aspect of the system.

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

Senate Resolution 17, by Warnstadt, a resolution calling on the Congress of the United States to enact a multiyear reauthorization of federal highway and transit programs.

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

STUDY BILLS RECEIVED

SSB 1286 Appropriations

Providing for the formation of a technology governance board within the department of administrative services, and making an appropriation.

SSB 1287 Appropriations

Relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of cultural affairs, the department of education, and the state board of regents and including effective date provisions.

SUBCOMMITTEE ASSIGNMENTS

Senate File 271

WAYS AND MEANS: Danielson and McKinley, Co-chairs; Miller and Quirmbach

Senate File 281

WAYS AND MEANS: Danielson and Zaun, Co-chairs; Seng and Wieck

Senate File 333

WAYS AND MEANS: Larson and McCoy, Co-chairs; McKinley and Stewart

Senate File 334

WAYS AND MEANS: Dotzler and Zieman, Co-chairs; Seng and Wieck

Senate File 376

WAYS AND MEANS: Connolly and McKibben, Co-chairs; Quirmbach and Zaun

House File 438

AGRICULTURE: Houser and Kibbie Co-chairs; Courtney and Johnson

House File 476

AGRICULTURE: Brunkhorst and Hancock, Co-chairs; Houser and Ragan

House File 607

WAYS AND MEANS: Hahn and Stewart, Co-chairs; McCoy and Zieman

SSB 1286

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs

SSB 1287

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs

AMENDMENTS FILED

S–3019	S.F.	347	Bob Brunkhorst
S–3020	S.F.	342	Jeff Angelo Robert E. Dvorsky
S–3021	S.F.	348	Daryl Beall David Johnson

S–3022	S.F.	348	David Johnson
			Daryl Beall
S–3023	S.F.	206	Bob Brunkhorst
			Dennis H. Black
S–3024	S.F.	364	Maggie Tinsman
S–3025	S.F.	339	Dick L. Dearden
S–3026	S.F.	364	Jeff Danielson
S–3027	S.F.	378	Larry McKibben
S–3028	S.F.	336	Frank B. Wood
S–3029	S.F.	313	Steve Warnstadt

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, MARCH 16, 2005

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

JOURNAL OF THE SENATE

SIXTY-SIXTH CALENDAR DAY
THIRTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, March 16, 2005

The Senate met in regular session at 8:32 a.m., President Kibbie presiding.

Prayer was offered by the Reverend Robert Louden, pastor of the Cambria Baptist Church in Cambria, Iowa. He was the guest of Senator Kreiman.

The Journal of Tuesday, March 15, 2005, 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, 2005, **passed** the following bills in which the concurrence of the Senate is asked:

House File 440, a bill for an act relating to sanctioning the motor vehicle operating privileges of a person upon a second or subsequent conviction for motor fuel theft from a retail dealer.

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

House File 478, a bill for an act relating to the Iowa commission on volunteer service.

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

House File 512, a bill for an act relating to city waterworks franchises.

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

House File 532, a bill for an act relating to the administrative functions of the department of cultural affairs, including the board of trustees of the state historical society of Iowa and the state records commission.

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

House File 580, a bill for an act relating to the administration of the Iowa egg council, including by providing for the use, promotion, and research of eggs and egg products, and providing for an assessment.

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

House File 591, a bill for an act relating to state department of transportation duties concerning its budget, distribution of state institutional road funds, vehicle weight and length restrictions, all-terrain vehicle use, evidence of interstate authority and penalties, and providing an effective date.

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

House File 641, a bill for an act concerning the determination of state regulatory fees on excursion gambling boats relating to the number of gaming enforcement officers on larger excursion gambling boats.

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

House File 646, a bill for an act concerning social and charitable gambling, including the regulation of cash raffles at fairs, prohibiting raffles at annual game nights, establishing a permanent electrical and mechanical amusement devices special fund and providing an appropriation, prohibiting certain electrical or mechanical amusement devices and bona fide contests, and providing for the denial, suspension, and revocation of certain gambling licenses by the department of inspections and appeals.

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

House File 673, a bill for an act restricting the sale of bait by nonresidents who hold a license to engage in aquaculture.

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

House File 683, a bill for an act authorizing the appointment of an attorney to represent an indigent parole violator, and providing effective and retroactive applicability date provisions.

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

House File 685, a bill for an act establishing the child identification and protection Act, which prohibits the fingerprinting of children, and providing for exceptions.

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

ALSO: That the House has on March 15, 2005, **insisted** on its amendment to **Senate File 169**, a bill for an act relating to the regulation of substances which are precursors to amphetamine and methamphetamine and providing a penalty and effective dates, and the members of the conference committee on the part of the House are: the representative from Adair, Representative Baudler, Chair; the representative from Ringgold, Representative Dolecheck; the representative from Scott, Representative Lykam; the Representative from Polk, Representative McCarthy; and the Representative from Louisa, Representative Sands.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **Senate File 169** on the part of the Senate: Senators Brunkhorst and Kreiman, Co-chairs; Hancock, Miller, Warnstadt, and Zaun.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Lundby, until she arrives, on request of Senator Wieck.

BILLS REFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that **Senate Files 368** and **371** be referred from the Regular Calendar to the committee on **Ways and Means.**

The Senate stood at ease at 8:46 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:34 a.m., President Kibbie presiding.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 313, 323, and 305.

Senate File 313

On motion of Senator Warnstadt, **Senate File 313**, a bill for an act relating to traffic citations issued for railroad crossing violations, was taken up for consideration.

Senator Warnstadt offered amendment S–3029, filed by him on March 15, 2005, to page 2 and to the title page of the bill, and moved its adoption.

Amendment S–3029 was adopted by a voice vote.

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. 313), the vote was:

Yeas, 44:

Angelo	Fraise	Kreiman	Rielly
Beall	Gaskill	Lamberti	Schoenjahn
Behn	Gronstal	Larson	Seng
Black	Hahn	Lundby	Seymour
Boettger	Hancock	McCoy	Shull

Connolly	Hatch	McKibben	Stewart
Courtney	Horn	McKinley	Tinsman
Danielson	Houser	Miller	Ward
Dearden	Iverson	Mulder	Warnstadt
Dotzler	Johnson	Putney	Wieck
Dvorsky	Kibbie	Ragan	Wood

Nays, 6:

Bolkcom	Kettering	Zaun
Brunkhorst	Quirmbach	Zieman

Absent, none.

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

Senate File 323

On motion of Senator Miller, **Senate File 323**, a bill for an act establishing a uniform mediation Act, 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. 323), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

Senate File 305

On motion of Senator Tinsman, **Senate File 305**, a bill for an act requiring the department of human services to develop and implement a voluntary child care quality rating system, 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. 305), the vote was:

Yeas, 47:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Black	Gronstal	Lundby	Shull
Boettger	Hahn	McCoy	Stewart
Bolkcom	Hancock	McKibben	Tinsman
Brunkhorst	Hatch	McKinley	Ward
Connolly	Horn	Mulder	Warnstadt
Courtney	Houser	Putney	Wieck
Danielson	Johnson	Quirmbach	Wood
Dearden	Kettering	Ragan	Zaun
Dotzler	Kibbie	Rielly	Zieman
Dvorsky	Kreiman	Schoenjahn	

Nays, 3:

Behn	Iverson	Miller

Absent, none.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 305**, **313**, and **323** be **immediately messaged** to the House.

BILL REFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that **Senate File 380** be referred from the Regular Calendar to the committee on **Appropriations.**

RECESS

On motion of Senator Iverson, the Senate recessed at 10:07 a.m. until 3:30 p.m.

AFTERNOON SESSION

The Senate reconvened at 3:32 p.m., President Kibbie 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 RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Joint Resolution 6.

Senate Joint Resolution 6

On motion of Senator Iverson, **Senate Joint Resolution 6**, 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 voice vote, and the resolution was read the last time.

Senate Joint Resolution 6, 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 13, 2005, 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. 6), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kibbie	Schoenjahn
Beall	Fraise	Lamberti	Seng
Behn	Gaskill	Larson	Seymour
Black	Gronstal	Lundby	Shull
Boettger	Hahn	McCoy	Stewart
Bolkcom	Hancock	McKibben	Tinsman

Brunkhorst	Hatch	McKinley	Ward
Connolly	Horn	Miller	Warnstadt
Courtney	Houser	Putney	Wieck
Danielson	Iverson	Quirmbach	Wood
Dearden	Johnson	Ragan	Zaun
Dotzler	Kettering	Rielly	Zieman

Nays, 2:

Kreiman Mulder

Absent, none.

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 7.

Senate Joint Resolution 7

On motion of Senator Iverson, **Senate Joint Resolution 7**, a joint resolution authorizing the temporary use and consumption of wine and beer in the State Capitol in conjunction with the 2005 National Governors Association Annual Meeting, with report of committee recommending passage, was taken up for consideration.

Senator Gronstal offered amendment S–3014, filed by him on March 9, 2005, to page 1 of the bill, and moved its adoption.

Amendment S–3014 was adopted by a voice vote.

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

Senate Joint Resolution 7, a joint resolution authorizing the temporary use and consumption of wine and beer in the State Capitol in conjunction with the 2005 National Governors Association Annual Meeting.

WHEREAS, the National Governors Association is a prestigious group representing every state in the United States; and

WHEREAS, the annual meeting of the National Governors Association brings together a bipartisan group of leaders to discuss and find solutions to problems faced by the states;
and

WHEREAS, wine and beer are customarily served as an accompaniment to food and entertainment at social events for 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 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 15, 2005, hosted by Governor Vilsack in conjunction with the 2005 annual meeting of the national governors association, if the person providing the food and wine and beer at the social event possesses an 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. 7), the vote was:

Yeas, 45:

Angelo	Fraise	Lamberti	Seymour
Beall	Gaskill	Larson	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Connolly	Horn	Putney	Wieck
Courtney	Houser	Quirmbach	Wood
Danielson	Iverson	Ragan	Zieman
Dearden	Johnson	Rielly	
Dotzler	Kettering	Schoenjahn	
Dvorsky	Kibbie	Seng	

Nays, 5:

Brunkhorst	Lundby	Zaun
Kreiman	Mulder	

Absent, none.

The resolution, having received a constitutional majority, was declared to have been adopted by 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 342.

Senate File 342

On motion of Senator Dvorsky, **Senate File 342**, a bill for an act relating to appropriation matters by making and increasing appropriations for the fiscal year beginning July 1, 2004, and providing effective and applicability date provisions, was taken up for consideration.

Senator Angelo offered amendment S–3030, filed by Senators Angelo and Dvorsky from the floor to page 2 of the bill, and moved its adoption.

Amendment S–3030 was adopted by a voice vote.

Senator Angelo offered amendment S–3020, filed by Senators Angelo and Dvorsky on March 15, 2005, to page 3 of the bill, and moved its adoption.

Amendment S–3020 was adopted by a voice vote.

Senator Iverson asked and received unanimous consent that action on **Senate File 342** be **deferred.**

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 346.

Senate File 346

On motion of Senator Tinsman, **Senate File 346**, a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 346), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Joint Resolutions 6** and **7** and **Senate File 346** be **immediately messaged** to the House.

CONFERENCE COMMITTEE REPORT RECEIVED

Senate File 169

A conference committee report, signed by the following Senate and House members, was filed March 16, 2005, on **Senate File 169**, a bill for an act relating to the regulation of substances which are precursors to amphetamine and methamphetamine and providing a penalty and effective dates:

On the part of the Senate:

BOB BRUNKHORST, Co-chair
KEITH KREIMAN, Co-chair
TOM HANCOCK
DAVID MILLER
STEVE WARNSTADT
BRAD ZAUN

On the part of the House:

CLEL BAUDLER, Chair
CECIL DOLECHECK
JIM LYKAM
KEVIN M. McCARTHY
THOMAS R. SANDS

CONFERENCE COMMITTEE REPORT CONSIDERED

Senate File 169

Senator Iverson called up the conference committee report on **Senate File 169**, a bill for an act relating to the regulation of substances which are precursors to amphetamine and methamphetamine and providing a penalty and effective dates, filed on March 16, 2005, and moved its adoption.

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

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.

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 169** be **immediately messaged** to the House.

BUSINESS PENDING

Senate File 342

The Senate resumed consideration of **Senate File 342**, a bill for an act relating to appropriation matters by making and increasing appropriations for the fiscal year beginning July 1, 2004, and providing effective and applicability date provisions, previously deferred.

Senator Warnstadt offered amendment S–3035, filed by Senator Warnstadt, et al., from the floor to page 9 of the bill, and moved its adoption.

Amendment S–3035 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 342), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 5.

Senate Concurrent Resolution 5

On motion of Senator McKibben, **Senate Concurrent Resolution 5**, a concurrent resolution urging the United States Congress to appropriate funding for the Historic Barn Preservation Act, with report of committee recommending passage, was taken up for consideration.

Senator McKibben moved the adoption of Senate Concurrent Resolution 5, which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Concurrent Resolution 5** and **Senate File 342** 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, 2005, **passed** the following bills in which the concurrence of the Senate is asked:

House File 602, a bill for an act relating to the collection, transportation, and disposal of household hazardous waste.

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

House File 645, a bill for an act relating to the regulation of lotteries, including the definition of a lottery, permissible lotteries by commercial organizations, and the prosecution of violators.

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

House File 716, a bill for an act relating to the military division and the homeland security and emergency management division of the department of public defense concerning the activation and use of the civil air patrol, the authority of the adjutant general to enter into interstate agreements for use of national guard personnel, and the use of the national incident management system for state emergencies.

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

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 4:32 p.m. until 8:30 a.m., Thursday, March 17, 2005.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Delaware County Conservation Board—For celebrating your Golden Anniversary. Senator Hancock (3/16/05).

Dubuque County Conservation Board—For celebrating your Golden Anniversary. Senator Hancock (3/16/05).

Jones County Conservation Board—For celebrating your Golden Anniversary. Senator Hancock (3/16/05).

Elenora Kozishek, Amana—For celebrating your 100th birthday. Senator Rielly (3/16/05).

Barbara Newhall, Cedar Rapids—For celebrating your 84th birthday. Senator Beall (3/16/05).

Jackie Schott, Fort Dodge—For your patriotism and support for our troops as evidenced by the creation of hundreds of rosaries and the shipment of them to our troops. Senator Beall (3/16/05).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: March 16, 2005, 3:15 p.m.

Members Present: Angelo and Dvorsky, Co-chairs; Black, Boettger, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Johnson, Kettering, Lamberti, Miller, Putney, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, Ward, and Warnstadt.

Members Absent: None.

Committee Business: Discussion on HF 466.

Adjourned: 3:20 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: March 16, 2005, 10:30 a.m.

Members Present: Putney and Stewart, Co-chairs; McCoy and Mulder.

Members Absent: Dvorsky and Zieman (both excused).

Committee Business: Discussion of House bill.

Adjourned: 10:55 a.m.

INTRODUCTION OF RESOLUTIONS

Senate Concurrent Resolution 8, by Brunkhorst, Angelo, McKinley, Zieman, Houser, Hahn, Boettger, Gaskill, Horn, Miller, Wood, Schoenjahn, Warnstadt, Zaun, and Ward, a concurrent resolution urging the United States Congress to propose an amendment to the Constitution of the United States to create a line item veto power for the President of the United States.

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

Senate Concurrent Resolution 9, by Miller and Kreiman, a concurrent resolution relating to the creation of a criminal code revisions legislative study committee.

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

Senate Resolution 18, by Bolkcom, a resolution requesting the legislative council to establish an interim study committee to consider methods to promote local food systems and the marketing of reasonably priced wholesome food.

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

INTRODUCTION OF BILL

Senate File 384, by Mulder and Dvorsky, a bill for an act providing for an increase in the barrel tax, and making an allocation of barrel tax revenue.

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

SUBCOMMITTEE ASSIGNMENTS

Senate Concurrent Resolution 7

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

Senate Resolution 17

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

House File 469

STATE GOVERNMENT: Danielson and Wieck, Co-chairs; Tinsman and Wood

House File 476
(Reassignment)

AGRICULTURE: Brunkhorst and Hancock, Co-chairs; Hahn and Ragan

House File 479

JUDICIARY: Kreiman and Larson, Co-chairs; Boettger and Quirmbach

AMENDMENTS FILED

S–3030	S.F.	342	Jeff Angelo Robert E. Dvorsky
S–3031	S.F.	245	Herman C. Quirmbach Bob Brunkhorst
S–3032	S.F.	245	Herman C. Quirmbach Bob Brunkhorst
S–3033	S.F.	303	Amanda Ragan Maggie Tinsman Keith A. Kreiman
S–3034	S.F.	348	David Johnson Daryl Beall
S–3035	S.F.	342	Steve Warnstadt Robert E. Dvorsky Jeff Angelo

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, MARCH 17, 2005

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

JOURNAL OF THE SENATE

SIXTY-SEVENTH CALENDAR DAY
FORTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, March 17, 2005

The Senate met in regular session at 8:38 a.m., President Kibbie presiding.

Prayer was offered by the Reverend Ron Burcham, pastor of the Gloria Dei Lutheran Church in Urbandale, Iowa. He was the guest of Senator Zaun.

The Journal of Wednesday, March 16, 2005, 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 16, 2005, **adopted** the conference committee report **and passed Senate File 169**, a bill for an act relating to the regulation of substances which are precursors to amphetamine and methamphetamine and providing a penalty and effective dates.

ALSO: That the House has on March 16, 2005, **amended and passed** the following bill in which the concurrence of the House was asked:

Senate File 71, a bill for an act relating to an appropriation from the environment first fund for the establishment of permanent soil and water conservation practices, by allocating moneys to support the administration of local governmental units, and providing an effective date. (S–3036)

ALSO: That the House has on March 16, 2005, **passed** the following bills in which the concurrence of the Senate is asked:

House File 419, a bill for an act relating to free resident landowner deer and turkey hunting licenses.

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

House File 584, a bill for an act relating to the disposal of personal property after entry of a judgment for forcible entry and detainer.

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

House File 624, a bill for an act providing for the regulation of livestock moved into this state, including by requiring certain certificates and making penalties applicable.

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

House File 644, a bill for an act relating to elections and voter registration by making certain corrective changes, prohibiting the processing of certain voter registration applications, allowing certain voter registrations to be submitted after the deadline, removing the requirement for separate entrances to buildings where polling places for more than one precinct are located, requiring names of candidates for nonpartisan office to be printed on the ballot in alphabetical order, relating to information printed on a certain portion of the ballot, modifying opening hours of the polls at certain elections, allowing the voter's declaration of eligibility to be printed on the election register, relating to the abstract of votes for county offices, relating to appointment of observers present when ballots are counted, allowing absentee voting at the commissioner's office for part of the day of the election for certain elections, modifying the time period during which a person may request an absentee ballot, requiring the registered voter's date of birth on the absentee ballot application, clarifying that certain confined persons may vote an absentee ballot in person at the commissioner's office, changing the deadline for challenging an absentee voter's qualifications, relating to persons nominated for city office by write-in votes, repealing the provisions declaring it unlawful for an absentee voter to fail to return the voter's absentee ballot, and including an applicability date provision.

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

House File 682, a bill for an act relating to the assessment of a civil penalty upon the entry of a deferred judgment.

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

House File 700, a bill for an act relating to the Iowa soybean association, by providing for its board of directors, market development, and providing for an assessment.

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

House File 717, a bill for an act prohibiting the unauthorized sale, ownership, possession, or use of traffic signal preemption devices and providing a penalty.

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

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Courtney, until he arrives, on request of Senator Stewart; and Senator McKibben, until he arrives, on request of Senator Putney.

RECESS

On motion of Senator Iverson, the Senate recessed at 9:21 a.m. until 11:30 a.m.

RECONVENED

The Senate reconvened at 11:35 a.m., President Kibbie presiding.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 6.

Senate Concurrent Resolution 6

On motion of Senator McCoy, **Senate Concurrent Resolution 6**, a concurrent resolution designating March 2005 as Iowa Women's

History Month, with report of committee recommending passage, was taken up for consideration.

Senator McCoy moved the adoption of Senate Concurrent Resolution 6, which motion prevailed by a voice vote.

SPECIAL GUESTS

In celebration of Women's History Month, Senators McCoy and Tinsman welcomed student winners of the 21st 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.

Sixth and Seventh Grades:

First Place: Sophia Dove of Prairie Middle School in Cedar Rapids
Second Place: Johanna Uthoff of Prairie Middle School in Cedar Rapids
Third Place: Ariel Sinclair of Woodrow Wilson Junior High School in Council Bluffs

Eighth and Ninth Grades:

First Place: Robyn Michelle Johnson of Eddyville-Blakesburg High School
Second Place: Annie Klodd of Indianola Middle School
Third Place: Kathryn M. Skilton of Nashua-Plainfield High School

Best Essay on Women in Science and Engineering for Sixth and Seventh Grades:

First Place: Courtney Ruff of Woodrow Wilson Junior High School in Council Bluffs

Edith Rose Murphy Sackett Award for the Best Essays on a Woman Volunteer:

First Place: Suzanne Sontag of Parkview Middle School in Ankeny
Second Place: Korbin Hoffman of Prairie Middle School in Cedar Rapids

The Senate rose and expressed its welcome.

IMMEDIATELY MESSAGED

Senator Zieman asked and received unanimous consent that **Senate Concurrent Resolution 6** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Zieman, the Senate adjourned at 12:00 p.m. until 1:00 p.m., Monday, March 21, 2005.

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
ACCOUNTANCY EXAMINING BOARD (Sec. 542.4)	
Thomas Engelmann, Davenport	05/01/2005 – 04/30/2008
Marianne Mickelson, West Des Moines	05/01/2005 – 04/30/2008
COMMISSION ON THE STATUS OF AFRICAN-AMERICANS (Sec. 216A.142)	
Charlotte Westerhaus, Cedar Rapids	05/01/2005 – 04/30/2009
ALCOHOLIC BEVERAGES COMMISSION (Sec. 123.5-6)	
James Clayton, Iowa City	02/14/2005 – 04/30/2009
Gayle Collins, Des Moines	05/01/2005 – 04/30/2010
ARCHITECTURAL EXAMINING BOARD (Sec. 544A.1)	
Terry Allers, Fort Dodge	05/01/2005 – 04/30/2008
Annabelle Diehl, Osceola	05/01/2005 – 04/30/2008
Teresa Petrzalek, Cedar Rapids	05/01/2005 – 04/30/2008
BOARD OF EXAMINERS FOR ATHLETIC TRAINING (Sec. 147.14(18))	
Mark Coberley, Ames	05/01/2005 – 04/30/2008
Holly Healey, Urbandale	05/01/2005 – 04/30/2008
Lynn Lindaman, West Des Moines	05/01/2005 – 04/30/2008
SUPERINTENDENT OF BANKING (Sec. 524.201)	
Thomas B. Gronstal, Carroll	05/01/2005 – Pleasure of the Governor
BOARD OF BARBER EXAMINERS (Sec. 147.14(1))	
Clark (Sam) Kauffman, Audubon	05/01/2005 – 04/30/2008
BOARD OF BEHAVIORAL SCIENCE EXAMINERS (Sec. 147.14 (13))	
Marcia Michaels, Ames	05/01/2005 – 04/30/2008
Elizabeth Shannahan, West Des Moines	05/01/2005 – 04/30/2008
Vilia Tarvydas, Iowa City	05/01/2005 – 04/30/2008
COMMISSION FOR THE BLIND (Sec. 216B.2)	
Julia Scurr, Coralville	05/01/2005 – 04/30/2008
BOILER AND PRESSURE VESSEL BOARD (Sec. 89.14)	
Robert Brecke, Cedar Rapids	05/01/2005 – 04/30/2009
Timothy Fehr, Iowa City	05/01/2005 – 04/30/2009
Amy Iles, Hastings	05/01/2005 – 04/30/2009

IOWA CAPITAL INVESTMENT BOARD (Sec. 15E.63)
Eugene Blanshan, Panora 05/01/2005 – 04/30/2010

CHILD ADVOCACY BOARD (Sec. 237.16)
Anna Bratney, Des Moines 05/01/2005 – 04/30/2009
Joseph DeHart, Kellogg 05/01/2005 – 04/30/2009
Michael Isaacson, Denver 05/01/2005 – 04/30/2009
Katherine Kaminsky, Glenwood 05/01/2005 – 04/30/2009

BOARD OF CHIROPRACTIC EXAMINERS (Sec. 147.14(8))
Kathleen Doohen, Ankeny 05/01/2005 – 04/30/2008
Steven Kraus, Carroll 05/01/2005 – 04/30/2008
Karen Whalen, Dubuque 05/01/2005 – 04/30/2008

IOWA STATE CIVIL RIGHTS COMMISSION (Sec. 216.3)
Constance Gronstal, Council Bluffs 05/01/2005 – 04/30/2009
Frederick Morain, Jefferson 05/01/2005 – 04/30/2009
Timothy Tutt, Des Moines 05/01/2005 – 04/30/2009
Nancy Witt, Reinbeck 05/01/2005 – 04/30/2009

COMMISSION ON COMMUNITY ACTION AGENCIES (Sec. 216A.92A)
Kathy Beauchamp, Des Moines 05/01/2005 – 04/30/2008
Merl McFarlane, Oelwein 05/01/2005 – 04/30/2008
Amy Peiffer, Stockton 05/01/2005 – 04/30/2008

BOARD OF CORRECTIONS (Sec. 904.104)
David Erickson, West Des Moines 05/01/2005 – 04/30/2009
Johnie Hammond, Ames 05/01/2005 – 04/30/2009

BOARD OF COSMETOLOGY ARTS AND SCIENCES EXAMINERS (Sec. 147.14(14))
Becky Brockmann, Hartley 05/01/2005 – 04/30/2008
Lois Leytem, Dubuque 05/01/2005 – 04/30/2008
Mary Beth Myers, Clive 05/01/2005 – 04/30/2008
Janet Olsen, Lowden 05/01/2005 – 04/30/2008

COUNTY FINANCE COMMITTEE (Sec. 333A.2)
Jill Marlow, Vinton 05/01/2005 – 04/30/2009
Kay Swanson, Oskaloosa 05/01/2005 – 04/30/2009

SUPERINTENDENT OF CREDIT UNIONS (Sec. 533.55)
James E. Forney, Polk City 05/01/2005 – Pleasure of the Governor

CREDIT UNION REVIEW BOARD (Sec. 533.53)
Don Gettings, Ottumwa 05/01/2005 – 04/30/2007
Barbara Oliver-Hall, Des Moines 05/01/2005 – 04/30/2008

ADMINISTRATOR OF THE DIVISION OF CRIMINAL AND JUVENILE JUSTICE PLANNING (Sec. 216A.2)
Richard G. Moore, Des Moines 05/01/2005 – Pleasure of the Governor

DIRECTOR OF THE DEPARTMENT OF CULTURAL AFFAIRS (Sec. 303.1)
Anita Walker, Des Moines 05/01/2005 – Pleasure of the Governor

BOARD OF TRUSTEES OF THE IOWA CULTURAL TRUST (Sec. 303A.5)

Mary Kelly, Des Moines	05/01/2005 – 04/30/2010
Henry Neuman, Le Claire	05/01/2005 – 04/30/2010

COMMISSION ON THE DEAF (Sec. 216A.112)

Jacquelyn Fletcher, Burlington	05/01/2005 – 04/30/2008
James Grover, Sioux City	05/01/2005 – 04/30/2008
David Jones, Ankeny	05/01/2005 – 04/30/2008

BOARD OF DENTAL EXAMINERS (Sec. 147.14(4))

Alan Hathaway, Davenport	05/01/2005 – 04/30/2008
Suzan Stewart, Sioux City	05/01/2005 – 04/30/2008
Debra Yossi, Cedar Rapids	05/01/2005 – 04/30/2008

BOARD OF DIETETIC EXAMINERS (Sec. 147.14(11))

Christine O'Brien, Burlington	05/01/2005 – 04/30/2008
Robert Schweers, Ankeny	05/01/2005 – 04/30/2008

IOWA DRUG POLICY ADVISORY COUNCIL (Sec. 80E.2)

Pamela Dettmann, Fruitland	05/01/2005 – 04/30/2009

IOWA ECONOMIC DEVELOPMENT BOARD (Sec. 15.103)

Peggy Armstrong-Gustafson, Waukee	05/01/2005 – 04/30/2009
Jerry Courtney, Burlington	05/01/2005 – 04/30/2009
Arvind Dandekar, Marion	05/01/2005 – 04/30/2009
Jack (Doug) Sickler, Corning	05/01/2005 – 04/30/2009

DIRECTOR OF THE DEPARTMENT OF EDUCATION (Sec. 256.8)

Judy Jeffrey, Polk City	05/01/2005 – Pleasure of the Governor

BOARD OF EDUCATIONAL EXAMINERS (Sec. 272.2)

John Aboud, Algona	05/01/2005 – 04/30/2009
Ying Ying Chen, Swisher	05/01/2005 – 04/30/2009
Jeffrey Henderson, Cedar Rapids	05/01/2005 – 04/30/2009
Thomas Paulsen, Carroll	05/01/2005 – 04/30/2009
Jean Seeland, Waterloo	05/01/2005 – 04/30/2009
Beverly Smith, Waterloo	05/01/2005 – 04/30/2009

COMMISSION OF ELDER AFFAIRS (Sec. 231.11)

Lisa Carlson, Bettendorf	05/01/2005 – 04/30/2009
Yvonne Minton, Des Moines	05/01/2005 – 04/30/2009
Robert Neumann, Council Bluffs	05/01/2005 – 04/30/2009

ELEVATOR SAFETY BOARD (Sec. 89A.13)

Kristine Kesterson, Williamsburg	05/01/2005 – 04/30/2009
Wayne Sims, Des Moines	05/01/2005 – 04/30/2009
Siobhan Workman, Des Moines	05/01/2005 – 04/30/2009

IOWA EMPOWERMENT BOARD (Sec. 28.3)

Barbara Brown, Grinnell	03/02/2005 – 04/30/2007
John Calhoun, Des Moines	05/01/2005 – 04/30/2008
Terri Christoffersen, Toddville	05/01/2005 – 04/30/2008
Mary Odell, Muscatine	05/01/2005 – 04/30/2008

ENGINEERING AND LAND SURVEYING EXAMINING BOARD (Sec. 542B.3)

Susan Albright, Urbandale	05/01/2005 – 04/30/2008
Gary Benjamin, Clive	05/01/2005 – 04/30/2008
Lyle TeKippe, West Union	05/01/2005 – 04/30/2008

ENVIRONMENTAL PROTECTION COMMISSION (Sec. 455A.6)

Darrell Hanson, Manchester	05/01/2005 – 04/30/2009
Henry Marquard, Muscatine	05/01/2005 – 04/30/2009
Suzanne Morrow, Storm Lake	05/01/2005 – 04/30/2009
David Petty, Eldora	05/01/2005 – 04/30/2009
Mary Gail Scott, Cedar Rapids	05/01/2005 – 04/30/2009

IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD (Sec. 68B.32)

Patricia Harper, Waterloo	05/01/2005 – 04/30/2011
Gerald Sullivan, Cedar Rapids	05/01/2005 – 04/30/2011

EXECUTIVE DIRECTOR OF THE IOWA FINANCE AUTHORITY (Sec. 16.6)

Bret Mills, Johnston	05/01/2005 – Pleasure of the Governor

IOWA FINANCE AUTHORITY (Sec. 16.2)

Steven Adams, Red Oak	05/01/2005 – 04/30/2011
Virginia Bordwell, Washington	05/01/2005 – 04/30/2011
Vincent Lintz, Windsor Heights	05/01/2005 – 04/30/2011
Douglas Walter, Bettendorf	05/01/2005 – 04/30/2011

IOWA GRAIN INDEMNITY FUND BOARD (Sec. 203D.4)

Sandy Simpson, Onawa	05/01/2005 – 04/30/2008
Donna Winburn, Grinnell	05/01/2005 – 04/30/2008

HEALTH FACILITIES COUNCIL (Sec. 135.62)

Charles Follett, Clive	05/01/2005 – 04/30/2011
Karen Hope, Fort Madison	02/09/2005 – 04/30/2005
Karen Hope, Fort Madison	05/01/2005 – 04/30/2011

HEALTHY AND WELL KIDS IN IOWA BOARD (HAWK-I) (Sec. 514I.5)

Susan Salter, Mt. Vernon	05/01/2005 – 04/30/2007
James Yeast, Dubuque	05/01/2005 – 04/30/2007

BOARD OF EXAMINERS FOR THE LICENSING AND REGULATION OF HEARING AID DISPENSERS (Sec. 154A.2-3)

Mary Jane McWilliams, Mt. Vernon	05/01/2005 – 04/30/2008

HIGHER EDUCATION LOAN AUTHORITY (Sec. 261A.5-6)

Robert Fleming, Adel	05/01/2005 – 04/30/2011

DIRECTOR OF THE DEPARTMENT OF HUMAN RIGHTS (Sec. 216A.2)
Walter Reed, Jr., Waterloo 05/01/2005 – Pleasure of the Governor

COUNCIL ON HUMAN SERVICES (Sec. 217.2)
Mark Peltan, Mason City 05/01/2005 – 04/30/2011
Sylvia Schoer, Spencer 05/01/2005 – 04/30/2011
Donald Wright, Cedar Falls 05/01/2005 – 04/30/2011

BOARD OF INTERPRETERS FOR THE HEARING IMPAIRED EXAMINERS (Sec. 147.14(21))
Carissa Huffman, Bettendorf 05/01/2005 – 04/30/2008
Stuart Thiessen, Des Moines 05/01/2005 – 04/30/2008

INVESTMENT BOARD OF THE IPERS (Sec. 97B.8A)
Lana Dettbarn, Bluegrass 05/01/2005 – 04/30/2011
Joanne Stockdale, Spirit Lake 05/01/2005 – 04/30/2011

STATE JUDICIAL NOMINATING COMMISSION (Sec. 46.1)
Coleen Denefe, Ottumwa 05/01/2005 – 04/30/2011
Timothy Mikkelsen, Grimes 05/01/2005 – 04/30/2011

LABOR COMMISSIONER (Sec. 91.2)
David Neil, La Porte City 05/01/2005 – 04/30/2011

LANDSCAPE ARCHITECTURAL EXAMINING BOARD (Sec. 544B.3)
Carolyn Magnani, Johnston 05/01/2005 – 04/30/2008
Ann Reinhart, Des Moines 05/01/2005 – 04/30/2008

IOWA LAW ENFORCEMENT ACADEMY COUNCIL (Sec. 80B.6)
Randy Krukow, Spencer 05/01/2005 – 04/30/2009
Patty Link, Des Moines 05/01/2005 – 04/30/2009

DIRECTOR OF THE DEPARTMENT OF MANAGEMENT (Sec. 8.4)
Michael Tramontina, Des Moines 05/01/2005 – Pleasure of the Governor

BOARD OF EXAMINERS FOR MASSAGE THERAPY (Sec. 147.14(17))
Judith Heath, Bettendorf 05/01/2005 – 04/30/2008
Kenneth Lang, Emmetsburg 05/01/2005 – 04/30/2008
Kathy Spencer-Jensen, Sioux City 05/01/2005 – 04/30/2008

BOARD OF MEDICAL EXAMINERS (Sec. 147.14(2))
Susan Johnson, Iowa City 05/01/2005 – 04/30/2008
Sally Schroeder, Ankeny 05/01/2005 – 04/30/2008
Dana Shaffer, Exira 05/01/2005 – 04/30/2008

MENTAL HEALTH, MENTAL RETARDATION, DEVELOPMENTAL DISABILITIES, AND BRAIN INJURY COMMISSION (Sec. 225C.5(1))
Shelly Chandler, Urbandale 05/01/2005 – 04/30/2008
Linda Kellen, Sioux City 05/01/2005 – 04/30/2008
Patricia Penning, Le Mars 05/01/2005 – 04/30/2008
John Willey, Maquoketa 05/01/2005 – 04/30/2008

MENTAL HEALTH RISK POOL BOARD (Sec. 426B.5(2))

Rebecca Eskildsen, Charlotte	05/01/2005 – 04/30/2008
Lynn Ferrell, Des Moines	05/01/2005 – 04/30/2008
William Gorman, Solon	03/10/2005 – 04/30/2006
Karen Strawn, Storm Lake	05/01/2005 – 04/30/2008

BOARD OF MORTUARY SCIENCE EXAMINERS (Sec. 147.14(16))

Karen Thomsen, Cumberland	05/01/2005 – 04/30/2008
Marcus Vigen, Keokuk	05/01/2005 – 04/30/2008

NATURAL RESOURCE COMMISSION (Sec. 455A.5)

Elizabeth Garst, Coon Rapids	05/01/2005 – 04/30/2011
Carol Kramer, Newton	05/01/2005 – 04/30/2011
Lennis Moore, Mt. Pleasant	05/01/2005 – 04/30/2011

DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES (Sec. 455A.3)

Jeffrey Vonk, Indianola	05/01/2005 – Pleasure of the Governor

BOARD OF NURSING EXAMINERS (Sec. 147.14(3))

John Connors, Des Moines	05/01/2005 – 04/30/2008
Mary Jacobus, Fort Dodge	05/01/2005 – 04/30/2008
Pauline Taylor, Iowa City	05/01/2005 – 04/30/2008

STATE BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS (Sec. 155.2)

Larry Hertel, Coralville	05/01/2005 – 04/30/2008
Michael Van Sickle, Neola	05/01/2005 – 04/30/2008

BOARD OF OPTOMETRY EXAMINERS (Sec. 147.14(6))

Terry Brown, Jefferson	05/01/2005 – 04/30/2008
Edwina O'Farrell, Fort Dodge	05/01/2005 – 04/30/2008
Michael Ohlson, West Union	05/01/2005 – 04/30/2008

BOARD OF PAROLE (Sec. 904A.1-3)

Barbara Binnie, Des Moines	05/01/2005 – 04/30/2009
Curtis Jenkins, West Des Moines	05/01/2005 – 04/30/2009

IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND BOARD (Sec. 455G.4)

Douglas Beech, Ankeny	05/01/2005 – 04/30/2009
James Holcomb, Urbandale	05/01/2005 – 04/30/2009

BOARD OF PHARMACY EXAMINERS (Sec. 147.14(5))

Paul Abramowitz, Coralville	05/01/2005 – 04/30/2008
Vernon Benjamin, Donnellson	05/01/2005 – 04/30/2008
Barbara O'Roake, Marion	05/01/2005 – 04/30/2008

BOARD OF PHYSICAL AND OCCUPATIONAL THERAPY EXAMINERS (Sec. 147.14(10))

Lisabeth Kestel, Iowa City	05/01/2005 – 04/30/2008
Theodore Peterson, Oskaloosa	05/01/2005 – 04/30/2008
Armando Rosales, Atlantic	05/01/2005 – 04/30/2008

BOARD OF PODIATRY EXAMINERS (Sec. 147.14(19))

Patsy Hastings, Jefferson	05/01/2005 – 04/30/2008
Robert Yoho, West Des Moines	05/01/2005 – 04/30/2008

PREVENTION OF DISABILITIES POLICY COUNCIL (Sec. 225B.3)

Patricia Moreland, West Des Moines	05/01/2005 – 04/30/2008

BOARD OF PSYCHOLOGY EXAMINERS (Sec. 147.14(7))

Jennifer Lock Oman, Des Moines	05/01/2005 – 04/30/2008
Craig Rypma, Clive	05/01/2005 – 04/30/2008

STATE RACING AND GAMING COMMISSION (Sec. 99D.5)

Gerald Bair, Ankeny	05/01/2005 – 04/30/2008
Kathryne Cutler, Council Bluffs	05/01/2005 – 04/30/2008

REAL ESTATE APPRAISER EXAMINING BOARD (Sec. 543D.4)

Michael Lara, West Des Moines	05/01/2005 – 04/30/2008
Amy Thorne, West Des Moines	05/01/2005 – 04/30/2008

REAL ESTATE COMMISSION (Sec. 543B.8)

Patricia Daniels, Des Moines	05/01/2005 – 04/30/2008
James O'Neill, Council Bluffs	05/01/2005 – 04/30/2008

STATE BOARD OF REGENTS (Sec. 262.1–2)

Thomas Bedell, Spirit Lake	05/01/2005 – 04/30/2011
Michael Gartner, Des Moines	05/01/2005 – 04/30/2011
Ruth Harkin, Cumming	02/16/2005 – 04/30/2009
Rose Vasquez, Des Moines	05/01/2005 – 04/30/2011
Teresa Wahlert, Waukee	02/08/2005 – 04/30/2007

RENEWABLE FUELS AND COPRODUCTS ADVISORY COMMITTEE (Sec. 159A.4)

Judith Bodholdt, Newell	05/01/2005 – 04/30/2008
William Furlong, Iowa City	05/01/2005 – 04/30/2006
Kevin Lewis, Urbandale	05/01/2005 – 04/30/2008
Laura Rowe, Minburn	05/01/2005 – 04/30/2008

STATE BOARD FOR RESPIRATORY CARE (Sec. 147.14(15))

Craig Bainbridge, Sioux City	05/01/2005 – 04/30/2008
Kathelene Semke, Jefferson	05/01/2005 – 04/30/2008

SCHOOL BUDGET REVIEW COMMITTEE (Sec. 257.30)

Connie Cook, Des Moines	05/01/2005 – 04/30/2008

SMALL BUSINESS ADVISORY COUNCIL (Sec. 15.108 (7)(h))

John Cullen, Storm Lake	05/01/2005 – 04/30/2006
Dana Ingerslev, Denison	05/01/2005 – 04/30/2009
Paul Tabor, Dubuque	05/01/2005 – 04/30/2009
Stanley Thompson, Des Moines	05/01/2005 – 04/30/2009

BOARD OF SOCIAL WORK EXAMINERS (Sec. 147.14(20))

W. Robert Schmidt, Davenport	05/01/2005 – 04/30/2008
Joyce Westphal, Lenox	05/01/2005 – 04/30/2008

STATE SOIL CONSERVATION COMMITTEE (Sec. 161A.4)

Keith Lau, Garnavillo	05/01/2005 – 04/30/2011
Duane Sand, Norwalk	05/01/2005 – 04/30/2011
John Sellers, Jr., Corydon	05/01/2005 – 04/30/2011

BOARD OF SPEECH PATHOLOGY AND AUDIOLOGY EXAMINERS (Sec. 147.14(9))

Jeannette Adamski, Mason City	05/01/2005 – 04/30/2008
Christine Donner-Tiernan, Fort Dodge	05/01/2005 – 04/30/2008

STATE BOARD OF TAX REVIEW (Sec. 421.1)

Frank Stork, Urbandale	05/01/2005– 04/30/2011

IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION (Sec. 8D.3)

Timothy Lapointe, Mason City	05/01/2005 – 04/30/2011

TITLE GUARANTY DIVISION BOARD (Sec. 16.2)

Surasee Rodari, Des Moines	05/01/2005 – 04/30/2011
Mitchell Taylor, Burlington	05/01/2005 – 04/30/2011

COMMISSION ON TOBACCO USE PREVENTION AND CONTROL (Sec. 142A.3)

Noreen Humphrey, North Liberty	05/01/2005 – 04/30/2008
Christopher Squier, Iowa City	05/01/2005 – 04/30/2008

STATE TRANSPORTATION COMMISSION (Sec. 307.3)

Patricia Crawford, Clive	05/01/2005 – 04/30/2009
Thomas Hart, Davenport	05/01/2005 – 04/30/2009

CHAIR OF THE UTILITIES BOARD (Sec. 474.1)

John Norris, Ames	03/11/2005 – 04/30/2005
John Norris, Ames	05/01/2005 – 04/30/2007

UTILITIES BOARD (Sec. 474.1)

John Norris, Ames	03/07/2005 – 04/30/2005
John Norris, Ames	05/01/2005 – 04/30/2011

COMMANDANT OF THE IOWA VETERANS HOME (Sec. 35D.13)

Daniel Steen, Polk City	05/01/2005 – Pleasure of the Governor

IOWA BOARD OF VETERINARY MEDICINE (Sec. 169.5)

Sarah Garst, West Des Moines	05/01/2005 – 04/30/2008
Michael Stein, Iowa City	05/01/2005 – 04/30/2008

CHAIR OF THE VISION IOWA BOARD (Sec. 15F.102)

Andrew Anderson, Clive	01/24/2005 – 04/30/2006

VISION IOWA BOARD (Sec. 15F.102)

Mary Ellen Chamberlin, Davenport	05/01/2005 – 04/30/2008
Charles Graf, Clinton	05/01/2005 – 04/30/2008
David Odekirk, Waterloo	05/01/2005 – 04/30/2008
Carolyn Rants, Sioux City	02/18/2005 – 04/30/2006

BY THE IOWA DEPARTMENT OF
AGRICULTURE AND LAND STEWARDSHIP

GRAPE AND WINE DEVELOPMENT COMMISSION (Sec. 175A.2)

Karen Foster, Glenwood	05/01/2005 – 04/30/2008
Linda Larson-Melin, Des Moines	05/01/2005 – 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, 2005:

Pursuant to Iowa Code section 2.32(4), the appointment for the Board of Barber Examiners vacancy, formerly held by Robert Van Vooren, is being deferred because no appropriate candidate has been found for this position at this time.

Pursuant to Iowa Code section 2.32(4), the appointment for the Board of Cosmetology Arts and Sciences Examiners vacancy, formerly held by Michael Salvner, 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 Mary McGuire, 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 the Licensing and Regulation of Hearing Aid Dispensers vacancy, formerly held by Patricia Stark, 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 Mortuary Science Examiners vacancy, formerly held by J. Craig Fratzke, 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 Physician Assistant Examiners vacancy, formerly held by Kenneth Talcott, 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 Physician Assistant Examiners vacancy, formerly held by Peter Peterson, is being deferred because no appropriate candidate has been found for this position at this time.

Pursuant to Iowa Code section 2.32(4), the appointment for the Board of Psychology Examiners vacancy, formerly held by Jacob Sines, 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 Judicial Qualifications vacancy, formerly held by Lennis Moore, is being deferred because no appropriate candidate has been found for this position at this time.

Pursuant to Iowa Code section 2.32(4), the appointment for the Iowa Cultural Trust Board of Trustees vacancy, formerly held by Catherine Gallagher, 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 Landscape Architectural Examining Board vacancy, formerly held by Jack Leaman, 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, Mental Retardation, Developmental Disabilities, and Brain Injury Commission vacancy, formerly held by Michael Bergan, 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 Prevention of Disabilities Policy Council vacancy, formerly held by Frank Strong, 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:

Grundy Center Girls' Basketball Team—For becoming the 2005 Class 2A Girls 'State Basketball Champions. Senator Putney (3/17/05).

Ryan Luehring, Gladbrook—For achieving the rank of Eagle Scout, Boy Scout Troop 327. Senator Putney (3/17/05).

Mr. and Mrs. Ernest Williams, Burlington—For celebrating your 50th wedding anniversary. Senator Courtney (3/17/05).

STUDY BILL RECEIVED

SSB 1288 Ways and Means

Relating to motor vehicle fuel taxes, by exempting small biofuel producers and providing a future repeal.

SUBCOMMITTEE ASSIGNMENTS

Senate Concurrent Resolution 8

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

Senate Concurrent Resolution 9

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

Senate Resolution 18

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

Senate File 368

WAYS AND MEANS: Stewart and Wieck, Co-chairs; Connolly and McKinley

Senate File 371

WAYS AND MEANS: Bolkcom and Miller, Co-chairs; Hahn and Stewart

House File 580

AGRICULTURE: Fraise and Johnson, Co-chairs; Houser and Ragan

House File 591

TRANSPORTATION: Putney, Chair; Dearden, McCoy, and Shull

SSB 1288

WAYS AND MEANS: Danielson and Miller, Co-chairs; Bolkcom and Zieman

AMENDMENTS FILED

S–3036	S.F.	71	House
S–3037	S.F.	355	Joe Bolkcom James Seymour
S–3038	S.F.	333	John P. Kibbie

PROOF

STATE OF IOWA

Senate Journal

MONDAY, MARCH 21, 2005

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

JOURNAL OF THE SENATE

SEVENTY-FIRST CALENDAR DAY
FORTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, March 21, 2005

The Senate met in regular session at 1:02 p.m., President Pro Tempore McKibben presiding.

Prayer was offered by Charlene Cox, chaplain at Waldorf College, Forest City, Iowa. She was the guest of Senator Gaskill.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Will Zasadny.

The Journal of Thursday, March 17, 2005, 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 17, 2005, **adopted** the following resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 6, a concurrent resolution designating March 2005 as Iowa Women's History Month.

INTRODUCTION OF RESOLUTION

Senate Resolution 19, by Putney, a resolution honoring the Grundy Center High School academic decathlon team and the Grundy Center High School girls' basketball team.

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

SPECIAL GUEST

Senator Beall introduced Doreen Hamilton of Regina, Saskatchewan, a member of the Saskatchewan Provincial Legislature Assembly.

The Senate rose and expressed its welcome.

RECESS

On motion of Senator Gronstal, 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 1:17 p.m., President Pro Tempore McKibben presiding.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 19, a resolution honoring the Grundy Center High School academic decathlon team and the Grundy Center High School girls' basketball team.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Iverson, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 19.

Senate Resolution 19

On motion of Senator Putney, **Senate Resolution 19**, a resolution honoring the Grundy Center High School academic decathlon team and the Grundy Center High School girls' basketball team, with report of committee recommending passage, was taken up for consideration.

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

SPECIAL GUESTS

Senator Putney introduced the Grundy Center High School first-place academic decathlon team and their coach Don Osterhaus, and the state 2A championship girls' basketball team and their coaches Alan Jones and Tammy Kruse.

The Senate rose and expressed its welcome.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 1:23 p.m. until 8:30 a.m., Tuesday, March 22, 2005.

APPENDIX

REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

The committee on Rules and Administration referred the following appointments to state boards, commissions, and departments to Senate standing committees, as indicated for investigation on March 21, 2005.

AGRICULTURE

Sandy Simpson – Iowa Grain Indemnity Fund Board
Donna Winburn – Iowa Grain Indemnity Fund Board

Karen Foster – Grape and Wine Development Commission
Linda Larson-Melin – Grape and Wine Development Commission

Keith Lau – State Soil Conservation Committee
Duane Sand – State Soil Conservation Committee
John Sellers, Jr. – State Soil Conservation Committee

BUSINESS AND LABOR RELATIONS

David Neil – Labor Commissioner

COMMERCE

Thomas B. Gronstal – Superintendent of Banking

James E. Forney – Superintendent of Credit Unions

Don Gettings – Credit Union Review Board
Barbara Oliver-Hall – Credit Union Review Board

Timothy Lapointe – Iowa Telecommunications and Technology Commission

Surasee Rodari – Title Guaranty Division Board
Mitchell Taylor – Title Guaranty Division Board

John Norris – Chair of the Utilities Board (appointment)
John Norris – Chair of the Utilities Board (reappointment)

John Norris – Utilities Board (appointment)
John Norris – Utilities Board (reappointment)

ECONOMIC GROWTH

Eugene Blanshan – Iowa Capital Investment Board

Peggy Armstrong-Gustafson – Iowa Economic Development Board
Jerry Courtney – Iowa Economic Development Board
Arvind Dandekar – Iowa Economic Development Board
Jack (Doug) Sickler – Iowa Economic Development Board

John Cullen – Small Business Advisory Council
Dana Ingerslev – Small Business Advisory Council
Paul Tabor – Small Business Advisory Council
Stanley Thompson – Small Business Advisory Council

EDUCATION

Anita Walker – Director of the Department of Cultural Affairs

Judy Jeffrey – Director of the Department of Education

John Aboud – Board of Educational Examiners
Ying Ying Chen – Board of Educational Examiners
Jeffrey Henderson – Board of Educational Examiners
Thomas Paulsen – Board of Educational Examiners
Jean Seeland – Board of Educational Examiners
Beverly Smith – Board of Educational Examiners

Robert Fleming – Iowa Higher Education Loan Authority

Thomas Bedell – State Board of Regents
Michael Gartner – State Board of Regents
Ruth Harkin – State Board of Regents
Rose Vasquez – State Board of Regents
Teresa Wahlert – State Board of Regents

Connie Cook – School Budget Review Committee

HUMAN RESOURCES

Mark Coberley – Board of Athletic Training Examiners
Holly Healey – Board of Athletic Training Examiners
Lynn Lindaman – Board of Athletic Training Examiners

Marcia Michaels – Board of Behavioral Science Examiners
Elizabeth Shannahan – Board of Behavioral Science Examiners
Vilia Tarvydas – Board of Behavioral Science Examiners

Julia Scurr – Commission for the Blind

Anna Bratney – Child Advocacy Board
Joseph DeHart – Child Advocacy Board
Michael Isaacson – Child Advocacy Board
Katherine Kaminsky – Child Advocacy Board

Kathy Beauchamp – Commission on Community Action Agencies
Merl McFarlane – Commission on Community Action Agencies
Amy Peiffer – Commission on Community Action Agencies

Jacquelyn Fletcher – Commission on the Deaf
James Grover – Commission on the Deaf
David Jones – Commission on the Deaf

Lisa Carlson – Commission of Elder Affairs
Yvonne Minton – Commission of Elder Affairs
Robert Neumann – Commission of Elder Affairs

Barbara Brown – Iowa Empowerment Board
John Calhoun – Iowa Empowerment Board
Terri Christoffersen – Iowa Empowerment Board
Mary Odell – Iowa Empowerment Board

Susan Salter – Healthy and Well Kids in Iowa (HAWK-I) Board
James Yeast – Healthy and Well Kids in Iowa (HAWK-I) Board

Charles Follett – Health Facilities Council
Karen Hope – Health Facilities Council (appointment)
Karen Hope – Health Facilities Council (reappointment)

Walter Reed, Jr. – Director of the Department of Human Rights

Mark Peltan – Council on Human Services
Sylvia Schoer – Council on Human Services
Donald Wright – Council on Human Services

Carissa Huffman – Board of Interpreters for the Hearing Impaired Examiners
Stuart Thiessen – Board of Interpreters for the Hearing Impaired Examiners

Shelly Chandler – Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission
Linda Kellen – Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission
Patricia Penning – Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission
John Willey – Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission

Patricia Moreland – Prevention of Disabilities Policy Council

Noreen Humphrey – Commission on Tobacco Use Prevention and Control
Christopher Squier – Commission on Tobacco Use Prevention and Control

JUDICIARY

Constance Gronstal – Iowa State Civil Rights Commission
Frederick Morain – Iowa State Civil Rights Commission
Timothy Tutt – Iowa State Civil Rights Commission
Nancy Witt – Iowa State Civil Rights Commission

David Erickson – Board of Corrections
Johnie Hammond – Board of Corrections

Richard G. Moore – Administrator of the Division of Criminal and Juvenile Justice Planning

Pamela Dettmann – Iowa Drug Policy Advisory Council

Coleen Denefe – State Judicial Nominating Commission
Timothy Mikkelsen – State Judicial Nominating Commission

Barbara Binnie – Board of Parole
Curtis Jenkins – Board of Parole

LOCAL GOVERNMENT

Jill Marlow – County Finance Committee
Kay Swanson – County Finance Committee

Rebecca Eskildsen – Mental Health Risk Pool Board
Lynn Ferrell – Mental Health Risk Pool Board
William Gorman – Mental Health Risk Pool Board
Karen Strawn – Mental Health Risk Pool Board

NATURAL RESOURCES AND ENVIRONMENT

Darrell Hanson – Environmental Protection Commission
Henry Marquard – Environmental Protection Commission
Suzanne Morrow – Environmental Protection Commission
David Petty – Environmental Protection Commission
Mary Gail Scott – Environmental Protection Commission

Jeffrey Vonk – Director of the Department of Natural Resources

Elizabeth Garst – Natural Resource Commission
Carol Kramer – Natural Resource Commission
Lennis Moore – Natural Resource Commission

Douglas Beech – Iowa Comprehensive Petroleum Underground Storage Tank Fund Board
James Holcomb – Iowa Comprehensive Petroleum Underground Storage Tank Fund Board

Judith Bodholdt – Renewable Fuels and Coproducts Advisory Committee
William Furlong – Renewable Fuels and Coproducts Advisory Committee
Kevin Lewis – Renewable Fuels and Coproducts Advisory Committee
Laura Rowe – Renewable Fuels and Coproducts Advisory Committee

STATE GOVERNMENT

Thomas Engelmann – Accountancy Examining Board
Marianne Mickelson – Accountancy Examining Board

Charlotte Westerhaus – Commission on the Status of African-Americans

James Clayton – Alcoholic Beverages Commission
Gayle Collins – Alcoholic Beverages Commission

Terry Allers – Architectural Examining Board
Annabelle Diehl – Architectural Examining Board
Teresa Petrzalek – Architectural Examining Board

Clark (Sam) Kauffman – Board of Barber Examiners

Robert Brecke – Boiler and Pressure Vessel Board
Timothy Fehr – Boiler and Pressure Vessel Board
Amy Iles – Boiler and Pressure Vessel Board

Kathleen Doohen – Board of Chiropractic Examiners
Steven Kraus – Board of Chiropractic Examiners
Karen Whalen – Board of Chiropractic Examiners

Becky Brockmann – Board of Cosmetology Arts and Sciences Examiners
Lois Leytem – Board of Cosmetology Arts and Sciences Examiners
Mary Beth Myers – Board of Cosmetology Arts and Sciences Examiners
Janet Olsen – Board of Cosmetology Arts and Sciences Examiners

Mary Kelly – Board of Trustees of the Iowa Cultural Trust
Henry Neuman – Board of Trustees of the Iowa Cultural Trust

Alan Hathaway – Board of Dental Examiners
Suzan Stewart – Board of Dental Examiners
Debra Yossi – Board of Dental Examiners

Christine O'Brien – Board of Dietetic Examiners
Robert Schweers – Board of Dietetic Examiners

Kristine Kesterson – Elevator Safety Board
Wayne Sims – Elevator Safety Board
Siobhan Workman – Elevator Safety Board

Susan Albright – Engineering and Land Surveying Examining Board
Gary Benjamin – Engineering and Land Surveying Examining Board
Lyle TeKippe – Engineering and Land Surveying Examining Board

Patricia Harper – Iowa Ethics and Campaign Disclosure Board
Gerald Sullivan – Iowa Ethics and Campaign Disclosure Board

Mary Jane McWilliams – Board for the Licensing and Regulation of Hearing Aid Dispensers

Lana Dettbarn – Investment Board of the IPERS
Joanne Stockdale – Investment Board of the IPERS

Carolyn Magnani – Landscape Architectural Examining Board
Ann Reinhart – Landscape Architectural Examining Board

Michael Tramontina – Director of the Department of Management

Judith Heath – Board of Massage Therapy Examiners
Kenneth Lang – Board of Massage Therapy Examiners
Kathy Spencer-Jensen – Board of Massage Therapy Examiners

Susan Johnson – Board of Medical Examiners
Sally Schroeder – Board of Medical Examiners
Dana Shaffer – Board of Medical Examiners

Karen Thomsen – Board of Mortuary Science Examiners
Marcus Vigen – Board of Mortuary Science Examiners

John Connors – Board of Nursing Examiners
Mary Jacobus – Board of Nursing Examiners
Pauline Taylor – Board of Nursing Examiners

Larry Hertel – State Board of Examiners for Nursing Home Administrators
Michael Van Sickle – State Board of Examiners for Nursing Home Administrators

Terry Brown – Board of Optometry Examiners
Edwina O'Farrell – Board of Optometry Examiners
Michael Ohlson – Board of Optometry Examiners

Paul Abramowitz – Board of Pharmacy Examiners
Vernon Benjamin – Board of Pharmacy Examiners
Barbara O'Roake – Board of Pharmacy Examiners

Lisabeth Kestel – Board of Physical and Occupational Therapy Examiners
Theodore Peterson – Board of Physical and Occupational Therapy Examiners
Armando Rosales – Board of Physical and Occupational Therapy Examiners

Patsy Hastings – Board of Podiatry Examiners
Robert Yoho – Board of Podiatry Examiners

Jennifer Lock Oman – Board of Psychology Examiners
Craig Rypma – Board of Psychology Examiners

Gerald Bair – State Racing and Gaming Commission
Kathryne Cutler – State Racing and Gaming Commission

Michael Lara – Real Estate Appraiser Examining Board
Amy Thorne – Real Estate Appraiser Examining Board

Patricia Daniels – Real Estate Commission
James O'Neill – Real Estate Commission

Craig Bainbridge – State Board for Respiratory Care
Kathelene Semke – State Board for Respiratory Care

W. Robert Schmidt – Board of Social Work Examiners
Joyce Westphal – Board of Social Work Examiners

Jeannette Adamski – Board of Speech Pathology and Audiology Examiners
Christine Donner-Tiernan – Board of Speech Pathology and Audiology Examiners

Daniel Steen – Commandant of the Iowa Veterans Home

Sarah Garst – Iowa Board of Veterinary Medicine
Michael Stein – Iowa Board of Veterinary Medicine

Andrew Anderson – Chair of the Vision Iowa Board

Mary Ellen Chamberlin – Vision Iowa Board
Charles Graf – Vision Iowa Board
David Odekirk – Vision Iowa Board
Carolyn Rants – Vision Iowa Board

TRANSPORTATION

Randy Krukow – Iowa Law Enforcement Academy Council
Patty Link – Iowa Law Enforcement Academy Council

Patricia Crawford – State Transportation Commission
Thomas Hart – State Transportation Commission

WAYS AND MEANS

Bret Mills – Executive Director of the Iowa Finance Authority

Steven Adams – Iowa Finance Authority
Virginia Bordwell – Iowa Finance Authority
Vincent Lintz – Iowa Finance Authority
Douglas Walter – Iowa Finance Authority

Frank Stork – State Board of Tax Review

CERTIFICATES OF RECOGNITION

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

Coach Loren DeJong and the MOC-FV Dutch basketball team—For becoming the 2005 3A Boys' State Basketball Tournament Champions. Senator Mulder (3/21/05).

Grundy Center Academic Decathlon Team—For winning 1st place at the Iowa Academic Decathlon. Senator Putney (3/21/05).

Tena Johnson, Jewell—For celebrating your 103rd birthday. Senator Iverson (3/21/05).

Courtney Ruff, Woodrow Wilson Junior High School, Council Bluffs—For your 1st place winning essay in the 2005 Write Women Back Into History Essay Contest. Senator Gronstal (3/21/05).

Ariel Sinclair, Woodrow Wilson Junior High School, Council Bluffs—For your 3rd place winning essay in the 2005 Write Women Back Into History Essay Contest. Senator Gronstal (3/21/05).

Coach Kevin Skillett and the Bettendorf Bulldogs—For becoming the 2005 4A Boys' State Basketball Tournament Champions. Senator Tinsman (3/21/05).

Suzanne Sontag, Ankeny—For winning the 1st place Edith Rose Murphy Sackett Award for the Best Essay on a Women Volunteer. Senator Lamberti (3/21/05).

Thomas Jefferson High School Marching Band, Council Bluffs—For being invited to perform at the 2006 New Year's Day Parade in London, England. Senator Gronstal (3/21/05).

Coach Barry Miedema and the Unity Christian Knights Basketball Team—For becoming the 2005 2A Boys' State Basketball Tournament Champions. Senator Mulder (3/21/05).

BILLS ASSIGNED TO COMMITTEE

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

H.F.	419	Natural Resources and Environment
H.F.	584	Judiciary
H.F.	624	Agriculture
H.F.	644	State Government
H.F.	682	Judiciary
H.F.	700	Agriculture
H.F.	717	Transportation

REPORTS OF COMMITTEE MEETINGS

JUDICIARY

Convened: March 21, 2005, 3:05 p.m.

Members Present: Kreiman and Miller, Co-chairs; Boettger, Brunkhorst, Dvorsky, Fraise, Hancock, Horn, Larson, Quirmbach, Schoenjahn, Tinsman, Ward, Warnstadt, and Zaun.

Members Absent: McKibben (excused).

Committee Business: Introduction of parliamentarian from Canada.

Adjourned: 3:20 p.m.

RULES AND ADMINISTRATION

Convened: March 21, 2005, 1:10 p.m.

Members Present: Gronstal and Iverson, Co-chairs; Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan.

Members Absent: None.

Committee Business: Passed SR 19. Approved Governor's appointees.

Adjourned: 1:15 p.m.

TRANSPORTATION

Convened: March 21, 2005, 2:00 p.m.

Members Present: McCoy and Putney, Co-chairs; Beall, Danielson, Dearden, Fraise, Hahn, Kettering, Shull, Ward, Warnstadt, and Zieman.

Members Absent: None.

Committee Business: Passed HF 591. Discussion with Governor's appointee.

Adjourned: 2:45 p.m.

INTRODUCTION OF RESOLUTIONS

Senate Concurrent Resolution 10, by Black, Angelo, Warnstadt, Houser, and Kibbie, a concurrent resolution recognizing Vernon J. Baker, the only living World War II Medal of Honor recipient with an Iowa attachment.

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

Senate Resolution 20, by Kreiman, Angelo, Beall, Behn, Black, Boettger, Bolkcom, Brunkhorst, Connolly, Courtney, Danielson, Dearden, Dotzler, Dvorsky, Fraise, Gaskill, Gronstal, Hahn, Hancock, Hatch, Horn, Houser, Iverson, Johnson, Kettering, Kibbie, Lamberti, Larson, Lundby, McCoy, McKibben, McKinley, Miller, Mulder, Putney, Quirmbach, Ragan, Rielly, Schoenjahn, Seng, Seymour, Shull, Stewart, Tinsman, Ward, Warnstadt, Wieck, Wood, Zaun, and Zieman, a resolution urging the United States Congress to take action to maintain the United States Veterans Medical Center at Knoxville.

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

Senate Resolution 21, by Lamberti and Gronstal, a resolution relating to the musical programming on Iowa Public Radio.

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

INTRODUCTION OF BILLS

Senate File 385, by Dvorsky, a bill for an act allowing certain entities to derivatively claim certain property-related tax credits.

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

Senate File 386, by Brunkhorst, 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 referred to committee on **Ways and Means.**

Senate File 387, by Dvorsky and Rielly, a bill for an act relating to the disposition of certain real estate transfer tax receipts by the treasurer of state.

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

SUBCOMMITTEE ASSIGNMENTS

Senate Concurrent Resolution 10

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

Senate Resolution 19

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

Senate Resolution 20

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

Senate Resolution 21

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

Senate File 325

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs

Senate File 329

APPROPRIATIONS: Boettger and Bolkcom, Co-chairs; Dvorsky and Lamberti

Senate File 347

APPROPRIATIONS: Ragan and Ward, Co-chairs; Angelo and Dvorsky

Senate File 380

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs

House Joint Resolution 1

STATE GOVERNMENT: Hatch and Miller, Co-chairs; Brunkhorst and Kibbie

House File 370

COMMERCE: Beall and Zaun, Co-chairs; Larson and Rielly

House File 399

NATURAL RESOURCES AND ENVIRONMENT: Gaskill and Schoenjahn, Co-chairs; Putney and Wood

House File 440

JUDICIARY: Brunkhorst and Schoenjahn, Co-chairs; Kreiman and Zaun

House File 478

HUMAN RESOURCES: Tinsman and Wood, Co-chairs; Bolkcom and Houser

House File 480

COMMERCE: Courtney and McKinley, Co-chairs; Stewart and Wieck

House File 532

STATE GOVERNMENT: Ward and Wood, Co-chairs; Brunkhorst and Hancock

House File 581

COMMERCE: Beall and Zaun, Co-chairs; Courtney and Kettering

House File 602

NATURAL RESOURCES AND ENVIRONMENT: Wood, Chair; Gaskill, Putney, and Schoenjahn

House File 641

STATE GOVERNMENT: Danielson and Tinsman, Co-chairs; Wieck and Wood

House File 645

STATE GOVERNMENT: Danielson and Wieck, Co-chairs; Wood and Zieman

House File 646

STATE GOVERNMENT: Miller and Wood, Co-chairs; Hancock and Tinsman

House File 673

NATURAL RESOURCES AND ENVIRONMENT: Dearden and Houser, Co-chairs; Putney and Seng

House File 683

JUDICIARY: Horn and Larson, Co-chairs; Kreiman and McKibben

House File 685

JUDICIARY: Boettger and Quirmbach, Co-chairs; Kreiman and Larson

House File 716

STATE GOVERNMENT: Hancock and Kettering, Co-chairs; Danielson and McKibben

FINAL COMMITTEE REPORT OF BILL ACTION

TRANSPORTATION

Bill Title: HOUSE FILE 591, a bill for an act relating to state department of transportation duties concerning its budget, distribution of state institutional road funds, vehicle weight and length restrictions, all-terrain vehicle use, evidence of interstate authority and penalties, and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 12: McCoy, Putney, Beall, Danielson, Dearden, Fraise, Hahn, Kettering, Shull, Ward, Warnstadt, and Zieman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 169, the following corrections were made:

1. Page 5, line 30 – "misdemeanor ÷ ;" was changed to "misdemeanor ÷ ."

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 21st day of March, 2005:

Senate Files 139, 141, and 169.

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on March 21, 2005, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 139 – Relating to negotiable instruments, by providing for liabilities among certain parties, and providing a statute of limitations.

S.F. 141 – Relating to reimbursement to owners of aboveground petroleum storage tanks for costs associated with the upgrade or permanent closure of aboveground petroleum storage tanks.

AMENDMENTS FILED

S–3039	S.F.	206	Mark Zieman
S–3040	S.F.	340	Mark Zieman
S–3041	S.F.	379	Pat Ward
			Keith A. Kreiman

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, MARCH 22, 2005

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

JOURNAL OF THE SENATE

SEVENTY-SECOND CALENDAR DAY
FORTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, March 22, 2005

The Senate met in regular session at 8:38 a.m., President Lamberti presiding.

Prayer was offered by the Reverend Maurice Moore, pastor of the Sunnyside Baptist Church in Burlington, Iowa. He was the guest of Senators Fraise and Courtney.

The Journal of Monday, March 21, 2005, 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 21, 2005, **passed** the following bills in which the concurrence of the Senate is asked:

House File 254, a bill for an act relating to the manufacturing of a controlled substance or counterfeit substance near certain property, and providing for a penalty.

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

House File 613, a bill for an act relating to the regulation of hot water heating boilers for swimming pools and spas.

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

House File 617, a bill for an act relating to inclusion of assisted living services under the medical assistance home and community-based services waiver for the elderly.

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

House File 712, a bill for an act allowing counties to share the services of certain elective county officers.

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

House File 718, a bill for an act allowing a refund of unexpired motor vehicle registration fees to a vehicle owner who moves out of state.

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

House File 738, a bill for an act concerning elevators, by providing for membership on the elevator safety board, variances for residential elevators in churches, and providing applicability and effective date provisions.

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

House File 746, a bill for an act providing procedures for a rural water district to transfer its right to provide water or wastewater service and for dissolution of the district.

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

House File 760, a bill for an act relating to dependent adults and the provision of protective services.

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

House File 787, a bill for an act relating to information to be reported regarding an induced termination of pregnancy performed on a minor, and making penalties applicable.

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

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 10.

Senate Resolution 10

On motion of Senator Beall, **Senate Resolution 10**, a resolution recognizing the importance of citizen diplomacy, with report of committee recommending passage, was taken up for consideration.

Senator Beall moved the adoption of Senate Resolution 10, which motion prevailed by a voice vote.

SPECIAL GUESTS

Senators Boettger and Beall introduced Doreen Hamilton, Greg Brkich, and Randy Weekes, members of the Legislative Assembly of the province of Saskatchewan, Canada.

Ms. Hamilton addressed the Senate with brief remarks.

The Senate rose and expressed its welcome.

BILL REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that **Senate File 72** be referred from the Regular Calendar to the committee on **Natural Resources and Environment.**

The Senate stood at ease at 9:00 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.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 14.

Senate Resolution 14

On motion of Senator Warnstadt, **Senate Resolution 14**, a resolution designating April 2005 as Financial Literacy for Youth Month in Iowa, with report of committee recommending passage, was taken up for consideration.

Senator Warnstadt moved the adoption of Senate Resolution 14, which motion prevailed by a voice vote.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Connolly, until he arrives, on request of Senator Dvorsky; and Senator Larson, until he returns, on request of Senator Iverson.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 365, 206, and 375.

Senate File 365

On motion of Senator Ragan, **Senate File 365**, a bill for an act relating to the application deadline for certification of enterprise zones, 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?” (S.F. 365), the vote was:

Yeas, 48:

Angelo	Fraise	Kreiman	Schoenjahn
Beall	Gaskill	Lamberti	Seng
Behn	Gronstal	Lundby	Seymour
Black	Hahn	McCoy	Shull
Boettger	Hancock	McKibben	Stewart
Bolkcom	Hatch	McKinley	Tinsman
Brunkhorst	Horn	Miller	Ward
Courtney	Houser	Mulder	Warnstadt
Danielson	Iverson	Putney	Wieck
Dearden	Johnson	Quirmbach	Wood
Dotzler	Kettering	Ragan	Zaun
Dvorsky	Kibbie	Rielly	Zieman

Nays, none.

Absent, 2:

Connolly	Larson

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

Senate File 206

On motion of Senator Black, **Senate File 206**, a bill for an act relating to deer population management and providing penalties and appropriations, with report of committee on Ways and Means recommending passage, was taken up for consideration.

Senator Zieman offered amendment S–3039, filed by him on March 21, 2005, to page 1 of the bill, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 10, nays 30.

Amendment S–3039 lost.

Senator Brunkhorst asked and received unanimous consent to withdraw amendment S–3023, filed by Senators Brunkhorst and Black on March 15, 2005, to pages 2, 3, 5, and 6 of the bill.

Senator Brunkhorst offered amendment S–3043, filed by Senators Brunkhorst and Black from the floor to pages 2, 3, and 6 of the bill, and moved its adoption.

Amendment S–3043 was adopted by a voice vote.

Senator Behn offered amendment S–3046, filed by him from the floor to page 4 of the bill, and moved its adoption.

Amendment S–3046 was adopted 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?" (S.F. 206), the vote was:

Yeas, 49:

Angelo	Gaskill	Larson	Seymour
Beall	Gronstal	Lundby	Shull
Behn	Hahn	McCoy	Stewart
Black	Hancock	McKibben	Tinsman
Boettger	Hatch	McKinley	Ward
Bolkcom	Horn	Miller	Warnstadt
Brunkhorst	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	
Fraise	Lamberti	Seng	

Nays, none.

Absent, 1:

Connolly

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

Senate File 375

On motion of Senator Seng, **Senate File 375**, a bill for an act creating the uniform environmental covenants Act, 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?" (S.F. 375), the vote was:

Yeas, 49:

Angelo	Gaskill	Larson	Seymour
Beall	Gronstal	Lundby	Shull
Behn	Hahn	McCoy	Stewart
Black	Hancock	McKibben	Tinsman
Boettger	Hatch	McKinley	Ward
Bolkcom	Horn	Miller	Warnstadt
Brunkhorst	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	
Fraise	Lamberti	Seng	

Nays, none.

Absent, 1:

Connolly

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

IMMEDIATELY MESSAGED

Senator Bolkcom asked and received unanimous consent that **Senate Files 206**, **365**, and **375** be **immediately messaged** to the House.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Bolkcom asked and received unanimous consent to take up for consideration Senate Files 379 and 339.

Senate File 379

On motion of Senator Ward, **Senate File 379**, a bill for an act relating to the Iowa probate code, the Iowa trust code, and certain other trusts, was taken up for consideration.

Senator Ward offered amendment S–3041, filed by Senators Ward and Kreiman on March 21, 2005, to pages 10, 12, 13, 16, and 19 of the bill, and moved its adoption.

Amendment S–3041 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. 379), the vote was:

Yeas, 49:

Angelo	Gaskill	Larson	Seymour
Beall	Gronstal	Lundby	Shull
Behn	Hahn	McCoy	Stewart
Black	Hancock	McKibben	Tinsman
Boettger	Hatch	McKinley	Ward
Bolkcom	Horn	Miller	Warnstadt
Brunkhorst	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	
Fraise	Lamberti	Seng	

Nays, none.

Absent, 1:

Connolly

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

Senate File 339

On motion of Senator Dearden, **Senate File 339**, a bill for an act relating to regional transit districts, was taken up for consideration.

Senator McCoy offered amendment S–3018, filed by him on March 14, 2005, to page 1 of the bill, and moved its adoption.

Amendment S–3018 was adopted by a voice vote.

Senator Dearden offered amendment S–3025, filed by him on March 15, 2005, to page 2 of the bill, and moved its adoption.

Amendment S–3025 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 339), the vote was:

Yeas, 49:

Angelo	Gaskill	Larson	Seymour
Beall	Gronstal	Lundby	Shull
Behn	Hahn	McCoy	Stewart
Black	Hancock	McKibben	Tinsman
Boettger	Hatch	McKinley	Ward
Bolkcom	Horn	Miller	Warnstadt
Brunkhorst	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	
Fraise	Lamberti	Seng	

Nays, none.

Absent, 1:

Connolly

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 Fraise, until he returns, on request of Senator Courtney.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Bolkcom asked and received unanimous consent to take up for consideration Senate File 369.

Senate File 369

On motion of Senator Tinsman, **Senate File 369**, a bill for an act relating to the civil commitment of a sexually violent predator, 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. 369), the vote was:

Yeas, 48:

Angelo	Gaskill	Lamberti	Schoenjahn
Beall	Gronstal	Larson	Seng
Behn	Hahn	Lundby	Seymour
Black	Hancock	McCoy	Shull
Boettger	Hatch	McKibben	Stewart
Bolkcom	Horn	McKinley	Tinsman
Brunkhorst	Houser	Miller	Ward
Courtney	Iverson	Mulder	Warnstadt
Danielson	Johnson	Putney	Wieck
Dearden	Kettering	Quirmbach	Wood
Dotzler	Kibbie	Ragan	Zaun
Dvorsky	Kreiman	Rielly	Zieman

Nays, none.

Absent, 2:

Connolly	Fraise

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

IMMEDIATELY MESSAGED

Senator Bolkcom asked and received unanimous consent that **Senate Files 339**, **369**, and **379** 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 22, 2005, **passed** the following bills in which the concurrence of the Senate is asked:

House File 767, a bill for an act relating to a schedule established by the environmental protection commission for civil penalties.

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

House File 774, a bill for an act relating to the petition and vote requirements for increasing or reducing board of supervisors membership in certain counties.

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

House File 786, a bill for an act relating to the operating or providing of another business or activity in a health care facility.

Read first time and **attached to similar Senate File 303.**

RECESS

On motion of Senator Bolkcom, the Senate recessed at 11:35 a.m. until 4:00 p.m.

APPENDIX — 1

CERTIFICATE OF RECOGNITION

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

Bernard Gehrke, Waterloo—For celebrating your 90th birthday. Senator Dotzler (3/22/05).

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: March 22, 2005, 1:05 p.m.

Members Present: Behn and Warnstadt, Co-chairs; Angelo, Beall, Bolkcom, Courtney, Gronstal, Larson, McCoy, McKinley, Rielly, Stewart, Wieck, Zaun, and Zieman.

Members Absent: Kettering (excused).

Committee Business: Passed HF 373.

Adjourned: 1:10 p.m.

LOCAL GOVERNMENT

Convened: March 22, 2005, 2:00 p.m.

Members Present: Quirmbach and Shull, Co-chairs; Houser, Mulder, Putney, Rielly, Schoenjahn, and Stewart.

Members Absent: Kreiman, Lundby, McCoy, and Zaun (all excused).

Committee Business: Discussed Governor's appointees.

Adjourned: 2:05 p.m.

STATE GOVERNMENT

Convened: March 22, 2005, 2:00 p.m.

Members Present: Horn and McKibben, Co-chairs; Black, Brunkhorst, Danielson, Hancock, Hatch, Kettering, Kibbie, Miller, Tinsman, Ward, Wieck, Wood, and Zieman.

Members Absent: Connolly (excused).

Committee Business: Discussion on Governor's appointees and House bills.

Adjourned: 2:10 p.m.

SUBCOMMITTEE ASSIGNMENTS

Senate File 384

WAYS AND MEANS: Dotzler and Larson, Co-chairs; McKinley and Seng

Senate File 385

WAYS AND MEANS: Dotzler and Miller, Co-chairs; Danielson and Wieck

Senate File 386

WAYS AND MEANS: McKinley and Quirmbach, Co-chairs; Bolkcom and Wieck

Senate File 387

WAYS AND MEANS: Danielson and Miller, Co-chairs; Larson and Stewart

House File 512

LOCAL GOVERNMENT: Schoenjahn and Zaun, Co-chairs; Rielly and Shull

House File 624

AGRICULTURE: Johnson and Kibbie, Co-chairs; Putney and Ragan

House File 700

AGRICULTURE: Fraise and Gaskill, Co-chairs; Hahn and Kibbie

House File 717

TRANSPORTATION: Kettering, Chair; Beall, Fraise, and Hahn

FINAL COMMITTEE REPORT OF BILL ACTION

COMMERCE

Bill Title: HOUSE FILE 373, a bill for an act relating to equipment dealerships, by providing for the sale or transfer of a dealership and providing for the Act's applicability.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Behn, Warnstadt, Angelo, Beall, Bolkcom, Courtney, Gronstal, Larson, McCoy, McKinley, Rielly, Stewart, Wieck, Zaun, and Zieman. Nays, none. Absent, 1: Kettering.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on March 22, 2005, the Governor approved and transmitted to the Secretary of State the following bill:

S.F. 169 – Relating to the regulation of substances which are precursors to amphetamine and methamphetamine and providing a penalty and effective dates.

AFTERNOON SESSION

The Senate reconvened at 4:08 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 22, 2005, **passed** the following bills in which the concurrence of the Senate is asked:

House File 585, a bill for an act relating to assisted living programs, providing for a fee, and providing penalties.

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

House File 587, a bill for an act relating to adult day services regulation and providing penalties.

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

House File 710, a bill for an act relating to the regulation of elder group homes and providing penalties.

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

House File 722, a bill for an act providing for the creation of an electronic drug database, establishing fees, providing penalties, and providing an effective date.

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

House File 726, a bill for an act allowing a physician assistant and an advanced registered nurse practitioner to certify an alleged intoxicated driver's incapacitated state for purposes of chemical testing.

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

House File 739, a bill for an act relating to education technology, including the creation of an Iowa learning technology commission and pilot program, and the establishment of a research triangle and clearinghouse.

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

House File 742, a bill for an act relating to the Iowa early intervention block grant program by changing the reporting requirements, extending the repeal of the chapter establishing the program, and providing an effective date.

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

House File 745, a bill for an act relating to the criminal offense of theft of leased or rented personal property and making penalties applicable.

Read first time and **attached to companion Senate File 361.**

House File 757, a bill for an act relating to the disposition of abandoned vehicles.

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

House File 758, a bill for an act providing for the regulation of commercial canine operations.

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

House File 764, a bill for an act relating to the unemployment rate of contribution of a person who acquires an organization, trade, or business and providing penalties.

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

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 359.

Senate File 359

On motion of Senator Quirmbach, **Senate File 359**, a bill for an act providing for payroll deduction for county, city, and school district employees for charitable giving, was taken up for consideration.

Senator McKinley offered amendment S–3045, filed by Senator McKinley, et al., from the floor to page 1 and to the title page of the bill.

Senator Kreiman raised the point of order that amendment S–3045 was not germane to the bill.

The Chair ruled the point well-taken and amendment S–3045 out of order.

Senator Dvorsky offered amendment S–3048, filed by Senator Dvorsky, et al., from the floor to pages 1 and 4 and to the title page of the bill.

Senator Iverson raised the point of order that amendment S–3048 was not germane to the bill.

The Chair ruled the point well-taken and amendment S–3048 out of order.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McCoy, for the remainder of the day, on request of Senator Gronstal.

BUSINESS PENDING

Senate File 359

The Senate resumed consideration of Senate File 359.

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

On the question "Shall the bill pass?" (S.F. 359), the vote was:

Yeas, 48:

Angelo	Fraise	Kreiman	Schoenjahn
Beall	Gaskill	Lamberti	Seng

Behn	Gronstal	Larson	Seymour
Black	Hahn	Lundby	Shull
Boettger	Hancock	McKibben	Stewart
Bolkcom	Hatch	McKinley	Tinsman
Brunkhorst	Horn	Miller	Ward
Courtney	Houser	Mulder	Warnstadt
Danielson	Iverson	Putney	Wieck
Dearden	Johnson	Quirmbach	Wood
Dotzler	Kettering	Ragan	Zaun
Dvorsky	Kibbie	Rielly	Zieman

Nays, none.

Absent, 2:

Connolly McCoy

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

BILL REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that **Senate File 362** be referred from the Regular Calendar to the committee on **Appropriations.**

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 359** 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 22, 2005, **passed** the following bills in which the concurrence of the Senate is asked:

House File 674, a bill for an act relating to distribution of secondary and farm-to-market road funds.

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

House File 740, a bill for an act relating to the duties and responsibilities of school districts, area education agencies, and the department of education by expanding school district audit requirements, requiring the department to submit an achievement gap report, changing deadlines and adding reporting requirements related to dropout and dropout prevention programs, changing testing requirements for the issuance of high school equivalency diplomas, eliminating certain requirements for school district payments and settlements, authorizing school site sale revenues to be used for physical plant and equipment levy fund expenditures, allowing school districts to establish nonprofit entities or organizations, eliminating Code provisions related to extended school programs and evening and part-time schools, providing for changes to open enrollment requirements, deadlines, and authorizations, repealing a school district lawful fence requirement, providing for the confidentiality of records regarding a child receiving competent private instruction, eliminating a requirement that school bus drivers submit a certificate of physical fitness annually, expanding the penalties for school bus drivers in violation of Code requirements, and revising requirements for prior authorization and a certificate of need for local option and services tax for school infrastructure fund use, and including a retroactive applicability provision.

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

House File 754, a bill for an act relating to a homestead exemption waiver notice contained in a written contract affecting agricultural land.

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

House File 768, a bill for an act relating to the publishing of notice of recommendations to grant permits for diversion, storage, and withdrawal of water.

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

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 4:28 p.m. until 8:30 a.m., Wednesday, March 23, 2005.

APPENDIX — 2

APPOINTMENTS TO BOARDS AND COMMISSIONS

In accordance with Senate Rule 59, the following senators were appointed to subcommittees of standing committees on March 22, 2005, to investigate the appointment and reappointment of the following appointees:

AGRICULTURE

As members of the Iowa Grain Indemnity Fund Board:

SANDY SIMPSON – Houser and Kibbie, Co-chairs; Courtney and Gaskill
DONNA WINBURN – Black and Putney, Co-chairs; Gaskill and Ragan

As members of the Grape and Wine Development Commission:

KAREN FOSTER – Houser and Rielly, Co-chairs; Hancock and Putney
LINDA LARSON-MELIN – Hancock and Houser, Co-chairs; Putney and Rielly

As members of the State Soil Conservation Committee:

KEITH LAU – Brunkhorst and Kibbie, Co-chairs; Courtney and Johnson
DUANE SAND – Black and Hahn, Co-chairs; Johnson and Kibbie
JOHN SELLERS, JR. – Mulder and Ragan, Co-chairs; Black and Johnson

BUSINESS AND LABOR RELATIONS

As Labor Commissioner:

DAVID NEIL – Courtney and McKibben, Co-chairs; Behn and Dotzler

COMMERCE

As Superintendent of Banking:

THOMAS B. GRONSTAL – Behn and Stewart, Co-chairs; Kettering and Rielly

As Superintendent of Credit Unions:

JAMES E. FORNEY – Behn and Bolkcom, Co-chairs; McCoy and Zaun

As members of the Credit Union Review Board:

DON GETTINGS – Courtney and Zaun, Co-chairs; Beall and Wieck
BARBARA OLIVER-HALL – Larson and McCoy, Co-chairs; Bolkcom and Zieman

As a member of the Iowa Telecommunications and Technology Commission:

TIMOTHY LAPOINTE – Beall and Larson, Co-chairs; Angelo and Courtney

As members of the Title Guaranty Division Board:

SURASEE RODARI – McCoy and Zaun, Co-chairs; Kettering and Rielly
MITCHELL TAYLOR – Courtney and Zaun, Co-chairs; Kettering and Stewart

As Chair of the Utilities Board:

JOHN NORRIS – Kettering and Warnstadt, Co-chairs; Rielly and Zieman (appointment)
JOHN NORRIS – Kettering and Warnstadt, Co-chairs; Rielly and Zieman (reappointment)

As a member of the Utilities Board:

JOHN NORRIS – Kettering and Warnstadt, Co-chairs; Rielly and Zieman (appointment)
JOHN NORRIS – Kettering and Warnstadt, Co-chairs; Rielly and Zieman (reappointment)

ECONOMIC GROWTH

As a member of the Iowa Capital Investment Board:

EUGENE BLANSHAN – Beall and Behn, Co-chairs; Hatch and Zaun

As members of the Iowa Economic Development Board:

PEGGY ARMSTRONG-GUSTAFSON – Ragan and Zaun, Co-chairs; Hatch and Shull
JERRY COURTNEY – Dotzler and Hahn, Co-chairs; Hatch and Seymour
ARVIND DANDEKAR – Brunkhorst and Danielson, Co-chairs; Hatch and McKinley
JACK (DOUG) SICKLER – Dotzler and McKinley, Co-chairs; Brunkhorst and Hatch

As members of the Small Business Advisory Council:

JOHN CULLEN – Brunkhorst and Danielson, Co-chairs; Hahn and Hatch
DANA INGERSLEV – Rielly and Seymour, Co-chairs; Behn and Hatch
PAUL TABOR – Shull and Stewart, Co-chairs; Hahn and Hatch
STANLEY THOMPSON – Beall and Zaun, Co-chairs; Hatch and Shull

EDUCATION

As Director of the Department of Cultural Affairs:

ANITA WALKER – Connolly and McKinley, Co-chairs; Beall and Ward

As Director of the Department of Education:

JUDY JEFFREY – McKinley and Schoenjahn, Co-chairs; Angelo and Beall

As members of the Board of Educational Examiners:

JOHN ABOUD – Beall and Mulder, Co-chairs; Larson and Quirmbach
YING YING CHEN – Dvorsky and Larson, Co-chairs; Mulder and Quirmbach
JEFFREY HENDERSON – Brunkhorst and Dvorsky, Co-chairs; Larson and Wood
THOMAS PAULSEN – Boettger and Kreiman, Co-chairs; Mulder and Wood
JEAN SEELAND – Brunkhorst and Schoenjahn, Co-chairs; Angelo and Wood
BEVERLY SMITH – Brunkhorst and Schoenjahn, Co-chairs; McKinley and Wood

As a member of the Iowa Higher Education Loan Authority:

ROBERT FLEMING – Boettger and Quirmbach, Co-chairs; Dvorsky and Ward

As members of the State Board of Regents:

THOMAS BEDELL – Beall and Mulder, Co-chairs; Boettger and Connolly
MICHAEL GARTNER – Connolly and McKinley, Co-chairs; Angelo and Dvorsky
RUTH HARKIN – Angelo and Connolly, Co-chairs; Boettger and Kreiman
ROSE VASQUEZ – Angelo and Dvorsky, Co-chairs; Boettger and Connolly
TERESA WAHLERT – Kreiman and Ward, Co-chairs; Beall and McKinley

As a member of the School Budget Review Committee:

CONNIE COOK – Brunkhorst and Wood, Co-chairs; Angelo and Quirmbach

HUMAN RESOURCES

As members of the Board of Athletic Training Examiners:

MARK COBERLEY – Behn and Dotzler, Co-chairs; Hatch and Johnson
HOLLY HEALEY – Behn and Dotzler, Co-chairs; Hatch and Johnson
LYNN LINDAMAN – Behn and Dotzler, Co-chairs; Hatch and Johnson

As members of the Board of Behavioral Science Examiners:

MARCIA MICHAELS – Johnson and Wood, Co-chairs; Behn and Hatch
ELIZABETH SHANNAHAN – Johnson and Wood, Co-chairs; Behn and Hatch
VILIA TARVYDAS – Johnson and Wood, Co-chairs; Behn and Hatch

As a member of the Commission for the Blind:

JULIA SCURR – Bolkcom and Seymour, Co-chairs; Houser and Ragan

As members of the Child Advocacy Board:

ANNA BRATNEY – Boettger and Ragan, Co-chairs; Kreiman and Tinsman
JOSEPH DeHART – Boettger and Ragan, Co-chairs; Kreiman and Tinsman
MICHAEL ISAACSON – Boettger and Ragan, Co-chairs; Kreiman and Tinsman
KATHERINE KAMINSKY – Boettger and Ragan, Co-chairs; Kreiman and Tinsman

As members of the Commission on Community Action Agencies:

KATHY BEAUCHAMP – Gaskill and Kreiman, Co-chairs; Houser and Ragan
MERL McFARLANE – Gaskill and Kreiman, Co-chairs; Houser and Ragan
AMY PEIFFER – Gaskill and Kreiman, Co-chairs; Houser and Ragan

As members of the Commission on the Deaf:

JACQUELYN FLETCHER – Boettger and Quirmbach, Co-chairs; Dotzler and Seymour
JAMES GROVER – Boettger and Quirmbach, Co-chairs; Dotzler and Seymour
DAVID JONES – Boettger and Quirmbach, Co-chairs; Dotzler and Seymour

As members of the Commission of Elder Affairs:

LISA CARLSON – Bolkcom and Seymour, Co-chairs; Gaskill and Ragan
YVONNE MINTON – Boettger and Bolkcom, Co-chairs; Ragan and Seymour
ROBERT NEUMANN – Boettger and Bolkcom, Co-chairs; Ragan and Seymour

As members of the Iowa Empowerment Board:

BARBARA BROWN – Houser and Kreiman, Co-chairs; Ragan and Seymour
JOHN CALHOUN – Houser and Kreiman, Co-chairs; Ragan and Seymour
TERRI CHRISTOFFERSEN – Houser and Kreiman, Co-chairs; Ragan and Seymour
MARY ODELL – Houser and Kreiman, Co-chairs; Ragan and Seymour

As members of the Healthy and Well Kids in Iowa (HAWK-I) Board:

SUSAN SALTER – Kreiman and Tinsman, Co-chairs; Gaskill and Ragan
JAMES YEAST – Kreiman and Tinsman, Co-chairs; Gaskill and Ragan

As members of the Health Facilities Council:

CHARLES FOLLETT – Behn and Quirmbach, Co-chairs; Dotzler and Johnson
KAREN HOPE – Behn and Quirmbach, Co-chairs; Dotzler and Johnson (appointment)
KAREN HOPE – Behn and Quirmbach, Co-chairs; Dotzler and Johnson (reappointment)

As Director of the Department of Human Rights:

WALTER REED, JR. – Quirmbach and Seymour, Co-chairs; Dotzler and Tinsman

As members of the Council on Human Services:

MARK PELTAN – Johnson and Quirmbach, Co-chairs; Dotzler and Tinsman
SYLVIA SCHOER – Johnson and Quirmbach, Co-chairs; Dotzler and Tinsman
DONALD WRIGHT – Johnson and Quirmbach, Co-chairs; Dotzler and Tinsman

As members of the Board of Interpreters for the Hearing Impaired Examiners:

CARISSA HUFFMAN – Quirmbach and Seymour, Co-chairs; Dotzler and Houser
STUART THIESSEN – Quirmbach and Seymour, Co-chairs; Dotzler and Houser

As members of the Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission:

SHELLY CHANDLER – Tinsman and Wood, Co-chairs; Boettger and Hatch
LINDA KELLEN – Tinsman and Wood, Co-chairs; Boettger and Hatch
PATRICIA PENNING – Tinsman and Wood, Co-chairs; Boettger and Hatch
JOHN WILLEY – Tinsman and Wood, Co-chairs; Boettger and Hatch

As a member of the Prevention of Disabilities Policy Council:

PATRICIA MORELAND – Houser and Wood, Co-chairs; Hatch and Johnson

As members of the Commission on Tobacco Use Prevention and Control:

NOREEN HUMPHREY – Bolkcom and Houser, Co-chairs; Hatch and Johnson
CHRISTOPHER SQUIER – Bolkcom and Houser, Co-chairs; Hatch and Johnson

JUDICIARY

As members of the Iowa State Civil Rights Commission:

CONSTANCE GRONSTAL – Brunkhorst and Warnstadt, Co-chairs; Kreiman and Ward
FREDERICK MORAIN – Brunkhorst and Hancock, Co-chairs; Schoenjahn and Ward
TIMOTHY TUTT – Horn and Ward, Co-chairs; Brunkhorst and Hancock
NANCY WITT – Quirmbach and Ward, Co-chairs; Brunkhorst and Horn

As members of the Board of Corrections:

DAVID ERICKSON – Kreiman and Larson, Co-chairs; Boettger and Quirmbach
JOHNIE HAMMOND – Dvorsky and Larson, Co-chairs; Boettger and Horn

As Administrator of the Division of Criminal and Juvenile Justice Planning:

RICHARD G. MOORE – Boettger and Dvorsky, Co-chairs; Kreiman and Larson

As a member of the Iowa Drug Policy Council:

PAMELA DETTMANN – Boettger and Schoenjahn, Co-chairs; Hancock and Larson

As members of the State Judicial Nominating Commission:

COLEEN DENEFE – Kreiman and McKibben, Co-chairs; Hancock and Miller
TIMOTHY MIKKELSEN – Hancock and McKibben, Co-chairs; Horn and Miller

As members of the Board of Parole:

BARBARA BINNIE – Schoenjahn and Zaun, Co-chairs; Quirmbach and Tinsman
CURTIS JENKINS – Quirmbach and Zaun, Co-chairs; Schoenjahn and Tinsman

LOCAL GOVERNMENT

As members of the County Finance Committee:

JILL MARLOW – McCoy and Putney, Co-chairs; Houser and Stewart
KAY SWANSON – McCoy and Putney, Co-chairs; Houser and Stewart

As members of the Mental Health Risk Pool Board:

REBECCA ESKILDSEN – Schoenjahn and Zaun, Co-chairs; Kreiman and Mulder
LYNN FERRELL – Schoenjahn and Zaun, Co-chairs; Kreiman and Mulder
WILLIAM GORMAN – Stewart and Zaun, Co-chairs; Mulder and Rielly
KAREN STRAWN – Stewart and Zaun, Co-chairs; Mulder and Rielly

NATURAL RESOURCES AND ENVIRONMENT

As members of the Environmental Protection Commission:

DARRELL HANSON – Hancock and Lundby, Co-chairs; Putney and Schoenjahn
HENRY MARQUARD – Johnson and Seng, Co-chairs; Miller and Wood
SUZANNE MORROW – Kettering and Wood, Co-chairs; Hancock and Johnson
DAVID PETTY – Putney and Wood, Co-chairs; Dearden and Gaskill
MARY GAIL SCOTT – Bolkcom and Lundby, Co-chairs; Johnson and Seng

As Director of the Department of Natural Resources:

JEFFREY VONK – Black and Houser, Co-chairs; Dearden and Gaskill

As members of the Natural Resource Commission:

ELIZABETH GARST – Dearden and Kettering, Co-chairs; Bolkcom and Johnson
CAROL KRAMER – Black and Miller, Co-chairs; Bolkcom and Houser
LENNIS MOORE – Dearden and Miller, Co-chairs; Gaskill and Seng

As members of the Iowa Comprehensive Petroleum Underground Storage Tank Fund Board:

DOUGLAS BEECH – Black and Johnson, Co-chairs; Dearden and Kettering
JAMES HOLCOMB – Dearden and Gaskill, Co-chairs; Black and Kettering

As members of the Renewable Fuels and Coproducts Advisory Committee:

JUDITH BODHOLDT – Kettering and Schoenjahn, Co-chairs; Johnson and Wood
WILLIAM FURLONG – Bolkcom and Lundby, Co-chairs; Hancock and Miller
KEVIN LEWIS – Dearden and Johnson, Co-chairs; Hancock and Kettering
LAURA ROWE – Kettering and Wood, Co-chairs; Hancock and Johnson

STATE GOVERNMENT

As members of the Accountancy Examining Board:

THOMAS ENGELMANN – Ward and Wood, Co-chairs; Hatch and McKibben
MARIANNE MICKELSON – Ward and Wood, Co-chairs; Hatch and McKibben

As a member of the Commission on the Status of African-Americans:

CHARLOTTE WESTERHAUS – Ward and Wood, Co-chairs; Hatch and McKibben

As members of the Alcoholic Beverages Commission:

JAMES CLAYTON – Hancock and Ward, Co-chairs; McKibben and Wood
GAYLE COLLINS – Hancock and Ward, Co-chairs; McKibben and Wood

As members of the Architectural Examining Board:

TERRY ALLERS – Hatch and Ward, Co-chairs; McKibben and Wood
ANNABELLE DIEHL – Danielson and Ward, Co-chairs; Kibbie and McKibben
TERESA PETRZALEK – Danielson and Ward, Co-chairs; Horn and McKibben

As a member of the Board of Barber Examiners:

CLARK (SAM) KAUFFMAN – Hancock and Ward, Co-chairs; McKibben and Wood

As members of the Boiler and Pressure Vessel Board:

ROBERT BRECKE – Danielson and Ward, Co-chairs; Horn and McKibben
TIMOTHY FEHR – Hancock and Ward, Co-chairs; McKibben and Wood
AMY ILES – Ward and Wood, Co-chairs; Hancock and McKibben

As members of the Board of Chiropractic Examiners:

KATHLEEN DOOHEN – Hancock and Ward, Co-chairs; Connolly and McKibben
STEVEN KRAUS – Hancock and Ward, Co-chairs; Connolly and McKibben
KAREN WHALEN – Hancock and Ward, Co-chairs; Connolly and McKibben

As members of the Board of Cosmetology Arts and Sciences Examiners:

BECKY BROCKMANN – Hatch and Ward, Co-chairs; Black and McKibben
LOIS LEYTEM – Hatch and Ward, Co-chairs; Black and McKibben
MARY BETH MYERS – Hatch and Ward, Co-chairs; Black and McKibben
JANET OLSEN – Hatch and Ward, Co-chairs; Black and McKibben

As members of the Board of Trustees of the Iowa Cultural Trust:

MARY KELLY – Ward and Wood, Co-chairs; Hancock and McKibben
HENRY NEUMAN – Ward and Wood, Co-chairs; Hancock and McKibben

As members of the Board of Dental Examiners:

ALAN HATHAWAY – Brunkhorst and Wood, Co-chairs; Hancock and Zieman
SUZAN STEWART – Brunkhorst and Danielson, Co-chairs; Kibbie and Zieman
DEBRA YOSSI – Brunkhorst and Danielson, Co-chairs; Horn and Zieman

As members of the Board of Dietetic Examiners:

CHRISTINE O'BRIEN – Brunkhorst and Wood, Co-chairs; Hancock and Zieman
ROBERT SCHWEERS – Black and Brunkhorst, Co-chairs; Hatch and Zieman

As members of the Elevator Safety Board:

KRISTINE KESTERSON – Brunkhorst and Danielson, Co-chairs; Horn and Zieman
WAYNE SIMS – Black and Brunkhorst, Co-chairs; Hatch and Zieman
SIOBHAN WORKMAN – Brunkhorst and Hatch, Co-chairs; Black and Zieman

As members of the Engineering and Land Surveying Examining Board:

SUSAN ALBRIGHT – Black and Zieman, Co-chairs; Brunkhorst and Hatch
GARY BENJAMIN – Black and Brunkhorst, Co-chairs; Hatch and Zieman
LYLE TeKIPPE – Brunkhorst and Hancock, Co-chairs; Wood and Zieman

As members of the Iowa Ethics and Campaign Disclosure Board:

PATRICIA HARPER – Connolly and Zieman, Co-chairs; Brunkhorst and Kibbie
GERALD SULLIVAN – Danielson and Zieman, Co-chairs; Brunkhorst and Horn

As a member of the Board for the Licensing and Regulation of Hearing Aid Dispensers:

MARY JANE McWILLIAMS – Danielson and Zieman, Co-chairs; Brunkhorst and Horn

As members of the Investment Board of the IPERS:

LANA DETTBARN – Wood and Zieman, Co-chairs; Brunkhorst and Connolly
JOANNE STOCKDALE – Kibbie and Zieman, Co-chairs; Brunkhorst and Wood

As members of the Landscape Architectural Examining Board:

CAROLYN MAGNANI – Black and Zieman, Co-chairs; Brunkhorst and Hatch
ANN REINHART – Hatch and Zieman, Co-chairs; Black and Brunkhorst

As members of the Board of Massage Therapy Examiners:

JUDITH HEATH – Wood and Zieman, Co-chairs; Brunkhorst and Hancock
KENNETH LANG – Kibbie and Zieman, Co-chairs; Brunkhorst and Connolly
KATHY SPENCER-JENSEN – Wood and Zieman, Co-chairs; Brunkhorst and Hatch

As members of the Board of Medical Examiners:

SUSAN JOHNSON – Danielson and Kettering, Co-chairs; Horn and Miller
SALLY SCHROEDER – Black and Kettering, Co-chairs; Hatch and Miller
DANA SHAFFER – Danielson and Kettering, Co-chairs; Hancock and Miller

As Director of the Department of Management:

MICHAEL TRAMONTINA – Black and Kettering, Co-chairs; Hatch and Miller

As members of the Board of Mortuary Science Examiners:

KAREN THOMSEN – Hancock and Kettering, Co-chairs; Danielson and Miller
MARCUS VIGEN – Danielson and Kettering, Co-chairs; Hancock and Miller

As members of the Board of Nursing Examiners:

JOHN CONNORS – Connolly and Kettering, Co-chairs; Hatch and Miller
MARY JACOBUS – Danielson and Kettering, Co-chairs; Kibbie and Miller
PAULINE TAYLOR – Kettering and Wood, Co-chairs; Hancock and Miller

As members of the State Board of Examiners for Nursing Home Administrators:

LARRY HERTEL – Danielson and Miller, Co-chairs; Connolly and Kettering
MICHAEL VAN SICKLE – Kettering and Wood, Co-chairs; Danielson and Miller

As members of the Board of Optometry Examiners:

TERRY BROWN – Connolly and Miller, Co-chairs; Black and Kettering
EDWINA O'FARRELL – Danielson and Miller, Co-chairs; Hancock and Kettering
MICHAEL OHLSON – Hancock and Miller, Co-chairs; Kettering and Wood

As members of the Board of Pharmacy Examiners:

PAUL ABRAMOWITZ – Danielson and Miller, Co-chairs; Horn and Kettering
VERNON BENJAMIN – Miller and Wood, Co-chairs; Hancock and Kettering
BARBARA O'ROAKE – Hancock and Miller, Co-chairs; Horn and Kettering

As members of the Board of Physical and Occupational Therapy Examiners:

LISABETH KESTEL – Danielson and Miller, Co-chairs; Hancock and Kettering
THEODORE PETERSON – Miller and Wood, Co-chairs; Black and Kettering
ARMANDO ROSALES – Hancock and Miller, Co-chairs; Kettering and Wood

As members of the Board of Podiatry Examiners:

PATSY HASTINGS – Danielson and Tinsman, Co-chairs; Wieck and Wood
ROBERT YOHO – Hatch and Miller, Co-chairs; Black and Kettering

As members of the Board of Psychology Examiners:

JENNIFER LOCK OMAN – Hatch and Tinsman, Co-chairs; Black and Wieck
CRAIG RYPMA – Black and Tinsman, Co-chairs; Hatch and Wieck

As members of the State Racing and Gaming Commission:

GERALD BAIR – Black and Tinsman, Co-chairs; Hancock and Wieck
KATHRYNE CUTLER – Danielson and Tinsman, Co-chairs; Wieck and Wood

As members of the Real Estate Appraiser Examining Board:

MICHAEL LARA – Black and Tinsman, Co-chairs; Hatch and Wieck
AMY THORNE – Danielson and Tinsman, Co-chairs; Hatch and Wieck

As members of the Real Estate Commission:

PATRICIA DANIELS – Hatch and Tinsman, Co-chairs; Black and Wieck
JAMES O'NEILL – Tinsman and Wood, Co-chairs; Danielson and Wieck

As members of the State Board for Respiratory Care:

CRAIG BAINBRIDGE – Hancock and Tinsman, Co-chairs; Danielson and Wieck
KATHELENE SEMKE – Danielson and Tinsman, Co-chairs; Hancock and Wieck

As members of the Board of Social Work Examiners:

W. ROBERT SCHMIDT – Wieck and Wood, Co-chairs; Hancock and Tinsman
JOYCE WESTPHAL – Kibbie and Wieck, Co-chairs; Hatch and Tinsman

As members of the Board of Speech Pathology and Audiology Examiners:

JEANNETTE ADAMSKI – Hancock and Wieck, Co-chairs; Danielson and Tinsman
CHRISTINE DONNER-TIERNAN – Wieck and Wood, Co-chairs; Kibbie and Tinsman

As Commandant of the Iowa Veterans Home:

DANIEL STEEN – Kibbie and Wieck, Co-chairs; Danielson and Tinsman

As members of the Iowa Board of Veterinary Medicine:

SARAH GARST – Wieck and Wood, Co-chairs; Kibbie and Tinsman
MICHAEL STEIN – Wieck and Wood, Co-chairs; Kibbie and Tinsman

As Chair of the Vision Iowa Board:

ANDREW ANDERSON – Hatch and Wieck, Co-chairs; Black and Tinsman

As members of the Vision Iowa Board:

MARY ELLEN CHAMBERLIN – Wieck and Wood, Co-chairs; Hancock and Tinsman
CHARLES GRAF – Wieck and Wood, Co-chairs; Black and Tinsman
DAVID ODEKIRK – Danielson and Wieck, Co-chairs; Connolly and Tinsman
CAROLYN RANTS – Hatch and Wieck, Co-chairs; Hancock and Tinsman

TRANSPORTATION

As members of the Iowa Law Enforcement Academy Council:

RANDY KRUKOW – Danielson and Zieman, Co-chairs; Kettering and Warnstadt
PATTY LINK – Fraise and Hahn, Co-chairs; Beall and Kettering

As members of the State Transportation Commission:

PATRICIA CRAWFORD – Dearden and Ward, Co-chairs; McCoy and Shull
THOMAS HART – Shull and Warnstadt, Co-chairs; Dearden and Putney

WAYS AND MEANS

As Executive Director of the Iowa Finance Authority:

BRET MILLS – Connolly and Zaun, Co-chairs; Bolkcom and Wieck

As members of the Iowa Finance Authority:

STEVEN ADAMS – Danielson and McKibben, Co-chairs; Miller and Seng
VIRGINIA BORDWELL – Miller and Stewart, Co-chairs; Dotzler and McKinley
VINCENT LINTZ – Larson and McCoy, Co-chairs; McKibben and Seng
DOUGLAS WALTER – Hahn and Seng, Co-chairs; Danielson and Zieman

As a member of the State Board of Tax Review:

FRANK STORK – McCoy and Zaun, Co-chairs; Larson and Quirmbach

REPORTS OF COMMITTEE MEETINGS

ECONOMIC GROWTH

Convened: March 22, 2005, 3:00 p.m.

Members Present: Brunkhorst and Hatch, Co-chairs; Beall, Behn, Hahn, McKinley, Ragan, Rielly, Seymour, and Shull.

Members Absent: Danielson, Dotzler, Stewart, and Zaun (all excused).

Committee Business: Discussion of Governor's appointees.

Adjourned: 3:05 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: March 22, 2005, 3:05 p.m.

Members Present: Black and Houser, Co-chairs; Bolkcom, Dearden, Gaskill, Hancock, Johnson, Kettering, Lundby, Miller, Putney, Schoenjahn, Seng, and Wood.

Members Absent: None.

Committee Business: Presentation by Iowa Snowmobile Association. Subcommittee assignments.

Adjourned: 4:00 p.m.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 22, by Larson, Warnstadt, Iverson, and Gronstal, a resolution to recognize the life and accomplishments of Colonel Virgil D. Olson.

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

Senate Resolution 23, by Bolkcom, a resolution requesting the legislative council to authorize an interim study committee to review the nurse staffing needs of the hospitals in this state.

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

STUDY BILLS RECEIVED

SSB 1289 Appropriations

Relating to and making appropriations to the department of economic development, certain board of regents institutions, the department of workforce development, and the public employment relations board and related matters.

SSB 1290 Appropriations

Relating to and making appropriations involving state government, including provisions affecting agriculture and natural resources, and providing for fees.

SSB 1291 Appropriations

Relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund.

SB 1292 Ways and Means

Relating to property taxation by limiting cities' and counties' authority to reduce funding for essential services, assessment appeals of the actions of local boards of review, tying together the assessment limitations of certain classes of property, and including a retroactive applicability date provision.

SUBCOMMITTEE ASSIGNMENTS

SSB 1289

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs

SSB 1290

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs

SSB 1291

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs

SSB 1292

WAYS AND MEANS: Quirmbach and Zieman, Co-chairs; Connolly and Hahn

AMENDMENTS FILED

S–3042	S.F.	281	Herman C. Quirmbach
S–3043	S.F.	206	Bob Brunkhorst
			Dennis H. Black
S–3044	S.F.	367	Dennis H. Black
S–3045	S.F.	359	Paul McKinley
			Larry McKibben
			Pat Ward
			Nancy J. Boettger
			John Putney
			David Johnson
			Jeff Angelo

			Brad Zaun
			Jerry Behn
			Stewart E. Iverson, Jr.
			E. Thurman Gaskill
			James A. Seymour
S–3046	S.F.	206	Jerry Behn
S–3047	S.F.	347	John P. Kibbie
			David Johnson
S–3048	S.F.	359	Robert E. Dvorsky
			Herman C. Quirmbach
			Mary Lundby
			Doug Shull
S–3049	S.F.	325	Charles W. Larson, Jr.

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, MARCH 23, 2005

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

JOURNAL OF THE SENATE

SEVENTY-THIRD CALENDAR DAY
FORTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, March 23, 2005

The Senate met in regular session at 8:38 a.m., President Lamberti presiding.

Prayer was offered by the Reverend Steve Peters, pastor of the Trinity United Methodist Church in Fort Dodge, Iowa. He was the guest of Senator Beall.

The Journal of Tuesday, March 22, 2005, was approved.

The Senate stood at ease at 9:16 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.

RECESS

On motion of Senator Gronstal, the Senate recessed at 10:48 a.m. until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:12 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, 2005, **passed** the following bills in which the concurrence of the Senate is asked:

House File 540, a bill for an act relating to reports of traffic accidents involving certified law enforcement officers.

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

House File 810, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and providing an effective date.

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

SPECIAL GUEST

Senator Hahn introduced the Honorable Merlin Hulse, former member of the Senate from Cedar County, Clarence, Iowa.

The Senate rose and expressed its welcome.

QUORUM CALL

Senator Gronstal requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 42 present, 8 absent, and a quorum present.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 303, 367, 352, and 343.

Senate File 303

On motion of Senator Ragan, **Senate File 303**, a bill for an act relating to the providing of another business or activity in a health care facility, was taken up for consideration.

Senator Ragan offered amendment S–3033, filed by Senators Ragan, Tinsman, and Kreiman on March 16, 2005, to page 1 of the bill, and moved its adoption.

Amendment S–3033 was adopted by a voice vote.

Senator Ragan asked and received unanimous consent that **House File 786** be **substituted** for **Senate File 303**.

House File 786

On motion of Senator Ragan, **House File 786**, a bill for an act relating to the providing of another business or activity in a health care facility, was taken up for consideration.

Senator Ragan asked and received unanimous consent that action on **House File 786** be **deferred**.

Senate File 367

On motion of Senator Dearden, **Senate File 367**, a bill for an act relating to various conservation and recreation activities under the purview of the department of natural resources, modifying fees, and making penalties applicable, was taken up for consideration.

Senator Black offered amendment S–3044, filed by him on March 22, 2005, to page 4 of the bill.

Senator Johnson asked and received unanimous consent that action on amendment S–3044 and **Senate File 367** be **deferred.**

Senate File 352

On motion of Senator Tinsman, **Senate File 352**, a bill for an act relating to confidentiality and liability provisions involving the child

advocacy board and the programs associated with the board and making a penalty applicable, 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. 352), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

Senate File 343

On motion of Senator Behn, **Senate File 343**, a bill for an act relating to governmental services involving audit reports and the family investment program, 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?" (S.F. 343), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 343** and **352** be **immediately messaged** to the House.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 355, 367, 350, and 370.

Senate File 355

On motion of Senator Bolkcom, **Senate File 355**, a bill for an act relating to the creation of a task force to provide for the implementation of Medicare Part D and providing an effective date, was taken up for consideration.

Senator Bolkcom offered amendment S–3037, filed by Senators Bolkcom and Seymour on March 17, 2005, to page 1 of the bill.

Senator Seymour offered amendment S–3052, filed by him from the floor to page 1 of amendment S–3037, and moved its adoption.

Amendment S–3052 was adopted by a voice vote.

Senator Bolkcom moved the adoption of amendment S–3037, as amended, which motion prevailed by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 355), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

BUSINESS PENDING

Senate File 367

The Senate resumed consideration of **Senate File 367**, a bill for an act relating to various conservation and recreation activities under the purview of the department of natural resources, modifying fees, and making penalties applicable, and amendment S–3044, previously deferred.

Senator Black moved the adoption of amendment S–3044, which motion prevailed by a voice vote.

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

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

Yeas, 49:

Angelo	Fraise	Larson	Seymour
Beall	Gaskill	Lundby	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirmbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Lamberti	Seng	

Nays, 1:

Kreiman

Absent, none.

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

Senate File 350

On motion of Senator Kreiman, **Senate File 350**, a bill for an act relating to the suspension of a child support obligation, 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?" (S.F. 350), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

Senate File 370

On motion of Senator Kreiman, **Senate File 370**, a bill for an act relating to the duration of a no-contact order in a criminal case, 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?" (S.F. 370), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman

Dotzler	Kibbie	Rielly
Dvorsky	Kreiman	Schoenjahn

Nays, none.

Absent, none.

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

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 350**, **355**, **367**, and **370** be **immediately messaged** to the House.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 363 and 383.

Senate File 363

On motion of Senator Beall, **Senate File 363**, a bill for an act providing for the regulation of persons engaged in soliciting business opportunities, including franchises, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 363), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood

Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

HOUSE AMENDMENT CONSIDERED

Senate File 71

Senator Gronstal called up for consideration **Senate File 71**, a bill for an act relating to an appropriation from the environment first fund for the establishment of permanent soil and water conservation practices, by allocating moneys to support the administration of local governmental units, and providing an effective date, amended by the House in House amendment S–3036, filed March 17, 2005.

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

On the question "Shall the bill pass?" (S.F. 71), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt

Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

UNFINISHED BUSINESS
(Deferred March 15, 2005)

Senate File 245

The Senate resumed consideration of **Senate File 245**, a bill for an act relating to a secondary school core curriculum, including requiring the state board of education to determine a model core curriculum and set a statewide core curriculum completion rate goal, and requiring school districts and schools to report core curriculum completion percentages annually, deferred March 15, 2005.

Senator Quirmbach offered amendment S–3031, filed by Senators Quirmbach and Brunkhorst on March 16, 2005, to page 2 and to the title page of the bill.

Senator Quirmbach asked and received unanimous consent to withdraw amendment S–3031.

Senator Quirmbach offered amendment S–3032, filed by Senators Quirmbach and Brunkhorst on March 16, 2005, to page 2 and to the title page of the bill, and moved its adoption.

Amendment S–3032 was adopted by a voice vote.

Senator Putney offered amendment S–3053, filed by him from the floor to page 2 and to the title page of the bill.

Senator Connolly raised the point of order that amendment S–3053 was not germane to the bill.

The Chair ruled the point well-taken and amendment S–3053 out of order.

Senator Connolly asked and received unanimous consent that action on **Senate File 245** be **deferred.**

President Pro Tempore McKibben took the chair at 2:25 p.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Kibbie, for the remainder of the day, on request of Senator Gronstal.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 383.

Senate File 383

On motion of Senator Kreiman, **Senate File 383**, a bill for an act relating to the penalty for sexual misconduct with offenders committed by an officer, employee, or agent of the department of corrections or a judicial district department of correctional services, and providing a penalty, 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?" (S.F. 383), the vote was:

Yeas, 49:

Angelo	Fraise	Larson	Seymour
Beall	Gaskill	Lundby	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Houser	Putney	Wood

Courtney	Iverson	Quirmbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kreiman	Schoenjahn	
Dvorsky	Lamberti	Seng	

Nays, none.

Absent, 1:

Kibbie

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

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 71**, **363**, and **383** be **immediately messaged** to the House.

The Senate stood at ease at 2:33 p.m. until the fall of the gavel.

The Senate resumed session at 2:56 p.m., President Pro Tempore McKibben presiding.

BUSINESS PENDING

Senate File 245

The Senate resumed consideration of **Senate File 245**, a bill for an act relating to a secondary school core curriculum, including requiring the state board of education to determine a model core curriculum and set a statewide core curriculum completion rate goal, and requiring school districts and schools to report core curriculum completion percentages annually, previously deferred.

Senator Connolly offered amendment S–3057, filed by Senator Connolly, et al., from the floor to page 2 and to the title page of the bill, and moved its adoption.

Amendment S–3057 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. 245), the vote was:

Yeas, 48:

Angelo	Dvorsky	Lamberti	Schoenjahn
Beall	Fraise	Larson	Seng
Behn	Gaskill	Lundby	Seymour
Black	Gronstal	McCoy	Shull
Boettger	Hahn	McKibben	Stewart
Bolkcom	Hancock	McKinley	Tinsman
Brunkhorst	Hatch	Miller	Ward
Connolly	Horn	Mulder	Warnstadt
Courtney	Houser	Putney	Wieck
Danielson	Iverson	Quirmbach	Wood
Dearden	Johnson	Ragan	Zaun
Dotzler	Kettering	Rielly	Zieman

Nays, 1:

Kreiman

Absent, 1:

Kibbie

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 3:12 p.m.

Senate File 358

On motion of Senator Zaun, **Senate File 358**, a bill for an act relating to liens associated with agricultural production, by providing for the termination of those liens, was taken up for consideration.

Senator Zaun offered amendment S–3056, filed by Senators Zaun and Kreiman from the floor to page 1 and to the title page of the bill, and moved its adoption.

Amendment S–3056 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 358), the vote was:

Yeas, 49:

Angelo	Fraise	Larson	Seymour
Beall	Gaskill	Lundby	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirmbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kreiman	Schoenjahn	
Dvorsky	Lamberti	Seng	

Nays, none.

Absent, 1:

Kibbie

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

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 245** and **358** 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, 2005, **passed** the following bills in which the concurrence of the Senate is asked:

House File 741, a bill for an act relating to driver education by a teaching parent.

Read first time and **attached to companion Senate File 195.**

House File 769, a bill for an act relating to child abuse reporting and registry requirements.

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

House File 770, a bill for an act providing for the Iowa department of public health to administer the hotel sanitation code, regulation of home food establishments, Iowa food code, and regulation of egg handlers in place of the department of inspections and appeals.

Read first time and **attached to similar Senate File 356.**

House File 777, a bill for an act relating to testing a person for contagious or infectious disease if the person assaults a person by exchanging or attempting to exchange bodily fluids, and providing a penalty.

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

House File 781, a bill for an act relating to the establishment of a direct care worker task force.

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

House File 784, a bill for an act to establish an advanced practice registered nurse compact and including a future repeal.

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

House File 789, a bill for an act relating to programs and functions under the purview of the Iowa department of public health.

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

House File 809, a bill for an act relating to and making appropriations to the department of economic development, certain board of regents institutions, the department of workforce

development, and the public employment relations board and related matters.

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

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 3:35 p.m. until 8:30 a.m., Thursday, March 24, 2005.

APPENDIX

PRESENTATION OF VISITORS

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

Government class from Pekin Community High School in Packwood, Iowa, accompanied by John Griener. Senator Miller.

REPORT OF COMMITTEE MEETING

WAYS AND MEANS

Convened: March 23, 2005, 11:10 a.m.

Members Present: Bolkcom and Zieman, Co-chairs; Connolly, Danielson, Dotzler, Hahn, McCoy, McKibben, McKinley, Miller, Quirmbach, Seng, Stewart, Wieck, and Zaun.

Members Absent: Larson (excused).

Committee Business: Passed SFs 167 and 371. Approved SSB 1177.

Adjourned: 11:40 a.m.

INTRODUCTION OF BILL

Senate File 388, by committee on Ways and Means, a bill for an act relating to combining protests of assessment on multiple parcels separately assessed and providing an applicability date.

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

STUDY BILLS RECEIVED

SSB 1293 Ways and Means

Relating to ethanol blended gasoline by providing for standards and an excise tax and making penalties applicable.

SSB 1294 Ways and Means

Authorizing the rebate of state sales tax to the owner or operator of a sanctioned automobile racetrack facility.

SUBCOMMITTEE ASSIGNMENTS

Senate Resolution 22

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

Senate Resolution 23

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

Senate File 362

APPROPRIATIONS: Angelo and Fraise, Co-chairs; Dvorsky and Miller

House File 613

STATE GOVERNMENT: Danielson and Wieck, Co-chairs; Hancock and Miller

House File 738

STATE GOVERNMENT: Hancock and Kettering, Co-chairs; Brunkhorst and Danielson

House File 757

TRANSPORTATION: Hahn and Warnstadt, Co-chairs; Danielson and Ward

SSB 1293

WAYS AND MEANS: Hahn and Stewart, Co-chairs; Danielson and Zieman

SSB 1294

WAYS AND MEANS: Dotzler and Hahn, Co-chairs; McCoy and Zieman

FINAL COMMITTEE REPORT OF BILL ACTION

WAYS AND MEANS

Bill Title: SENATE FILE 388 (formerly SF 167), a bill for an act relating to combining protests of assessment on multiple parcels separately assessed and providing an applicability date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Bolkcom, Zieman, Connolly, Danielson, Dotzler, Hahn, McCoy, McKibben, McKinley, Miller, Quirmbach, Seng, Stewart, Wieck, and Zaun. Nays, none. Absent, 1: Larson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on March 22, 2005, when the votes were taken on Senate Files 206, 339, 359, 365, 369, 375, and 379. Had I been present, I would have voted "Yea" on all.

MICHAEL CONNOLLY

AMENDMENTS FILED

S–3050	S.F.	360	Matt McCoy
S–3051	S.F.	364	Michael E. Gronstal
S–3052	S.F.	355	James Seymour
S–3053	S.F.	245	John Putney
S–3054	S.F.	360	Michael E. Gronstal
S–3055	S.F.	354	Jerry Behn
			Steve Warnstadt
S–3056	S.F.	358	Brad Zaun
			Keith A. Kreiman
S–3057	S.F.	245	Michael Connolly
			Bob Brunkhorst
			Jack Hatch
			Brad Zaun
			Charles W. Larson, Jr.
S–3058	S.F.	360	Ron Wieck
S–3059	S.F.	364	Jeff Danielson
S–3060	S.F.	366	Maggie Tinsman

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, MARCH 24, 2005

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

JOURNAL OF THE SENATE

SEVENTY-FOURTH CALENDAR DAY
FORTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, March 24, 2005

The Senate met in regular session at 8:45 a.m., President Lamberti presiding.

Prayer was offered by the Honorable David Johnson, member of the Senate from Osceola County, Ocheyedan, Iowa, and the Honorable Doug Shull, member of the Senate from Warren County, Indianola, Iowa.

The Journal of Wednesday, March 23, 2005, 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 23, 2005, **passed** the following bills in which the concurrence of the Senate is asked:

House File 702, a bill for an act relating to the responsibilities of divisions within the department of workforce development, including training for occupational safety and health inspections and investigations, and workers' compensation.

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

House File 703, a bill for an act concerning private sector employee drug testing.

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

House File 808, a bill for an act relating to and making appropriations involving state government, including provisions affecting agriculture and natural resources.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Lundby, for the day, on request of Senator Wieck.

RECESS

On motion of Senator Gronstal, the Senate recessed at 8:54 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 9:00 a.m., President Lamberti presiding.

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 10:01 a.m., President Lamberti presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Houser, for the day, on request of Senator Boettger.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 354, 361, and 351.

Senate File 354

On motion of Senator Warnstadt, **Senate File 354**, a bill for an act establishing pilot projects requiring the division of insurance to allow flexible small employer group health insurance coverage and requiring the insurance division to review insurance rating issues affecting small employers, was taken up for consideration.

Senator Warnstadt offered amendment S–3055, filed by Senators Behn and Warnstadt on March 23, 2005, to page 1 of the bill, and moved its adoption.

Amendment S–3055 was adopted by a voice vote.

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. 354), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kreiman	Schoenjahn
Beall	Fraise	Lamberti	Seng
Behn	Gaskill	Larson	Seymour
Black	Gronstal	McCoy	Shull
Boettger	Hahn	McKibben	Stewart
Bolkcom	Hancock	McKinley	Tinsman
Brunkhorst	Hatch	Miller	Ward
Connolly	Horn	Mulder	Warnstadt
Courtney	Iverson	Putney	Wieck
Danielson	Johnson	Quirmbach	Wood
Dearden	Kettering	Ragan	Zaun
Dotzler	Kibbie	Rielly	Zieman

Nays, none.

Absent, 2:

Houser	Lundby

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

Senate File 361

On motion of Senator Zaun, **Senate File 361**, a bill for an act relating to the criminal offense of theft of leased or rented personal property and making penalties applicable, was taken up for consideration.

Senator Zaun asked and received unanimous consent that **House File 745** be **substituted** for **Senate File 361**.

House File 745

On motion of Senator Zaun, **House File 745**, a bill for an act relating to the criminal offense of theft of leased or rented personal property and making penalties applicable, was taken up for consideration.

Senator Zaun asked and received unanimous consent that action on **House File 745** be **deferred**.

Senate File 351

On motion of Senator Zieman, **Senate File 351**, a bill for an act relating to voting machines, including by requiring that direct recording electronic voting machines used in the state produce paper records to be verified by voters, 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?" (S.F. 351), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kreiman	Schoenjahn
Beall	Fraise	Lamberti	Seng
Behn	Gaskill	Larson	Seymour
Black	Gronstal	McCoy	Shull
Boettger	Hahn	McKibben	Stewart
Bolkcom	Hancock	McKinley	Tinsman
Brunkhorst	Hatch	Miller	Ward
Connolly	Horn	Mulder	Warnstadt
Courtney	Iverson	Putney	Wieck

Danielson	Johnson	Quirmbach	Wood
Dearden	Kettering	Ragan	Zaun
Dotzler	Kibbie	Rielly	Zieman

Nays, none.

Absent, 2:

Houser	Lundby

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

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 351** and **354** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 10:15 a.m. until 1:00 p.m., Monday, March 28, 2005.

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
COMMISSIONER OF INSURANCE (Sec. 505.2)	
Susan E. Voss, Des Moines	05/01/2005 – 04/30/2009
BOARD OF PSYCHOLOGY EXAMINERS (Sec. 147.14(7))	
Susan Enzle, Iowa City	05/01/2005 – 04/30/2008

The appointments were 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 appointments to state boards, commissions, and departments to Senate standing committees, as indicated for investigation on March 24, 2005.

COMMERCE

Susan E. Voss – Commissioner of Insurance

STATE GOVERNMENT

Susan Enzle – Board of Psychology Examiners

APPOINTMENTS TO BOARDS AND COMMISSIONS

In accordance with Senate Rule 59, the following senators were appointed to subcommittees of standing committees on March 24, 2005, to investigate the appointment and reappointment of the following appointees:

COMMERCE

As Commissioner of Insurance:

SUSAN E.VOSS – Behn and McCoy, Co-chairs; Rielly and Wieck

STATE GOVERNMENT

As a member of the Board of Psychology Examiners:

SUSAN ENZLE – Black and Tinsman, Co-chairs; Hatch and Wieck

WITHDRAWAL OF GOVERNOR'S APPOINTEE

The following letter from the Governor was received in the office of the Secretary of the Senate on March 22, 2005:

I submitted the name of Craig Rypma to serve on the Board of Psychology Examiners on March 15, 2005. I am withdrawing his name from further consideration by the Senate.

Sincerely,
THOMAS J. VILSACK
Governor

BILLS ASSIGNED TO COMMITTEE

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

H.F. 769	Human Resources
H.F. 777	Judiciary
H.F. 781	Human Resources
H.F. 784	Human Resources
H.F. 789	Human Resources
H.F. 809	Appropriations

REPORTS OF COMMITTEE MEETINGS

EDUCATION

Convened: March 24, 2005, 1:05 p.m.

Members Present: Connolly and McKinley, Co-chairs; Angelo, Beall, Boettger, Brunkhorst, Dvorsky, Kreiman, Mulder, Quirmbach, Schoenjahn, Ward, and Wood.

Members Absent: Larson (excused).

Committee Business: Approved Governor's appointees.

Adjourned: 1:55 p.m.

GOVERNMENT OVERSIGHT

Convened: March 24, 2005, 11:00 a.m.

Members Present: Courtney, Co-chair; Connolly and Wieck.

Members Absent: Lundby, Co-chair (excused).

Committee Business: Presentations by Department of Management and Iowa County Recorders Association.

Adjourned: 12:20 p.m.

RULES AND ADMINISTRATION

Convened: March 24, 2005, 8:55 a.m.

Members Present: Gronstal and Iverson, Co-chairs; Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan.

Members Absent: Angelo and Boettger (both excused).

Committee Business: Passed SCR 10 and SR 21. Discussed Governor's appointees.

Adjourned: 9:00 a.m.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 24, 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 25, by Lamberti, Ward, Lundby, Larson, Dearden, Horn, McCoy, Hatch, Zaun, Angelo, and Dvorsky, a resolution honoring Iowa athletes Jenna Schrack, Matt LaRue, Michelle Pettitt, and their coach, Rob Wagner, for their participation in the Special Olympics World Winter Games in Nagano, Japan.

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

Senate Resolution 26, by Lamberti, a resolution honoring the Ankeny High School Girls' Basketball Team.

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

INTRODUCTION OF BILLS

Senate File 389, by committee on Ways and Means, a bill for an act providing individual and corporate income tax credits for soy-based cutting tool oil and including an applicability date provision.

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

Senate File 390, by committee on Ways and Means, a bill for an act relating to the generation and purchase of renewable energy including establishing a renewable energy tax credit program administered by the utilities division of the department of commerce and the department of revenue, and providing an effective date.

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

Senate File 391, by Brunkhorst, a bill for an act relating to school finance and related tax changes, providing a penalty, and including effective and applicability date provisions.

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

STUDY BILLS RECEIVED

SSB 1295 Government Oversight

Providing for the receipt of and costs relating to public records requests.

SSB 1296 Government Oversight

Providing for energy performance-based contracts for certain public entities and public educational facilities.

SUBCOMMITTEE ASSIGNMENTS

Senate Resolution 24

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

Senate Resolution 25

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

Senate Resolution 26

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

House File 540

COMMERCE: Courtney and Zaun, Co-chairs; Rielly and Zieman

House File 585

HUMAN RESOURCES: Johnson and Ragan, Co-chairs; Houser and Kreiman

House File 587

HUMAN RESOURCES: Bolkcom and Tinsman, Co-chairs; Gaskill and Wood

House File 617

HUMAN RESOURCES: Tinsman and Wood, Co-chairs; Ragan and Seymour

House File 674

WAYS AND MEANS: Danielson and Hahn, Co-chairs; Stewart and Zieman

House File 710

HUMAN RESOURCES: Bolkcom and Tinsman, Co-chairs; Gaskill and Wood

House File 712

LOCAL GOVERNMENT: Rielly and Zaun, Co-chairs; Schoenjahn and Shull

House File 722

HUMAN RESOURCES: Hatch and Seymour, Co-chairs; Behn and Kreiman

House File 746

LOCAL GOVERNMENT: Houser and Schoenjahn, Co-chairs; Mulder and Rielly

House File 754

LOCAL GOVERNMENT: Houser and Stewart, Co-chairs; Kreiman and Mulder

House File 760

HUMAN RESOURCES: Boettger and Quirmbach, Co-chairs; Dotzler and Houser

House File 774

LOCAL GOVERNMENT: Houser and Quirmbach, Co-chairs; Mulder and Stewart

House File 787

HUMAN RESOURCES: Boettger and Dotzler, Co-chairs; Johnson and Kreiman

SSB 1295

GOVERNMENT OVERSIGHT: Courtney and Lundby, Co-chairs

SSB 1296

GOVERNMENT OVERSIGHT: Courtney and Lundby, Co-chairs

FINAL COMMITTEE REPORTS OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 21, a resolution relating to the musical programming on Iowa Public Radio.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Gronstal, Iverson, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, 2: Angelo and Boettger.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: *SENATE FILE 389 (SSB 1177), a bill for an act providing individual and corporate income tax credits for soy-based cutting tool oil and including an applicability date provision.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Bolkcom, Zieman, Connolly, Danielson, Dotzler, Hahn, McCoy, McKibben, McKinley, Miller, Quirmbach, Seng, Stewart, Wieck, and Zaun. Nays, none. Absent, 1: Larson.

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 389, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 390 (formerly SF 371), a bill for an act relating to the generation and purchase of renewable energy including establishing a renewable energy tax credit program administered by the utilities division of the department of commerce and the department of revenue, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Bolkcom, Zieman, Connolly, Danielson, Dotzler, Hahn, McCoy, McKibben, McKinley, Miller, Quirmbach, Seng, Stewart, Wieck, and Zaun. Nays, none. Absent, 1: Larson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

GOVERNOR'S APPOINTEES PLACED ON INDIVIDUAL CONFIRMATION CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the Individual Confirmation Calendar with recommendations for confirmation:

EDUCATION

Anita Walker – Director of the Department of Cultural Affairs

Judy Jeffrey – Director of the Department of Education

Thomas Bedell – State Board of Regents
Michael Gartner – State Board of Regents
Ruth Harkin – State Board of Regents
Teresa Wahlert – State Board of Regents

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

John Aboud – Board of Educational Examiners
Ying Ying Chen – Board of Educational Examiners
Jeffrey Henderson – Board of Educational Examiners
Jean Seeland – Board of Educational Examiners

Robert Fleming – Iowa Higher Education Loan Authority

PROOF

STATE OF IOWA

Senate Journal

MONDAY, MARCH 28, 2005

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

JOURNAL OF THE SENATE

SEVENTY-EIGHTH CALENDAR DAY
FORTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, March 28, 2005

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

Prayer was offered by the Reverend Lyonel Watkins, pastor of the Faith Baptist Church in Oelwein, Iowa. He was the guest of Senator Brunkhorst.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Elise Dirks.

SPECIAL PRESENTATION

Devon Dunsmoor from Russell, Iowa, performed a vocal rendition of "The Star Spangled Banner."

The Journal of Thursday, March 24, 2005, was approved.

RECESS

On motion of Senator Iverson, the Senate recessed at 1:09 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 Kibbie presiding.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 26, a resolution honoring the Ankeny High School Girls' Basketball Team.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Iverson, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. 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 26.

Senate Resolution 26

On motion of President Lamberti, **Senate Resolution 26**, a resolution honoring the Ankeny High School Girls' Basketball Team, with report of committee recommending passage, was taken up for consideration.

President Lamberti moved the adoption of Senate Resolution 26, which motion prevailed by a voice vote.

SPECIAL GUESTS

Senator Lamberti introduced the Ankeny 2004–2005 Girls' Basketball Team and their coaches. Head Coach Scott DeJong addressed the Senate with brief remarks.

The Senate rose and expressed its welcome.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 1:35 p.m. until 8:30 a.m., Tuesday, March 29, 2005.

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:

DEPARTMENT OF REVENUE

Iowa Streamlined Sales Tax Advisory Council 2004 Report, pursuant to 2003 Acts, House File 683. Report received on March 28, 2005.

CERTIFICATES OF RECOGNITION

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

Dona Cleveland, Belmond—For being a recipient of the 100 Great Iowa Nurses for 2005 Award. Senator Iverson (3/28/05).

Coach Dan Correy and the Dyersville Beckman Boys' High School Basketball Team—For competing in the 2005 Boys' State Basketball Tournament. Senator Hancock (3/28/05).

Mr. and Mrs. Wilmer and Gladys Peter, Story City—For celebrating your 50th wedding anniversary. Senator Iverson (3/28/05).

Joseph Louis Vaughn—For achieving the rank of Eagle Scout, Boy Scout Troop 101. Senator Iverson (3/28/05).

REPORTS OF COMMITTEE MEETINGS

EDUCATION

Convened: March 28, 2005, 2:25 p.m.

Members Present: Connolly and McKinley, Co-chairs; Angelo, Beall, Boettger, Brunkhorst, Dvorsky, Kreiman, Mulder, Quirmbach, Schoenjahn, Ward, and Wood.

Members Absent: Larson (excused).

Committee Business: Presentation by Institute of Education Sciences. Approved Governor's appointees.

Adjourned: 3:30 p.m.

RULES AND ADMINISTRATION

Convened: March 28, 2005, 1:10 p.m.

Members Present: Gronstal and Iverson, Co-chairs; Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan.

Members Absent: None.

Committee Business: Passed SRs 25 and 26.

Adjourned: 1:12 p.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 27, by Dvorsky and Bolkcom, a resolution to recognize and honor Professor James Van Allen for his lifetime of service and achievement.

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

STUDY BILL RECEIVED

SSB 1297 Ways and Means

Relating to property taxation by modifying property assessment guidelines and by creating a property assessment appeal board to hear appeals of the actions of local boards of review.

SUBCOMMITTEE ASSIGNMENTS

House File 254

JUDICIARY: Kreiman and McKibben, Co-chairs; Miller and Warnstadt

House File 584

JUDICIARY: Quirmbach and Ward, Co-chairs; Kreiman and Zaun

House File 682

JUDICIARY: Kreiman and Larson, Co-chairs; Brunkhorst and Quirmbach

House File 726

JUDICIARY: Brunkhorst and Kreiman, Co-chairs; Boettger and Fraise

House File 758

AGRICULTURE: Fraise and Johnson, Co-chairs; Courtney and Houser

SSB 1297

WAYS AND MEANS: Connolly and Miller, Co-chairs; McKibben and Quirmbach

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 25, a resolution honoring Iowa athletes Jenna Schrack, Matt LaRue, Michelle Pettitt, and their coach, Rob Wagner, for their participation in the Special Olympics World Winter Games in Nagano, Japan.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Iverson, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. 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:

EDUCATION

Beverly Smith – Board of Educational Examiners

Rose Vasquez – State Board of Regents

Connie Cook – School Budget Review Committee

AMENDMENT FILED

S–3061	S.F.	283	Michael E. Gronstal Robert E. Dvorsky Herman C. Quirmbach Thomas G. Courtney Brian Schoenjahn Frank B. Wood Joe Bolkcom

Gene Fraise
Dick L. Dearden
Tom Rielly
Tom Hancock
Joe M. Seng
Wally E. Horn
Steve Warnstadt
Jeff Danielson
Jack Hatch
Amanda Ragan
Keith A. Kreiman
Daryl Beall
Roger Stewart
Michael Connolly
Matt McCoy
Dennis H. Black
John P. Kibbie
William A. Dotzler, Jr.

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, MARCH 29, 2005

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

JOURNAL OF THE SENATE

SEVENTY-NINTH CALENDAR DAY
FORTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, March 29, 2005

The Senate met in regular session at 8:32 a.m., President Kibbie presiding.

Prayer was offered by the Reverend Jim Klosterboer, pastor of the Bethany Lutheran Church in Elkader, Iowa. He was the guest of Senator Schoenjahn.

The Journal of Monday, March 28, 2005, was approved.

RECESS

On motion of Senator Iverson, the Senate recessed at 8:37 a.m. until 1:00 p.m.

APPENDIX — 1

CERTIFICATES OF RECOGNITION

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

Lucy Baxter, Decatur County Public Health and Home Care—For being a recipient of the 100 Great Iowa Nurses for 2005 Award. Senator Angelo (3/29/05).

Bryan Braack, Eldridge—For receiving the Learning and Leadership Award from the National Education Association. Senator Wood (3/29/05).

Dubuque County Conservation Board—For celebrating its Golden Anniversary. Senator Connolly (3/29/05).

Rebecca Gluesing, Clinton—For being a recipient of the 100 Great Iowa Nurses for 2005 Award. Senator Stewart (3/29/05).

Angela Hofer, De Witt—For receiving the Learning and Leadership Award from the National Education Association. Senator Wood (3/29/05).

Jean King, Iowa Lakes Community College—For being a recipient of the 100 Great Iowa Nurses for 2005 Award. Senator Johnson (3/29/05).

Margaret Kamalini Kumar, Clinton—For being a recipient of the 100 Great Iowa Nurses for 2005 Award. Senator Stewart (3/29/05).

Margaret Lamfers, Country View Manor, Sibley—For being a recipient of the 100 Great Iowa Nurses for 2005 Award. Senator Johnson (3/29/05).

Jean Morgan, Camanche—For being a recipient of the 100 Great Iowa Nurses for 2005 Award. Senator Stewart (3/29/05).

Sheryl Robins, Osceola Nursing and Rehabilitation Center—For being a recipient of the 100 Great Iowa Nurses for 2005 Award. Senator Angelo (3/29/05).

Kathleen Schuster, Ringgold County Hospital—For being a recipient of the 100 Great Iowa Nurses for 2005 Award. Senator Angelo (3/29/05).

Beverly Simpson, East Union Community School—For being a recipient of the 100 Great Iowa Nurses for 2005 Award. Senator Angelo (3/29/05).

Norma Stringham, Ringgold County Hospital—For being a recipient of the 100 Great Iowa Nurses for 2005 Award. Senator Angelo (3/29/05).

Alice Sweeten, Decatur County Public Health and Home Care—For being a recipient of the 100 Great Iowa Nurses for 2005 Award. Senator Angelo (3/29/05).

Teresa Weis, Greater Community Hospital/Southwest Iowa Region—For being a recipient of the 100 Great Iowa Nurses for 2005 Award. Senator Angelo (3/29/05).

LeMetta Wynn, Clinton—For being a recipient of the 100 Great Iowa Nurses for 2005 Award. Senator Stewart (3/29/05).

REPORT OF COMMITTEE MEETING

JUDICIARY

Convened: March 28, 2005, 3:40 p.m.

Members Present: Kreiman and Miller, Co-chairs; Boettger, Dvorsky, Fraise, Hancock, Horn, Larson, McKibben, Quirmbach, Schoenjahn, Tinsman, Warnstadt, and Zaun.

Members Absent: Brunkhorst and Ward (both excused).

Committee Business: Passed HFs 275 (as amended) and 683 (as amended). Approved Governor's appointees.

Adjourned: 4:15 p.m.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 28, by Dvorsky, Black, McCoy, Kibbie, Gronstal, Courtney, Wood, Schoenjahn, Bolkcom, Dearden, Hancock, Seng, Quirmbach, Horn, Warnstadt, Dotzler, Rielly, Fraise, Ragan, Stewart, Connolly, Beall, Danielson, Kreiman, Hatch, Houser, Hahn, Boettger, Johnson, Tinsman, Wieck, Miller, Angelo, Kettering, Behn, Putney, Iverson, McKinley, Seymour, Gaskill, Zieman, and Mulder, a resolution to recognize the 50th anniversary of the creation of county conservation boards.

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

Senate Resolution 29, by Quirmbach, a resolution to recognize Holly Bender, Associate Professor of Veterinary Pathology at Iowa State University, for receiving the Teaching Excellence Award for Basic Sciences from the Student American Veterinary Medicine Association.

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

Senate Resolution 30, by Quirmbach, a resolution of appreciation to the Iowa Chapter of the American Institute of Architects for designating C.Y. Stephens Auditorium as Iowa's Building of the Century.

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

Senate Resolution 31, by Quirmbach, a resolution to recognize Joanne Olson of Iowa State University for being named the Outstanding Science Teacher Educator of the Year by the Association for Science Teacher Education.

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

SUBCOMMITTEE ASSIGNMENTS

Senate Resolution 27

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

House File 420

COMMERCE: Warnstadt and Zieman, Co-chairs; Stewart and Zaun

House File 764

COMMERCE: McCoy and Wieck, Co-chairs; Courtney and Zaun

House File 769

HUMAN RESOURCES: Boettger and Kreiman, Co-chairs; Bolkcom and Seymour

House File 781

HUMAN RESOURCES: Dotzler and Johnson, Co-chairs; Behn and Hatch

House File 784

HUMAN RESOURCES: Ragan and Seymour, Co-chairs; Boettger and Bolkcom

House File 789

HUMAN RESOURCES: Tinsman and Wood, Co-chairs; Houser and Kreiman

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 29th day of March, 2005:

Senate File 71.

MICHAEL E. MARSHALL
Secretary of the Senate

AFTERNOON SESSION

The Senate reconvened at 1:10 p.m., President Kibbie presiding.

CONSIDERATION OF RESOLUTIONS
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House Concurrent Resolutions 4 and 5.

House Concurrent Resolution 4

On motion of Senator Iverson, **House Concurrent Resolution 4**, a concurrent resolution relating to Pioneer Lawmakers, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved the adoption of House Concurrent Resolution 4, which motion prevailed by a voice vote.

House Concurrent Resolution 5

On motion of Senator Iverson, **House Concurrent Resolution 5**, a concurrent resolution relating to a biennial memorial session, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved the adoption of House Concurrent Resolution 5, which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Concurrent Resolutions 4** and **5** 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 25.

Senate Resolution 25

On motion of Senator Lamberti, **Senate Resolution 25**, a resolution honoring Iowa athletes Jenna Schrack, Matt LaRue, Michelle Pettitt, and their coach, Rob Wagner, for their participation in the Special Olympics World Winter Games in Nagano, Japan, with report of committee recommending passage, was taken up for consideration.

Senator Lamberti moved the adoption of Senate Resolution 25, which motion prevailed by a voice vote.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 388.

Senate File 388

On motion of Senator Seng, **Senate File 388**, a bill for an act relating to combining protests of assessment on multiple parcels separately assessed and providing an applicability date, 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?" (S.F. 388), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman

Dotzler	Kibbie	Rielly
Dvorsky	Kreiman	Schoenjahn

Nays, none.

Absent, none.

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

UNFINISHED BUSINESS
(Deferred March 23, 2005)

House File 786

The Senate resumed consideration of **House File 786**, a bill for an act relating to the operating or providing of another business or activity in a health care facility, deferred March 23, 2005.

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. 786), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

WITHDRAWN

Senator Ragan asked and received unanimous consent that **Senate File 303** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 388** and **House File 786** 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 389.

Senate File 389

On motion of Senator Zieman, **Senate File 389**, a bill for an act providing individual and corporate income tax credits for soy-based cutting tool oil and including an applicability date provision, 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?" (S.F. 389), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman

Dotzler	Kibbie	Rielly
Dvorsky	Kreiman	Schoenjahn

Nays, none.

Absent, none.

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

CONSIDERATION OF BILL
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 259.

Senate File 259

On motion of Senator Rielly, **Senate File 259**, a bill for an act relating to the regulation of agricultural seed, by providing for preemption of local legislation, was taken up for consideration.

Senator Rielly offered amendment S–3064, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S–3064 was adopted by a voice vote.

Senator Rielly asked and received unanimous consent that **House File 642** be **substituted** for **Senate File 259**.

House File 642

On motion of Senator Rielly, **House File 642**, a bill for an act relating to the regulation of agricultural seed, by providing for preemption of local legislation, was taken up for consideration.

Senator Bolkcom asked and received unanimous consent that action on **House File 642** be **deferred**.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 389** 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 340 and 356.

Senate File 340

On motion of Senator Dearden, **Senate File 340**, a bill for an act relating to the local regulation of motor vehicles, including the renewal of motor vehicle registrations by county treasurers and the collection of delinquent parking fines owed to a city or county, was taken up for consideration.

Senator Dearden offered amendment S–3070, filed by him from the floor to pages 1–3 of the bill, and moved its adoption.

Amendment S–3070 was adopted by a voice vote.

Senator Zieman offered amendment S–3040, filed by him on March 21, 2005, to pages 1 and 2 and to the title page of the bill, and moved its adoption.

Amendment S–3040 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 340), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman

Dotzler	Kibbie	Rielly
Dvorsky	Kreiman	Schoenjahn

Nays, none.

Absent, none.

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

Senate File 356

On motion of Senator Ragan, **Senate File 356**, a bill for an act providing for the Iowa department of public health to administer the hotel sanitation code, regulation of home food establishments, Iowa food code, regulation of egg handlers, and inspection of cosmetology and barbering licensees in place of the department of inspections and appeals, was taken up for consideration.

Senator Ragan offered amendment S–3068, filed by her from the floor to pages 1–4 and to the title page of the bill, and moved its adoption.

Amendment S–3068 was adopted by a voice vote.

Senator Ragan asked and received unanimous consent that **House File 770** be **substituted** for **Senate File 356**.

House File 770

On motion of Senator Ragan, **House File 770**, a bill for an act providing for the Iowa department of public health to administer the hotel sanitation code, regulation of home food establishments, Iowa food code, regulation of egg handlers, and inspection of cosmetology and barbering licensees in place of the department of inspections and appeals, was taken up for consideration.

Senator Ragan offered amendment S–3069, filed by her from the floor to pages 1–3 and to the title page of the bill, and moved its adoption.

Amendment S–3069 was adopted by a voice vote.

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. 770), the vote was:

Yeas, 49:

Angelo	Fraise	Larson	Seymour
Beall	Gaskill	Lundby	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirmbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Lamberti	Seng	

Nays, 1:

Kreiman

Absent, none.

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

WITHDRAWN

Senator Ragan asked and received unanimous consent that **Senate File 356** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 340** and **House File 770** be **immediately messaged** to the House.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 591 and Senate File 283.

House File 591

On motion of Senator Putney, **House File 591**, a bill for an act relating to state department of transportation duties concerning its budget, distribution of state institutional road funds, vehicle weight and length restrictions, all-terrain vehicle use, evidence of interstate authority and penalties, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator McCoy asked to withdraw amendment S–3063 filed by him from the floor to page 2 and to the title page of the bill.

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. 591), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

Senate File 283

On motion of Senator Hancock, **Senate File 283**, a bill for an act relating to the department of public safety by updating references, changing the names of divisions in the department, and changing practices and procedures, was taken up for consideration.

Senator Gronstal offered amendment S–3061, filed by Senator Gronstal, et al., on March 28, 2005, to page 10 and to the title page of the bill.

Senator Larson raised the point of order that amendment S–3061 was not germane to the bill.

The Chair ruled the point not well-taken and amendment S–3061 in order.

Senator Iverson asked and received unanimous consent that action on amendment S–3061 and **Senate File 283** be **deferred.**

The Senate stood at ease at 2:25 p.m. until the fall of the gavel for the purpose of a Republican caucus.

The Senate resumed session at 3:03 p.m., President Kibbie presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Miller, until he returns, on request of Senator Iverson.

BUSINESS PENDING

Senate File 283

The Senate resumed consideration of **Senate File 283**, a bill for an act relating to the department of public safety by updating references, changing the names of divisions in the department, and changing practices and procedure, and amendment S–3061, previously deferred.

Senator Gronstal asked and received unanimous consent to withdraw amendment S–3061.

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

On the question "Shall the bill pass?" (S.F. 283), the vote was:

Yeas, 49:

Angelo	Fraise	Lamberti	Seymour
Beall	Gaskill	Larson	Shull
Behn	Gronstal	Lundby	Stewart
Black	Hahn	McCoy	Tinsman
Boettger	Hancock	McKibben	Ward
Bolkcom	Hatch	McKinley	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirmbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Kreiman	Seng	

Nays, none.

Absent, 1:

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 283** and **House File 591** be **immediately messaged** to the House.

RECESS

On motion of Senator Iverson, the Senate recessed at 3:30 p.m. until the completion of a meeting of the committee on Ways and Means.

RECONVENED

The Senate reconvened at 4:10 p.m., President Kibbie presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

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

BUSINESS PENDING

House File 642

The Senate resumed consideration of **House File 642**, a bill for an act relating to the regulation of agricultural seed, by providing for preemption of local legislation, previously deferred.

Senator Dotzler offered amendment S–3071, filed by Senators Dotzler, Beall, and Brunkhorst from the floor to pages 1 and 2 and to the title page of the bill.

Senator Dotzler asked and received unanimous consent to withdraw S–3071.

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

On the question "Shall the bill pass?" (H.F. 642), the vote was:

Yeas, 33:

Angelo	Gronstal	McKibben	Tinsman
Beall	Hahn	McKinley	Ward
Behn	Hancock	Mulder	Wieck
Black	Horn	Putney	Wood
Boettger	Houser	Rielly	Zaun
Courtney	Iverson	Schoenjahn	Zieman
Dearden	Johnson	Seng	
Fraise	Kettering	Seymour	
Gaskill	Lamberti	Shull	

Nays, 16:

Bolkcom	Dotzler	Kreiman	Quirmbach
Brunkhorst	Dvorsky	Lundby	Ragan
Connolly	Hatch	McCoy	Stewart
Danielson	Kibbie	Miller	Warnstadt

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 Rielly asked and received unanimous consent that **Senate File 259** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 642** 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, 2005, **concurred** in the Senate amendment **and passed** the following bill in which the concurrence of the House was asked:

House File 227, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and retroactive applicability date provisions.

ALSO: That the House has on March 29, 2005, **passed** the following bill in which the concurrence of the Senate is asked:

House File 802, a bill for an act expanding the child and dependent care credit under the individual income tax and including an applicability date.

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

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 4:35 p.m. until 8:30 a.m., Wednesday, March 30, 2005.

APPENDIX — 2

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:

IOWA WORKFORCE DEVELOPMENT

2004 Status Report on the Unemployment Compensation Trust Fund, pursuant to Iowa Code section 96.35. Report received on March 29, 2005.

CERTIFICATES OF RECOGNITION

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

Reverend Steve Peters, Trinity United Methodist Church, Fort Dodge—For serving as Chaplain of the Day. Senator Beall (3/29/05).

Sergeant Chad Price—To honor your military service in Iraq. Senator Beall (3/29/05).

The Sonshine Singers, Fort Dodge—For providing the Easter musical message to the Iowa Senate. Senator Beall (3/29/05).

REPORTS OF COMMITTEE MEETINGS

WAYS AND MEANS

Convened: March 29, 2005, 11:05 a.m.

Members Present: Bolkcom and Zieman, Co-chairs; Connolly, Danielson, Dotzler, Hahn, Larson, McCoy, McKinley, Miller, Quirmbach, Seng, Stewart, Wieck, and Zaun.

Members Absent: McKibben (excused).

Committee Business: Passed SFs 333 and 368 and HFs 186 and 187. Approved SSBs 1191 and 1294. Approved Governor's appointees.

Adjourned: 12:20 p.m.

ALSO:

Convened: March 29, 2005, 3:35 p.m.

Members Present: Bolkcom and Zieman, Co-chairs; Connolly, Danielson, Dotzler, Hahn, Larson, McKibben, McKinley, Quirmbach, Seng, Stewart, Wieck, and Zaun.

Members Absent: McCoy and Miller (both excused).

Committee Business: Approved Governor's appointees.

Adjourned: 3:40 p.m.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 11, by Tinsman, a concurrent resolution requesting the establishment of a planning group to develop a plan for unifying the state administration of services utilized by older Iowans age 60 or older.

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

INTRODUCTION OF BILLS

Senate File 392, by committee on Ways and Means, a bill for an act relating to entities eligible to claim certain property-related tax credits.

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

Senate File 393, by committee on Ways and Means, a bill for an act authorizing the rebate of state sales tax to the owner or operator of a sanctioned automobile racetrack facility.

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

Senate File 394, by committee on Ways and Means, a bill for an act relating to veterans by providing for the establishment of a department of veterans affairs, and extending veterans' benefits, preferences, eligibility for appointments, and the military service tax credit and exemption to certain members of the reserve forces of the

United States and the Iowa national guard and providing an effective date.

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

SUBCOMMITTEE ASSIGNMENTS

Senate Resolution 28

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

Senate Resolution 29

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

Senate Resolution 30

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

Senate Resolution 31

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

House File 718

TRANSPORTATION: Danielson, Chair; McCoy, Shull, and Ward

House File 768

NATURAL RESOURCES AND ENVIRONMENT: Black and Gaskill, Co-chairs; Johnson and Wood

SSB 1296
(Reassignment)

GOVERNMENT OVERSIGHT: Courtney and Wieck, Co-chairs

FINAL COMMITTEE REPORTS OF BILL ACTION

JUDICIARY

Bill Title: HOUSE FILE 275, a bill for an act relating to the purchase, possession, or consumption of alcohol by a person under legal age, and providing a penalty.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S–3065.

Final Vote: Ayes, 13: Kreiman, Miller, Dvorsky, Fraise, Hancock, Horn, Larson, McKibben, Quirmbach, Schoenjahn, Tinsman, Warnstadt, and Zaun. Nays, 1: Boettger. Absent, 2: Brunkhorst and Ward.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 683, a bill for an act authorizing the appointment of an attorney to represent an indigent parole violator, and providing effective and retroactive applicability date provisions.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S–3066.

Final Vote: Ayes, 14: Kreiman, Miller, Boettger, Dvorsky, Fraise, Hancock, Horn, Larson, McKibben, Quirmbach, Schoenjahn, Tinsman, Warnstadt, and Zaun. Nays, none. Absent, 2: Brunkhorst and Ward.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: SENATE FILE 392 (SSB 1191), a bill for an act relating to entities eligible to claim certain property-related tax credits.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Bolkcom, Zieman, Connolly, Danielson, Dotzler, Hahn, Larson, McCoy, McKinley, Miller, Quirmbach, Seng, Stewart, Wieck, and Zaun. Nays, none. Absent, 1: McKibben.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 393 (SSB 1294), a bill for an act authorizing the rebate of state sales tax to the owner or operator of a sanctioned automobile racetrack facility.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Zieman, Danielson, Dotzler, Hahn, McCoy, Miller, Seng, Stewart, Wieck, and Zaun. Nays, 3: Bolkcom, Connolly, and Quirmbach. Present, 1: McKinley. Absent, 2: Larson and McKibben.

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 393, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 394 (formerly SF 333), a bill for an act relating to veterans by providing for the establishment of a department of veterans affairs, and extending veterans' benefits, preferences, eligibility for appointments, and the military service tax credit and exemption to certain members of the reserve forces of the United States and the Iowa national guard and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Bolkcom, Zieman, Connolly, Danielson, Dotzler, Hahn, Larson, McCoy, McKinley, Miller, Quirmbach, Seng, Stewart, Wieck, and Zaun. Nays, none. Absent, 1: McKibben.

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 394, and they were attached to the committee report.

ALSO:

Bill Title: HOUSE FILE 186, a bill for an act updating the Code references to the Internal Revenue Code and including retroactive applicability and effective date provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Bolkcom, Zieman, Connolly, Danielson, Dotzler, Hahn, Larson, McCoy, McKinley, Miller, Quirmbach, Seng, Stewart, Wieck, and Zaun. Nays, none. Absent, 1: McKibben.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 187, a bill for an act relating to the utility replacement tax task force.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Bolkcom, Zieman, Connolly, Danielson, Dotzler, Hahn, Larson, McCoy, McKinley, Miller, Quirmbach, Seng, Stewart, Wieck, and Zaun. Nays, none. Absent, 1: McKibben.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

GOVERNOR'S APPOINTEE PLACED ON INDIVIDUAL CONFIRMATION CALENDAR

The following appointee, assigned to standing committee for investigation, was placed on the Individual Confirmation Calendar with recommendation for confirmation:

JUDICIARY

Richard G. Moore – Administrator of the Division of Criminal and Juvenile Justice Planning

GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendations for confirmation:

JUDICIARY

Nancy Witt – Iowa State Civil Rights Commission

Johnie Hammond – Board of Corrections

Coleen Denefe – State Judicial Nominating Commission
Timothy Mikkelsen – State Judicial Nominating Commission

Barbara Binnie – Board of Parole
Curtis Jenkins – Board of Parole

WAYS AND MEANS

Bret Mills – Executive Director of the Iowa Finance Authority

Steven Adams – Iowa Finance Authority
Virginia Bordwell – Iowa Finance Authority
Vincent Lintz – Iowa Finance Authority
Douglas Walter – Iowa Finance Authority

Frank Stork – State Board of Tax Review

PRESENTATION OF VISITORS

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

Eighth grade students from Ruthven-Ayrshire Community Schools, Ruthven, Iowa, accompanied by Jon Josephson. Senator Kibbie.

AMENDMENTS FILED

S–3062	S.F.	360	Ron Wieck
S–3063	H.F.	591	Matt McCoy
S–3064	S.F.	259	Tom Rielly
S–3065	H.F.	275	Judiciary
S–3066	H.F.	683	Judiciary
S–3067	S.F.	378	Larry McKibben
S–3068	S.F.	356	Amanda Ragan
S–3069	H.F.	770	Amanda Ragan
S–3070	S.F.	340	Dick L. Dearden
S–3071	H.F.	642	William A. Dotzler, Jr.
			Daryl Beall
			Bob Brunkhorst

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, MARCH 30, 2005

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

JOURNAL OF THE SENATE

EIGHTIETH CALENDAR DAY
FORTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, March 30, 2005

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

Prayer was offered by the Reverend David Ruhe, pastor of Plymouth Congregational United Church of Christ in Des Moines, Iowa. He was the guest of Senator Shull.

The Journal of Tuesday, March 29, 2005, 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 29, 2005, **passed** the following bills in which the concurrence of the House was asked:

Senate File 205, a bill for an act providing for life science enterprises authorized to hold agricultural land, making penalties applicable, and providing an effective date.

Senate File 264, a bill for an act relating to the funding of the dual party relay service through assessments on telecommunications carriers providing telephone service.

ALSO: That the House has on March 29, 2005, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 330, a bill for an act relating to family law provisions including dissolution of marriage and domestic relations and termination of parental rights provisions. (S–3072)

ALSO: That the House has on March 29, 2005, **passed** the following bills in which the concurrence of the Senate is asked:

House File 131, a bill for an act relating to the required education and training for dental assistants.

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

House File 536, a bill for an act relating to dual governmental employment by executive branch officials and state employees.

Read first time and referred to committee on **Government Oversight.**

House File 583, a bill for an act limiting causes of action against veterinary practitioners who provide care to animals suffering distress.

Read first time and **attached to similar Senate File 336.**

House File 616, a bill for an act revising requirements applicable to county and multicounty decategorization of child welfare and juvenile justice funding projects.

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

House File 620, a bill for an act relating to the volunteer health care provider program and providing an effective date.

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

House File 711, a bill for an act relating to judicial branch procedures involving the appointment process of certain officers and judges and applications for further review at the appellate level, and providing for temporary delays in filling judgeships.

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

House File 761, a bill for an act relating to children's programs by colocating early childhood programs available through the community empowerment initiative and requiring the department of human

services to develop and implement a voluntary child care quality rating system.

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

House File 771, a bill for an act relating to the timing of a mental competency hearing for a person accused of a criminal offense.

Read first time and **attached to similar Senate File 366.**

House File 821, a bill for an act relating to the establishment of a prescription drug assistance clearinghouse program by the commissioner of insurance, and providing for a contingent appropriation.

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

RECESS

On motion of Senator Iverson, the Senate recessed at 8:42 a.m. until 1:45 p.m.

APPENDIX — 1

CERTIFICATES OF RECOGNITION

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

Port Beattie, Waterloo—For celebrating your 90th birthday and your wife Ruth Beattie for celebrating her 87th birthday. Senator Dotzler (3/30/05).

Jodi Berns, Friendship Haven—For being a recipient of the 100 Great Iowa Nurses for 2005 Award. Senator Beall (3/30/05).

Mr. and Mrs. James and Emma Jean Burton Cartwright—For celebrating your 60th wedding anniversary. Senator Boettger (3/30/05).

Cynthia Kail, Greene County Medical Center—For being a recipient of the 100 Great Iowa Nurses for 2005 Award. Senator Beall (3/30/05).

Mr. and Mrs. Sterling and Garnet Knutson, Ames—For celebrating your 50th wedding anniversary. Senator Quirmbach (3/30/05).

Val Larsen—For receiving the prestigious Jay Neubauer Award for your work with Ducks Unlimited and for your contribution to conservation efforts over the years. Senator Dearden (3/30/05).

Evelyn Littlejohn, Albia—For celebrating 18 years of nursing services at Oakwood Nursing and Rehab Center in Albia, Iowa. Senator McKinley (3/30/05).

Rachael Olsem, Edgewood—For receiving the highest award in Girl Scouting, the Gold Award, Girl Scout Troop 95. Senator Schoenjahn (3/30/05).

Vicki Roby, Stewart Memorial Community Hospital—For being a recipient of the 100 Great Iowa Nurses for 2005 Award. Senator Beall (3/30/05).

Kenneth Williams, Waterloo—For celebrating your 90th birthday. Senator Dotzler (3/30/05).

PETITION

The following petition was presented and placed on file:

From 11 residents of Clay and Emmet Counties favoring the passing of mental health parity legislation. Senator Kibbie.

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: March 30, 2005, 9:25 a.m.

Members Present: Behn and Warnstadt, Co-chairs; Angelo, Beall, Bolkcom, Courtney, Gronstal, Kettering, McKinley, Rielly, Stewart, Wieck, and Zaun.

Members Absent: Larson, McCoy, and Zieman (all excused).

Committee Business: Passed HFs 332, 370, 375, and 581. Approved Governor's appointees.

Adjourned: 9:50 a.m.

LOCAL GOVERNMENT

Convened: March 30, 2005, 10:05 a.m.

Members Present: Quirmbach and Shull, Co-chairs; Houser, Kreiman, Lundby, Mulder, Putney, Rielly, Schoenjahn, Stewart, and Zaun.

Members Absent: McCoy (excused).

Committee Business: Passed HFs 512 and 746. Approved Governor's appointees.

Adjourned: 10:30 a.m.

STATE GOVERNMENT

Convened: March 30, 2005, 10:00 a.m.

Members Present: Horn and McKibben, Co-chairs; Black, Brunkhorst, Connolly, Danielson, Hancock, Hatch, Kibbie, Miller, Tinsman, Ward, Wieck, and Wood.

Members Absent: Kettering and Zieman (both excused).

Committee Business: Passed HFs 374 and 613. Approved Governor's appointees. Subcommittee assignments.

Adjourned: 10:25 a.m.

INTRODUCTION OF BILL

Senate File 395, by committee on Ways and Means, a bill for an act relating to the activities of the grape and wine development commission, and providing for the transfer of wine gallonage tax revenues to the grape and wine development fund.

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

SUBCOMMITTEE ASSIGNMENTS

Senate Concurrent Resolution 11

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

House File 131

STATE GOVERNMENT: Ward and Wood, Co-chairs; Hancock and McKibben

House File 767

NATURAL RESOURCES AND ENVIRONMENT: Black and Kettering, Co-chairs; Putney and Seng

FINAL COMMITTEE REPORTS OF BILL ACTION

COMMERCE

Bill Title: HOUSE FILE 332, a bill for an act allowing certain abstractors to request a mortgage release.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Behn, Warnstadt, Angelo, Beall, Bolkcom, Courtney, Gronstal, Kettering, McKinley, Rielly, Stewart, Wieck, and Zaun. Nays, none. Absent, 3: Larson, McCoy, and Zieman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 370, a bill for an act allowing the Iowa finance authority to issue qualified residential rental project bonds under the private activity bond allocation Act.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Behn, Warnstadt, Angelo, Beall, Bolkcom, Courtney, Gronstal, Kettering, McKinley, Rielly, Stewart, Wieck, and Zaun. Nays, none. Absent, 3: Larson, McCoy, and Zieman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 375, a bill for an act relating to the duties imposed on a real estate broker by a brokerage agreement.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Behn, Warnstadt, Angelo, Beall, Bolkcom, Courtney, Gronstal, Kettering, McKinley, Rielly, Stewart, Wieck, and Zaun. Nays, none. Absent, 3: Larson, McCoy, and Zieman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 581, a bill for an act relating to interstate natural gas pipelines including requirements regarding construction, operation, and maintenance, applicable penalties and resultant damages, and easements.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Behn, Warnstadt, Angelo, Beall, Bolkcom, Courtney, Gronstal, Kettering, McKinley, Rielly, Stewart, Wieck, and Zaun. Nays, none. Absent, 3: Larson, McCoy, and Zieman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Bill Title: HOUSE FILE 374, a bill for an act relating to veterans by providing for the compensation of members of a county commission of veteran affairs, providing for the issuance of combined hunting and fishing licenses to certain veterans, establishing a hepatitis C awareness program for veterans, concerning funds in an account for a state veterans cemetery, and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Horn, McKibben, Black, Brunkhorst, Connolly, Danielson, Hancock, Hatch, Kibbie, Miller, Tinsman, Ward, Wieck, and Wood. Nays, None. Absent, 2: Kettering and Zieman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 613, a bill for an act relating to the regulation of hot water heating boilers for swimming pools and spas.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Horn, McKibben, Black, Brunkhorst, Connolly, Danielson, Hancock, Hatch, Kibbie, Miller, Tinsman, Ward, Wieck, and Wood. Nays, None. Absent, 2: Kettering and Zieman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: *SENATE FILE 395 (formerly SF 368), a bill for an act relating to the activities of the grape and wine development commission, and providing for the transfer of wine gallonage tax revenues to the grape and wine development fund.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Bolkcom, Zieman, Connolly, Danielson, Dotzler, Hahn, Larson, McCoy, McKinley, Miller, Quirmbach, Seng, Stewart, Wieck, and Zaun. Nays, none. Absent, 1: McKibben.

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 395, and they were attached to the committee report.

AFTERNOON SESSION

The Senate reconvened at 1:50 p.m., President Kibbie 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, 2005 **passed** the following bill in which the concurrence of the House was asked:

Senate File 270, a bill for an act relating to identity theft including criminal violations and damages recoverable in a civil action, providing for forfeiture of property and for certain rights of financial institutions, and providing for civil remedies.

ALSO: That the House has on March 30, 2005, **amended and passed** the following bill in which the concurrence of the House was asked:

Senate File 74, a bill for an act relating to financial institutions, by prohibiting the deceptive use of name, and providing remedies and penalties. (S–3073)

ALSO: That the House has on March 30, 2005, **passed** the following bill in which the concurrence of the Senate is asked:

House File 614, a bill for an act relating to the transmission, installation, and use of computer software through deceptive or unauthorized means and providing for penalties.

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

COMMITTEE FROM THE HOUSE

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

The Senate proceeded to the House chamber, in accordance with House Concurrent Resolution 4, in columns of two led by the Secretary of the Senate and the Sergeant-at-Arms.

JOINT CONVENTION
PIONEER LAWMAKERS

Fifty-Eighth Biennial Session
House Chamber

In accordance with House Concurrent Resolution 4, duly adopted, the joint convention was called to order at 2:15 p.m., President Kibbie presiding.

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

Senator Iverson moved that a committee of eight be appointed to escort the Pioneer Lawmakers into the House chamber.

The motion prevailed by a voice vote, and the President appointed as such committee Senators Connolly, Zieman, Tinsman, and Rielly on the part of the Senate and Representatives Greiner, Alons, Mascher, and Mertz on the part of the House.

The committee escorted the Pioneer Lawmakers to seats in the House chamber.

President Kibbie presented the Honorable Robert Dvorsky, President Pro Tempore of the Senate, who welcomed the Pioneer Lawmakers on behalf of the Senate.

President Kibbie presented the Honorable Christopher Rants, Speaker of the House of Representatives, who welcomed the Pioneer Lawmakers on behalf of the House.

President Kibbie presented the Honorable Don Shoultz, member of the House of Representatives and President of the Pioneer Lawmakers Association, who responded to the welcome.

Shoultz announced the following 1985 class of Pioneer Lawmakers: Linda L. Beatty, Leonard Boswell, Joy Corning, Beverly A. Hannon, Jack Hatch, Joan L. Hester, Paul W. Johnson, Joseph M. Kremer, Janet S. Metcalf, Larry Murphy, Daniel F. Petersen, Michael K. Peterson, James R. Riordon, J. Brent Siegrist, and Jane Teaford.

Honorary members of the 2005 class were the following: Donald G. Hauser, Michael Heller, Kay Henderson, Bernie Koebernick, Todd Schulz, David Smitherman, and Dawn Vance.

Representative Shoultz presented Steven Rapp, Senior Prosecutor for the United Nations at the International Criminal Tribunal for Rwanda, who addressed the joint convention:

Mr. President, Mr. Speaker, colleagues, and friends,

You know that you have truly become an old-timer when you attend one of these biennial meetings and find that there are Pioneer Lawmakers who were first elected after you left office.

I see some of my fellow old-timers from the class of '73, from that year when a majority of legislators were new and many were young.

When we arrived, the handful of veterans in these halls did not know what to expect. Three of us new Democrats, Tom Higgins, Mary O'Halloran, and myself, had originally been assigned to the full appropriations committee. But somebody in the leadership of the Republican majority feared that we would use our positions to push radical ideas, and we were reassigned to the county government committee. This for me turned out to be a blessing in disguise—but at the time, it was very well-disguised.

Being on county government involved early morning meetings with our older rural colleagues, many of whom had already been up for hours. But there was no shortage of bills—stacks of them, most from the associations of counties and county officeholders. Soon I was working on the bills in subcommittee, trying to make constructive changes.

Not that I gave up on radical ideas. I made it my cause to push for the adoption of the three-factor formula for the corporate income tax—a bill that I was to discover had probably less chance of passage than the repeal of the right-to-work law.

But on county government I continued to work, and by March, I had a chance as a minority member to manage a bill on the floor, House File 175, to raise the $ .70 meal allowance paid to sheriffs for the feeding of prisoners in small county jails. But my Republican colleagues knew what they were doing. It was not a "non-con." Indeed, when it reached the floor, we heard that it would enrich sheriff's wives, while starving the prisoners. I discovered that I had been sent into the battle between the rural and the urban, between "mom and pop" and the bureaucrats, and I was not on the expected side. In the end, we worked out a compromise that was signed into law in May. It ended the possibility of profit, kept the sheriffs happy, and assured the prisoners their three squares a day.

Toward the end of that long session, I made the mistake of playing touch football, after doing nothing more strenuous for five months than lifting the Iowa Code. The result was announced in the House chamber by David Stanley as a "three-factor fracture." After the ankle was pinned and I was wheeled out of the recovery room, I was pleased that my first visitors were my colleagues from the other party on the county government committee.

I do not want to give you the impression that I got along with all of my Republican colleagues. That first year, I do not remember ever exchanging a greeting with Grumpy Fisher. However in the second year, we teamed together to support no-fault automobile insurance. I recall the day when we defeated a killer amendment on a cliff-hanging vote that ended with a count of 49 to 48. Grumpy and I literally danced a jig in the back of the chamber. Of course, then as now, it took more than 49 votes to pass a bill, and even together, we could not get there.

I discovered as well, that it was possible to have good relations not just with sometime allies on the other side, but also with dedicated adversaries. In 1974, Chuck Grassley and I ran for the same Congressional seat, both in crowded primary fields. I remember sitting together on that back bench discussing how we could manage to win on shoestring budgets against better-financed opponents. I recall one evening when we decided to save money by riding together to a joint event up by the Minnesota line. In the interests of cost-saving, we even let Jim Flansburg of the Des Moines Register come along on the ride.

As you know, for the last four years I have been working in a very different arena. There I confront persons who were leaders of a state—the Republic of Rwanda. It is a state in which 800,000 men, women, and children were butchered in 14 weeks from April to July of 1994. An average 8000 were killed each day—the equivalent of three World Trade Centers a day in a place one-fifth the size of Iowa. The murders were committed at a rate greater than that of the Nazi death machine at its most efficient.

We have 69 of these former leaders in custody. They were arrested in 26 countries and brought to Arusha, Tanzania, to stand trial, before a court constituted by the United Nations Security Council and financed by 191 nations, on indictments charging genocide and crimes against humanity.

There is a tendency in the West to see the Rwanda genocide as an episode of spontaneous violence in a primitive society. That is not true. Rwanda is certainly poor, but it is one of the most comprehensively administered societies in the world. The leaders who sit in the United Nations Detention Facility in Arusha are persons of education, who studied in Europe or in North America, and who held key positions in government, in politics, in business, in the media, in the academia, in the military, and in the church, both Catholic and Protestant.

There is also a tendency to see the Rwanda genocide as something that could only happen in Africa. That is not true. We have only to remember the contemporaneous mass murders in the former Yugoslavia and the genocide of the Jews and the extermination and enslavement of other national groups—crimes committed in living memory by persons with whom many of us share a common heritage.

In the trial of the media leaders, I looked across each day and eventually cross-examined Professor Ferdinand Nahimana, a man who for a while had pursued an academic career in African history that one of his lawyers had compared to that of my wife Dolly. Now I often spend weeks dealing one-on-one with individuals who have confessed to their part in the genocide, and who we hope, after submitting to the justice system themselves, will be witnesses against their former colleagues. Some were successful businessmen, persons devoted to their families, but who took the leadership in creating and financing the national youth group that became the killing corps of the genocide.

What motivated such individuals to become the organizers of mass murder?

There was first the sense that they were the victims. For decades, some say centuries, the minority Tutsis had dominated, and the majority Hutus had been oppressed. When the Hutus gained dominance at the time of independence in the early 1960s, forcing hundreds of thousands of Tutsis to flee, there was a fear that if the Tutsis were allowed even a share of power they would soon dominate again and reduce the Hutus to slavery. This fear was greatest among those who had the most to lose. But they used it with great effect to rekindle the enmity between ordinary Hutus and Tutsis, who in many cases had intermarried and built business and personal relations across the ethnic divide.

There was no hope that disputes would be decided fairly, only power mattered. A small group of Hutus from the north held the political power, and their associates had been allowed to gain economic advantages and amass great wealth. When that was criticized, they sent their supporters to violently attack their opponents, with no expectation that they would be punished for their conduct.

Those whose positions were threatened built support by demonizing the Tutsi minority group. In this, they were aided by the fact that the country was at war with a rebel force that was dominated by the children of the Tutsis refugees that had fled in the 1960s. They diverted attention from the fact that one small group of Hutus had all the power and wealth, by calling on all Hutus to unite against the eternal enemy, the Tutsis. Those Hutus who would ally themselves with the Tutsis were the worst, and were in the genocide the first victims because they were traitors to their own kind.

There was a willingness to use any means. The unemployed youth were recruited, armed, trained, and eventually unleashed. They were the most avid killers, but they were only part of the killing force. There was the military, the national police, the local administration, and also hundreds of thousands of ordinary civilians who took their place on barriers that each few yards crossed every street and highway, and enlisted in night patrols, identifying and flushing out their Tutsis neighbors and sometimes joining in their slaughter. As they did, they listened to the propaganda. It praised them for working, as killing was known during the genocide. It told them that the work was necessary because the Tutsis had dug a grave for the Hutus; they must fill it with the Tutsis or the Hutus themselves would be the victims. It mocked and dehumanized the Tutsis, as cockroaches and snakes, and in an overwhelming Christian country it was even said that the Virgin Mary had appeared to say that the Tutsis deserved their fate. It put people in fear that if they opposed the killing, even if they did not at least appear to participate, they themselves would be targeted and the names of themselves and their families would be read out on the radio to the hearing of thousands of machete-wielding killers who would be awaiting their arrival at the roadblocks.

It is a long way from Iowa to Rwanda. But both the killers and the victims were humans like we are. Close up, one can see that even the killers were motivated by similar desires for security for themselves and their families and were intensely fearful of anything that could take it away. They made choices. As humans we all make choices—whether to seek common ground or sow division, whether to build or to tear down, whether to settle disputes by peaceful means or by violence, whether to do good or to do evil.

Thinking of these choices, I am reminded of the lessons taught and the lessons learned here in the halls of this Iowa Legislature. One learned that the winner who takes all will likely lose all on another day, that the best solutions often involve compromise, that an adversary today can be an ally tomorrow. One learned, as well, that differences are often superficial, that persons of widely different backgrounds can find common elements in their experiences, and that even adversaries can be just as well-motivated as oneself and can sometimes even have it right. Of course, one also came to know that even as one writes the law, there are rules that cannot be changed, and lines that cannot be crossed, the violation of which will earn the disapproval of friend and foe alike.

Of course we were not in civil war in 1973, or in 2005. But in our history we have had groups victimized, we have had regional conflict that took generations to heal, we have had social tensions that erupted into violence. We have learned that the best answer lies in institutions like this one, where conflicts are fought with words, where interests are balanced, where resolutions are reached that we may not like but that we can accept.

Seeing what can happen in the world, underlines not just the necessity of this process, but also its fragility. Preserving it requires us to each day make the choice not to cross the line, not to make adversaries into enemies, not to demonize the opposition, and while pushing hard for what one knows is right, to remember that each has his or her own view of what is right that is entitled to our understanding and respect.

Thank you very much.

Representative Gipp moved that the joint convention be dissolved.

The motion prevailed by a voice vote.

The Senate returned to the Senate chamber.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 2:48 p.m. until 8:30 a.m., Thursday, March 31, 2005.

APPENDIX — 2

CERTIFICATES OF RECOGNITION

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

Kaitlin Japuntich, Webster City—For receiving the University of Iowa Dean's Scholarship for the 2005–2006 academic year. Senator Iverson (3/30/05).

Jeritt Tucker, Nevada—For receiving the University of Iowa Dean's Scholarship for the 2005–2006 academic year. Senator Iverson (3/30/05).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: March 30, 2005, 1:05 p.m.

Members Present: Angelo and Dvorsky, Co-chairs; Black, Boettger, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Johnson, Kettering, Lamberti, Miller, Putney, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, and Warnstadt.

Members Absent: Ward (excused).

Committee Business: Passed SF 325 (as amended) and HF 466.

Adjourned: 1:30 p.m.

BUSINESS AND LABOR RELATIONS

Convened: March 30, 2005, 12:00 p.m.

Members Present: Dearden and Wieck, Co-chairs; Behn, Courtney, Dotzler, Horn, McKibben, Seng, Seymour, and Shull.

Members Absent: None.

Committee Business: Approved Governor's appointee.

Adjourned: 12:35 p.m.

ECONOMIC GROWTH

Convened: March 30, 2005, 11:00 a.m.

Members Present: Brunkhorst and Hatch, Co-chairs; Beall, Behn, Danielson, Dotzler, Hahn, McKinley, Ragan, Rielly, Seymour, Shull, Stewart, and Zaun.

Members Absent: None.

Committee Business: Approved Governor's appointees.

Recessed: 11:10 a.m.

Reconvened: 11:15 a.m.

Adjourned: 11:20 a.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: March 30, 2005, 11:05 a.m.

Members Present: Black and Houser, Co-chairs; Bolkcom, Dearden, Gaskill, Hancock, Johnson, Kettering, Miller, Putney, Schoenjahn, Seng, and Wood.

Members Absent: Lundby (excused).

Committee Business: Discussion on Governor's appointees.

Adjourned: 11:45 a.m.

STUDY BILLS RECEIVED

SSB 1298 Government Oversight

Encouraging community investment in before and after school programs by allowing school districts to request additional allowable growth and providing for related matters.

SSB 1299 Ways and Means

Relating to the maximum finance charge allowed for consumer loans secured by a certificate of title to a motor vehicle and making penalties applicable.

SUBCOMMITTEE ASSIGNMENTS

House File 276

EDUCATION: Mulder and Quirmbach, Co-chairs; Connolly and Ward

House File 398

EDUCATION: Larson and Quirmbach, Co-chairs; Dvorsky and Mulder

House File 423

EDUCATION: Connolly and McKinley, Co-chairs; Angelo and Wood

House File 529

EDUCATION: Boettger and Wood, Co-chairs; McKinley and Schoenjahn

House File 739

EDUCATION: Beall and Brunkhorst, Co-chairs; Boettger and Dvorsky

House File 740

EDUCATION: Boettger and Wood, Co-chairs; McKinley and Schoenjahn

House File 742

EDUCATION: Angelo and Schoenjahn, Co-chairs; McKinley and Wood

House File 808

APPROPRIATIONS: Gaskill and Seng, Co-chairs; Angelo and Dvorsky

House File 809

APPROPRIATIONS: Dotzler and Ward, Co-chairs; Angelo and Dvorsky

House File 810

APPROPRIATIONS: Putney and Stewart, Co-chairs; Angelo and Dvorsky

SSB 1298

GOVERNMENT OVERSIGHT: Connolly and Lundby, Co-chairs

SSB 1299

WAYS AND MEANS: Stewart and Zaun, Co-chairs; Bolkcom and McKibben

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: SENATE FILE 325 (SSB 1128), a bill for an act relating to the procedures and duties of the judicial branch, and making an appropriation to the enhanced court collections fund.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S–3074.

Final Vote: Ayes, 23: Angelo, Dvorsky, Black, Boettger, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Johnson, Kettering, Lamberti, Miller, Putney, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, and Warnstadt. Nays, none. Absent, 1: Ward.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 466, 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 general fund.

Recommendation: DO PASS.

Final Vote: Ayes, 23: Angelo, Dvorsky, Black, Boettger, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Johnson, Kettering, Lamberti, Miller, Putney, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, and Warnstadt. Nays, none. Absent, 1: Ward.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

LOCAL GOVERNMENT

Bill Title: HOUSE FILE 746, a bill for an act providing procedures for a rural water district to transfer its right to provide water or wastewater service and for dissolution of the district.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Quirmbach, Shull, Houser, Mulder, Putney, Rielly, Schoenjahn, Stewart, and Zaun. Nays, 2: Kreiman and Lundby. Absent, 1: McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

GOVERNOR'S APPOINTEES PLACED ON INDIVIDUAL CONFIRMATION CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the Individual Confirmation Calendar with recommendations for confirmation:

BUSINESS AND LABOR RELATIONS

David Neil – Labor Commissioner

COMMERCE

James E. Forney – Superintendent of Credit Unions

John Norris – Chair of Utilities Board (appointment)
John Norris – Chair of Utilities Board (reappointment)

John Norris – Utilities Board (appointment)
John Norris – Utilities Board (reappointment)

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

Thomas B. Gronstal – Superintendent of Banking

Don Gettings – Credit Union Review Board

Susan E. Voss – Commissioner of Insurance

ECONOMIC GROWTH

Eugene Blanshan – Iowa Capital Investment Board

Peggy Armstrong-Gustafson – Iowa Economic Development Board
Jerry Courtney – Iowa Economic Development Board
Arvind Dandekar – Iowa Economic Development Board
Jack (Doug) Sickler – Iowa Economic Development Board

John Cullen – Small Business Advisory Council
Dana Ingerslev – Small Business Advisory Council
Paul Tabor – Small Business Advisory Council
Stanley Thompson – Small Business Advisory Council

LOCAL GOVERNMENT

Jill Marlow – County Finance Committee
Kay Swanson – County Finance Committee

Rebecca Eskildsen – Mental Health Risk Pool Board
Lynn Ferrell – Mental Health Risk Pool Board
William Gorman – Mental Health Risk Pool Board
Karen Strawn – Mental Health Risk Pool Board

AMENDMENTS FILED

S–3072	S.F.	330	House
S–3073	S.F.	74	House
S–3074	S.F.	325	Appropriations

MEMORIAL SERVICE
EIGHTY-FIRST GENERAL ASSEMBLY
HOUSE CHAMBER
WEDNESDAY, MARCH 30, 2005

PROGRAM

Representative Sandra H. Greiner, Presiding

Prelude.....A Capella Ensemble
"The Star-Spangled Banner"..... Francis Scott Key
"My Country, 'Tis of Thee".....Samuel F. Smith
Memorial Choir

Invocation..... Representative Sandra H. Greiner

MEMORIALS

Readers: Senator Angelo, Senator Putney

Hon. Ashcraft (S)	Hon. Reno (S)
Hon. Davis (S)	Hon. Rhodes (S)
Hon. Hill (S)	Hon. Shaff (S)
Hon. Peterson (S)	Hon. Shirley (S)

"In This Very Room" .....Ron and Carol Harris
Memorial Choir

MEMORIALS

Readers: Senator Johnson, Senator Connolly,
Representative Maddox, Senator Fraise

Hon. Bergman (H&S)	Hon. Beck (H)
Hon. Lura (H&S)	Hon. Brinck (H)
Hon. Nystrom (H&S)	Hon. Davis (H)
Hon. Reichardt (H&S)	Hon. Fisher (H)

"Be Thou My Vision"..... Alice Parker
Joni Carroll and Curtis Carroll

MEMORIALS

Readers: Representative Dolecheck, Representative Wendt,
Representative Upmeyer, Representative Greiner,
Representative Jenkins

Hon. Gross (H)	Hon. Owen (H)	Hon. Stromer (H)
Hon. Johnson (H)	Hon. Robinson (H)	Hon. Swearingen (H)
Hon. Moffitt (H)	Hon. Scheelhaase (H)	Hon. Uban (H)
Hon. Monroe (H)	Hon. Scherle (H)	Hon. Wyckoff (H)

"The God of Hope Be With You" .....Ken Bible and Tom Fettke
A Capella Ensemble

Senate — (S) and House — (H)

IN MEMORIAM

SERVED IN THE SENATE

Honorable Forrest F. Ashcraft (Scott County): 67th, 67th X (1977-1978)

Honorable Wilson L. Davis (Lee County): 2nd half of 63rd, 64th (1970-1972)

Honorable Eugene M. Hill (Jasper County): 58th, 59th, 60th, 60th X, 61st, 62nd, 63rd, 64th, 65th, 66th, 67th, 67th X (1959-1978)

Honorable John A. Peterson (Monroe County): 2nd half of 71st, 72nd, 72nd X, 72nd XX, 73rd, 74th, 74th X, 74th XX (1986-1992)

Honorable Max E. Reno (Van Buren County): 61st, 62nd (1965-1968)

Honorable John C. Rhodes (Lucas County): 64th (1971-1972)

Honorable Roger J. Shaff (Clinton County): 62nd, 63rd, 64th, 65th, 66th, 67th, 67th X (1967-1978)

Honorable Edwin Alan Shirley (Dallas County): 61st, 62nd, 63rd (1965-1970)

SERVED IN THE HOUSE OF REPRESENTATIVES AND THE SENATE

Honorable Irvin L. Bergman (Osceola County): House – 62nd, 63rd, 64th (1967-1972); Senate – 65th, 66th, 67th, 67th X, 68th (1973-1980)

Honorable Michael R. "Mick" Lura (Marshall County): House – 68th (1979-1980) Senate – 69th, 69th X, 69th XX, 70th (1981-1984)

Honorable John N. "Jack" Nystrom (Boone County): House – 64th (1971-1972); Senate – 65th, 66th, 67th, 67th X, 68th, 69th, 69th X, 69th XX, 70th, 71st, 72nd, 72nd X, 72nd XX, 73rd, first half of 74th (1973-1991)

Honorable William J. "Bill" Reichardt (Polk County): House – 61st (1965-1966); Senate – 62nd, 63rd (1967-1970)

SERVED IN THE HOUSE OF REPRESENTATIVES

Honorable Robert K. Beck (Appanoose County): 55th (1953-1954)

Honorable Adrian B. Brinck (Lee County): 58th, 61st, 63rd, 65th (1959-1960, 1965-1966, 1969-1970, and 1973-1974)

Honorable Galen M. Davis (Wapello County): 78th (1999-2000)

Honorable C. Raymond Fisher (Greene County): 58th, 59th, 60th, 60th X, 61st, 62nd, 63rd, 64th, 65th (1959-1974)

Honorable L.W. Joe Gross (Ringgold County): 69th, 69thX, 69th XX (1981-1982)

Honorable Carroll Johnson (Marion County): 48th, 49th, 50th, 50th X (1939-1944)

Honorable Delmont T. Moffitt (Appanoose County): 59th, 60th, 60th X, 62nd, 64th (1961-1964, 1967-1968, and 1971-1972)

Honorable William R. "Bill" Monroe, Jr. (Des Moines County): 64th, 65th, 66th, 67th, 67th X (1971-1978)

Honorable Kenneth E. Owen (Appanoose County): 56th, 57th, 58th (1955-1960)

Honorable Kenneth A. Robinson (Guthrie County): 61st (1965-1966)

Honorable H. Lyle Scheelhaase (Woodbury County): 66th, 67th, 67th X (1975-1978)

Honorable William J. Scherle (Mills County): 59th, 60th, 60th X, 61st (1961-1966)

Honorable Delwyn D. Stromer (Hancock County): 62nd, 63rd, 64th, 65th, 66th, 67th, 67th X, 68th, 69th, 69th X, 69th XX, 70th, 71st, 72nd, 72nd X, 72nd XX, 1st half of 73rd (1967-1989)

Honorable George R. Swearingen (Keokuk County): 68th, 69th, 69th X, 69th XX, 70th, 71st, 72nd, 72nd X, 72nd XX (1979–1988)

Honorable Charles J. Uban II (Black Hawk County): 61st, 64th (1965-1966 and 1971-1972)

Honorable Russell L. "Dutch" Wyckoff (Benton County): 64th, 65th, 66th, 67th, 67th X (1971-1978)

Candle Lighters
Senator John P. Kibbie
Senator Frank Wood
Representative Swati Dandekar
Representative Jodi S. Tymeson

Hosts
Senator Daryl Beall
Senator Amanda Ragan
Senator Tom Hancock
Representative Robert M. Hogg
Representative Vicki S. Lensing
Representative Helen Miller

Senate Memorial Committee
Senator Bob Brunkhorst
Senator Michael Connolly
Senator Thomas Rielly
Senator Maggie Tinsman

House Memorial Committee
Representative Sandra H. Greiner
Representative Dwayne A. Alons
Representative Mary Mascher
Representative Dolores M. Mertz

Choir Director: Jill Beni
Accompanists: Erin Hopp and Debrah Lalk
Piano furnished by St. Augustin's School, Des Moines
Flowers arranged by The Bloomin' Greenery, Indianola

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, MARCH 31, 2005

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

JOURNAL OF THE SENATE

EIGHTY-FIRST CALENDAR DAY
FORTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, March 31, 2005

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

Prayer was offered by the Reverend Rob Noah, pastor of the Jubilee Family Church in Oskaloosa, Iowa. He was the guest of Senator Rielly.

The Journal of Wednesday, March 30, 2005, 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 30, 2005, **passed** the following bills in which the concurrence of the Senate is asked:

House File 610, a bill for an act relating to the transmission of electronic mail including the transmission of unsolicited bulk electronic mail, and the sale or offer for direct sale of prescription drugs and the sale of adulterated or misbranded drugs through the use of electronic mail or the internet, and providing for penalties.

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

House File 619, a bill for an act relating to persons convicted of criminal offenses requiring registration on the sex offender registry or requiring an additional indeterminate sentence, establishing a sex offender registry database task force, and providing penalties.

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

House File 748, a bill for an act providing for state employee payroll deductions for qualified tuition program contributions.

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

House File 797, a bill for an act relating to the establishment of a promotional program for national historic landmarks and certified cultural and entertainment districts.

Read first time and referred to committee on **Economic Growth.**

House File 816, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of cultural affairs, the department of education, and the state board of regents and providing an effective date.

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

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 9:55 a.m. until 1:00 p.m., Monday, April 4, 2005.

APPENDIX

CERTIFICATE OF RECOGNITION

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

Shelley Hoffman, Washington—For being a recipient of the 100 Great Iowa Nurses for 2005 Award. Senator Miller (3/31/05).

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: March 31, 2005, 1:50 p.m.

Members Present: Fraise and Johnson, Co-chairs; Black, Brunkhorst, Courtney, Gaskill, Hahn, Hancock, Houser, Kibbie, Mulder, Putney, Ragan, and Rielly.

Members Absent: None.

Committee Business: Passed HFs 252, 476, 580, and 700. Approved Governor's appointees.

Adjourned: 2:05 p.m.

EDUCATION

Convened: March 31, 2005, 8:00 a.m.

Members Present: Connolly and McKinley, Co-chairs; Angelo, Beall, Brunkhorst, Kreiman, Mulder, Quirmbach, Schoenjahn, and Wood.

Members Absent: Boettger, Dvorsky, Larson, and Ward (all excused).

Committee Business: Approved Governor's appointee. Subcommittee assignments.

Adjourned: 8:10 a.m.

GOVERNMENT OVERSIGHT

Convened: March 31, 2005, 11:05 a.m.

Members Present: Courtney and Lundby, Co-chairs; Connolly and Wieck.

Members Absent: None.

Committee Business: Passed SF 133. Approved SSBs 1296 and 1298.

Adjourned: 11:35 a.m.

HUMAN RESOURCES

Convened: March 31, 2005, 11:05 a.m.

Members Present: Ragan and Seymour, Co-chairs; Behn, Boettger, Dotzler, Gaskill, Hatch, Johnson, Kreiman, Quirmbach, and Wood.

Members Absent: Bolkcom, Houser, and Tinsman (all excused).

Committee Business: Approved Governor's appointees.

Adjourned: 11:15 a.m.

JUDICIARY

Convened: March 31, 2005, 10:00 a.m.

Members Present: Kreiman and Miller, Co-chairs; Boettger, Dvorsky, Fraise, Hancock, Horn, Larson, McKibben, Quirmbach, Schoenjahn, Ward, Warnstadt, and Zaun.

Members Absent: Brunkhorst and Tinsman (both excused).

Committee Business: Presentations by Department of Public Safety, Attorney General's Office, and DCI laboratory.

Adjourned: 11:00 a.m.

TRANSPORTATION

Convened: March 31, 2005, 1:05 p.m.

Members Present: Putney, Co-chair; Beall, Dearden, Fraise, Hahn, Kettering, Shull, Ward, and Warnstadt.

Members Absent: McCoy, Co-chair; Danielson and Zieman (all excused).

Committee Business: Passed HFs 717 and 757. Approved Governor's appointees.

Adjourned: 1:15 p.m.

INTRODUCTION OF BILLS

Senate File 396, by committee on Government Oversight, a bill for an act authorizing the sale of Iowa communications network capacity under specified circumstances, affecting the operation of the network, and making appropriations.

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

Senate File 397, 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 398, by committee on Government Oversight, a bill for an act encouraging community investment in before and after school programs by allowing school districts to request additional allowable growth and providing for related matters.

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

STUDY BILL RECEIVED

SSB 1300 Ways and Means

Creating a military family relief fund and providing an income tax checkoff for deposit in the fund, making an appropriation, and providing a retroactive applicability date.

SUBCOMMITTEE ASSIGNMENTS

House File 536

GOVERNMENT OVERSIGHT: Connolly and Lundby, Co-chairs

House File 614

COMMERCE: Behn and Rielly, Co-chairs; Bolkcom and McKinley

House File 616

HUMAN RESOURCES: Kreiman and Tinsman, Co-chairs; Seymour and Wood

House File 761

HUMAN RESOURCES: Boettger and Wood, Co-chairs; Johnson and Quirmbach

SSB 1296
(Reassignment)

GOVERNMENT OVERSIGHT: Courtney and Lundby, Co-chairs; Connolly and Wieck

SSB 1300

WAYS AND MEANS: Larson and Stewart, Co-chairs; Dotzler and McKibben

FINAL COMMITTEE REPORTS OF BILL ACTION

AGRICULTURE

Bill Title: HOUSE FILE 252, a bill for an act relating to the control of noxious weeds on land by providing alternative notice procedures to landowners and other responsible persons.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Fraise, Johnson, Black, Brunkhorst, Courtney, Gaskill, Hahn, Hancock, Houser, Kibbie, Mulder, Putney, and Ragan. Nays, none. Absent, 1: Rielly.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 476, a bill for an act regulating the sale of ammonium nitrate by fertilizer dealers, and providing penalties.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Fraise, Johnson, Black, Brunkhorst, Courtney, Gaskill, Hahn, Hancock, Houser, Kibbie, Mulder, Putney, and Ragan. Nays, none. Absent, 1: Rielly.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 580, a bill for an act relating to the administration of the Iowa egg council, including by providing for the use, promotion, and research of eggs and egg products, and providing for an assessment.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Fraise, Johnson, Black, Brunkhorst, Courtney, Gaskill, Hahn, Hancock, Houser, Kibbie, Mulder, and Ragan. Nays, none. Absent, 2: Putney and Rielly.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 700, a bill for an act relating to the Iowa soybean association, by providing for its board of directors, market development, and providing for an assessment.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Fraise, Johnson, Black, Brunkhorst, Courtney, Gaskill, Hahn, Hancock, Houser, Kibbie, Mulder, and Ragan. Nays, none. Absent, 2: Putney and Rielly.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

GOVERNMENT OVERSIGHT

Bill Title: SENATE FILE 396 (formerly SF 133), a bill for an act authorizing the sale of Iowa communications network capacity under specified circumstances, affecting the operation of the network, and making appropriations.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 4: Courtney, Lundby, Connolly, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 397 (SSB 1296), 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, 3: Courtney, Lundby, and Connolly. Nays, 1: Wieck. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 398 (SSB 1298), a bill for an act encouraging community investment in before and after school programs by allowing school districts to request additional allowable growth and providing for related matters.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 4: Courtney, Lundby, Connolly, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

TRANSPORTATION

Bill Title: HOUSE FILE 717, a bill for an act prohibiting the unauthorized sale, ownership, possession, or use of traffic signal preemption devices and providing a penalty.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Putney, Beall, Dearden, Fraise, Hahn, Kettering, Shull, Ward, and Warnstadt. Nays, none. Absent, 3: McCoy, Danielson, and Zieman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 757, a bill for an act relating to the disposition of abandoned vehicles.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Putney, Beall, Dearden, Fraise, Hahn, Kettering, Shull, Ward, and Warnstadt. Nays, none. Absent, 3: McCoy, Danielson, and Zieman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on March 31, 2005, the Governor approved and transmitted to the Secretary of State the following bill:

S.F. 71 – Relating to an appropriation from the environment first fund for the establishment of permanent soil and water conservation practices, by allocating moneys to support the administration of local governmental units, and providing an effective date.

PETITION

The following petition was presented and placed on file:

From 662 residents of Polk County opposing legislation to increase funding for community colleges in the State of Iowa. Senator Horn.

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:

HUMAN RESOURCES

Walter Reed, Jr. – Director of the Department of Human Rights

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
Donna Winburn – Iowa Grain Indemnity Fund Board

Karen Foster – Grape and Wine Development Commission
Linda Larson-Melin – Grape and Wine Development Commission

Keith Lau – State Soil Conservation Committee
Duane Sand – State Soil Conservation Committee
John Sellers, Jr. – State Soil Conservation Committee

EDUCATION

Thomas Paulsen – Board of Educational Examiners

HUMAN RESOURCES

Mark Coberley – Board of Athletic Training Examiners
Holly Healey – Board of Athletic Training Examiners
Lynn Lindaman – Board of Athletic Training Examiners

Marcia Michaels – Board of Behavioral Science Examiners
Elizabeth Shannahan – Board of Behavioral Science Examiners
Vilia Tarvydas – Board of Behavioral Science Examiners

Julia Scurr – Commission for the Blind

Anna Bratney – Child Advocacy Board
Joseph DeHart – Child Advocacy Board
Michael Isaacson – Child Advocacy Board
Katherine Kaminsky – Child Advocacy Board

Amy Peiffer – Commission on Community Action Agencies

James Grover – Commission on the Deaf
David Jones – Commission on the Deaf

Lisa Carlson – Commission of Elder Affairs
Yvonne Minton – Commission of Elder Affairs
Robert Neumann – Commission of Elder Affairs

Susan Salter – Healthy and Well Kids in Iowa (HAWK-I) Board

Charles Follett – Health Facilities Council
Karen Hope – Health Facilities Council (appointment)
Karen Hope – Health Facilities Council (reappointment)

Mark Peltan – Council on Human Services
Sylvia Schoer – Council on Human Services

Carissa Huffman – Board of Interpreters for the Hearing Impaired Examiners
Stuart Thiessen – Board of Interpreters for the Hearing Impaired Examiners

Shelly Chandler – Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission
Linda Kellen – Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission
Patricia Penning – Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission
John Willey – Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission

Noreen Humphrey – Commission on Tobacco Use Prevention and Control

STATE GOVERNMENT

Thomas Engelmann – Accountancy Examining Board
Marianne Mickelson – Accountancy Examining Board

Charlotte Westerhaus – Commission on the Status of African-Americans

James Clayton – Alcoholic Beverages Commission
Gayle Collins – Alcoholic Beverages Commission

Terry Allers – Architectural Examining Board
Annabelle Diehl – Architectural Examining Board
Teresa Petrzalek – Architectural Examining Board

Clark (Sam) Kauffman – Board of Barber Examiners

Robert Brecke – Boiler and Pressure Vessel Board
Timothy Fehr – Boiler and Pressure Vessel Board
Amy Iles – Boiler and Pressure Vessel Board

Kathleen Doohen – Board of Chiropractic Examiners
Steven Kraus – Board of Chiropractic Examiners
Karen Whalen – Board of Chiropractic Examiners

Becky Brockmann – Board of Cosmetology Arts and Sciences Examiners
Lois Leytem – Board of Cosmetology Arts and Sciences Examiners
Mary Beth Myers – Board of Cosmetology Arts and Sciences Examiners
Janet Olsen – Board of Cosmetology Arts and Sciences Examiners

Mary Kelly – Board of Trustees of the Iowa Cultural Trust
Henry Neuman – Board of Trustees of the Iowa Cultural Trust

Alan Hathaway – Board of Dental Examiners
Suzan Stewart – Board of Dental Examiners
Debra Yossi – Board of Dental Examiners

Christine O'Brien – Board of Dietetic Examiners
Robert Schweers – Board of Dietetic Examiners

Kristine Kesterson – Elevator Safety Board
Wayne Sims – Elevator Safety Board
Siobhan Workman – Elevator Safety Board

Susan Albright – Engineering and Land Surveying Examining Board
Gary Benjamin – Engineering and Land Surveying Examining Board
Lyle TeKippe – Engineering and Land Surveying Examining Board

Patricia Harper – Iowa Ethics and Campaign Disclosure Board
Gerald Sullivan – Iowa Ethics and Campaign Disclosure Board

Mary Jane McWilliams – Board for the Licensing and Regulation of Hearing Aid Dispensers

Lana Dettbarn – Investment Board of the IPERS
Joanne Stockdale – Investment Board of the IPERS

Carolyn Magnani – Landscape Architectural Examining Board
Ann Reinhart – Landscape Architectural Examining Board

Michael Tramontina – Director of the Department of Management

Judith Heath – Board of Massage Therapy Examiners
Kenneth Lang – Board of Massage Therapy Examiners
Kathy Spencer-Jensen – Board of Massage Therapy Examiners

Susan Johnson – Board of Medical Examiners
Sally Schroeder – Board of Medical Examiners
Dana Shaffer – Board of Medical Examiners

Karen Thomsen – Board of Mortuary Science Examiners
Marcus Vigen – Board of Mortuary Science Examiners

John Connors – Board of Nursing Examiners
Mary Jacobus – Board of Nursing Examiners
Pauline Taylor – Board of Nursing Examiners

Larry Hertel – State Board of Examiners for Nursing Home Administrators
Michael Van Sickle – State Board of Examiners for Nursing Home Administrators

Terry Brown – Board of Optometry Examiners
Edwina O'Farrell – Board of Optometry Examiners
Michael Ohlson – Board of Optometry Examiners

Paul Abramowitz – Board of Pharmacy Examiners
Vernon Benjamin – Board of Pharmacy Examiners
Barbara O'Roake – Board of Pharmacy Examiners

Lisabeth Kestel – Board of Physical and Occupational Therapy Examiners
Theodore Peterson – Board of Physical and Occupational Therapy Examiners
Armando Rosales – Board of Physical and Occupational Therapy Examiners

Patsy Hastings – Board of Podiatry Examiners
Robert Yoho – Board of Podiatry Examiners

Susan Enzle – Board of Psychology Examiners
Jennifer Lock Oman – Board of Psychology Examiners

Gerald Bair – State Racing and Gaming Commission
Kathryne Cutler – State Racing and Gaming Commission

Michael Lara – Real Estate Appraiser Examining Board
Amy Thorne – Real Estate Appraiser Examining Board

Patricia Daniels – Real Estate Commission
James O'Neill – Real Estate Commission

Craig Bainbridge – State Board for Respiratory Care
Kathelene Semke – State Board for Respiratory Care

W. Robert Schmidt – Board of Social Work Examiners
Joyce Westphal – Board of Social Work Examiners

Jeannette Adamski – Board of Speech Pathology and Audiology Examiners
Christine Donner-Tiernan – Board of Speech Pathology and Audiology Examiners

Daniel Steen – Commandant of the Iowa Veterans Home

Sarah Garst – Iowa Board of Veterinary Medicine
Michael Stein – Iowa Board of Veterinary Medicine

Andrew Anderson – Chair of the Vision Iowa Board

Mary Ellen Chamberlin – Vision Iowa Board
Charles Graf – Vision Iowa Board
David Odekirk – Vision Iowa Board
Carolyn Rants – Vision Iowa Board

TRANSPORTATION

Randy Krukow – Iowa Law Enforcement Academy Council
Patty Link – Iowa Law Enforcement Academy Council

Patricia Crawford – State Transportation Commission
Thomas Hart – State Transportation Commission

PROOF

STATE OF IOWA

Senate Journal

MONDAY, APRIL 4, 2005

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

JOURNAL OF THE SENATE

EIGHTY-FIFTH CALENDAR DAY
FORTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, April 4, 2005

The Senate met in regular session at 1:06 p.m., President Lamberti presiding.

Prayer was offered by the Reverend Bruce Kittle, chaplain of the Sixth Judicial District Correctional Services of Cedar Rapids, Iowa. He was the guest of Senator Dvorsky.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Jennifer Nefzger.

The Journal of Thursday, March 31, 2005, was approved.

Senator Angelo took the chair at 1:15 p.m.

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, 2005, **amended and passed** the following bills in which the concurrence of the Senate is asked:

Senate File 246, a bill for an act prohibiting a donation or contribution to an agency, organization, or political subdivision of the state in a criminal proceeding. (S–3075)

Senate File 379, a bill for an act relating to the Iowa probate code, the Iowa trust code, and certain other trusts. (S–3076)

ALSO: That the House has on March 31, 2005, **passed** the following bills in which the concurrence of the Senate is asked:

House File 608, a bill for an act defining the term "possession" for purposes of the criminal law.

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

House File 647, a bill for an act relating to electronic filing of campaign finance organizational statements, dissolution reports, and disclosure reports by candidates for statewide office or for the general assembly, establishing a filing deadline for all statements and reports, providing a penalty, and providing applicability dates.

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

House File 708, a bill for an act relating to the establishment of rural improvement zones.

Read first time and referred to committee on **Economic Growth.**

House File 729, a bill for an act relating to the Iowa public employees' retirement system and the judicial retirement system.

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

House File 753, a bill for an act requiring certain safety-related information concerning a child to be provided to a parent, guardian, or foster parent or other custodian of a child.

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

House File 776, a bill for an act relating to governmental financial and information technology activities, including membership in state insurance plans by former members of the general assembly, designation of a chief information officer for the state, cooperative procurement agreements, distribution of state employee salary information, setoff authority for capitol complex and state laboratory parking fines collection, sales of disposed personal property of the state by not-for-profit organizations, a local government setoff authority pilot project, and providing for a study concerning credit card payments accepted by government.

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

House File 793, a bill for an act relating to the conduct of elections and voter registration by providing when candidates to fill county office vacancies are to be nominated at the primary election, relating to signature requirements on nomination petitions, requiring legislative council approval of certain expenditures for implementation of the Help America Vote Act, relating to use of substitute precinct election officials, relating to ballot printing requirements, modifying closing hours of the polls, modifying identification requirements at the polls, providing grounds for challenging a voter's qualifications, relating to preparation of tally lists, striking the authority of the state or county commissioner to issue a notice of a technical infraction, prohibiting candidates or incumbents from being observers when absentee ballots are counted, clarifying that certain confined persons may vote an absentee ballot in person at the commissioner's office, imposing a prohibition on absentee ballot couriers, prohibiting certain communications when absentee ballots are being counted, exempting military and overseas voters from the identification and verification requirements for mail voter registrants, relating to multiple requests for an absentee ballot for a military and overseas voter, relating to changes of address and replacement absentee ballots for military and overseas voters, exempting military and overseas voters from absentee ballot return restrictions, allowing certain military voters to return absentee ballots from within the United States, striking a requirement related to counting federal write-in ballots, relating to establishment of satellite, absentee voting stations, defining voter registration list, requiring identification of certain voter registrants, relating to signature requirements on voter registration applications, including the social security administration as a verification source for certain voter registration information, requiring verification of certain information on all voter registrations received by mail, specifying the county commissioner as the official responsible for voter registration verification, limiting the dates of special elections on public measures for certain political subdivisions and school corporations, and including effective and applicability date provisions.

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

House File 814, a bill for an act relating to electronic notices of bidding opportunities for state purchases.

Read first time and referred to committee on **Government Oversight.**

House File 826, a bill for an act relating to the speed limit for vehicular traffic on highways, the fines for violations, and court costs for simple misdemeanor offenses and providing a fee and making appropriations.

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

SPECIAL GUESTS

Senator Iverson introduced U.S. Representative Steve King, former member of the Senate from Sac County. He addressed the Senate with brief remarks.

The Senate rose and expressed its welcome.

Senator Lamberti welcomed Special Olympic athletes Jenna Schrack, Matt LaRue, Michelle Pettitt, and their coach Rob Wagner. These athletes participated in the Special Olympics World Winter Games in Nagano, Japan.

Matt LaRue addressed the Senate. He spoke about his experiences as a participant in the Special Olympics.

The Senate rose and expressed its appreciation of the accomplishments of these three athletes.

CONSIDERATION OF RESOLUTIONS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolutions 21, 15, 13, and 12.

Senate Resolution 21

On motion of President Lamberti, **Senate Resolution 21**, a resolution relating to the musical programming on Iowa Public Radio, with report of committee recommending passage, was taken up for consideration.

President Lamberti moved the adoption of Senate Resolution 21, which motion prevailed by a voice vote.

Senate Resolution 15

On motion of Senator Zieman, **Senate Resolution 15**, a resolution honoring the City of Nashua on its sesquicentennial anniversary year, with report of committee recommending passage, was taken up for consideration.

Senator Zieman moved the adoption of Senate Resolution 15, which motion prevailed by a voice vote.

Senate Resolution 13

On motion of Senator Iverson, **Senate Resolution 13**, a resolution honoring Rotary International on the occasion of its 100th anniversary and recognizing February 23, 2005, as Rotary International Day, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved the adoption of Senate Resolution 13, which motion prevailed by a voice vote.

Senate Resolution 12

On motion of Senator Zieman, **Senate Resolution 12**, a resolution to recognize the sesquicentennial of the town of New Hampton, Iowa, with report of committee recommending passage, was taken up for consideration.

Senator Zieman moved the adoption of Senate Resolution 12, which motion prevailed by a voice vote.

RECESS

On motion of Senator Gronstal, the Senate recessed at 1:35 p.m. until 3:30 p.m.

APPENDIX — 1

CERTIFICATES OF RECOGNITION

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

Spencer Anderson, Mason City—For receiving the University of Iowa Presidential Scholarship. Senator Ragan (4/4/05).

Clay Baker, Mediapolis—For receiving the University of Iowa Presidential Scholarship for the 2005–2006 school year. Senator Courtney (4/4/05).

Andrew P. Biederman, Osage—For achieving the rank of Eagle Scout, Boy Scout Troop 62. Senator Ragan (4/4/05).

Ned Patrick Callan, Carter Lake—For receiving the rank of Eagle Scout, Boy Scout Troop 501. Senator Gronstal (4/4/05).

Karen Haman, Huxley—For receiving the University of Iowa Presidential Scholarship for the 2005–2006 school year. Senator Iverson (4/4/05).

Patricia Haman, Huxley—For receiving the University of Iowa Presidential Scholarship for the 2005–2006 school year. Senator Iverson (4/4/05).

Thomas John Heijerman, Rock Valley—For achieving the rank of Eagle Scout, Boy Scout Troop 211. Senator Mulder (4/4/05).

Eric Johnson, Osage—For achieving the rank of Eagle Scout, Boy Scout Troop 62. Senator Ragan (4/4/05).

Mary E. Junk—For being named Publisher of the Year by Editor and Publisher Magazine. Senator Tinsman (4/4/05).

Jacqueline Lampert, Monticello Nursing and Rehab Center—For being a recipient of the 100 Great Iowa Nurses for 2005 Award. Senator Hancock (4/4/05).

Ruth Lueken, West Delaware Community School District—For being a recipient of the 100 Great Iowa Nurses for 2005 Award. Senator Hancock (4/4/05).

Tom Niblock, Nevada—For receiving the Richard J. Odem Scholarship in the University of Iowa's College of Liberal Arts and Sciences. Senator Iverson (4/4/05).

Lavonne Poolman, Clarion—For celebrating your 90th birthday. Senator Iverson (4/4/05).

Michelle Schnack—For receiving the University of Iowa Presidential Scholarship. Senator Wood (4/4/05).

Matthew Stemper, Sherrill—For receiving the University of Iowa Presidential Scholarship for the 2005–2006 school year. Senator Hancock (4/4/05).

Dave Walker, President of Burlington Baseball Association—For outstanding contributions to baseball and the Burlington community. Senator Courtney (4/4/05).

Jeffrey L. Williams, Osage—For achieving the rank of Eagle Scout, Boy Scout Troop 62. Senator Ragan (4/4/05).

Curtis W. Younker, II, Osage—For achieving the rank of Eagle Scout, Boy Scout Troop 62. Senator Ragan (4/4/05).

REPORTS OF COMMITTEE MEETINGS

EDUCATION

Convened: April 4, 2005, 1:45 p.m.

Members Present: Connolly and McKinley, Co-chairs; Angelo, Beall, Boettger, Brunkhorst, Dvorsky, Kreiman, Mulder, Quirmbach, Schoenjahn, and Wood.

Members Absent: Larson and Ward (both excused).

Committee Business: Passed HF 742.

Adjourned: 2:10 p.m.

TRANSPORTATION

Convened: April 4, 2005, 2:35 p.m.

Members Present: McCoy and Putney, Co-chairs; Beall, Danielson, Dearden, Hahn, Kettering, Shull, Warnstadt, and Zieman.

Members Absent: Fraise and Ward (both excused).

Committee Business: Passed HF 718.

Adjourned: 2:45 p.m.

INTRODUCTION OF BILL

Senate File 399, by Gronstal and Iverson, a bill for an act providing for county eligibility for state payment of property tax relief moneys and allowed growth funding for mental health, mental retardation, and developmental disabilities services and providing effective and retroactive applicability dates.

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

STUDY BILL RECEIVED

SSB 1301 Ways and Means

Relating to the imposition of a gross receipts tax on the sales of tangible personal property at retail, providing penalties, and including effective and retroactive applicability date provisions.

SUBCOMMITTEE ASSIGNMENTS

Senate File 391

WAYS AND MEANS: Connolly and McKinley, Co-chairs; Miller and Quirmbach

House File 291

NATURAL RESOURCES AND ENVIRONMENT: Kettering and Wood, Co-chairs; Houser and Schoenjahn

House File 620

HUMAN RESOURCES: Gaskill and Hatch, Co-chairs; Bolkcom and Johnson

House File 729

STATE GOVERNMENT: Kibbie and Zieman, Co-chairs; Horn and McKibben

House File 748

STATE GOVERNMENT: Ward and Wood, Co-chairs; Danielson and Kettering

House File 776

STATE GOVERNMENT: Danielson and Wieck, Co-chairs; Hancock and Tinsman

House File 802

WAYS AND MEANS: Danielson and Zaun, Co-chairs; Hahn and Seng

SSB 1301

WAYS AND MEANS: Connolly and McKibben, Co-chairs; Miller and Stewart

FINAL COMMITTEE REPORTS OF BILL ACTION

EDUCATION

Bill Title: HOUSE FILE 742, a bill for an act relating to the Iowa early intervention block grant program by changing the reporting requirements, extending the repeal of the chapter establishing the program, and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Connolly, McKinley, Angelo, Beall, Boettger, Brunkhorst, Dvorsky, Kreiman, Mulder, Quirmbach, Schoenjahn, and Wood. Nays, none. Absent, 2: Larson and Ward.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

TRANSPORTATION

Bill Title: HOUSE FILE 718, a bill for an act allowing a refund of unexpired motor vehicle registration fees to a vehicle owner who moves out of state.

Recommendation: DO PASS.

Final Vote: Ayes, 8: McCoy, Beall, Danielson, Dearden, Hahn, Kettering, Shull, and Zieman. Nays, 2: Putney and Warnstadt. Absent, 2: Fraise and Ward.

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":

Michael Tramontina – Director of the Department of Management

STEWART E. IVERSON, JR.

EVENING SESSION

The Senate reconvened at 5:08 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 4, 2005, **passed** the following bill in which the concurrence of the House was asked:

Senate File 215, a bill for an act modifying the certified mail requirement concerning the service and delivery of certain civil rights complaints and orders.

ALSO: That the House has on April 4, 2005, **passed** the following bill in which the concurrence of the Senate is asked:

House File 538, a bill for an act revising child welfare requirements involving children with mental health, behavioral, or emotional disorders and providing a contingent effective date.

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

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 466.

House File 466

On motion of Senator Kettering, **House File 466**, 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 general fund, 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. 466), the vote was:

Yeas, 49:

Angelo	Fraise	Larson	Seymour
Beall	Gaskill	Lundby	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirmbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Lamberti	Seng	

Nays, 1:

Kreiman

Absent, none.

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

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 360.

Senate File 360

On motion of Senator McCoy, **Senate File 360**, a bill for an act relating to various provisions administered by the insurance division of the department of commerce concerning premium tax refunds, the interstate insurance compact, insurer insolvency proceedings, individual health insurance, the small employer carrier reinsurance program, the Iowa comprehensive health association, fire insurance policies, the Iowa insurance guaranty association, the FAIR plan,

motor vehicle service contracts, investments by county and state mutual associations, reciprocal or interinsurance contract premium rates, unauthorized activity of insurance producers, and annuity contracts for cemetery and funeral merchandise and funeral services, and making fees and penalties applicable and providing effective and retroactive applicability dates, was taken up for consideration.

Senator Wieck withdrew amendment S–3058, filed by him on March 23, 2005, to pages 1, 36, and to the title page of the bill.

Senator McCoy offered amendment S–3050, filed by him on March 23, 2005, to pages 8 and 9 and to the title page of the bill.

Senator Wieck offered amendment S–3062, filed by him on March 29, 2005, to page 1 of amendment S–3050, and moved its adoption.

Amendment S–3062 was adopted by a voice vote.

Senator McCoy moved the adoption of amendment S–3050, as amended, which motion prevailed by a voice vote.

Senator Gronstal offered amendment S–3081, filed by him from the floor to page 16 of the bill, and moved its adoption.

Amendment S–3081 was adopted by a voice vote.

Senator Gronstal offered amendment S–3054, filed by him on March 23, 2005, to page 35 of the bill, and moved its adoption.

Amendment S–3054 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 360), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull

Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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 Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 11.

Senate Resolution 11

On motion of Senator Angelo, **Senate Resolution 11**, a resolution honoring and celebrating the life of Iowa's own Johnny Carson, with report of committee recommending passage, was taken up for consideration.

Senator Angelo moved the adoption of Senate Resolution 11, which motion prevailed by a voice vote.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Gronstal called up the following eligible appointees on the En Bloc Confirmation Calendar:

Thomas Engelmann, Accountancy Examining Board
Marianne Mickelson, Accountancy Examining Board

Charlotte Westerhaus, Commission on the Status of African-Americans

James Clayton, Alcoholic Beverages Commission

Terry Allers, Architectural Examining Board
Teresa Petrzalek, Architectural Examining Board

Mark Coberley, Board of Athletic Training Examiners

Thomas Gronstal, Superintendent of Banking

Clark (Sam) Kauffman, Board of Barber Examiners

Elizabeth Shannahan, Board of Behavioral Science Examiners

Julia Scurr, Commission for the Blind

Robert Brecke, Boiler and Pressure Vessel Board

Eugene Blanshan, Iowa Capital Investment Board

Joseph DeHart, Child Advocacy Board
Michael Isaacson, Child Advocacy Board
Katherine Kaminsky, Child Advocacy Board

Kathleen Doohen, Board of Chiropractic Examiners
Steven Kraus, Board of Chiropractic Examiners
Karen Whalen, Board of Chiropractic Examiners

Nancy Witt, Iowa State Civil Rights Commission

Amy Peiffer, Commission on Community Action Agencies

Johnie Hammond, Board of Corrections

Becky Brockmann, Board of Cosmetology Arts and Sciences Examiners
Lois Leytem, Board of Cosmetology Arts and Sciences Examiners
Mary Beth Myers, Board of Cosmetology Arts and Sciences Examiners

Jill Marlow, County Finance Committee
Kay Swanson, County Finance Committee

Don Gettings, Credit Union Review Board

David Jones, Commission on the Deaf

Alan Hathaway, Board of Dental Examiners
Suzan Stewart, Board of Dental Examiners

Christine O'Brien, Board of Dietetic Examiners
Robert Schweers, Board of Dietetic Examiners

Peggy Armstrong-Gustafson, Iowa Economic Development Board
Jerry Courtney, Iowa Economic Development Board
Arvind Dandekar, Iowa Economic Development Board
Jack (Doug) Sickler, Iowa Economic Development Board

John Aboud, Board of Educational Examiners
Ying Ying Chen, Board of Educational Examiners
Jeffrey Henderson, Board of Educational Examiners
Thomas Paulsen, Board of Educational Examiners
Jean Seeland, Board of Educational Examiners

Lisa Carlson, Commission of Elder Affairs
Yvonne Minton, Commission of Elder Affairs
Robert Neumann, Commission of Elder Affairs

Kristine Kesterson, Elevator Safety Board
Wayne Sims, Elevator Safety Board
Siobhan Workman, Elevator Safety Board

Susan Albright, Engineering and Land Surveying Examining Board
Gary Benjamin, Engineering and Land Surveying Examining Board
Lyle TeKippe, Engineering and Land Surveying Examining Board

Patricia Harper, Iowa Ethics and Campaign Disclosure Board
Gerald Sullivan, Iowa Ethics and Campaign Disclosure Board

Bret Mills, Executive Director of the Iowa Finance Authority

Virginia Bordwell, Iowa Finance Authority
Douglas Walter, Iowa Finance Authority

Sandy Simpson, Iowa Grain Indemnity Fund Board

Karen Foster, Grape and Wine Development Commission
Linda Larson-Melin, Grape and Wine Development Commission

Charles Follett, Health Facilities Council
Karen Hope, Health Facilities Council (appointment and reappointment)

Susan Salter, Healthy and Well Kids in Iowa (HAWK-I) Board

Robert Fleming, Iowa Higher Education Loan Authority

Mark Peltan, Council on Human Services
Sylvia Schoer, Council on Human Services

Joanne Stockdale, Investment Board of the IPERS

Coleen Denefe, State Judicial Nominating Commission
Timothy Mikkelsen, State Judicial Nominating Commission

Randy Krukow, Iowa Law Enforcement Academy Council

Judith Heath, Board of Examiners for Massage Therapy

Susan Johnson, Board of Medical Examiners
Sally Schroeder, Board of Medical Examiners

Shelly Chandler, Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission
Linda Kellen, Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission
Patricia Penning, Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission

Rebecca Eskildsen, Mental Health Risk Pool Board
William Gorman, Mental Health Risk Pool Board
Karen Strawn, Mental Health Risk Pool Board

Karen Thomsen, Board of Mortuary Science Examiners

John Connors, Board of Nursing Examiners
Mary Jacobus, Board of Nursing Examiners

Larry Hertel, State Board of Examiners for Nursing Home Administrators
Michael Van Sickle, State Board of Examiners for Nursing Home Administrators

Terry Brown, Board of Optometry Examiners
Edwina O'Farrell, Board of Optometry Examiners
Michael Ohlson, Board of Optometry Examiners

Barbara Binnie, Board of Parole
Curtis Jenkins, Board of Parole

Paul Abramowitz, Board of Pharmacy Examiners
Vernon Benjamin, Board of Pharmacy Examiners

Lisabeth Kestel, Board of Physical and Occupational Therapy Examiners
Theodore Peterson, Board of Physical and Occupational Therapy Examiners
Armando Rosales, Board of Physical and Occupational Therapy Examiners

Patsy Hastings, Board of Podiatry Examiners

Jennifer Lock Oman, Board of Psychology Examiners

Kathryne Cutler, State Racing and Gaming Commission

Michael Lara, Real Estate Appraiser Examining Board
Amy Thorne, Real Estate Appraiser Examining Board

Patricia Daniels, Real Estate Commission
James O'Neill, Real Estate Commission

Rose Vasquez, State Board of Regents

Craig Bainbridge, State Board for Respiratory Care
Kathelene Semke, State Board for Respiratory Care

Connie Cook, School Budget Review Committee

John Cullen, Small Business Advisory Council
Dana Ingerslev, Small Business Advisory Council
Paul Tabor, Small Business Advisory Council
Stanley Thompson, Small Business Advisory Council

W. Robert Schmidt, Board of Social Work Examiners

Keith Lau, State Soil Conservation Committee
Duane Sand, State Soil Conservation Committee
John Sellers, Jr., State Soil Conservation Committee

Jeannette Adamski, Board of Speech Pathology and Audiology Examiners
Christine Donner-Tiernan, Board of Speech Pathology and Audiology Examiners

Frank Stork, State Board of Tax Review

Daniel Steen, Commandant of the Iowa Veterans Home

Sarah Garst, Iowa Board of Veterinary Medicine
Michael Stein, Iowa Board of Veterinary Medicine

Andrew Anderson, Chair of the Vision Iowa Board

Charles Graf, Vision Iowa Board
Carolyn Rants, Vision Iowa Board

Senator Gronstal moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 332.

House File 332

On motion of Senator Zaun, **House File 332**, a bill for an act allowing certain abstractors to request a mortgage release, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 332), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

WITHDRAWN

Senator Ward asked and received unanimous consent that **Senate File 322** be **withdrawn** from further consideration of the Senate.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 373.

House File 373

On motion of Senator Beall, **House File 373**, a bill for an act relating to equipment dealerships, by providing for the sale or transfer of a dealership and providing for the Act's applicability, with

report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 373), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

HOUSE AMENDMENT CONSIDERED

Senate File 74

Senator Kettering called up for consideration **Senate File 74**, a bill for an act relating to financial institutions, by prohibiting the deceptive use of name, and providing remedies and penalties, amended by the House in House amendment S–3073, filed March 30, 2005.

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. 74), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 325.

Senate File 325

On motion of Senator Gronstal, **Senate File 325**, a bill for an act relating to the procedures and duties of the judicial branch, and making an appropriation to the enhanced court collections fund, was taken up for consideration.

Senator Angelo offered amendment S–3074, filed by the committee on Appropriations on March 30, 2005, to pages 1 and 2 and to the title page of the bill.

Senator Angelo offered amendment S–3078, filed by Senators Angelo and Dvorsky from the floor to page 1 of amendment S–3074, and moved its adoption.

Amendment S–3078 was adopted by a voice vote.

Senator Angelo moved the adoption of amendment S–3074, as amended, which motion prevailed by a voice vote.

With the adoption of amendment S–3074, the Chair ruled amendment S–3049, filed by Senator Larson on March 22, 2005, to pages 1 and 2 and to the title page of the bill, out of order.

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. 325), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 74**, **325**, and **360** and **House Files 332** and **373** be **immediately messaged** to the House.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 344.

Senate File 344

On motion of Senator Hahn, **Senate File 344**, a bill for an act relating to the required fuel efficiency of newly purchased state vehicles, was taken up for consideration.

Senator Behn asked and received unanimous consent that action on **Senate File 344** be **deferred.**

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 336.

Senate File 336

On motion of Senator Wood, **Senate File 336**, a bill for an act limiting causes of action against veterinary practitioners who provide care to animals suffering distress, was taken up for consideration.

Senator Gronstal asked and received unanimous consent that action on **Senate File 336** be **deferred.**

BILL REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that **House File 583** be referred from the Regular Calendar to the committee on **State Government.**

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 6:08 p.m. until 8:30 a.m., Tuesday, April 5, 2005.

APPENDIX — 2

SUBCOMMITTEE ASSIGNMENTS

House File 619

JUDICIARY: Dvorsky and Larson, Co-chairs; Boettger, Fraise, Horn, and McKibben

House File 777

JUDICIARY: Hancock and Tinsman, Co-chairs; Kreiman and Larson

FINAL COMMITTEE REPORTS OF BILL ACTION

HUMAN RESOURCES

Bill Title: HOUSE FILE 478, a bill for an act relating to the Iowa commission on volunteer service.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Ragan, Seymour, Behn, Bolkcom, Dotzler, Gaskill, Hatch, Houser, Johnson, Quirmbach, Tinsman, and Wood. Nays, none. Absent, 2: Boettger and Kreiman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 617, a bill for an act relating to inclusion of assisted living services under the medical assistance home and community-based services waiver for the elderly.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S–3082.

Final Vote: Ayes, 12: Ragan, Seymour, Behn, Bolkcom, Dotzler, Gaskill, Hatch, Houser, Johnson, Quirmbach, Tinsman, and Wood. Nays, none. Absent, 2: Boettger and Kreiman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 784, a bill for an act to establish an advanced practice registered nurse compact and including a future repeal.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Ragan, Seymour, Behn, Bolkcom, Dotzler, Gaskill, Hatch, Houser, Johnson, Quirmbach, Tinsman, and Wood. Nays, none. Absent, 2: Boettger and Kreiman.

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:

HUMAN RESOURCES

Kathy Beauchamp – Commission on Community Action Agencies
Merl McFarlane – Commission on Community Action Agencies

Jacquelyn Fletcher – Commission on the Deaf

Barbara Brown – Iowa Empowerment Board
John Calhoun – Iowa Empowerment Board
Terri Christoffersen – Iowa Empowerment Board
Mary Odell – Iowa Empowerment Board

James Yeast – Healthy and Well Kids in Iowa (HAWK-I) Board

Donald Wright – Council on Human Services

Patricia Moreland – Prevention of Disabilities Policy Council

Christopher Squier – Commission on Tobacco Use Prevention and Control

MOTION TO RECONSIDER FILED

MR. PRESIDENT: I move to reconsider the vote by which House File 466 passed the Senate on April 4, 2005.

MICHAEL E. GRONSTAL

AMENDMENTS FILED

S–3075	S.F.	246	House
S–3076	S.F.	379	House
S–3077	S.F.	378	Larry McKibben
S–3078	S.F.	325	Jeff Angelo
			Robert E. Dvorsky
S–3079	S.F.	390	David Miller
			Joe Bolkcom
S–3080	H.F.	742	Frank B. Wood
S–3081	S.F.	360	Michael E. Gronstal
S–3082	H.F.	617	Human Resources

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, APRIL 5, 2005

Printed daily by the State of Iowa during the sessions of the General Assembly. An official corrected copy is available for reference in the Secretary of the Senate's Office. (The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE SENATE

EIGHTY-SIXTH CALENDAR DAY
FIFTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, April 5, 2005

The Senate met in regular session at 8:35 a.m., President Lamberti presiding.

Prayer was offered by the Reverend Robert Doner, pastor of the Peace United Church of Christ in Gladbrook, Iowa. He was the guest of Senator Putney.

The Journal of Monday, April 4, 2005, was approved.

RECESS

On motion of Senator Gronstal, the Senate recessed at 8:44 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 8:53 a.m., President Lamberti presiding.

RECESS

On motion of Senator Gronstal, the Senate recessed at 8:54 a.m. until 3:30 p.m.

APPENDIX — 1

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Vincent Utter, Sioux City—For achieving the rank of Eagle Scout, Boy Scout Troop 225. Senator Warnstadt (4/5/05).

REPORTS OF COMMITTEE MEETINGS

HUMAN RESOURCES

Convened: April 4, 2005, 2:35 p.m.

Members Present: Ragan and Seymour, Co-chairs; Behn, Bolkcom, Dotzler, Gaskill, Hatch, Houser, Johnson, Quirmbach, Tinsman, and Wood.

Members Absent: Boettger and Kreiman (both excused).

Committee Business: Passed HFs 478, 617, and 784. Approved Governor's appointees.

Adjourned: 2:55 p.m.

AGRICULTURE

Convened: April 5, 2005, 1:05 p.m.

Members Present: Fraise and Johnson, Co-chairs; Black, Brunkhorst, Courtney, Gaskill, Hahn, Hancock, Houser, Kibbie, Mulder, Putney, Ragan, and Rielly.

Members Absent: None.

Committee Business: Passed HF 438.

Adjourned: 1:10 p.m.

ECONOMIC GROWTH

Convened: April 5, 2005, 9:05 a.m.

Members Present: Brunkhorst and Hatch, Co-chairs; Beall, Behn, Danielson, Dotzler, Hahn, McKinley, Ragan, Rielly, Seymour, Shull, Stewart, and Zaun.

Members Absent: None.

Committee Business: Presentation on Newton racetrack. Subcommittee assignments.

Adjourned: 10:10 a.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: April 5, 2005, 9:05 a.m.

Members Present: Black and Houser, Co-chairs; Bolkcom, Dearden, Gaskill, Hancock, Johnson, Kettering, Lundby, Miller, Putney, Schoenjahn, Seng, and Wood.

Members Absent: None.

Committee Business: Passed HFs 291, 399, and 602. Approved Governor's appointees.

Adjourned: 9:25 a.m.

RULES AND ADMINISTRATION

Convened: April 5, 2005, 8:44 a.m.

Members Present: Gronstal and Iverson, Co-chairs; Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan.

Members Absent: None.

Committee Business: Passed SCR 11 and SRs 4, 16, 22, 24, 27, 28, 29, 30, and 31.

Adjourned: 8:50 a.m.

WAYS AND MEANS

Convened: April 5, 2005, 11:05 a.m.

Members Present: Bolkcom, Co-chair; Connolly, Danielson, Dotzler, Hahn, Larson, McCoy, McKibben, McKinley, Miller, Quirmbach, Seng, Stewart, Wieck, and Zaun.

Members Absent: Zieman, Co-chair (excused).

Committee Business: Passed SF 281 and HFs 310 and 674. Approved SSB 1288.

Adjourned: 11:20 a.m.

INTRODUCTION OF RESOLUTIONS

Senate Concurrent Resolution 12, by Black, Angelo, Warnstadt, Houser, and Kibbie, a concurrent resolution to recognize

Vernon J. Baker, the only living World War II Medal of Honor recipient with an Iowa attachment.

Read first time under Rule 28 and referred to committee on **Rules and Administration.**

Senate Resolution 32, by Johnson, Angelo, Beall, Behn, Black, Boettger, Bolkcom, Brunkhorst, Connolly, Courtney, Danielson, Dearden, Dotzler, Dvorsky, Fraise, Gaskill, Gronstal, Hahn, Hancock, Hatch, Horn, Houser, Iverson, Kettering, Kibbie, Kreiman, Lamberti, Larson, Lundby, McCoy, McKibben, McKinley, Miller, Mulder, Putney, Quirmbach, Ragan, Rielly, Schoenjahn, Seng, Seymour, Shull, Stewart, Tinsman, Ward, Warnstadt, Wieck, Wood, Zaun, and Zieman, a resolution posthumously honoring His Holiness Pope John Paul II and commemorating his life's work.

Read first time under Rule 28 and referred to committee on **Rules and Administration.**

INTRODUCTION OF BILLS

Senate File 400, by Lamberti, a bill for an act providing for income tax credits for the cost of purchasing life insurance coverage by certain members of the national guard and the reserves, providing for death benefits for certain deceased members of the national guard and the reserves, making appropriations, and providing for effective and retroactive applicability dates.

Read first time under Rule 28 and referred to committee on **Ways and Means.**

Senate File 401, by committee on Ways and Means, a bill for an act relating to motor vehicle fuel taxes, by exempting small biofuel producers and providing a future repeal.

Read first time under Rule 28 and **placed on Ways and Means calendar.**

SUBCOMMITTEE ASSIGNMENTS

Senate Concurrent Resolution 12

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

House File 538

HUMAN RESOURCES: Hatch and Tinsman, Co-chairs; Houser and Kreiman

House File 583

STATE GOVERNMENT: Wieck and Wood, Co-chairs; Hancock and McKibben

House File 608

JUDICIARY: Kreiman and McKibben, Co-chairs; Miller and Warnstadt

House File 610

COMMERCE: McKinley and Rielly, Co-chairs; Courtney and Wieck

House File 644

STATE GOVERNMENT: Danielson and Zieman, Co-chairs; Hancock and McKibben

House File 647

STATE GOVERNMENT: Hancock and Zieman, Co-chairs; McKibben and Wood

House File 708

ECONOMIC GROWTH: Ragan, Chair; Behn, Rielly, and Zaun

House File 753

HUMAN RESOURCES: Boettger and Kreiman, Co-chairs; Hatch and Seymour

House File 793

STATE GOVERNMENT: Danielson and Zieman, Co-chairs; McKibben and Wood

House File 797

ECONOMIC GROWTH: Shull, Chair; Beall, Hahn, and Ragan

House File 826

TRANSPORTATION: Danielson and Putney, Co-chairs; Kettering and McCoy

FINAL COMMITTEE REPORTS OF BILL ACTION

AGRICULTURE

Bill Title: HOUSE FILE 438, a bill for an act relating to assessments associated with soil and water conservation districts, by providing for the deposit of moneys in a fund established by a district's commissioners.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Fraise, Johnson, Black, Brunkhorst, Courtney, Gaskill, Hahn, Hancock, Houser, Kibbie, Mulder, Putney, Ragan, and Rielly. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Bill Title: HOUSE FILE 440, a bill for an act relating to sanctioning the motor vehicle operating privileges of a person upon a second or subsequent conviction for motor fuel theft from a retail dealer.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Kreiman, Miller, Boettger, Brunkhorst, Dvorsky, Fraise, Hancock, Horn, Larson, McKibben, Schoenjahn, Tinsman, Ward, Warnstadt, and Zaun. Nays, 1: Quirmbach. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 685, a bill for an act establishing the child identification and protection Act, which prohibits the fingerprinting of children, and providing for exceptions.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Kreiman, Miller, Boettger, Fraise, Hancock, Horn, McKibben, Quirmbach, Schoenjahn, Tinsman, Ward, and Warnstadt. Nays, none. Absent, 4: Brunkhorst, Dvorsky, Larson, and Zaun.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 726, a bill for an act allowing a physician assistant and an advanced registered nurse practitioner to certify an alleged intoxicated driver's incapacitated state for purposes of chemical testing.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Kreiman, Miller, Boettger, Brunkhorst, Dvorsky, Fraise, Hancock, Horn, Larson, McKibben, Quirmbach, Schoenjahn, Tinsman, Ward, and Warnstadt. Nays, none. Absent, 1: Zaun.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 777, a bill for an act relating to testing a person for contagious or infectious disease if the person assaults a person by exchanging or attempting to exchange bodily fluids, and providing a penalty.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Kreiman, Miller, Boettger, Fraise, Hancock, Horn, McKibben, Quirmbach, Schoenjahn, Tinsman, Ward, and Warnstadt. Nays, none. Absent, 4: Brunkhorst, Dvorsky, Larson, and Zaun.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

NATURAL RESOURCES AND ENVIRONMENT

Bill Title: HOUSE FILE 291, a bill for an act relating to accounts and fees under the water quality protection fund.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Black, Houser, Bolkcom, Dearden, Gaskill, Hancock, Johnson, Kettering, Lundby, Miller, Putney, Schoenjahn, Seng, and Wood. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 399, a bill for an act relating to the disposal of solid waste by planning areas and related solid waste management plans and reports.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Black, Houser, Bolkcom, Dearden, Gaskill, Hancock, Johnson, Kettering, Lundby, Miller, Putney, Schoenjahn, Seng, and Wood. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 602, a bill for an act relating to the collection, transportation, and disposal of household hazardous waste.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Black, Houser, Bolkcom, Dearden, Gaskill, Hancock, Johnson, Kettering, Lundby, Miller, Putney, Schoenjahn, Seng, and Wood. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RULES AND ADMINISTRATION

Bill Title: SENATE CONCURRENT RESOLUTION 11, a concurrent resolution requesting the establishment of a planning group to develop a plan for unifying the state administration of services utilized by older Iowans age 60 or older.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Iverson, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 4, a resolution to recognize Professor Piet Koene of Northwestern College for being selected Iowa Professor of the Year for 2004 by the Carnegie Foundation for the Advancement of Teaching.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Iverson, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 16, a resolution honoring the actress Hilary Swank and her Iowa roots.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Iverson, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 22, a resolution to recognize the life and accomplishments of Colonel Virgil D. Olson.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Iverson, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 24, a resolution honoring the Morningside College Women's Basketball Team on their national championship.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Iverson, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 27, a resolution to recognize and honor Professor James Van Allen for his lifetime of service and achievement.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Iverson, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 28, a resolution to recognize the 50th anniversary of the creation of county conservation boards.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Iverson, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 29, a resolution to recognize Holly Bender, Associate Professor of Veterinary Pathology at Iowa State University, for receiving the Teaching Excellence Award for Basic Sciences from the Student American Veterinary Medicine Association.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Iverson, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 30, a resolution of appreciation to the Iowa Chapter of the American Institute of Architects for designating C.Y. Stephens Auditorium as Iowa's Building of the Century.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Iverson, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 31, a resolution to recognize Joanne Olson of Iowa State University for being named the Outstanding Science Teacher Educator of the Year by the Association for Science Teacher Education.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Iverson, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: SENATE FILE 401 (SSB 1288), a bill for an act relating to motor vehicle fuel taxes, by exempting small biofuel producers and providing a future repeal.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Bolkcom, Connolly, Danielson, Dotzler, Hahn, Larson, McCoy, McKibben, McKinley, Miller, Quirmbach, Seng, Stewart, Wieck, and Zaun. Nays, none. Absent, 1: Zieman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 310, a bill for an act exempting the sale of toys to certain nonprofit organizations from state sales and use taxes.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Bolkcom, Connolly, Danielson, Dotzler, Hahn, Larson, McCoy, McKibben, McKinley, Miller, Quirmbach, Seng, Stewart, Wieck, and Zaun. Nays, none. Absent, 1: Zieman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 674, a bill for an act relating to distribution of secondary and farm-to-market road funds.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Bolkcom, Connolly, Danielson, Dotzler, Hahn, Larson, McKibben, McKinley, Miller, Quirmbach, Seng, Stewart, and Zaun. Nays, 2: McCoy and Wieck. Absent, 1: Zieman.

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 5th day of April, 2005:

Senate Files 205, 264, and 270.

MICHAEL E. MARSHALL
Secretary of the Senate

AFTERNOON SESSION

The Senate reconvened at 3:30 p.m., President Lamberti presiding.

The Senate stood at ease at 3:32 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate reconvened at 5:02 p.m., President Lamberti presiding.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Gronstal called up the following eligible appointees on the En Bloc Confirmation Calendar:

Timothy Fehr, Boiler and Pressure Vessel Board
Amy Iles, Boiler and Pressure Vessel Board

Henry Neuman, Board of Trustees of the Iowa Cultural Trust

Debra Yossi, Board of Dental Examiners

Beverly Smith, Board of Educational Examiners

Vincent Lintz, Iowa Finance Authority

Lana Dettbarn, Investment Board of the IPERS

Susan E. Voss, Commissioner of Insurance

Carolyn Magnani, Landscape Architectural Examining Board

Kenneth Lang, Board of Examiners for Massage Therapy

Dana Shaffer, Board of Medical Examiners

Lynn Ferrell, Mental Health Risk Pool Board

Marcus Vigen, Board of Mortuary Science Examiners

Barbara O'Roake, Board of Pharmacy Examiners

Robert Yoho, Board of Podiatry Examiners

Gerald Bair, State Racing and Gaming Commission

Mary Ellen Chamberlin, Vision Iowa Board

Senator Gronstal moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

HOUSE AMENDMENT CONSIDERED

Senate File 246

Senator McKibben called up for consideration **Senate File 246**, a bill for an act prohibiting a donation or contribution to an agency, organization, or political subdivision of the state in a criminal proceeding, amended by the House, and moved that the Senate refuse to concur in House amendment S–3075, filed April 4, 2005.

The motion prevailed by a voice vote and the Senate **refused to concur** in the House amendment.

UNFINISHED BUSINESS
(Deferred April 4, 2005)

Senate File 344

The Senate resumed consideration of **Senate File 344**, a bill for an act relating to the required fuel efficiency of newly purchased state vehicles, deferred April 4, 2005.

Senator Hahn moved that the bill be read the last time now and placed upon its passage, 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, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 220.

Senate File 220

On motion of Senator Beall, **Senate File 220**, a bill for an act relating to the authorized uses of physical plant and equipment levy revenue, and including an applicability provision, was taken up for consideration.

Senator Putney offered amendment S–3087, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S–3087 was adopted by a voice vote.

Senator Warnstadt offered amendment S–3004, filed by him on February 28, 2005, to page 1 of the bill, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 28, nays 22.

Amendment S–3004 was adopted.

With the adoption of amendment S–3004, the Chair ruled amendment S–3005, filed by Senator Warnstadt on March 2, 2005, to page 1 of the bill, out of order.

Senator Beall moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 220), the vote was:

Yeas, 38:

Angelo	Fraise	McKibben	Shull
Beall	Gaskill	McKinley	Stewart
Boettger	Hancock	Mulder	Tinsman
Bolkcom	Hatch	Putney	Ward
Connolly	Horn	Quirmbach	Warnstadt
Courtney	Houser	Ragan	Wieck
Danielson	Johnson	Rielly	Wood
Dearden	Kibbie	Schoenjahn	Zieman
Dotzler	Kreiman	Seng	
Dvorsky	Lundby	Seymour	

Nays, 12:

Behn	Gronstal	Kettering	McCoy
Black	Hahn	Lamberti	Miller
Brunkhorst	Iverson	Larson	Zaun

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENT CONSIDERED

Senate File 379

Senator Ward called up for consideration **Senate File 379**, a bill for an act relating to the Iowa probate code, the Iowa trust code, and certain other trusts, amended by the House in House amendment S–3076, filed April 4, 2005.

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 voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 379), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman

Dotzler	Kibbie	Rielly
Dvorsky	Kreiman	Schoenjahn

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 341.

Senate File 341

On motion of Senator Seymour, **Senate File 341**, a bill for an act relating to the long-term living system in Iowa including establishment of the intent for Iowa's long-term living system, was taken up for consideration.

Senator Connolly asked and received unanimous consent that action on **Senate File 341** be **deferred**.

CONSIDERATION OF BILLS
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 395 and House Files 186 and 187.

Senate File 395

On motion of Senator Stewart, **Senate File 395**, a bill for an act relating to the activities of the grape and wine development commission, and providing for the transfer of wine gallonage tax revenues to the grape and wine development fund, 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?" (S.F. 395), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 186

On motion of Senator Larson, **House File 186**, a bill for an act updating the Code references to the Internal Revenue Code and including retroactive applicability and effective date provisions, with report of committee recommending passage, was taken up for consideration.

Senator Larson moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 186), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt

Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 187

On motion of Senator Zaun, **House File 187**, a bill for an act relating to the utility replacement tax task force, with report of committee recommending passage, was taken up for consideration.

Senator Zaun moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 187), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 220**, **246**, **344**, **379,** and **395** and **House Files 186** and **187** be **immediately messaged** to the House.

BILL REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that **Senate File 396** be referred from the Regular Calendar to the committee on **Appropriations.**

BUSINESS PENDING

Senate File 341

The Senate resumed consideration of **Senate File 341**, a bill for an act relating to the long-term living system in Iowa including establishment of the intent for Iowa's long-term living system, previously deferred.

Senator Connolly asked to withdraw amendment S–3089 filed by him from the floor to pages 1 and 2 and to the title page of the bill.

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. 341), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman

Dotzler	Kibbie	Rielly
Dvorsky	Kreiman	Schoenjahn

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 341** 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 April 5, 2005, **passed** the following bill in which the concurrence of the Senate is asked:

House File 772, a bill for an act relating to violations of the open meetings and open records law by a member of a governmental body, the lawful custodian of a public record, or any other appropriate person.

Read first time and referred to committee on **State Government.**

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 6:26 p.m. until 8:30 a.m., Wednesday, April 6, 2005.

APPENDIX — 2

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Jon Dolder, Iowa City—For achieving the rank of Eagle Scout, Boy Scout Troop 204. Senator Bolkcom (4/5/05).

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: April 5, 2005, 3:05 p.m.

Members Present: Behn and Warnstadt, Co-chairs; Angelo, Beall, Bolkcom, Courtney, Gronstal, Kettering, Larson, McCoy, McKinley, Rielly, Stewart, Wieck, and Zaun.

Members Absent: Zieman (excused).

Committee Business: Passed HFs 420 and 540. Approved Governor's appointees.

Adjourned: 3:20 p.m.

JUDICIARY

Convened: April 5, 2005, 10:05 a.m.

Members Present: Kreiman and Miller, Co-chairs; Boettger, Brunkhorst, Dvorsky, Fraise, Hancock, Horn, Larson, McKibben, Quirmbach, Schoenjahn, Tinsman, Ward, Warnstadt, and Zaun.

Members Absent: None.

Committee Business: Passed HFs 440, 685, 726, and 777. Approved Governor's appointees.

Adjourned: 10:45 a.m.

LOCAL GOVERNMENT

Convened: April 5, 2005, 2:00 p.m.

Members Present: Quirmbach and Shull, Co-chairs; Houser, Kreiman, Lundby, McCoy, Mulder, Putney, Rielly, Schoenjahn, and Stewart.

Members Absent: Zaun (excused).

Committee Business: Passed HFs 712 and 754.

Adjourned: 2:40 p.m.

STATE GOVERNMENT

Convened: April 5, 2005, 2:05 p.m.

Members Present: Horn and McKibben, Co-chairs; Black, Brunkhorst, Connolly, Danielson, Hancock, Kettering, Kibbie, Miller, Tinsman, Ward, Wieck, and Wood.

Members Absent: Hatch and Zieman (both excused).

Committee Business: Passed HFs 131, 253, 312, 469, 641, 645, 716, and 748.

Adjourned: 2:40 p.m.

SUBCOMMITTEE ASSIGNMENTS

House File 711

APPROPRIATIONS: Dvorsky and Ward, Co-chairs; Fraise and Lamberti

House File 816

APPROPRIATIONS: Boettger and Horn, Co-chairs; Angelo and Dvorsky

House File 821

APPROPRIATIONS: Ragan and Seymour, Co-chairs; Hatch and Tinsman

FINAL COMMITTEE REPORTS OF BILL ACTION

COMMERCE

Bill Title: HOUSE FILE 420, a bill for an act relating to third-party payment of health care coverage costs for biologically based mental illness treatment services.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Warnstadt, Angelo, Beall, Bolkcom, Courtney, Gronstal, Kettering, McCoy, Rielly, Stewart, and Zaun. Nays, 4: Behn, Larson, McKinley, and Wieck. Absent, 1: Zieman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 540, a bill for an act relating to reports of traffic accidents involving certified law enforcement officers.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Behn, Warnstadt, Angelo, Beall, Bolkcom, Courtney, Gronstal, Kettering, Larson, McCoy, McKinley, Rielly, Stewart, Wieck, and Zaun. Nays, none. Absent, 1: Zieman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

LOCAL GOVERNMENT

Bill Title: HOUSE FILE 754, a bill for an act relating to a homestead exemption waiver notice contained in a written contract affecting agricultural land.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Quirmbach, Shull, Houser, McCoy, Mulder, Putney, Rielly, Schoenjahn, and Stewart. Nays, 1: Lundby. Present, 1: Kreiman. Absent, 1: Zaun.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Bill Title: HOUSE FILE 131, a bill for an act relating to the required education and training for dental assistants.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Horn, McKibben, Brunkhorst, Connolly, Danielson, Hancock, Kettering, Kibbie, Miller, Tinsman, Ward, Wieck, and Wood. Nays, none. Absent, 3: Black, Hatch, and Zieman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *HOUSE FILE 253, a bill for an act relating to governmental ethics and the duties of the Iowa ethics and campaign disclosure board.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S–3088.

Final Vote: Ayes, 14: Horn, McKibben, Black, Brunkhorst, Connolly, Danielson, Hancock, Kettering, Kibbie, Miller, Tinsman, Ward, Wieck, and Wood. Nays, none. Absent, 2: Hatch 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 State Government Committee on House File 253, and they were attached to the committee report.

ALSO:

Bill Title: HOUSE FILE 312, a bill for an act relating to campaign finance committee reporting, use of committee funds or property, independent expenditures, and placement of campaign signs.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Horn, McKibben, Black, Brunkhorst, Connolly, Danielson, Hancock, Kettering, Kibbie, Miller, Tinsman, Ward, Wieck, and Wood. Nays, none. Absent, 2: Hatch and Zieman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 469, a bill for an act increasing the membership of the real estate commission.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Horn, McKibben, Brunkhorst, Connolly, Danielson, Hancock, Kettering, Kibbie, Miller, Tinsman, Ward, Wieck, and Wood. Nays, none. Absent, 3: Black, Hatch, and Zieman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 641, a bill for an act concerning the determination of state regulatory fees on excursion gambling boats relating to the number of gaming enforcement officers on larger excursion gambling boats.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Horn, McKibben, Black, Brunkhorst, Connolly, Danielson, Hancock, Kettering, Kibbie, Miller, Tinsman, Ward, Wieck, and Wood. Nays, none. Absent, 2: Hatch and Zieman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *HOUSE FILE 645, a bill for an act relating to the regulation of lotteries, including the definition of a lottery, permissible lotteries by commercial organizations, and the prosecution of violators.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S–3086.

Final Vote: Ayes, 14: Horn, McKibben, Black, Brunkhorst, Connolly, Danielson, Hancock, Kettering, Kibbie, Miller, Tinsman, Ward, Wieck, and Wood. Nays, none. Absent, 2: Hatch 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 State Government Committee on House File 645, and they were attached to the committee report.

ALSO:

Bill Title: HOUSE FILE 716, a bill for an act relating to the military division and the homeland security and emergency management division of the department of public defense concerning the activation and use of the civil air patrol, the authority of the adjutant general to enter into interstate agreements for use of national guard personnel, and the use of the national incident management system for state emergencies.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Horn, McKibben, Black, Brunkhorst, Connolly, Danielson, Hancock, Kettering, Kibbie, Miller, Tinsman, Ward, Wieck, and Wood. Nays, none. Absent, 2: Hatch and Zieman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 748, a bill for an act providing for state employee payroll deductions for qualified tuition program contributions.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Horn, McKibben, Black, Brunkhorst, Connolly, Danielson, Hancock, Kettering, Kibbie, Miller, Tinsman, Ward, Wieck, and Wood. Nays, none. Absent, 2: Hatch and Zieman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

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:

NATURAL RESOURCES AND ENVIRONMENT

Jeffrey Vonk – Director of the Department of Natural Resources

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

Barbara Oliver-Hall – Credit Union Review Board

Timothy Lapointe – Iowa Telecommunications and Technology Commission

Surasee Rodari – Title Guaranty Division Board
Mitchell Taylor – Title Guaranty Division Board

JUDICIARY

Constance Gronstal – Iowa State Civil Rights Commission
Frederick Morain – Iowa State Civil Rights Commission
Timothy Tutt – Iowa State Civil Rights Commission

David Erickson – Board of Corrections

NATURAL RESOURCES AND ENVIRONMENT

Darrell Hanson – Environmental Protection Commission
Henry Marquard – Environmental Protection Commission
Suzanne Morrow – Environmental Protection Commission
David Petty – Environmental Protection Commission
Mary Gail Scott – Environmental Protection Commission

Elizabeth Garst – Natural Resource Commission
Carol Kramer – Natural Resource Commission
Lennis Moore – Natural Resource Commission

Douglas Beech – Iowa Comprehensive Petroleum Underground Storage Tank Fund Board
James Holcomb – Iowa Comprehensive Petroleum Underground Storage Tank Fund Board

Judith Bodholdt – Renewable Fuels and Coproducts Advisory Committee
Kevin Lewis – Renewable Fuels and Coproducts Advisory Committee
Laura Rowe – Renewable Fuels and Coproducts Advisory Committee

AMENDMENTS FILED

S–3083	H.F.	440	Herman C. Quirmbach
S–3084	S.F.	349	James Seymour
S–3085	H.F.	742	John Putney
S–3086	H.F.	645	State Government
S–3087	S.F.	220	John Putney
S–3088	H.F.	253	State Government
S–3089	S.F.	341	Michael Connolly

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, APRIL 6, 2005

Printed daily by the State of Iowa during the sessions of the General Assembly. An official corrected copy is available for reference in the Secretary of the Senate's Office. (The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE SENATE

EIGHTY-SEVENTH CALENDAR DAY
FIFTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, April 6, 2005

The Senate met in regular session at 8:33 a.m., President Lamberti presiding.

Prayer was offered by Dr. Ahmed Kamal, member of the board of directors of the Darul Arqum Islamic Center in Ames, Iowa. He was the guest of Senator Quirmbach.

The Journal of Tuesday, April 5, 2005, 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 5, 2005, **passed** the following bills in which the concurrence of the Senate is asked:

House File 589, a bill for an act relating to the property taxation of nursing facilities and including effective and applicability date provisions.

Read first time and referred to committee on **Ways and Means.**

House File 724, a bill for an act creating a prescription drug donation repository program.

Read first time and referred to committee on **Human Resources.**

House File 737, a bill for an act relating to the registration and licensing of mortgage bankers and brokers, providing for fees, and providing an effective date.

Read first time and referred to committee on **Commerce.**

House File 825, a bill for an act relating to and making appropriations to the department of human services, the department of elder affairs, the Iowa department of public health, the commission of veterans affairs and the Iowa veterans home, and the department of inspections and appeals, providing for fee increases, and including other related provisions and appropriations, and providing effective dates.

Read first time and referred to committee on **Appropriations.**

House File 827, a bill for an act relating to the recognition and licensing of professional employer organizations, providing for fees and penalties, and making an appropriation.

Read first time and referred to committee on **Ways and Means.**

RECESS

On motion of Senator Courtney, the Senate recessed at 8:42 a.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:

STATE APPEAL BOARD

Claims against the State of Iowa denied during February, March, and April 2005. Report received on April 6, 2005.

IOWA WORKFORCE DEVELOPMENT

2004 Annual Report, pursuant to Iowa Code section 7E.3(4). Report received on April 6, 2005.

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Jed and Joyce Becker, Cresco—For receiving the April "Iowa Good Neighbor Award." Senator Zieman (4/6/05).

Venette Broderson, Waterloo—For celebrating your 90th birthday. Senator Dotzler (4/6/05).

Jennifer L. Heacock, Dyersville—For receiving the George S. Schaeffer Scholarship from the University of Iowa. Senator Hancock (4/6/05).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: April 6, 2005, 10:05 a.m.

Members Present: Angelo and Dvorsky, Co-chairs; Black, Boettger, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Johnson, Kettering, Lamberti, Miller, Putney, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, Ward, and Warnstadt.

Members Absent: None.

Committee Business: Passed HFs 711, 808, 809, and 810.

Recessed: 10:10 a.m.

Reconvened: 10:30 a.m.

Adjourned: 11:10 a.m.

EDUCATION

Convened: April 6, 2005, 9:05 a.m.

Members Present: Connolly and McKinley, Co-chairs; Angelo, Beall, Boettger, Brunkhorst, Dvorsky, Kreiman, Larson, Mulder, Quirmbach, Schoenjahn, Ward, and Wood.

Members Absent: None.

Committee Business: Passed HFs 276, 398, 423, 739 (as amended), and 740.

Adjourned: 9:40 a.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 33, by Black, Angelo, Warnstadt, Houser, and Kibbie, a resolution to recognize Vernon J. Baker, the only living World War II Medal of Honor recipient with an Iowa attachment.

Read first time under Rule 28 and referred to committee on **Rules and Administration.**

INTRODUCTION OF BILL

Senate File 402, by committee on Ways and Means, a bill for an act relating to the assessment and collection of penalty, fee, and interest charges imposed for the late payment of building code penalties, fines, and inspection and enforcement fees.

Read first time under Rule 28 and **placed on Ways and Means calendar.**

SUBCOMMITTEE ASSIGNMENTS

Senate Resolution 32

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

Senate Resolution 33

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

Senate File 399

WAYS AND MEANS: Connolly and Wieck, Co-chairs; Danielson and Miller

Senate File 400

WAYS AND MEANS: Larson and McCoy, Co-chairs; Dotzler and Zieman

House File 724

HUMAN RESOURCES: Dotzler and Johnson, Co-chairs; Kreiman and Seymour

House File 814

GOVERNMENT OVERSIGHT: Connolly and Lundby, Co-chairs

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: HOUSE FILE 711, a bill for an act relating to judicial branch procedures involving the appointment process of certain officers and judges and applications for further review at the appellate level, and providing for temporary delays in filling judgeships.

Recommendation: DO PASS.

Final Vote: Ayes, 24: Angelo, Dvorsky, Black, Boettger, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Johnson, Kettering, Lamberti, Miller, Putney, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, Ward, and Warnstadt. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 808, a bill for an act relating to and making appropriations involving state government, including provisions affecting agriculture and natural resources.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S–3092.

Final Vote: Ayes, 24: Angelo, Dvorsky, Black, Boettger, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Johnson, Kettering, Lamberti, Miller, Putney, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, Ward, and Warnstadt. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 809, a bill for an act relating to and making appropriations to the department of economic development, certain board of regents institutions, the department of workforce development, and the public employment relations board and related matters.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S–3093.

Final Vote: Ayes, 24: Angelo, Dvorsky, Black, Boettger, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Johnson, Kettering, Lamberti, Miller, Putney, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, Ward, and Warnstadt. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 810, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and providing an effective date.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S–3094.

Final Vote: Ayes, 24: Angelo, Dvorsky, Black, Boettger, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Johnson, Kettering, Lamberti, Miller, Putney, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, Ward, and Warnstadt. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EDUCATION

Bill Title: HOUSE FILE 276, a bill for an act requiring that meetings relating to postsecondary school registration held by the Iowa coordinating council for post-high school education be open to the public.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Connolly, Angelo, Beall, Boettger, Brunkhorst, Dvorsky, Larson, Mulder, Schoenjahn, Ward, and Wood. Nays, none. Absent, 3: McKinley, Kreiman, and Quirmbach.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 398, a bill for an act adding an exemption for colleges and universities established by city ordinance to the requirements relating to the registration of postsecondary schools.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Connolly, Angelo, Beall, Boettger, Brunkhorst, Dvorsky, Larson, Mulder, Quirmbach, Schoenjahn, Ward, and Wood. Nays, none. Absent, 2: McKinley and Kreiman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 423, a bill for an act relating to participation in secondary school interscholastic sports at the varsity and inferior levels.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Connolly, Angelo, Beall, Boettger, Brunkhorst, Dvorsky, Larson, Mulder, Quirmbach, Schoenjahn, Ward, and Wood. Nays, none. Absent, 2: McKinley and Kreiman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 740, a bill for an act relating to the duties and responsibilities of school districts, area education agencies, and the department of education by expanding school district audit requirements, requiring the department to submit an achievement gap report, changing deadlines and adding reporting requirements related to dropout and dropout prevention programs, changing testing requirements for the issuance of high school equivalency diplomas, eliminating certain requirements for school district payments and settlements, authorizing school site sale revenues to be used for physical plant and equipment levy fund expenditures, allowing school districts to establish nonprofit entities or organizations, eliminating Code provisions related to extended school programs and evening and part-time schools, providing for changes to open enrollment requirements, deadlines, and authorizations, repealing a school district lawful fence requirement, providing for the confidentiality of records regarding a child receiving competent private instruction, eliminating a requirement that school bus drivers submit a certificate of physical fitness annually, expanding the penalties for school bus drivers in violation of Code requirements, and revising requirements for prior authorization and a certificate of need for local option and services tax for school infrastructure fund use, and including a retroactive applicability provision.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Connolly, McKinley, Angelo, Beall, Boettger, Brunkhorst, Dvorsky, Kreiman, Larson, Mulder, Quirmbach, Schoenjahn, Ward, and Wood. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: *SENATE FILE 402 (formerly SF 281), a bill for an act relating to the assessment and collection of penalty, fee, and interest charges imposed for the late payment of building code penalties, fines, and inspection and enforcement fees.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Bolkcom, Connolly, Danielson, Dotzler, Hahn, Larson, McKibben, McKinley, Miller, Quirmbach, Seng, Stewart, Wieck, and Zaun. Nays, none. Absent, 2: Zieman 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 402, and they were attached to the committee report.

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 6, 2005, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 205 – Providing for life science enterprises authorized to hold agricultural land, making penalties applicable, and providing an effective date.

S.F. 264 – Relating to the funding of the dual party relay service through assessments on telecommunications carriers providing telephone service.

S.F. 270 – Relating to identity theft including criminal violations and damages recoverable in a civil action, providing for forfeiture of property and for certain rights of financial institutions, and providing for civil remedies.

AFTERNOON SESSION

The Senate reconvened at 4:30 p.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 April 6, 2005, **passed** the following bill in which the concurrence of the Senate is asked:

House File 807, a bill for an act relating to and making appropriations to the judicial branch, and providing an effective date.

Read first time and **passed on file.**

RECESS

On motion of Senator Gronstal, 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 4:34 p.m., President Lamberti presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Gaskill and Lundby, until they return, on request of Senator Iverson; and Senator Hatch, until he returns, on request of Senator Gronstal.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 33, a resolution to recognize Vernon J. Baker, the only living World War II Medal of Honor recipient with an Iowa attachment.

Recommendation: DO PASS.

Final Vote: Ayes, 6: Gronstal, Boettger, Courtney, Kibbie, Lamberti, and Ragan. Nays, none. Absent, 4: Iverson, Angelo, Dvorsky, and Hahn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 33.

Senate Resolution 33

On motion of Senator Black, **Senate Resolution 33**, a resolution to recognize Vernon J. Baker, the only living World War II Medal of Honor recipient with an Iowa attachment, with report of committee recommending passage, was taken up for consideration.

Senator Black moved the adoption of Senate Resolution 33, which motion prevailed by a voice vote.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Gronstal called up the following eligible appointees on the En Bloc Confirmation Calendar:

Carissa Huffman, Board of Interpreters for the Hearing Impaired Examiners
Stuart Thiessen, Board of Interpreters for the Hearing Impaired Examiners

Constance Gronstal, Iowa State Civil Rights Commission
Frederick Morain, Iowa State Civil Rights Commission
Timothy Tutt, Iowa State Civil Rights Commission

Kathy Beauchamp, Commission on Community Action Agencies
Merl McFarlane, Commission on Community Action Agencies

David Erickson, Board of Corrections

Janet Olsen, Board of Cosmetology Arts and Sciences Examiners

Jacquelyn Fletcher, Commission on the Deaf

Barbara Brown, Iowa Empowerment Board
John Calhoun, Iowa Empowerment Board
Terri Christoffersen, Iowa Empowerment Board
Mary Odell, Iowa Empowerment Board

Darrell Hanson, Environmental Protection Commission
Henry Marquard, Environmental Protection Commission
Suzanne Morrow, Environmental Protection Commission
David Petty, Environmental Protection Commission
Mary Gail Scott, Environmental Protection Commission

James Yeast, Healthy and Well Kids in Iowa (HAWK-I) Board

Elizabeth Garst, Natural Resource Commission
Carol Kramer, Natural Resource Commission
Lennis Moore, Natural Resource Commission

Douglas Beech, Iowa Comprehensive Petroleum Underground Storage Tank Fund Board

Susan Enzle, Board of Psychology Examiners

Judith Bodholdt, Renewable Fuels and Coproducts Advisory Committee
Laura Rowe, Renewable Fuels and Coproducts Advisory Committee

Joyce Westphal, Board of Social Work Examiners

Timothy Lapointe, Iowa Telecommunications and Technology Commission

Surasee Rodari, Title Guaranty Division Board
Mitchell Taylor, Title Guaranty Division Board

Christopher Squier, Commission on Tobacco Use Prevention and Control

Patricia Crawford, State Transportation Commission

Senator Gronstal moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Yeas, 47:

Angelo	Dvorsky	Lamberti	Seng
Beall	Fraise	Larson	Seymour
Behn	Gronstal	McCoy	Shull

Black	Hahn	McKibben	Stewart
Boettger	Hancock	McKinley	Tinsman
Bolkcom	Horn	Miller	Ward
Brunkhorst	Houser	Mulder	Warnstadt
Connolly	Iverson	Putney	Wieck
Courtney	Johnson	Quirmbach	Wood
Danielson	Kettering	Ragan	Zaun
Dearden	Kibbie	Rielly	Zieman
Dotzler	Kreiman	Schoenjahn	

Nays, none.

Absent, 3:

Gaskill	Hatch	Lundby

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 394.

Senate File 394

On motion of Senator Larson, **Senate File 394**, a bill for an act relating to veterans by providing for the establishment of a department of veterans affairs, and extending veterans' benefits, preferences, eligibility for appointments, and the military service tax credit and exemption to certain members of the reserve forces of the United States and the Iowa national guard and providing an effective date, was taken up for consideration.

Senator Kibbie offered amendment S–3090, filed by Senator Kibbie, et al., from the floor to pages 1–9, 12, 14, 18, 19, and to the title page of the bill, and moved its adoption.

Amendment S–3090 was adopted by a voice vote.

Senator Larson moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 394), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kreiman	Schoenjahn
Beall	Fraise	Lamberti	Seng
Behn	Gronstal	Larson	Seymour
Black	Hahn	McCoy	Shull
Boettger	Hancock	McKibben	Stewart
Bolkcom	Hatch	McKinley	Tinsman
Brunkhorst	Horn	Miller	Ward
Connolly	Houser	Mulder	Warnstadt
Courtney	Iverson	Putney	Wieck
Danielson	Johnson	Quirmbach	Wood
Dearden	Kettering	Ragan	Zaun
Dotzler	Kibbie	Rielly	Zieman

Nays, none.

Absent, 2:

Gaskill	Lundby

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 382.

Senate File 382

On motion of Senator Zaun, **Senate File 382**, a bill for an act limiting the preference to purchase an unused right-of-way, was taken up for consideration.

Senator Zaun moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 382), the vote was:

Yeas, 47:

Angelo	Dvorsky	Lamberti	Seng
Beall	Fraise	Larson	Seymour
Behn	Gronstal	McCoy	Shull
Black	Hahn	McKibben	Stewart
Boettger	Hancock	McKinley	Tinsman
Bolkcom	Hatch	Miller	Ward
Brunkhorst	Horn	Mulder	Warnstadt
Connolly	Houser	Putney	Wieck
Courtney	Iverson	Quirmbach	Wood
Danielson	Johnson	Ragan	Zaun
Dearden	Kettering	Rielly	Zieman
Dotzler	Kibbie	Schoenjahn	

Nays, 1:

Kreiman

Absent, 2:

Gaskill Lundby

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

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 32, a resolution posthumously honoring His Holiness Pope John Paul II and commemorating his life's work.

Recommendation: DO PASS.

Final Vote: Ayes, 6: Gronstal, Boettger, Courtney, Kibbie, Lamberti, and Ragan. Nays, none. Absent, 4: Iverson, Angelo, Dvorsky, and Hahn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 32.

Senate Resolution 32

On motion of Senator Johnson, **Senate Resolution 32**, a resolution posthumously honoring His Holiness Pope John Paul II and commemorating his life's work, with report of committee recommending passage, was taken up for consideration.

Senator Johnson moved the adoption of Senate Resolution 32, which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 382** and **394** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 5:03 p.m. until 8:30 a.m., Thursday, April 7, 2005.

APPENDIX — 2

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Charlotte Brineks, New Hampton—For being a recipient of the 100 Great Iowa Nurses for 2005 Award. Senator Zieman (4/6/05).

Betsy Fruechte, New Albin—For being a recipient of the University of Iowa Presidential Scholarship. Senator Zieman (4/6/05).

Ashley Haugo, Decorah—For being a recipient of the University of Iowa Presidential Scholarship. Senator Zieman (4/6/05).

Rachel Matt, Cresco—For being a recipient of the University of Iowa Presidential Scholarship. Senator Zieman (4/6/05).

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: April 6, 2005, 4:15 p.m.

Members Present: Behn and Warnstadt, Co-chairs; Angelo, Beall, Bolkcom, Courtney, Gronstal, Kettering, Larson, McCoy, McKinley, Rielly, Stewart, Wieck, and Zieman.

Members Absent: Zaun (excused).

Committee Business: Passed HFs 610, 614 (as amended), 737, and 764.

Adjourned: 4:25 p.m.

HUMAN RESOURCES

Convened: April 6, 2005, 3:00 p.m.

Members Present: Ragan and Seymour, Co-chairs; Behn, Boettger, Bolkcom, Dotzler, Hatch, Houser, Johnson, Kreiman, Quirmbach, Tinsman, and Wood.

Members Absent: Gaskill (excused).

Committee Business: Passed HFs 538, 585, 587, 616, 620, 710, 724, 753, 760, 761, 781, 787, and 789.

Adjourned: 4:05 p.m.

RULES AND ADMINISTRATION

Convened: April 6, 2005, 4:30 p.m.

Members Present: Gronstal, Co-chair; Boettger, Courtney, Kibbie, Lamberti, and Ragan.

Members Absent: Iverson, Co-chair; Angelo, Dvorsky, and Hahn (all excused).

Committee Business: Passed SRs 32 and 33.

Adjourned: 4:35 p.m.

TRANSPORTATION

Convened: April 6, 2005, 3:00 p.m.

Members Present: McCoy and Putney, Co-chairs; Beall, Danielson, Dearden, Fraise, Hahn, Kettering, Shull, Ward, Warnstadt, and Zieman.

Members Absent: None.

Committee Business: Passed HF 826.

Recessed: 3:40 p.m.

Reconvened: 3:55 p.m.

Adjourned: 4:10 p.m.

STUDY BILLS RECEIVED

SSB 1303 Ways and Means

Providing an income tax credit for retail dealers operating service stations that sell and dispense a qualifying percentage of ethanol blended gasoline.

SSB 1304 Ways and Means

Exempting the purchase of a musical organ that is to be located and primarily used in a place of worship and including effective and retroactive applicability date provisions.

SSB 1305 Ways and Means

Providing for a tax on earned income of an individual in lieu of the regular income tax, alternative income tax, and the tax on lump sum distributions, and including effective and retroactive applicability date provisions.

SSB 1306 Ways and Means

Providing tax credits for the costs of information technology training of certain employees under the individual and corporate income taxes and including effective and retroactive applicability date provisions.

SSB 1307 Appropriations

Relating to the compensation and benefits for public officials and employees and members of the general assembly, providing for related matters, making appropriations, and including an effective date provision.

SUBCOMMITTEE ASSIGNMENTS

House File 737

COMMERCE: Courtney and Kettering, Co-chairs; Stewart and Wieck

House File 772

STATE GOVERNMENT: Danielson and Ward, Co-chairs; Hatch and McKibben

SSB 1303

WAYS AND MEANS: Dotzler and Zieman, Co-chairs; Hahn and Stewart

SSB 1304

WAYS AND MEANS: Quirmbach and Wieck, Co-chairs; Danielson and Miller

SSB 1305

WAYS AND MEANS: McKibben and Quirmbach, Co-chairs; Connolly and Zieman

SSB 1306

WAYS AND MEANS: Connolly and Wieck, Co-chairs; Quirmbach and Zaun

SSB 1307

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs

FINAL COMMITTEE REPORTS OF BILL ACTION

COMMERCE

Bill Title: HOUSE FILE 610, a bill for an act relating to the transmission of electronic mail including the transmission of unsolicited bulk electronic mail, and the sale or offer for direct sale of prescription drugs and the sale of adulterated or misbranded drugs through the use of electronic mail or the internet, and providing for penalties.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Behn, Warnstadt, Angelo, Beall, Bolkcom, Courtney, Gronstal, Kettering, Larson, McCoy, McKinley, Rielly, Stewart, Wieck, and Zieman. Nays, none. Absent, 1: Zaun.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 737, a bill for an act relating to the registration and licensing of mortgage bankers and brokers, providing for fees, and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Behn, Warnstadt, Angelo, Beall, Bolkcom, Courtney, Gronstal, Kettering, Larson, McCoy, McKinley, Rielly, Stewart, Wieck, and Zieman. Nays, none. Absent, 1: Zaun.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 764, a bill for an act relating to the unemployment rate of contribution of a person who acquires an organization, trade, or business and providing penalties.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Behn, Warnstadt, Angelo, Beall, Bolkcom, Courtney, Gronstal, Kettering, Larson, McCoy, McKinley, Rielly, Stewart, Wieck, and Zieman. Nays, none. Absent, 1: Zaun.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EDUCATION

Bill Title: HOUSE FILE 739, a bill for an act relating to education technology, including the creation of an Iowa learning technology commission and pilot program, and the establishment of a research triangle and clearinghouse.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S–3095.

Final Vote: Ayes, 14: Connolly, McKinley, Angelo, Beall, Boettger, Brunkhorst, Dvorsky, Kreiman, Larson, Mulder, Quirmbach, Schoenjahn, Ward, and Wood. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S–3090	S.F.	394	John P. Kibbie Charles W. Larson, Jr. Steve Warnstadt Larry McKibben
S–3091	H.F.	275	Keith A. Kreiman
S–3092	H.F.	808	Appropriations
S–3093	H.F.	809	Appropriations
S–3094	H.F.	810	Appropriations
S–3095	H.F.	739	Education

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, APRIL 7, 2005

Printed daily by the State of Iowa during the sessions of the General Assembly. An official corrected copy is available for reference in the Secretary of the Senate's Office. (The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE SENATE

EIGHTY-EIGHTH CALENDAR DAY
FIFTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, April 7, 2005

The Senate met in regular session at 8:36 a.m., President Lamberti presiding.

Prayer was offered by Pastor Don Ringnalda of the Leighton Reformed Church in Leighton, Iowa. He was the guest of Senator McKinley.

The Journal of Wednesday, April 6, 2005, 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, 2005, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 206, a bill for an act relating to deer population management and providing penalties and appropriations. (S–3096)

ALSO: That the House has on April 6, 2005, **passed** the following bill in which the concurrence of the Senate is asked:

House File 720, a bill for an act creating a women entrepreneurs and young professionals in business program.

Read first time and referred to committee on **Economic Growth.**

House File 811, a bill for an act relating to and making appropriations to the justice system and providing an effective date.

Read first time and referred to committee on **Appropriations.**

SPECIAL GUESTS

Senator McKinley welcomed to the Senate chamber Queen Marie Bruns and representatives from Pella's Seventieth Annual Tulip Time Festival.

Queen Bruns and her court appeared before the rostrum. Queen Bruns introduced the following members of her court: Sara Steenhoek, Jill Van Vark, Jennifer Van Ee, and Ashley Van Soelen, who sang a song about Tulip Time for the Senate.

Queen Bruns presented President Lamberti with a kiss and a package of the famous Pella Dutch pastries and invited the Senate to attend the Tulip Time Festival on May 5, 6, and 7, 2005.

The Queen, her attendants, and their parents distributed pastries to the senators and staff.

The Senate stood at ease at 8:54 a.m. until the fall of the gavel for the purpose of a Republican caucus.

The Senate resumed session at 9:26 a.m., President Lamberti presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Gaskill, until he arrives, on request of Senator Boettger; and Senator McCoy, until he arrives, on request of Senator Gronstal.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Gronstal called up the following eligible appointees on the En Bloc Confirmation Calendar:

Gayle Collins, Alcoholic Beverages Commission

Annabelle Diehl, Architectural Examining Board

Lynn Lindaman, Board of Athletic Training Examiners

Marcia Michaels, Board of Behavioral Science Examiners
Vilia Tarvydas, Board of Behavioral Science Examiners

Anna Bratney, Child Advocacy Board

John Willey, Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission

James Holcomb, Iowa Comprehensive Petroleum Underground Storage Tank Fund Board

Senator Gronstal 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	Kreiman	Schoenjahn
Beall	Fraise	Lamberti	Seng
Behn	Gronstal	Larson	Seymour
Black	Hahn	Lundby	Shull
Boettger	Hancock	McKibben	Stewart
Bolkcom	Hatch	McKinley	Tinsman
Brunkhorst	Horn	Miller	Ward
Connolly	Houser	Mulder	Warnstadt
Courtney	Iverson	Putney	Wieck
Danielson	Johnson	Quirmbach	Wood
Dearden	Kettering	Ragan	Zaun
Dotzler	Kibbie	Rielly	Zieman

Nays, none.

Absent, 2:

Gaskill	McCoy

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 390.

Senate File 390

On motion of Senator Miller, **Senate File 390**, a bill for an act relating to the generation and purchase of renewable energy including establishing a renewable energy tax credit program administered by the utilities division of the department of commerce and the department of revenue, and providing an effective date, was taken up for consideration.

Senator Miller offered amendment S–3079, filed by Senators Miller and Bolkcom on April 4, 2005, to pages 1, 2, and 4–11 of the bill, and moved its adoption.

Amendment S–3079 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. 390), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kreiman	Schoenjahn
Beall	Fraise	Lamberti	Seng
Behn	Gronstal	Larson	Seymour
Black	Hahn	Lundby	Shull
Boettger	Hancock	McKibben	Stewart
Bolkcom	Hatch	McKinley	Tinsman
Brunkhorst	Horn	Miller	Ward
Connolly	Houser	Mulder	Warnstadt
Courtney	Iverson	Putney	Wieck
Danielson	Johnson	Quirmbach	Wood
Dearden	Kettering	Ragan	Zaun
Dotzler	Kibbie	Rielly	Zieman

Nays, none.

Absent, 2:

Gaskill	McCoy

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 390** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:46 a.m. until 11:45 a.m.

APPENDIX — 1

INTRODUCTION OF RESOLUTIONS

Senate Resolution 34, by Horn, a resolution honoring Solon Community Schools coach and teacher Ed Hansen.

Read first time under Rule 28 and referred to committee on **Rules and Administration.**

Senate Resolution 35, by Kettering and Shull, a resolution honoring the city of Sac City on its sesquicentennial.

Read first time under Rule 28 and referred to committee on **Rules and Administration.**

FINAL COMMITTEE REPORTS OF BILL ACTION

COMMERCE

Bill Title: HOUSE FILE 614, a bill for an act relating to the transmission, installation, and use of computer software through deceptive or unauthorized means and providing for penalties.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S–3097.

Final Vote: Ayes, 15: Behn, Warnstadt, Angelo, Beall, Bolkcom, Courtney, Gronstal, Kettering, Larson, McCoy, McKinley, Rielly, Stewart, Wieck, and Zieman. Nays, none. Absent, 1: Zaun.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

HUMAN RESOURCES

Bill Title: HOUSE FILE 538, a bill for an act revising child welfare requirements involving children with mental health, behavioral, or emotional disorders and providing a contingent effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Ragan, Seymour, Behn, Boettger, Bolkcom, Dotzler, Hatch, Houser, Johnson, Quirmbach, Tinsman, and Wood. Nays, none. Present, 1: Kreiman. Absent, 1: Gaskill.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 585, a bill for an act relating to assisted living programs, providing for a fee, and providing penalties.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S–3101.

Final Vote: Ayes, 13: Ragan, Seymour, Behn, Boettger, Bolkcom, Dotzler, Hatch, Houser, Johnson, Kreiman, Quirmbach, Tinsman, and Wood. Nays, none. Absent, 1: Gaskill.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 587, a bill for an act relating to adult day services regulation and providing penalties.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S–3098.

Final Vote: Ayes, 13: Ragan, Seymour, Behn, Boettger, Bolkcom, Dotzler, Hatch, Houser, Johnson, Kreiman, Quirmbach, Tinsman, and Wood. Nays, none. Absent, 1: Gaskill.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 616, a bill for an act revising requirements applicable to county and multicounty decategorization of child welfare and juvenile justice funding projects.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Ragan, Seymour, Behn, Boettger, Bolkcom, Dotzler, Hatch, Houser, Johnson, Quirmbach, Tinsman, and Wood. Nays, none. Present, 1: Kreiman. Absent, 1: Gaskill.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 620, a bill for an act relating to the volunteer health care provider program and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Ragan, Seymour, Behn, Boettger, Bolkcom, Dotzler, Hatch, Houser, Johnson, Kreiman, Quirmbach, Tinsman, and Wood. Nays, none. Absent, 1: Gaskill.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 710, a bill for an act relating to the regulation of elder group homes and providing penalties.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S–3099.

Final Vote: Ayes, 13: Ragan, Seymour, Behn, Boettger, Bolkcom, Dotzler, Hatch, Houser, Johnson, Kreiman, Quirmbach, Tinsman, and Wood. Nays, none. Absent, 1: Gaskill.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 724, a bill for an act creating a prescription drug donation repository program.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Ragan, Seymour, Behn, Boettger, Bolkcom, Dotzler, Hatch, Houser, Johnson, Kreiman, Quirmbach, Tinsman, and Wood. Nays, none. Absent, 1: Gaskill.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 753, a bill for an act requiring certain safety-related information concerning a child to be provided to a parent, guardian, or foster parent or other custodian of a child.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Ragan, Seymour, Behn, Boettger, Bolkcom, Dotzler, Hatch, Houser, Johnson, Kreiman, Quirmbach, Tinsman, and Wood. Nays, none. Absent, 1: Gaskill.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 760, a bill for an act relating to dependent adults and the provision of protective services.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Ragan, Seymour, Behn, Boettger, Bolkcom, Dotzler, Hatch, Houser, Johnson, Kreiman, Quirmbach, Tinsman, and Wood. Nays, none. Absent, 1: Gaskill.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 761, a bill for an act relating to children's programs by colocating early childhood programs available through the community empowerment initiative and requiring the department of human services to develop and implement a voluntary child care quality rating system.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Ragan, Seymour, Behn, Boettger, Bolkcom, Dotzler, Hatch, Houser, Johnson, Kreiman, Quirmbach, Tinsman, and Wood. Nays, none. Absent, 1: Gaskill.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 781, a bill for an act relating to the establishment of a direct care worker task force.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Ragan, Seymour, Behn, Boettger, Bolkcom, Dotzler, Hatch, Houser, Johnson, Kreiman, Quirmbach, Tinsman, and Wood. Nays, none. Absent, 1: Gaskill.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 787, a bill for an act relating to information to be reported regarding an induced termination of pregnancy performed on a minor, and making penalties applicable.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Ragan, Seymour, Behn, Boettger, Dotzler, Hatch, Houser, Johnson, Tinsman, and Wood. Nays, 2: Bolkcom and Quirmbach. Present, 1: Kreiman. Absent, 1: Gaskill.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 789, a bill for an act relating to programs and functions under the purview of the Iowa department of public health.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S–3100.

Final Vote: Ayes, 13: Ragan, Seymour, Behn, Boettger, Bolkcom, Dotzler, Hatch, Houser, Johnson, Kreiman, Quirmbach, Tinsman, and Wood. Nays, none. Absent, 1: Gaskill.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

TRANSPORTATION

Bill Title: HOUSE FILE 826, a bill for an act relating to the speed limit for vehicular traffic on highways, the fines for violations, and court costs for simple misdemeanor offenses and providing a fee and making appropriations.

Recommendation: WITHOUT RECOMMENDATION.

Final Vote: Ayes, 7: McCoy, Putney, Beall, Danielson, Hahn, Kettering, and Ward. Nays, 5: Dearden, Fraise, Shull, Warnstadt, and Zieman. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILL ASSIGNED TO COMMITTEE

President Lamberti announced that **House File 807** was assigned to the **Appropriations** committee.

RECONVENED

The Senate reconvened at 11:50 a.m., President Pro Tempore McKibben presiding.

BILLS PLACED ON UNFINISHED BUSINESS CALENDAR

Senator Gronstal asked and received unanimous consent that the following bills be placed on the Unfinished Business Calendar:

S.F. 366
S.F. 372
S.F. 392
S.F. 393
S.F. 398
S.F. 401
S.F. 402

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 11:52 a.m. until 1:00 p.m., Monday, April 11, 2005.

APPENDIX — 2

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Ross Hanson, Ossian—For achieving the rank of Eagle Scout, Boy Scout Troop 88. Senator Zieman (4/7/05).

Mae Marie Jones, Waterloo—For celebrating your 90th birthday. Senator Seng (4/7/05).

REPORTS OF COMMITTEE MEETINGS

ECONOMIC GROWTH

Convened: April 7, 2005, 10:30 a.m.

Members Present: Brunkhorst and Hatch, Co-chairs; Beall, Behn, Danielson, Dotzler, Hahn, McKinley, Ragan, Rielly, Seymour, Shull, Stewart, and Zaun.

Members Absent: None.

Committee Business: Passed HFs 708, 720, and 797.

Adjourned: 11:05 a.m.

GOVERNMENT OVERSIGHT

Convened: April 7, 2005, 9:55 a.m.

Members Present: Courtney and Lundby, Co-chairs; Connolly and Wieck.

Members Absent: None.

Committee Business: Approved SSB 1295.

Adjourned: 10:00 a.m.

JUDICIARY

Convened: April 7, 2005, 10:05 a.m.

Members Present: Kreiman and Miller, Co-chairs; Boettger, Brunkhorst, Dvorsky, Fraise, Hancock, Horn, Larson, McKibben, Quirmbach, Schoenjahn, Tinsman, Ward, Warnstadt, and Zaun.

Members Absent: None.

Committee Business: Passed HFs 619 and 682 (as amended). Approved Governor's appointee.

Adjourned: 10:50 a.m.

LOCAL GOVERNMENT

Convened: April 7, 2005, 1:05 p.m.

Members Present: Quirmbach and Shull, Co-chairs; Houser, Kreiman, Lundby, McCoy, Mulder, Putney, Rielly, Schoenjahn, Stewart, and Zaun.

Members Absent: None.

Committee Business: Passed HFs 222, 712, and 774.

Adjourned: 1:40 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: April 7, 2005, 11:00 a.m.

Members Present: Black and Houser, Co-chairs; Bolkcom, Dearden, Hancock, Johnson, Kettering, Lundby, Miller, Putney, Schoenjahn, Seng, and Wood.

Members Absent: Gaskill (excused).

Committee Business: Passed HFs 767 and 768. Approved Governor's appointee.

Adjourned: 11:15 a.m.

STATE GOVERNMENT

Convened: April 7, 2005, 1:10 p.m.

Members Present: Horn and McKibben, Co-chairs; Black, Brunkhorst, Connolly, Danielson, Hancock, Hatch, Kettering, Kibbie, Miller, Tinsman, Ward, Wieck, Wood, and Zieman.

Members Absent: None.

Committee Business: Passed HFs 339, 532, 644, 646, 729, 772, and 776.

Recessed: 1:20 p.m.

Reconvened: 1:40 p.m.

Adjourned: 2:30 p.m.

WAYS AND MEANS

Convened: April 7, 2005, 11:40 a.m.

Members Present: Bolkcom, Co-chair; Connolly, Danielson, Dotzler, Hahn, Larson, McCoy, McKibben, Miller, Quirmbach, Seng, Stewart, Wieck, and Zaun.

Members Absent: Zieman, Co-chair; and McKinley (both excused).

Committee Business: Passed SF 399 and HFs 313 and 607.

Adjourned: 11:50 a.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 36, by Warnstadt, a resolution recognizing April 15, 2005, as "National Youth Service Day."

Read first time under Rule 28 and referred to committee on **Rules and Administration.**

INTRODUCTION OF BILL

Senate File 403, by committee on Government Oversight, a bill for an act providing for the receipt of and costs relating to public records requests.

Read first time under Rule 28 and **placed on calendar.**

STUDY BILL RECEIVED

SSB 1308 Government Oversight

Relating to the establishment of state and school antiharassment or antibullying policies, providing data collection and reporting requirements, and providing for immunity and other related matters.

SUBCOMMITTEE ASSIGNMENTS

Senate Resolution 34

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

Senate Resolution 35

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

SSB 1308

GOVERNMENT OVERSIGHT: Connolly and Lundby, Co-chairs

FINAL COMMITTEE REPORTS OF BILL ACTION

ECONOMIC GROWTH

Bill Title: HOUSE FILE 708, a bill for an act relating to the establishment of rural improvement zones.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Brunkhorst, Hatch, Beall, Behn, Danielson, Dotzler, Hahn, McKinley, Ragan, Rielly, Seymour, Shull, Stewart, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 797, a bill for an act relating to the establishment of a promotional program for national historic landmarks and certified cultural and entertainment districts.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Brunkhorst, Hatch, Beall, Behn, Danielson, Dotzler, Hahn, McKinley, Ragan, Rielly, Seymour, Shull, Stewart, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

GOVERNMENT OVERSIGHT

Bill Title: SENATE FILE 403 (SSB 1295), a bill for an act providing for the receipt of and costs relating to public records requests.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 4: Courtney, Lundby, Connolly, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Bill Title: HOUSE FILE 619, a bill for an act relating to persons convicted of criminal offenses requiring registration on the sex offender registry or requiring an additional indeterminate sentence, establishing a sex offender registry database task force, and providing penalties.

Recommendation: DO PASS.

Final Vote: Ayes, 16: Kreiman, Miller, Boettger, Brunkhorst, Dvorsky, Fraise, Hancock, Horn, Larson, McKibben, Quirmbach, Schoenjahn, Tinsman, Ward, Warnstadt, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

LOCAL GOVERNMENT

Bill Title: HOUSE FILE 222, a bill for an act relating to the nonpartisan election of township officers.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Quirmbach, Shull, Houser, Kreiman, Lundby, McCoy, Mulder, Putney, Rielly, Schoenjahn, Stewart, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 774, a bill for an act relating to the petition and vote requirements for increasing or reducing board of supervisors membership in certain counties.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Quirmbach, Shull, Houser, Lundby, Mulder, Putney, Rielly, and Stewart. Nays, 4: Kreiman, McCoy, Schoenjahn, and Zaun. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

NATURAL RESOURCES AND ENVIRONMENT

Bill Title: HOUSE FILE 767, a bill for an act relating to a schedule established by the environmental protection commission for civil penalties.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Black, Houser, Dearden, Hancock, Johnson, Kettering, Lundby, Miller, Putney, Schoenjahn, Seng, and Wood. Nays, 1: Bolkcom. Absent, 1: Gaskill.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 768, a bill for an act relating to the publishing of notice of recommendations to grant permits for diversion, storage, and withdrawal of water.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Black, Houser, Bolkcom, Dearden, Hancock, Johnson, Kettering, Lundby, Miller, Putney, Schoenjahn, Seng, and Wood. Nays, none. Absent, 1: Gaskill.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Bill Title: HOUSE FILE 339, a bill for an act relating to the regulation of tobacco product retailers, and making penalties applicable.

Recommendation: DO PASS.

Final Vote: Ayes, 16: Horn, McKibben, Black, Brunkhorst, Connolly, Danielson, Hancock, Hatch, Kettering, Kibbie, Miller, Tinsman, Ward, Wieck, Wood, and Zieman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 532, a bill for an act relating to the administrative functions of the department of cultural affairs, including the board of trustees of the state historical society of Iowa and the state records commission.

Recommendation: DO PASS.

Final Vote: Ayes, 16: Horn, McKibben, Black, Brunkhorst, Connolly, Danielson, Hancock, Hatch, Kettering, Kibbie, Miller, Tinsman, Ward, Wieck, Wood, and Zieman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 644, a bill for an act relating to elections and voter registration by making certain corrective changes, prohibiting the processing of certain voter registration applications, allowing certain voter registrations to be submitted

after the deadline, removing the requirement for separate entrances to buildings where polling places for more than one precinct are located, requiring names of candidates for nonpartisan office to be printed on the ballot in alphabetical order, relating to information printed on a certain portion of the ballot, modifying opening hours of the polls at certain elections, allowing the voter's declaration of eligibility to be printed on the election register, relating to the abstract of votes for county offices, relating to appointment of observers present when ballots are counted, allowing absentee voting at the commissioner's office for part of the day of the election for certain elections, modifying the time period during which a person may request an absentee ballot, requiring the registered voter's date of birth on the absentee ballot application, clarifying that certain confined persons may vote an absentee ballot in person at the commissioner's office, changing the deadline for challenging an absentee voter's qualifications, relating to persons nominated for city office by write-in votes, repealing the provisions declaring it unlawful for an absentee voter to fail to return the voter's absentee ballot, and including an applicability date provision.

Recommendation: DO PASS.

Final Vote: Ayes, 16: Horn, McKibben, Black, Brunkhorst, Connolly, Danielson, Hancock, Hatch, Kettering, Kibbie, Miller, Tinsman, Ward, Wieck, Wood, and Zieman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 772, a bill for an act relating to violations of the open meetings and open records law by a member of a governmental body, the lawful custodian of a public record, or any other appropriate person.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Horn, McKibben, Black, Brunkhorst, Connolly, Danielson, Hancock, Hatch, Kettering, Kibbie, Miller, Ward, Wieck, Wood, and Zieman. Nays, none. Present, 1: Tinsman. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 776, a bill for an act relating to governmental financial and information technology activities, including membership in state insurance plans by former members of the general assembly, designation of a chief information officer for the state, cooperative procurement agreements, distribution of state employee salary information, setoff authority for capitol complex and state laboratory parking fines collection, sales of disposed personal property of the state by not-for-profit organizations, a local government setoff authority pilot project, and providing for a study concerning credit card payments accepted by government.

Recommendation: DO PASS.

Final Vote: Ayes, 16: Horn, McKibben, Black, Brunkhorst, Connolly, Danielson, Hancock, Hatch, Kettering, Kibbie, Miller, Tinsman, Ward, Wieck, Wood, and Zieman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: HOUSE FILE 313, a bill for an act relating to the establishment of an industrial processing exemption study committee and including an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Bolkcom, Connolly, Danielson, Dotzler, Hahn, Larson, McCoy, McKibben, Miller, Quirmbach, Seng, Stewart, Wieck, and Zaun. Nays, none. Absent, 2: Zieman and McKinley.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 607, a bill for an act relating to emergency services provided to residents of certain townships and including effective date and retroactive applicability date provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Bolkcom, Connolly, Danielson, Dotzler, Hahn, Larson, McCoy, Miller, Quirmbach, Seng, Stewart, Wieck, and Zaun. Nays, none. Absent, 3: Zieman, McKibben, and McKinley.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendations for confirmation:

JUDICIARY

Pamela Dettmann – Iowa Drug Policy Advisory Council

NATURAL RESOURCES AND ENVIRONMENT

William Furlong – Renewable Fuels and Coproducts Advisory Committee

AMENDMENTS FILED

S–3096	S.F.	206	House
S–3097	H.F.	614	Commerce
S–3098	H.F.	587	Human Resources
S–3099	H.F.	710	Human Resources
S–3100	H.F.	789	Human Resources
S–3101	H.F.	585	Human Resources
S–3102	H.F.	740	Frank B. Wood

PROOF

STATE OF IOWA

Senate Journal

MONDAY, APRIL 11, 2005

Printed daily by the State of Iowa during the sessions of the General Assembly. An official corrected copy is available for reference in the Secretary of the Senate's Office. (The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE SENATE

NINETY-SECOND CALENDAR DAY
FIFTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, April 11, 2005

The Senate met in regular session at 1:02 p.m., President Kibbie presiding.

Prayer was offered by Father Jerry Blake, pastor of St. James Catholic Church in Forest City, Iowa. He was the guest of Senator Gaskill.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Kelsey Shay.

The Journal of Thursday, April 7, 2005, was approved.

SPECIAL GUESTS

Senator Beall welcomed to the Senate chamber five Russian visitors: Rimma Borisovna Kim, Olga Gennadyevna Kandakova, Natalya Stanislavovna Nefedova, Alfiya Gazizyanovna Yulamanova, and Grigoriy Olegovich Yarygin. They were accompanied by Terri Bonar of Southeastern Community College in West Burlington.

The Senate rose and expressed its welcome.

The Senate stood at ease at 1:07 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:45 p.m., President Kibbie presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Houser, for the day, on request of Senator Iverson.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House Files 252, 700, and 291.

House File 252

On motion of Senator Brunkhorst, **House File 252**, a bill for an act relating to the control of noxious weeds on land by providing alternative notice procedures to landowners and other responsible persons, 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. 252), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kreiman	Schoenjahn
Beall	Fraise	Lamberti	Seng
Behn	Gaskill	Larson	Seymour
Black	Gronstal	McCoy	Shull
Boettger	Hahn	McKibben	Stewart
Bolkcom	Hancock	McKinley	Tinsman
Brunkhorst	Hatch	Miller	Ward
Connolly	Horn	Mulder	Warnstadt
Courtney	Iverson	Putney	Wieck
Danielson	Johnson	Quirmbach	Wood
Dearden	Kettering	Ragan	Zaun
Dotzler	Kibbie	Rielly	Zieman

Nays, 1:

Lundby

Absent, 1:

Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 700

On motion of Senator Gaskill, **House File 700**, a bill for an act relating to the Iowa soybean association, by providing for its board of directors, market development, and providing for an assessment, 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. 700), the vote was:

Yeas, 49:

Angelo	Fraise	Larson	Seymour
Beall	Gaskill	Lundby	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Iverson	Putney	Wood
Courtney	Johnson	Quirmbach	Zaun
Danielson	Kettering	Ragan	Zieman
Dearden	Kibbie	Rielly	
Dotzler	Kreiman	Schoenjahn	
Dvorsky	Lamberti	Seng	

Nays, none.

Absent, 1:

Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 291

On motion of Senator Wood, **House File 291**, a bill for an act relating to accounts and fees under the water quality protection fund, with report of committee recommending passage, was taken up for consideration.

Senator Wood moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 291), the vote was:

Yeas, 49:

Angelo	Fraise	Larson	Seymour
Beall	Gaskill	Lundby	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Iverson	Putney	Wood
Courtney	Johnson	Quirmbach	Zaun
Danielson	Kettering	Ragan	Zieman
Dearden	Kibbie	Rielly	
Dotzler	Kreiman	Schoenjahn	
Dvorsky	Lamberti	Seng	

Nays, none.

Absent, 1:

Houser

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 252**, **291**, and **700** 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 370 and 131.

House File 370

On motion of Senator Zaun, **House File 370**, a bill for an act allowing the Iowa finance authority to issue qualified residential rental project bonds under the private activity bond allocation Act, with report of committee recommending passage, was taken up for consideration.

Senator Zaun moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 370), the vote was:

Yeas, 49:

Angelo	Fraise	Larson	Seymour
Beall	Gaskill	Lundby	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Iverson	Putney	Wood
Courtney	Johnson	Quirmbach	Zaun
Danielson	Kettering	Ragan	Zieman
Dearden	Kibbie	Rielly	
Dotzler	Kreiman	Schoenjahn	
Dvorsky	Lamberti	Seng	

Nays, none.

Absent, 1:

Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 131

On motion of Senator Ward, **House File 131**, a bill for an act relating to the required education and training for dental assistants, 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. 131), the vote was:

Yeas, 49:

Angelo	Fraise	Larson	Seymour
Beall	Gaskill	Lundby	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Iverson	Putney	Wood
Courtney	Johnson	Quirmbach	Zaun
Danielson	Kettering	Ragan	Zieman
Dearden	Kibbie	Rielly	
Dotzler	Kreiman	Schoenjahn	
Dvorsky	Lamberti	Seng	

Nays, none.

Absent, 1:

Houser

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 131** and **370** 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 399, 581, and 476.

House File 399

On motion of Senator Schoenjahn, **House File 399**, a bill for an act relating to the disposal of solid waste by planning areas and related solid waste management plans and reports, with report of committee recommending passage, was taken up for consideration.

Senator Schoenjahn moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 399), the vote was:

Yeas, 49:

Angelo	Fraise	Larson	Seymour
Beall	Gaskill	Lundby	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Iverson	Putney	Wood
Courtney	Johnson	Quirmbach	Zaun
Danielson	Kettering	Ragan	Zieman
Dearden	Kibbie	Rielly	
Dotzler	Kreiman	Schoenjahn	
Dvorsky	Lamberti	Seng	

Nays, none.

Absent, 1:

Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 581

On motion of Senator Beall, **House File 581**, a bill for an act relating to interstate natural gas pipelines including requirements regarding construction, operation, and maintenance, applicable penalties and resultant damages, and easements, with report of committee recommending passage, was taken up for consideration.

Senator Beall moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 581), the vote was:

Yeas, 45:

Angelo	Dvorsky	Lundby	Seymour
Beall	Gaskill	McCoy	Shull
Behn	Gronstal	McKibben	Stewart
Black	Hancock	McKinley	Tinsman
Boettger	Hatch	Miller	Ward
Bolkcom	Horn	Mulder	Warnstadt
Brunkhorst	Johnson	Putney	Wieck
Connolly	Kettering	Quirmbach	Wood
Courtney	Kibbie	Ragan	Zaun
Danielson	Kreiman	Rielly	
Dearden	Lamberti	Schoenjahn	
Dotzler	Larson	Seng	

Nays, 4:

Fraise	Hahn	Iverson	Zieman

Absent, 1:

Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 476

On motion of Senator Hancock, **House File 476**, a bill for an act regulating the sale of ammonium nitrate by fertilizer dealers, and providing penalties, with report of committee recommending passage, was taken up for consideration.

Senator Hancock moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 476), the vote was:

Yeas, 49:

Angelo	Fraise	Larson	Seymour
Beall	Gaskill	Lundby	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Iverson	Putney	Wood
Courtney	Johnson	Quirmbach	Zaun
Danielson	Kettering	Ragan	Zieman
Dearden	Kibbie	Rielly	
Dotzler	Kreiman	Schoenjahn	
Dvorsky	Lamberti	Seng	

Nays, none.

Absent, 1:

Houser

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 399**, **476**, and **581** 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 440, 602, 478, and 580.

House File 440

On motion of Senator Schoenjahn, **House File 440**, a bill for an act relating to sanctioning the motor vehicle operating privileges of a person upon a second or subsequent conviction for motor fuel theft from a retail dealer, with report of committee recommending passage, was taken up for consideration.

Senator Quirmbach offered amendment S–3083, filed by him on April 5, 2005, striking and replacing everything after the enacting clause of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3083 be adopted?" (H.F. 440), the vote was:

Yeas, 17:

Beall	Dearden	Horn	Seng
Black	Dotzler	Kibbie	Warnstadt
Bolkcom	Dvorsky	Quirmbach	
Courtney	Hancock	Ragan	
Danielson	Hatch	Rielly	

Nays, 32:

Angelo	Hahn	McCoy	Shull
Behn	Iverson	McKibben	Stewart
Boettger	Johnson	McKinley	Tinsman
Brunkhorst	Kettering	Miller	Ward
Connolly	Kreiman	Mulder	Wieck
Fraise	Lamberti	Putney	Wood
Gaskill	Larson	Schoenjahn	Zaun
Gronstal	Lundby	Seymour	Zieman

Absent, 1:

Houser

Amendment S–3083 lost.

Senator Schoenjahn moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 440), the vote was:

Yeas, 43:

Angelo	Gronstal	Lundby	Seymour
Beall	Hahn	McCoy	Shull
Behn	Hancock	McKibben	Stewart
Black	Horn	McKinley	Tinsman
Boettger	Iverson	Miller	Ward
Brunkhorst	Johnson	Mulder	Warnstadt
Dearden	Kettering	Putney	Wieck
Dotzler	Kibbie	Ragan	Wood
Dvorsky	Kreiman	Rielly	Zaun
Fraise	Lamberti	Schoenjahn	Zieman
Gaskill	Larson	Seng	

Nays, 6:

Bolkcom	Courtney	Hatch
Connolly	Danielson	Quirmbach

Absent, 1:

Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 602

On motion of Senator Wood, **House File 602**, a bill for an act relating to the collection, transportation, and disposal of household hazardous waste, with report of committee recommending passage, was taken up for consideration.

Senator Wood moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 602), the vote was:

Yeas, 49:

Angelo	Fraise	Larson	Seymour
Beall	Gaskill	Lundby	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward

Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Iverson	Putney	Wood
Courtney	Johnson	Quirmbach	Zaun
Danielson	Kettering	Ragan	Zieman
Dearden	Kibbie	Rielly	
Dotzler	Kreiman	Schoenjahn	
Dvorsky	Lamberti	Seng	

Nays, none.

Absent, 1:

Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 478

On motion of Senator Tinsman, **House File 478**, a bill for an act relating to the Iowa commission on volunteer service, 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. 478), the vote was:

Yeas, 49:

Angelo	Fraise	Larson	Seymour
Beall	Gaskill	Lundby	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Iverson	Putney	Wood
Courtney	Johnson	Quirmbach	Zaun
Danielson	Kettering	Ragan	Zieman
Dearden	Kibbie	Rielly	
Dotzler	Kreiman	Schoenjahn	
Dvorsky	Lamberti	Seng	

Nays, none.

Absent, 1:

Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 580

On motion of Senator Johnson, **House File 580**, a bill for an act relating to the administration of the Iowa egg council, including by providing for the use, promotion, and research of eggs and egg products, and providing for an assessment, 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. 580), the vote was:

Yeas, 49:

Angelo	Fraise	Larson	Seymour
Beall	Gaskill	Lundby	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Iverson	Putney	Wood
Courtney	Johnson	Quirmbach	Zaun
Danielson	Kettering	Ragan	Zieman
Dearden	Kibbie	Rielly	
Dotzler	Kreiman	Schoenjahn	
Dvorsky	Lamberti	Seng	

Nays, none.

Absent, 1:

Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

MOTION TO RECONSIDER WITHDRAWN

House File 466

Senator Gronstal withdrew the motion to reconsider **House File 466**, 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 general fund, filed by him on April 4, 2005, and found on page 740 of the Senate Journal.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 440**, **466**, **478**, **580**, and **602** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 4:12 p.m. until 8:30 a.m., Tuesday, April 12, 2005.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Jimmy Morrison, Muscatine—For achieving the rank of Eagle Scout, Boy Scout Troop 127. Senator Hahn (4/11/05).

Mr. and Mrs. Phil and Shirley Paterson, Story City—For celebrating your 50th wedding anniversary. Senator Iverson (4/11/05).

Mr. and Mrs. Audrienne and Weldon Swedlund, Stratford—For celebrating your 60th wedding anniversary. Senator Iverson (4/11/05).

Mitchell Thomann, Riverside—For being a recipient of the University of Iowa Dean's Scholarship. Senator Miller (4/11/05).

INTRODUCTION OF BILL

Senate File 404, by committee on Ways and Means, a bill for an act providing for county eligibility for state payment of property tax relief moneys and allowed growth funding for mental health, mental retardation, and developmental disabilities services and providing effective and retroactive applicability dates.

Read first time under Rule 28 and **placed on Ways and Means calendar.**

STUDY BILLS RECEIVED

SSB 1309 Ways and Means

Relating to property taxation as a source of funding for local government and school district budgets by changing the homestead credit and military service credit to an exemption from assessed value and eliminating state reimbursement for those credits, eliminating the tie between assessment limitations on certain property, modifying the definition of residential property for purposes of property tax classification, increasing the square foot tax rate on mobile and manufactured homes, imposing a maximum property tax dollars limitation on counties and cities, modifying the requirements for exceeding county or city levy limitations at an election, providing for

an increase in the school foundation property tax, providing for an increase and expansion of the foundation base, providing for the repeal of designated school district property tax levies, modifying computation of the agricultural land and family farm tax making modifications to urban renewal and tax increment financing law, and including effective dates, retroactive applicability dates, and implementation provisions.

SSB 1310 Ways and Means

Relating to sales and use tax changes, excise taxes on construction equipment, and including an effective and retroactive applicability date provision.

SUBCOMMITTEE ASSIGNMENTS

Senate Resolution 36

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

Senate File 396

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs; Ward and Warnstadt

House File 589

WAYS AND MEANS: Dotzler and Larson, Co-chairs; McCoy and McKinley

House File 807

APPROPRIATIONS: Fraise and Miller, Co-chairs; Angelo and Dvorsky

House File 811

APPROPRIATIONS: Fraise and Miller, Co-chairs; Angelo and Dvorsky

House File 825

APPROPRIATIONS: Hatch and Tinsman, Co-chairs; Angelo and Dvorsky

House File 827

WAYS AND MEANS: Danielson and Zaun, Co-chairs; Hahn and Seng

SSB 1309

WAYS AND MEANS: Miller and Quirmbach, Co-chairs; Connolly and McKinley

SSB 1310

WAYS AND MEANS: Connolly and McKinley, Co-chairs; Miller and Stewart

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 11th day of April, 2005:

Senate Files 74 and 215.

MICHAEL E. MARSHALL
Secretary of the Senate

FINAL COMMITTEE REPORTS OF BILL ACTION

JUDICIARY

Bill Title: HOUSE FILE 682, a bill for an act relating to the assessment of a civil penalty upon the entry of a deferred judgment.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S–3103.

Final Vote: Ayes, 15: Kreiman, Miller, Boettger, Brunkhorst, Dvorsky, Fraise, Hancock, Horn, Larson, McKibben, Schoenjahn, Tinsman, Ward, Warnstadt, and Zaun. Nays, 1: Quirmbach. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

LOCAL GOVERNMENT

Bill Title: *HOUSE FILE 712, a bill for an act allowing counties to share the services of certain elective county officers.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S–3104.

Final Vote: Ayes, 11: Quirmbach, Shull, Houser, Lundby, McCoy, Mulder, Putney, Rielly, Schoenjahn, Stewart, and Zaun. Nays, 1: Kreiman. 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 House File 712, and they were attached to the committee report.

STATE GOVERNMENT

Bill Title: *HOUSE FILE 646, a bill for an act concerning social and charitable gambling, including the regulation of cash raffles at fairs, prohibiting raffles at annual game nights, establishing a permanent electrical and mechanical amusement devices special fund and providing an appropriation, prohibiting certain electrical or mechanical amusement devices and bona fide contests, and providing for the denial, suspension, and revocation of certain gambling licenses by the department of inspections and appeals.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S–3106.

Final Vote: Ayes, 16: Horn, McKibben, Black, Brunkhorst, Connolly, Danielson, Hancock, Hatch, Kettering, Kibbie, Miller, Tinsman, Ward, Wieck, Wood, and Zieman. 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 House File 646, and they were attached to the committee report.

ALSO:

Bill Title: *HOUSE FILE 729, a bill for an act relating to the Iowa public employees' retirement system and the judicial retirement system.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S–3105.

Final Vote: Ayes, 9: Horn, McKibben, Brunkhorst, Kettering, Miller, Tinsman, Ward, Wieck, and Zieman. Nays, 7: Black, Connolly, Danielson, Hancock, Hatch, Kibbie, and Wood. 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 House File 729, and they were attached to the committee report.

WAYS AND MEANS

Bill Title: SENATE FILE 404 (formerly SF 399), a bill for an act providing for county eligibility for state payment of property tax relief moneys and allowed growth funding for mental health, mental retardation, and developmental disabilities services and providing effective and retroactive applicability dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Bolkcom, Connolly, Danielson, Dotzler, Hahn, Larson, McCoy, McKibben, Miller, Quirmbach, Seng, Stewart, Wieck, and Zaun. Nays, none. Absent, 2: Zieman and McKinley.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S–3103	H.F.	682	Judiciary
S–3104	H.F.	712	Local Government
S–3105	H.F.	729	State Government
S–3106	H.F.	646	State Government
S–3107	H.F.	777	Keith A. Kreiman
			Tom Hancock
			Dave Mulder
			Pat Ward
S–3108	H.F.	826	Gene Fraise
			Doug Shull
			Dick L. Dearden
			Mark Zieman
			James F. Hahn
			Thomas G. Courtney
			Tom Hancock
			Keith A. Kreiman
			Michael Connolly
			Roger Stewart
			Joe Bolkcom
			Herman C. Quirmbach
			Dennis H. Black

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, APRIL 12, 2005

Printed daily by the State of Iowa during the sessions of the General Assembly. An official corrected copy is available for reference in the Secretary of the Senate's Office. (The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE SENATE

NINETY-THIRD CALENDAR DAY
FIFTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, April 12, 2005

The Senate met in regular session at 8:35 a.m., President Kibbie presiding.

Prayer was offered by Father Douglas Loecke, pastor of St. Francis Xavier Basilica of Dyersville and St. Paul's Catholic Church of Worthington. He was the guest of Senator Hancock.

The Journal of Monday, April 11, 2005, was approved.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 4.

Senate Resolution 4

On motion of Senator Mulder, **Senate Resolution 4**, a resolution to recognize Professor Piet Koene of Northwestern College for being selected Iowa Professor of the Year for 2004 by the Carnegie Foundation for the Advancement of Teaching, with report of committee recommending passage, was taken up for consideration.

Senator Mulder moved the adoption of Senate Resolution 4, which motion prevailed by a voice vote.

The Senate stood at ease at 8:46 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:10 a.m., President Kibbie presiding.

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 12, 2005, **adopted** the following resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 5, a concurrent resolution urging the United States Congress to appropriate funding for the Historic Barn Preservation Act.

RECESS

On motion of Senator Iverson, the Senate recessed at 10:11 a.m. until 2:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 2:10 p.m., President Kibbie 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 12, 2005, **passed** the following bills in which the concurrence of the House was asked:

Senate File 265, a bill for an act relating to delinquent property taxes and other duties of the county treasurer and including effective date and applicability date provisions.

Senate File 283, a bill for an act relating to the department of public safety by updating references, changing the names of divisions in the department, and changing practices and procedures.

Senate File 320, a bill for an act requiring performance of a criminal history check of applicants for real estate broker and salesperson licenses.

ALSO: That the House has on April 12, 2005, **passed** the following bill in which the concurrence of the Senate is asked:

House File 840, a bill for an act authorizing the rebate of state sales tax to the owner or operator of a sanctioned automobile racetrack facility.

Read first time and **attached to companion Senate File 393.**

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 BILL
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 726.

House File 726

On motion of Senator Brunkhorst, **House File 726**, a bill for an act allowing a physician assistant and an advanced registered nurse practitioner to certify an alleged intoxicated driver's incapacitated state for purposes of chemical testing, 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. 726), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman

Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 726** 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:

Mary Kelly, Board of Trustees of the Iowa Cultural Trust

James Grover, Commission on the Deaf

Pamela Dettmann, Iowa Drug Policy Advisory Council

Steven Adams, Iowa Finance Authority

Donna Winburn, Iowa Grain Indemnity Fund Board

Mary Jane McWilliams, Board for the Licensing and Regulation of Hearing Aid Dispensers

Donald Wright, Council on Human Services

Ann Reinhart, Landscape Architectural Examining Board

Patty Link, Iowa Law Enforcement Academy Council

Kathy Spencer-Jensen, Board of Examiners for Massage Therapy

Pauline Taylor, Board of Nursing Examiners

Patricia Moreland, Prevention of Disabilities Policy Council

William Furlong, Renewable Fuels and Coproducts Advisory Committee
Kevin Lewis, Renewable Fuels and Coproducts Advisory Committee

Noreen Humphrey, Commission on Tobacco Use Prevention and Control

Thomas Hart, State Transportation Commission

David Odekirk, Vision Iowa Board

Senator Iverson moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS
(Individual Confirmation Calendar)

Senator Iverson called up the appointment of Jeffrey Vonk, as Director of the Department of Natural Resources, placed on the

Individual Confirmation Calendar on April 5, 2005, and found on page 767 of the Senate Journal.

Senator Iverson moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Iverson called up the appointment of James E. Forney, as Superintendent of Credit Unions, placed on the Individual Confirmation Calendar on March 30, 2005, and found on page 698 of the Senate Journal.

Senator Iverson moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart

Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Iverson called up the appointment of Richard G. Moore, as Administrator of the Division of Criminal and Juvenile Justice Planning, placed on the Individual Confirmation Calendar on March 29, 2005, and found on page 678 of the Senate Journal.

Senator Iverson moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Behn called up the appointment of Anita Walker, as Director of the Department of Cultural Affairs, placed on the Individual Confirmation Calendar on March 24, 2005, and found on page 646 of the Senate Journal.

Senator Behn moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Behn called up the appointment of Judy Jeffrey, as Director of the Department of Education, placed on the Individual Confirmation Calendar on March 24, 2005, and found on page 646 of the Senate Journal.

Senator Behn moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Behn called up the appointment of Walter Reed, Jr., as Director of the Department of Human Rights, placed on the Individual Confirmation Calendar on March 31, 2005, and found on page 710 of the Senate Journal.

Senator Behn moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman

Dotzler	Kibbie	Rielly
Dvorsky	Kreiman	Schoenjahn

Nays, none.

Absent, none.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Behn called up the appointment of David Neil, as Labor Commissioner, placed on the Individual Confirmation Calendar on March 30, 2005, and found on page 697 of the Senate Journal.

Senator Behn 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	Ragan
Beall	Fraise	Kreiman	Rielly
Behn	Gaskill	Lamberti	Schoenjahn
Black	Gronstal	Larson	Seng
Boettger	Hahn	Lundby	Seymour
Bolkcom	Hancock	McCoy	Shull
Brunkhorst	Hatch	McKibben	Stewart
Connolly	Horn	McKinley	Ward
Courtney	Houser	Miller	Warnstadt
Danielson	Iverson	Mulder	Wieck
Dearden	Johnson	Putney	Wood
Dotzler	Kettering	Quirmbach	Zieman

Nays, 2:

Tinsman	Zaun

Absent, none.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Behn called up the appointment of Michael Tramontina, as the Director of the Department of Management, placed on the Individual Confirmation Calendar on April 4, 2005, and found on page 724 of the Senate Journal.

Senator Behn moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Behn called up the appointment of Thomas Bedell, as a member of the State Board of Regents, placed on the Individual Confirmation Calendar on March 24, 2005, and found on page 646 of the Senate Journal.

Senator Behn moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck

Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Behn called up the appointment of Michael Gartner, as a member of the State Board of Regents, placed on the Individual Confirmation Calendar on March 24, 2005, and found on page 646 of the Senate Journal.

Senator Behn moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 42:

Beall	Gaskill	Lundby	Seymour
Boettger	Gronstal	McCoy	Shull
Bolkcom	Hancock	McKibben	Stewart
Brunkhorst	Horn	McKinley	Tinsman
Connolly	Houser	Mulder	Ward
Courtney	Johnson	Putney	Warnstadt
Danielson	Kettering	Quirmbach	Wieck
Dearden	Kibbie	Ragan	Wood
Dotzler	Kreiman	Rielly	Zieman
Dvorsky	Lamberti	Schoenjahn	
Fraise	Larson	Seng	

Nays, 7:

Angelo	Black	Iverson	Zaun
Behn	Hahn	Miller	

Present, 1:

Hatch

Absent, none.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Behn called up the appointment of Teresa Wahlert, as a member of the State Board of Regents, placed on the Individual Confirmation Calendar on March 24, 2005, and found on page 646 of the Senate Journal.

Senator Behn moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 49:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zieman
Dearden	Kettering	Ragan	
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, 1:

Zaun

Absent, none.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Lamberti, until he returns, on request of Senator Iverson.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS
(Individual Confirmation Calendar)

Senator Behn called up the appointment of Ruth Harkin, as a member of the State Board of Regents, placed on the Individual Confirmation Calendar on March 24, 2005, and found on page 646 of the Senate Journal.

Senator Behn moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 34:

Angelo	Dotzler	Kibbie	Schoenjahn
Beall	Dvorsky	Kreiman	Seng
Black	Fraise	Larson	Shull
Bolkcom	Gronstal	McCoy	Stewart
Brunkhorst	Hancock	Mulder	Tinsman
Connolly	Hatch	Putney	Warnstadt
Courtney	Horn	Quirmbach	Wood
Danielson	Houser	Ragan	
Dearden	Johnson	Rielly	

Nays, 15:

Behn	Iverson	McKinley	Wieck
Boettger	Kettering	Miller	Zaun
Gaskill	Lundby	Seymour	Zieman
Hahn	McKibben	Ward	

Absent, 1:

Lamberti

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Behn called up the appointment and reappointment of John Norris, as a member of the Utilities Board, placed on the Individual Confirmation Calendar on March 30, 2005, and found on page 698 of the Senate Journal.

Senator Behn moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 49:

Angelo	Fraise	Larson	Seymour
Beall	Gaskill	Lundby	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirmbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Kreiman	Seng	

Nays, none.

Absent, 1:

Lamberti

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Behn called up the appointment and reappointment of John Norris, as Chair of the Utilities Board, placed on the Individual Confirmation Calendar on March 30, 2005, and found on page 698 of the Senate Journal.

Senator Behn moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 49:

Angelo	Fraise	Larson	Seymour
Beall	Gaskill	Lundby	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirmbach	Zaun

Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Kreiman	Seng	

Nays, none.

Absent, 1:

Lamberti

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House Files 717 and 764.

House File 717

On motion of Senator Kettering, **House File 717**, a bill for an act prohibiting the unauthorized sale, ownership, possession, or use of traffic signal preemption devices and providing a penalty, with report of committee recommending passage, was taken up for consideration.

Senator Putney withdrew amendment S–3111 filed by him from the floor to page 1 and to the title page of the bill.

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. 717), the vote was:

Yeas, 49:

Angelo	Fraise	Larson	Seymour
Beall	Gaskill	Lundby	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Houser	Putney	Wood

Courtney	Iverson	Quirmbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Kreiman	Seng	

Nays, none.

Absent, 1:

Lamberti

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 764

On motion of Senator Wieck, **House File 764**, a bill for an act relating to the unemployment rate of contribution of a person who acquires an organization, trade, or business and providing penalties, 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. 764), the vote was:

Yeas, 49:

Angelo	Fraise	Larson	Seymour
Beall	Gaskill	Lundby	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirmbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Kreiman	Seng	

Nays, none.

Absent, 1:

Lamberti

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 717** and **764** 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 276 and 375.

House File 276

On motion of Senator Mulder, **House File 276**, a bill for an act requiring that meetings relating to postsecondary school registration held by the Iowa coordinating council for post-high school education be open to the public, with report of committee recommending passage, was taken up for consideration.

Senator Mulder moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 276), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman

Dotzler	Kibbie	Rielly
Dvorsky	Kreiman	Schoenjahn

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 375

On motion of Senator Beall, **House File 375**, a bill for an act relating to the duties imposed on a real estate broker by a brokerage agreement, with report of committee recommending passage, was taken up for consideration.

Senator Beall moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 375), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 276** and **375** 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 438 and 469.

House File 438

On motion of Senator Houser, **House File 438**, a bill for an act relating to assessments associated with soil and water conservation districts, by providing for the deposit of moneys in a fund established by a district's commissioners, 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. 438), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 469

On motion of Senator Wieck, **House File 469**, a bill for an act increasing the membership of the real estate commission, 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. 469), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 438** and **469** 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 685 and 716.

House File 685

On motion of Senator Quirmbach, **House File 685**, a bill for an act establishing the child identification and protection Act, which prohibits the fingerprinting of children, and providing for exceptions, with report of committee recommending passage, was taken up for consideration.

Senator Kreiman asked and received unanimous consent that action on **House File 685** be **deferred**.

House File 716

On motion of Senator Hancock, **House File 716**, a bill for an act relating to the military division and the homeland security and emergency management division of the department of public defense concerning the activation and use of the civil air patrol, the authority of the adjutant general to enter into interstate agreements for use of national guard personnel, and the use of the national incident management system for state emergencies, with report of committee recommending passage, was taken up for consideration.

Senator Hancock offered amendment S–3109, filed by Senators Hancock, Wood, and Mulder from the floor to page 3 of the bill, and moved its adoption.

Amendment S–3109 was adopted by a voice vote.

Senator Hancock moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (H.F. 716), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 683.

House File 683

On motion of Senator Larson, **House File 683**, a bill for an act authorizing the appointment of an attorney to represent an indigent parole violator, and providing effective and retroactive applicability date provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Kreiman offered amendment S–3066, filed by the committee on Judiciary on March 29, 2005, to pages 1 and 4 and to the title page of the bill.

Senator Kreiman offered amendment S–3112, filed by him from the floor to pages 1 and 2 of amendment S–3066, and moved its adoption.

Amendment S–3112 was adopted by a voice vote.

Senator Kreiman moved the adoption of amendment S–3066, as amended, which motion prevailed by a voice vote.

Senator Larson moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 683), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 683** and **716** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 4:11 p.m. until 8:30 a.m., Wednesday, April 13, 2005.

APPENDIX

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Pastor Roger Kurtenbach, Epworth United Methodist Church—For being Chaplain of the Day. Senator Beall (4/12/05).

REPORT OF COMMITTEE MEETING

WAYS AND MEANS

Convened: April 12, 2005, 1:05 p.m.

Members Present: Bolkcom and Zieman, Co-chairs; Danielson, Dotzler, Hahn, Larson, McCoy, McKibben, McKinley, Miller, Quirmbach, Seng, Stewart, Wieck, and Zaun.

Members Absent: Connolly (excused).

Committee Business: Passed SF 334 and HF 589.

Adjourned: 1:20 p.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 37, by Ragan, a resolution honoring the city of Riceville on its sesquicentennial.

Read first time under Rule 28 and referred to committee on **Rules and Administration.**

INTRODUCTION OF BILL

Senate File 405, by committee on Ways and Means, a bill for an act establishing an interior design examining board, providing for the registration of interior designers, and providing fees and penalties.

Read first time under Rule 28 and **placed on Ways and Means calendar.**

SUBCOMMITTEE ASSIGNMENT

Senate Resolution 37

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on April 7, 2005, when the votes were taken on Senate File 390 and the "En Bloc Confirmation Calendar" (SJ p. 791). Had I been present, I would have voted "Yea" on both.

E. THURMAN GASKILL

FINAL COMMITTEE REPORTS OF BILL ACTION

WAYS AND MEANS

Bill Title: SENATE FILE 405 (formerly SF 334), a bill for an act establishing an interior design examining board, providing for the registration of interior designers, and providing fees and penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Bolkcom, Zieman, Danielson, Dotzler, Hahn, Larson, McCoy, McKibben, McKinley, Miller, Quirmbach, Seng, Stewart, Wieck, and Zaun. Nays, none. Absent, 1: Connolly.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 589, a bill for an act relating to the property taxation of nursing facilities and including effective and applicability date provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Bolkcom, Zieman, Danielson, Dotzler, Hahn, Larson, McCoy, McKibben, McKinley, Miller, Quirmbach, Seng, Stewart, Wieck, and Zaun. Nays, none. Absent, 1: Connolly.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S–3109	H.F.	716	Tom Hancock Frank B. Wood Dave Mulder

S–3110	H.F.	826	Joe Bolkcom
S–3111	H.F.	717	John Putney
S–3112	H.F.	683	Keith A. Kreiman
S–3113	H.F.	745	Keith A. Kreiman Brad Zaun

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, APRIL 13, 2005

Printed daily by the State of Iowa during the sessions of the General Assembly. An official corrected copy is available for reference in the Secretary of the Senate's Office. (The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE SENATE

NINETY-FOURTH CALENDAR DAY
FIFTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, April 13, 2005

The Senate met in regular session at 8:32 a.m., President Kibbie presiding.

Prayer was offered by the Reverend Roger Kurtenbach, pastor of the Epworth United Methodist Church in Fort Dodge, Iowa. He was the guest of Senator Beall.

The Journal of Tuesday, April 12, 2005, was approved.

The Senate stood at ease at 8:35 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:08 a.m., President Kibbie presiding.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 24.

Senate Resolution 24

On motion of Senator Wieck, **Senate Resolution 24**, 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 24, which motion prevailed by a voice vote.

SPECIAL GUESTS

Senator Wieck introduced the Morningside College Women's Basketball Team and their coach Jamie Sale. They were accompanied by Morningside College President John Reynders and Athletic Director Jerry Schmutte. Mr. Reynders, Mr. Sale, and basketball player Beth Watson all addressed the Senate with brief remarks.

The Senate rose and expressed its welcome.

RECESS

On motion of Senator Iverson, the Senate recessed at 11:15 a.m. until 2:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 2:04 p.m., President Kibbie 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, 2005, **adopted** the following resolutions in which the concurrence of the House was asked:

Senate Joint Resolution 6, a joint resolution authorizing the temporary use and consumption of wine in the State Capitol in conjunction with the awards ceremony of the World Food Prize Foundation.

Senate Joint Resolution 7, a joint resolution authorizing the temporary use and consumption of wine and beer in the State Capitol in conjunction with the 2005 National Governors Association Annual Meeting.

ALSO: That the House has on April 13, 2005, **passed** the following bills in which the concurrence of the House was asked:

Senate File 339, a bill for an act relating to regional transit districts.

Senate File 346, a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated.

ALSO: That the House has on April 13, 2005, **amended and passed** the following bills in which the concurrence of the Senate is asked:

Senate File 325, a bill for an act relating to the procedures and duties of the judicial branch, including sending notices and reports, and providing an effective date. (S–3114)

Senate File 340, a bill for an act relating to motor vehicle registration and driver licensing services provided by county treasurers and providing for the collection of certain fees, fines, and penalties. (S–3115)

Senate File 365, a bill for an act relating to the application deadline for certification of enterprise zones. (S–3117)

ALSO: That the House has on April 13, 2005, **passed** the following bills in which the concurrence of the Senate is asked:

House File 537, a bill for an act relating to the investment of public funds by the treasurer of state, state agencies, and political subdivisions including the investment of public funds not covered by federal deposit insurance in certificates of deposit.

Read first time and **attached to companion Senate File 266.**

House File 832, a bill for an act relating to coupling Iowa's tax laws with the federal Internal Revenue Code and including an applicability date provision.

Read first time and referred to committee on **Ways and Means.**

House File 834, a bill for an act relating to persons commercially cleaning toilet units and private sewage disposal facilities by providing regulations, fees, and civil penalties, and making appropriations.

Read first time and referred to committee on **Ways and Means.**

House File 835, a bill for an act relating to the port authorities including providing for the establishment, control, and dissolution of port authorities and providing for certain powers, limitations, and requirements including issuing revenue bonds and pledge orders, charging fees, entering into contracts and agreements, employing persons and peace officers, and providing for the use of revenues and exemption from property taxes.

Read first time and referred to committee on **Ways and Means.**

House File 839, a bill for an act providing for the establishment of a technology governance board within the department of administrative services, and making an appropriation.

Read first time and referred to committee on **Appropriations.**

QUORUM CALL

Senator Iverson requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 47 present, 3 absent, and a quorum present.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House Files 742, 777, and 767.

House File 742

On motion of Senator Schoenjahn, **House File 742**, a bill for an act relating to the Iowa early intervention block grant program by changing the reporting requirements, extending the repeal of the

chapter establishing the program, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Wood offered amendment S–3080, filed by him on April 4, 2005, to page 1 of the bill, and moved its adoption.

Amendment S–3080 was adopted by a voice vote.

Senator Putney offered amendment S–3085, filed by him on April 5, 2005, to page 1 and to the title page of the bill.

Senator Connolly raised the point of order that amendment S–3085 was not germane to the bill.

The Chair ruled the point well-taken and amendment S–3085, out of order.

Senator Schoenjahn moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 742), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 777

On motion of Senator Hancock, **House File 777**, a bill for an act relating to testing a person for contagious or infectious disease if the person assaults a person by exchanging or attempting to exchange bodily fluids, and providing a penalty, with report of committee recommending passage, was taken up for consideration.

Senator Kreiman offered amendment S–3107, filed by Senator Kreiman, et al., on April 11, 2005, to page 2 of the bill, and moved its adoption.

Amendment S–3107 was adopted by a voice vote.

Senator Hancock moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 777), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 767

On motion of Senator Kettering, **House File 767**, a bill for an act relating to a schedule established by the environmental protection commission for civil penalties, 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. 767), the vote was:

Yeas, 46:

Angelo	Gaskill	Larson	Seymour
Beall	Gronstal	Lundby	Shull
Behn	Hahn	McCoy	Stewart
Black	Hancock	McKibben	Tinsman
Boettger	Hatch	McKinley	Ward
Bolkcom	Horn	Miller	Warnstadt
Brunkhorst	Houser	Mulder	Wieck
Connolly	Iverson	Putney	Wood
Courtney	Johnson	Ragan	Zaun
Danielson	Kettering	Rielly	Zieman
Dearden	Kibbie	Schoenjahn	
Fraise	Lamberti	Seng	

Nays, 4:

Dotzler	Dvorsky	Kreiman	Quirmbach

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 742** and **777** 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 826.

House File 826

On motion of Senator McCoy, **House File 826**, a bill for an act relating to the speed limit for vehicular traffic on highways, the fines for violations, and court costs for simple misdemeanor offenses and providing a fee and making appropriations, with report of committee without recommendation, was taken up for consideration.

The Senate stood at ease at 2:42 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:20 p.m., President Kibbie presiding.

Senator Fraise offered amendment S–3108, filed by Senator Fraise, et al., on April 11, 2005, to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3108 be adopted?" (H.F. 826), the vote was:

Yeas, 19:

Black	Dvorsky	Kreiman	Stewart
Bolkcom	Fraise	Miller	Tinsman
Connolly	Hahn	Quirmbach	Warnstadt
Courtney	Hancock	Ragan	Zieman
Dearden	Horn	Shull	

Nays, 31:

Angelo	Gronstal	Larson	Schoenjahn
Beall	Hatch	Lundby	Seng
Behn	Houser	McCoy	Seymour
Boettger	Iverson	McKibben	Ward
Brunkhorst	Johnson	McKinley	Wieck
Danielson	Kettering	Mulder	Wood

Dotzler	Kibbie	Putney	Zaun
Gaskill	Lamberti	Rielly	

Absent, none.

Amendment S–3108 lost.

Senator Beall offered amendment S–3121, filed by him from the floor to pages 1 and 6 and to the title page of the bill.

Senator Beall withdrew amendment S–3121.

Senator Quirmbach offered amendment S–3122, 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–3122 be adopted?" (H.F. 826), the vote was:

Yeas, 6:

Black	Dearden	Horn
Bolkcom	Fraise	Quirmbach

Nays, 44:

Angelo	Gronstal	Larson	Seng
Beall	Hahn	Lundby	Seymour
Behn	Hancock	McCoy	Shull
Boettger	Hatch	McKibben	Stewart
Brunkhorst	Houser	McKinley	Tinsman
Connolly	Iverson	Miller	Ward
Courtney	Johnson	Mulder	Warnstadt
Danielson	Kettering	Putney	Wieck
Dotzler	Kibbie	Ragan	Wood
Dvorsky	Kreiman	Rielly	Zaun
Gaskill	Lamberti	Schoenjahn	Zieman

Absent, none.

Amendment S–3122 lost.

Senator Bolkcom offered amendment S–3110, filed by him on April 12, 2005, to pages 2 and 4 of the bill, and moved its adoption.

Amendment S–3110 lost by a voice vote.

Senator McCoy moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 826), the vote was:

Yeas, 27:

Angelo	Hatch	McCoy	Shull
Beall	Iverson	McKibben	Ward
Behn	Johnson	Mulder	Wieck
Brunkhorst	Kettering	Putney	Wood
Danielson	Kibbie	Rielly	Zaun
Dotzler	Lamberti	Seng	Zieman
Gronstal	Lundby	Seymour	

Nays, 23:

Black	Dvorsky	Houser	Ragan
Boettger	Fraise	Kreiman	Schoenjahn
Bolkcom	Gaskill	Larson	Stewart
Connolly	Hahn	McKinley	Tinsman
Courtney	Hancock	Miller	Warnstadt
Dearden	Horn	Quirmbach	

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 826** 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 746.

House File 746

On motion of Senator Schoenjahn, **House File 746**, a bill for an act providing procedures for a rural water district to transfer its right to provide water or wastewater service and for dissolution of the

district, with report of committee recommending passage, was taken up for consideration.

Senator Schoenjahn moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 746), the vote was:

Yeas, 49:

Angelo	Fraise	Lamberti	Seymour
Beall	Gaskill	Larson	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirmbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Kreiman	Seng	

Nays, 1:

Lundby

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS
(Deferred March 24, 2005)

House File 745

The Senate resumed consideration of **House File 745**, a bill for an act relating to the criminal offense of theft of leased or rented personal property and making penalties applicable, deferred March 24, 2005.

Senator Kreiman offered amendment S–3113, filed by Senators Kreiman and Zaun on April 12, 2005, striking and replacing everything after the enacting clause of the bill, and moved its adoption.

Amendment S–3113 was adopted by a voice vote.

Senator Zaun moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 745), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

WITHDRAWN

Senator Zaun asked and received unanimous consent that **Senate File 361** 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 339.

House File 339

On motion of Senator Ward, **House File 339**, a bill for an act relating to the regulation of tobacco product retailers, and making penalties applicable, 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. 339), the vote was:

Yeas, 49:

Angelo	Fraise	Lamberti	Seymour
Beall	Gaskill	Larson	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirmbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Kreiman	Seng	

Nays, 1:

Lundby

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 339**, **745**, and **746** 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 614, 645, 772, and 585.

House File 614

On motion of Senator Behn, **House File 614**, a bill for an act relating to the transmission, installation, and use of computer software through deceptive or unauthorized means and providing for penalties, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Behn offered amendment S–3097, filed by the committee on Commerce on April 7, 2005, to page 6 of the bill, and moved its adoption.

Amendment S–3097 was adopted by a voice vote.

Senator Behn moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 614), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun

Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 645

On motion of Senator Wieck, **House File 645**, a bill for an act relating to the regulation of lotteries, including the definition of a lottery, permissible lotteries by commercial organizations, and the prosecution of violators, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Wieck offered amendment S–3086, filed by the committee on State Government on April 5, 2005, to page 1 of the bill, and moved its adoption.

Amendment S–3086 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?" (H.F. 645), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman

Dotzler	Kibbie	Rielly
Dvorsky	Kreiman	Schoenjahn

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 772

On motion of Senator Ward, **House File 772**, a bill for an act relating to violations of the open meetings and open records law by a member of a governmental body, the lawful custodian of a public record, or any other appropriate person, with report of committee recommending passage, was taken up for consideration.

Senator Dotzler asked and received unanimous consent that action on **House File 772** be **deferred.**

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Lundby, until she returns, on request of Senator Iverson.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 585.

House File 585

On motion of Senator Ragan, **House File 585**, a bill for an act relating to assisted living programs, providing for a fee, and providing penalties, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Ragan offered amendment S–3101, filed by the committee on Human Resources on April 7, 2005, to pages 11 and 12 and to the title page of the bill, and moved its adoption.

Amendment S–3101 was adopted by a voice vote.

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. 585), the vote was:

Yeas, 49:

Angelo	Fraise	Lamberti	Seymour
Beall	Gaskill	Larson	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirmbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Kreiman	Seng	

Nays, none.

Absent, 1:

Lundby

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 585** and **645** 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, 2005, **passed** the following bill in which the concurrence of the House was asked:

Senate File 176, a bill for an act entering Iowa into the midwestern higher education compact.

ALSO: That the House has on April 13, 2005, **passed** the following bills in which the concurrence of the Senate is asked:

House File 686, a bill for an act relating to the duties and responsibilities of the state board of regents and the institutions under its control.

Read first time and **attached to similar Senate File 348.**

House File 831, a bill for an act relating to tax credits for equity investments in qualifying businesses or community-based seed capital funds.

Read first time and referred to committee on **Ways and Means.**

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 5:28 p.m. until 8:30 a.m., Thursday, April 14, 2005.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Nicholas Alexander Grayson, Mason City—For achieving the rank of Eagle Scout. Senator Ragan (4/13/05).

Matthew J. Kemp, Dubuque—For achieving the rank of Eagle Scout, Boy Scout Troop 7. Senator Connolly (4/13/05).

Mr. and Mrs. Ivan and Jean Riggle, North Liberty—For celebrating your 50th wedding anniversary. Senator Dvorsky (4/13/05).

Lisa Kathryn Roberts, Ainsworth—For receiving the University of Iowa College of Liberal Arts and Sciences George S. Schaeffer Scholarship. Senator Miller (4/13/05).

Peter J. Seitz, Dubuque—For achieving the rank of Eagle Scout, Boy Scout Troop 7. Senator Connolly (4/13/05).

Ed Hanson, Solon—For retiring after 33 years of coaching girls' basketball and golf. Senator Dvorsky (4/13/05).

INTRODUCTION OF RESOLUTIONS

Senate Resolution 38, by Hahn, a resolution honoring America's Vietnam veterans.

Read first time under Rule 28 and referred to committee on **Rules and Administration.**

Senate Resolution 39, by McKinley and Rielly, a resolution honoring the North Mahaska Community Schools boys basketball team.

Read first time under Rule 28 and referred to committee on **Rules and Administration.**

Senate Resolution 40, by Iverson, a resolution to recognize Child Passenger Safety Day.

Read first time under Rule 28 and referred to committee on **Rules and Administration.**

SUBCOMMITTEE ASSIGNMENTS

Senate Resolution 38

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

Senate Resolution 39

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 13, 2005, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 74 – Relating to financial institutions, by prohibiting the deceptive use of name, and providing remedies and penalties.

S.F. 215 – Modifying the certified mail requirement concerning the service and delivery of certain civil rights complaints and orders.

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in preparing the Senate amendment to House File 683, the following correction was made:

1. Page 2, line 44, "line 20" was corrected to "line 19".

MICHAEL E. MARSHALL
Secretary of the Senate

MOTIONS TO RECONSIDER FILED

MR. PRESIDENT: I move to reconsider the vote by which House File 614 passed the Senate on April 13, 2005.

JERRY BEHN

MR. PRESIDENT: I move to reconsider the vote by which House File 614 passed the Senate on April 13, 2005.

MICHAEL CONNOLLY

MR. PRESIDENT: I move to reconsider the vote by which House File 767 passed the Senate on April 13, 2005.

JOE BOLKCOM

MR. PRESIDENT: I move to reconsider the vote by which House File 767 passed the Senate on April 13, 2005.

STEVE KETTERING

AMENDMENTS FILED

S–3114	S.F.	325	House
S–3115	S.F.	340	House
S–3116	H.F.	712	Tom Rielly
S–3117	S.F.	365	House
S–3118	H.F.	374	Steve Warnstadt
			John P. Kibbie
			Charles W. Larson, Jr.
			Larry McKibben
S–3119	H.F.	748	Michael Connolly
S–3120	H.F.	710	Maggie Tinsman
S–3121	H.F.	826	Daryl Beall
S–3122	H.F.	826	Herman C. Quirmbach

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, APRIL 14, 2005

Printed daily by the State of Iowa during the sessions of the General Assembly. An official corrected copy is available for reference in the Secretary of the Senate's Office. (The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE SENATE

NINETY-FIFTH CALENDAR DAY
FIFTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, April 14, 2005

The Senate met in regular session at 8:35 a.m., President Kibbie presiding.

Prayer was offered by the Reverend Mario Lara, pastor of the Lifebridge Christian Church in Des Moines, Iowa. He was the guest of Senator Shull.

The Journal of Wednesday, April 13, 2005, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Lundby, until she arrives, on request of Senator Dvorsky.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 587.

House File 587

On motion of Senator Bolkcom, **House File 587**, a bill for an act relating to adult day services regulation and providing penalties, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Bolkcom offered amendment S–3098, filed by the committee on Human Resources on April 7, 2005, to pages 11 and 15 of the bill, and moved its adoption.

Amendment S–3098 was adopted by a voice vote.

Senator Bolkcom moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 587), the vote was:

Yeas, 49:

Angelo	Fraise	Lamberti	Seymour
Beall	Gaskill	Larson	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirmbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Kreiman	Seng	

Nays, none.

Absent, 1:

Lundby

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 8:55 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 9:04 a.m., President Kibbie presiding.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 36, a resolution recognizing April 15, 2005, as "National Youth Service Day."

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Iverson, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. 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 36.

Senate Resolution 36

On motion of Senator Warnstadt, **Senate Resolution 36**, a resolution recognizing April 15, 2005, as "National Youth Service Day," with report of committee recommending passage, was taken up for consideration.

Senator Warnstadt moved the adoption of Senate Resolution 36, which motion prevailed by a voice vote.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House Files 532 and 613.

House File 532

On motion of Senator Ward, **House File 532**, a bill for an act relating to the administrative functions of the department of cultural affairs, including the board of trustees of the state historical society of Iowa and the state records commission, 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. 532), the vote was:

Yeas, 49:

Angelo	Fraise	Lamberti	Seymour
Beall	Gaskill	Larson	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirmbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Kreiman	Seng	

Nays, none.

Absent, 1:

Lundby

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 613

On motion of Senator Danielson, **House File 613**, a bill for an act relating to the regulation of hot water heating boilers for swimming pools and spas, with report of committee recommending passage, was taken up for consideration.

Senator Danielson moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 613), the vote was:

Yeas, 49:

Angelo	Fraise	Lamberti	Seymour
Beall	Gaskill	Larson	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirmbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Kreiman	Seng	

Nays, none.

Absent, 1:

Lundby

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 532**, **587**, and **613** 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 757 and 616.

House File 757

On motion of Senator Hahn, **House File 757**, a bill for an act relating to the disposition of abandoned vehicles, with report of committee recommending passage, was taken up for consideration.

Senator Hahn moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 757), the vote was:

Yeas, 49:

Angelo	Fraise	Lamberti	Seymour
Beall	Gaskill	Larson	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirmbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Kreiman	Seng	

Nays, none.

Absent, 1:

Lundby

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 616

On motion of Senator Tinsman, **House File 616**, a bill for an act revising requirements applicable to county and multicounty decategorization of child welfare and juvenile justice funding projects, with report of committee recommending passage, was taken up for consideration.

Senator Kreiman asked and received unanimous consent that action on **House File 616** be **deferred**.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 757** 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 617, 620, and 641.

House File 617

On motion of Senator Tinsman, **House File 617**, a bill for an act relating to inclusion of assisted living services under the medical assistance home and community-based services waiver for the elderly, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Ragan offered amendment S–3082, filed by the committee on Human Resources on April 4, 2005, to page 1 of the bill, and moved its adoption.

Amendment S–3082 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. 617), the vote was:

Yeas, 49:

Angelo	Fraise	Lamberti	Seymour
Beall	Gaskill	Larson	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirmbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Kreiman	Seng	

Nays, none.

Absent, 1:

Lundby

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 620

On motion of Senator Johnson, **House File 620**, a bill for an act relating to the volunteer health care provider program 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. 620), the vote was:

Yeas, 49:

Angelo	Fraise	Lamberti	Seymour
Beall	Gaskill	Larson	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirmbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Kreiman	Seng	

Nays, none.

Absent, 1:

Lundby

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 641

On motion of Senator Danielson, **House File 641**, a bill for an act concerning the determination of state regulatory fees on excursion gambling boats relating to the number of gaming enforcement officers on larger excursion gambling boats, with report of committee recommending passage, was taken up for consideration.

Senator Danielson moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 641), the vote was:

Yeas, 49:

Angelo	Fraise	Lamberti	Seymour
Beall	Gaskill	Larson	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirmbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Kreiman	Seng	

Nays, none.

Absent, 1:

Lundby

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 617**, **620**, and **641** 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 708, 710, and 754.

House File 708

On motion of Senator Ragan, **House File 708**, a bill for an act relating to the establishment of rural improvement zones, 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. 708), the vote was:

Yeas, 49:

Angelo	Fraise	Lamberti	Seymour
Beall	Gaskill	Larson	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirmbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Kreiman	Seng	

Nays, none.

Absent, 1:

Lundby

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 710

On motion of Senator Tinsman, **House File 710**, a bill for an act relating to the regulation of elder group homes and providing penalties, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Tinsman offered amendment S–3099, filed by the committee on Human Resources on April 7, 2005, to page 5 of the bill, and moved its adoption.

Amendment S–3099 was adopted by a voice vote.

Senator Tinsman offered amendment S–3120, filed by her on April 13, 2005, to page 16 of the bill, and moved its adoption.

Amendment S–3120 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. 710), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 754

On motion of Senator Stewart, **House File 754**, a bill for an act relating to a homestead exemption waiver notice contained in a written contract affecting agricultural land, 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. 754), the vote was:

Yeas, 49:

Angelo	Fraise	Lamberti	Seymour
Beall	Gaskill	Larson	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirmbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Kreiman	Seng	

Nays, 1:

Lundby

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 708**, **710**, and **754** 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 760.

House File 760

On motion of Senator Boettger, **House File 760**, a bill for an act relating to dependent adults and the provision of protective services, 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. 760), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS
(Deferred April 13, 2005)

House File 772

The Senate resumed consideration of **House File 772**, a bill for an act relating to violations of the open meetings and open records law by a member of a governmental body, the lawful custodian of a public record, or any other appropriate person, deferred April 13, 2005.

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. 772), the vote was:

Yeas, 47:

Angelo	Gronstal	Larson	Seng
Beall	Hahn	Lundby	Seymour
Behn	Hancock	McCoy	Shull
Black	Hatch	McKibben	Stewart
Boettger	Horn	McKinley	Tinsman
Bolkcom	Houser	Miller	Ward
Connolly	Iverson	Mulder	Warnstadt
Danielson	Johnson	Putney	Wieck
Dearden	Kettering	Quirmbach	Wood
Dotzler	Kibbie	Ragan	Zaun
Dvorsky	Kreiman	Rielly	Zieman
Gaskill	Lamberti	Schoenjahn	

Nays, 3:

Brunkhorst	Courtney	Fraise

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 768.

House File 768

On motion of Senator Black, **House File 768**, a bill for an act relating to the publishing of notice of recommendations to grant permits for diversion, storage, and withdrawal of water, with 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. 768), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 760**, **768**, and **772** 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 781, 784, and 787.

House File 781

On motion of Senator Dotzler, **House File 781**, a bill for an act relating to the establishment of a direct care worker task force, 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. 781), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 784

On motion of Senator Seymour, **House File 784**, a bill for an act to establish an advanced practice registered nurse compact and including a future repeal, 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. 784), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 787

On motion of Senator Dotzler, **House File 787**, a bill for an act relating to information to be reported regarding an induced termination of pregnancy performed on a minor, and making penalties applicable, with report of committee recommending passage, was taken up for consideration.

Senator Dotzler asked and received unanimous consent that action on **House File 787** be **deferred**.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 781** and **784** be **immediately messaged** to the House.

RECESS

On motion of Senator Iverson, the Senate recessed at 10:42 a.m. until 11:00 a.m.

RECONVENED

The Senate reconvened at 11:13 a.m., President Kibbie 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 14, 2005, **passed** the following bills in which the concurrence of the House was asked:

Senate File 260, a bill for an act relating to debt collection disclosure requirements for certain financial institution affiliates.

Senate File 304, a bill for an act relating to the provisions of the elder Iowans Act.

Senate File 352, a bill for an act relating to confidentiality and liability provisions involving the child advocacy board and the programs associated with the board and making a penalty applicable.

Senate File 363, a bill for an act providing for the regulation of persons engaged in soliciting business opportunities, including franchises.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House Files 789 and 797.

House File 789

On motion of Senator Wood, **House File 789**, a bill for an act relating to programs and functions under the purview of the Iowa department of public health, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Wood offered amendment S–3100, filed by the committee on Human Resources on April 7, 2005, to pages 1 and 13 of the bill, and moved its adoption.

Amendment S–3100 was adopted by a voice vote.

Senator Hancock asked and received unanimous consent that action on **House File 789** be **deferred**.

House File 797

On motion of Senator Shull, **House File 797**, a bill for an act relating to the establishment of a promotional program for national historic landmarks and certified cultural and entertainment districts, 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. 797), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman

Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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 809.

House File 809

On motion of Senator Dotzler, **House File 809**, a bill for an act relating to and making appropriations to the department of economic development, certain board of regents institutions, the department of workforce development, and the public employment relations board and related matters, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Ward offered amendment S–3093, filed by the committee on Appropriations on April 6, 2005, to pages 11 and 12 and to the title page of the bill, and moved its adoption.

Amendment S–3093 was adopted by a voice vote.

Senator Brunkhorst offered amendment S–3123, filed by Senators Brunkhorst, Ward, and McKinley from the floor to page 4 of the bill, and moved its adoption.

Amendment S–3123 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?" (H.F. 809), the vote was:

Yeas, 49:

Angelo	Fraise	Larson	Seymour
Beall	Gaskill	Lundby	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirmbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Lamberti	Seng	

Nays, 1:

Kreiman

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

BUSINESS PENDING

House File 789

The Senate resumed consideration of **House File 789**, a bill for an act relating to programs and functions under the purview of the Iowa department of public health, previously deferred.

Senator Wood moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 789), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 789** and **797** 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 646, 682, and 712.

House File 646

On motion of Senator Wood, **House File 646**, a bill for an act concerning social and charitable gambling, including the regulation of cash raffles at fairs, prohibiting raffles at annual game nights, establishing a permanent electrical and mechanical amusement devices special fund and providing an appropriation, prohibiting certain electrical or mechanical amusement devices and bona fide contests, and providing for the denial, suspension, and revocation of certain gambling licenses by the department of inspections and

appeals, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Horn offered amendment S–3106, filed by the committee on State Government on April 11, 2005, to pages 2 and 5 and to the title page of the bill, and moved its adoption.

Amendment S–3106 was adopted by a voice vote.

Senator McCoy offered amendment S–3124, filed by him from the floor to page 3 of the bill, and moved its adoption.

Amendment S–3124 was adopted by a voice vote.

Senator Wood moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 646), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

House File 712

On motion of Senator Rielly, **House File 712**, a bill for an act allowing counties to share the services of certain elective county officers, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Quirmbach offered amendment S–3104, filed by the committee on Local Government on April 11, 2005, to page 1 of the bill, and moved its adoption.

Amendment S–3104 was adopted by a voice vote.

Senator Rielly offered amendment S–3116, filed by him on April 13, 2005, to pages 1 and 2 and to the title page of the bill.

Senator Lundby asked and received unanimous consent that action on amendment S–3116 and **House File 712** be **deferred.**

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House Files 718 and 724.

House File 718

On motion of Senator McCoy, **House File 718**, a bill for an act allowing a refund of unexpired motor vehicle registration fees to a vehicle owner who moves out of state, with report of committee recommending passage, was taken up for consideration.

Senator McCoy moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (H.F. 718), the vote was:

Yeas, 26:

Angelo	Gronstal	McCoy	Seymour
Behn	Horn	McKinley	Tinsman
Boettger	Houser	Miller	Ward
Connolly	Iverson	Quirmbach	Wood
Danielson	Kibbie	Rielly	Zieman
Dearden	Larson	Schoenjahn	
Fraise	Lundby	Seng	

Nays, 24:

Beall	Dvorsky	Kettering	Ragan
Black	Gaskill	Kreiman	Shull
Bolkcom	Hahn	Lamberti	Stewart
Brunkhorst	Hancock	McKibben	Warnstadt
Courtney	Hatch	Mulder	Wieck
Dotzler	Johnson	Putney	Zaun

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 724

On motion of Senator Johnson, **House File 724**, a bill for an act creating a prescription drug donation repository program, 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. 724), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun

Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 718** and **724** 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 753, 774, and 776.

House File 753

On motion of Senator Kreiman, **House File 753**, a bill for an act requiring certain safety-related information concerning a child to be provided to a parent, guardian, or foster parent or other custodian of a child, with report of committee recommending passage, was taken up for consideration.

Senator Kreiman asked and received unanimous consent that action on **House File 753** be **deferred**.

House File 774

On motion of Senator Quirmbach, **House File 774**, a bill for an act relating to the petition and vote requirements for increasing or reducing board of supervisors membership in certain counties, with report of committee recommending passage, was taken up for consideration.

Senator Lundby asked and received unanimous consent that action on **House File 774** be **deferred**.

House File 776

On motion of Senator Danielson, **House File 776**, a bill for an act relating to governmental financial and information technology activities, including membership in state insurance plans by former members of the general assembly, designation of a chief information officer for the state, cooperative procurement agreements, distribution of state employee salary information, setoff authority for capitol complex and state laboratory parking fines collection, sales of disposed personal property of the state by not-for-profit organizations, a local government setoff authority pilot project, and providing for a study concerning credit card payments accepted by government, with report of committee recommending passage, was taken up for consideration.

Senator Danielson moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 776), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Iverson called up the following eligible appointees on the En Bloc Confirmation Calendar:

Holly Healey, Board of Athletic Training Examiners

Barbara Oliver-Hall, Credit Union Review 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, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 776** be **immediately messaged** to the House.

The Senate stood at ease at 12:34 p.m. until the fall of the gavel.

The Senate resumed session at 12:45 p.m., President Pro Tempore Dvorsky 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 14, 2005, **passed** the following bill in which the concurrence of the House was asked:

Senate File 335, a bill for an act relating to access to dependent adult abuse information and unemployment compensation claims.

ALSO: That the House has on April 14, 2005, **passed** the following bill in which the concurrence of the Senate is asked:

House File 836, a bill for an act relating to cemeteries and cemetery regulation, providing administration and enforcement procedures, establishing requirements for interment rights agreements and reporting, establishing and appropriating fees, and providing penalties.

Read first time and referred to committee on **Ways and Means.**

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. 374	H.F. 423	H.F. 729
S.F. 381	H.F. 538	H.F. 737
H.F. 222	H.F. 540	H.F. 739
H.F. 253	H.F. 610	H.F. 740
H.F. 275	H.F. 616	H.F. 748
H.F. 312	H.F. 619	H.F. 753
H.F. 374	H.F. 644	H.F. 761
H.F. 398	H.F. 682	H.F. 774
H.F. 420	H.F. 712	H.F. 787

BILLS REFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that the following bills on the Senate Calendar, no longer eligible under Senate Rule 60, be referred to committee:

S.F. 195/att. H.F. 741	Transportation
S.F. 266/att. H.F. 537	Commerce
S.F. 332	Judiciary
S.F. 337	Agriculture
S.F. 338	State Government
S.F. 348/att. H.F. 686	State Government
S.F. 349	Business and Labor Relations
S.F. 357	Judiciary
S.F. 364	State Government
S.F. 373	Natural Resources and Environment
S.F. 377	Natural Resources and Environment
S.F. 378	Business and Labor Relations

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 12:46 p.m. until 1:00 p.m., Monday, April 18, 2005.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Jennifer Axness, Southeast Webster Elementary School—For receiving the Golden Apple Award. Senator Beall (4/14/05).

James Dick, Dayton—For being nominated for the 2005 Iowa Elementary Principal of the Year Award. Senator Beall (4/14/05).

Diane Flaherty, Phillips Middle School—For receiving the Golden Apple Award. Senator Beall (4/14/05).

Coach Chris Hanafan and the Lewis Central High School Girls' Basketball Team—For an outstanding 2004–2005 22-win season, including an appearance in the State Tournament. Senator Gronstal (4/14/05).

Sheriff Tom Heater, Greene County—For participating in the prevention of domestic violence. Senator Beall (4/14/05).

Gary Lauterbach, Fair Oaks Middle School—For receiving the Golden Apple Award. Senator Beall (4/14/05).

Pam Nelson, Prairie Valley Elementary School—For receiving the Golden Apple Award. Senator Beall (4/14/05).

Marilynne Robinson, Iowa City—For winning the Pulitzer Prize for fiction. Senator Dvorsky (4/14/05).

Bernie Rosch, Fort Dodge Senior High School—For receiving the Golden Apple Award. Senator Beall (4/14/05).

Bruce Strutzenburg, Prairie Valley Middle School—For receiving the Golden Apple Award. Senator Beall (4/14/05).

Bev Totten, Feelhaver Elementary School—For receiving the Golden Apple Award. Senator Beall (4/14/05).

Barb Wall, Community Christian School—For receiving the Golden Apple Award. Senator Beall (4/14/05).

REPORTS OF COMMITTEE MEETINGS

GOVERNMENT OVERSIGHT

Convened: April 14, 2005, 10:45 a.m.

Members Present: Courtney and Lundby, Co-chairs; and Connolly.

Members Absent: Wieck (excused).

Committee Business: Passed HF 814 and approved SSB 1308.

Adjourned: 10:50 a.m.

RULES AND ADMINISTRATION

Members Present: April 14, 2005, 8:55 a.m.

Members Absent: Gronstal and Iverson, Co-chairs; Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan.

Committee Business: Passed SRs 20, 35, 36, 37, and 40.

Adjourned: 9:00 a.m.

INTRODUCTION OF BILL

Senate File 406, by committee on Government Oversight, a bill for an act relating to the establishment of state and school antiharassment or antibullying policies, providing data collection and reporting requirements, and providing for immunity and other related matters.

Read first time under Rule 28 and **placed on calendar.**

STUDY BILL RECEIVED

SSB 1311 Ways and Means

Exempting from the state sales and use taxes tangible personal property representing services furnished for the production of certain master audio, video, film, or digital tape recordings or similar media and including effective and retroactive applicability date provisions.

SUBCOMMITTEE ASSIGNMENTS

House File 831

WAYS AND MEANS: Connolly and Zaun, Co-chairs; Stewart and Wieck

House File 832

WAYS AND MEANS: Connolly and McKibben, Co-chairs; Bolkcom and Miller

House File 834

WAYS AND MEANS: Danielson and Hahn, Co-chairs; Seng and Zieman

House File 835

WAYS AND MEANS: Dotzler and Wieck, Co-chairs; Bolkcom and Zieman

House File 839

APPROPRIATIONS: Putney and Stewart, Co-chairs; Angelo and Dvorsky

SSB 1311

WAYS AND MEANS: Hahn and Quirmbach, Co-chairs; Dotzler and Zaun

FINAL COMMITTEE REPORTS OF BILL ACTION

GOVERNMENT OVERSIGHT

Bill Title: SENATE FILE 406 (SSB 1308), a bill for an act relating to the establishment of state and school antiharassment or antibullying policies, providing data collection and reporting requirements, and providing for immunity and other related matters.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 3: Courtney, Lundby, and Connolly. Nays, none. Absent, 1: Wieck.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 814, a bill for an act relating to electronic notices of bidding opportunities for state purchases.

Recommendation: DO PASS.

Final Vote: Ayes, 3: Courtney, Lundby, and Connolly. Nays, none. Absent, 1: Wieck.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 20, a resolution urging the United States Congress to take action to maintain the United States Veterans Medical Center at Knoxville.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Iverson, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 35, a resolution honoring the city of Sac City on its sesquicentennial.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Iverson, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 37, a resolution honoring the city of Riceville on its sesquicentennial.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Iverson, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 40, a resolution to recognize Child Passenger Safety Day.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Iverson, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

MOTIONS TO RECONSIDER FILED

MR. PRESIDENT: I move to reconsider the vote by which House File 646 passed the Senate on April 14, 2005.

STEWART E. IVERSON, JR.

MR. PRESIDENT: I move to reconsider the vote by which House File 809 passed the Senate on April 14, 2005.

MICHAEL E. GRONSTAL

WITHDRAWAL OF GOVERNOR'S APPOINTEE

The following letter from the Governor was received in the office of the Secretary of the Senate on April 14, 2005:

I submitted the name of Wayne Sawtelle to serve on the Transportation Commission on January 7, 2005. I am withdrawing his 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 14, 2005:

Pursuant to Iowa Code section 2.34(4), the appointment for the Transportation Commission vacancy, formerly held by Wayne Sawtelle, is being deferred because no appropriate candidate has been found for this position at this time.

Sincerely,
THOMAS J. VILSACK
Governor

AMENDMENTS FILED

S–3123	H.F.	809	Bob Brunkhorst
			Pat Ward
			Paul McKinley
S–3124	H.F.	646	Matt McCoy
S–3125	H.F.	616	Keith A. Kreiman
			Maggie Tinsman

S–3126	H.F.	753	Keith A. Kreiman
S–3127	H.F.	374	Steve Warnstadt
S–3128	H.F.	787	David Johnson
S–3129	H.F.	729	Mark Zieman

PROOF

STATE OF IOWA

Senate Journal

MONDAY, APRIL 18, 2005

Printed daily by the State of Iowa during the sessions of the General Assembly. An official corrected copy is available for reference in the Secretary of the Senate's Office. (The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE SENATE

NINETY-NINTH CALENDAR DAY
FIFTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, April 18, 2005

The Senate met in regular session at 1:05 p.m., President Lamberti presiding.

Prayer was offered by Keith Huhn of Nevada who sang "A Mighty Fortress." He is the husband of Marci Huhn who serves as a legislative secretary to Senator Behn. He was the guest of Senator Iverson.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Victoria Lee.

The Journal of Thursday, April 14, 2005, 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 14, 2005, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 350, a bill for an act relating to the suspension of a child support obligation. (S–3130)

ALSO: That the House has on April 14, 2005, **passed** the following bill in which the concurrence of the Senate is asked:

House File 820, a bill for an act concerning state liquor activities, including liquor prices set by the alcoholic beverages division, moneys appropriated from liquor sale revenues for substance abuse

treatment, and state liquor warehouse and trucking operations and providing an effective date.

Read first time and referred to committee on **Appropriations.**

INTRODUCTION OF RESOLUTIONS

Senate Concurrent Resolution 13, by Ragan, Boettger, Gronstal, Ward, Tinsman, Lundby, Angelo, Zieman, Danielson, Courtney, Dearden, Kreiman, Stewart, Hancock, and Lamberti, a concurrent resolution relating to cervical cancer awareness, and recognizing efforts by the Iowa Department of Public Health and the Iowa Consortium for Comprehensive Cancer Control in promoting that awareness.

Read first time and referred to committee on **Rules and Administration.**

Senate Resolution 41, by Larson, Warnstadt, Iverson, and Gronstal, a resolution to recognize the life and accomplishments of Colonel Virgil D. Olson, United States Marine Corps-Retired.

Read first time and referred to committee on **Rules and Administration.**

Senate Resolution 42, by Hahn, a resolution honoring America's Vietnam veterans.

Read first time and referred to committee on **Rules and Administration.**

Senate Resolution 43, by Danielson, Dotzler, Warnstadt, Gronstal, Courtney, Horn, Dvorsky, Connolly, Seymour, Kettering, Miller, Wieck, McKibben, Hancock, Iverson, Zieman, Lamberti, Angelo, Gaskill, Johnson, Brunkhorst, Ward, Boettger, Putney, Mulder, Shull, Zaun, Behn, Hahn, Seng, Hatch, and Fraise, a resolution to recognize Dennis Clark and his associates for their service to wounded veterans of the Iraq war.

Read first time and referred to committee on **Rules and Administration.**

RECESS

On motion of Senator Gronstal, the Senate recessed at 1:18 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 1:25 p.m., President Lamberti presiding.

The Senate stood at ease at 1:26 p.m. until the fall of the gavel.

The Senate resumed session at 1:44 p.m., President Lamberti presiding.

RECESS

On motion of Senator Gronstal, the Senate recessed at 1:45 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 1:50 p.m., President Lamberti presiding.

FINAL COMMITTEE REPORTS OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 42, a resolution honoring America's Vietnam veterans.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Gronstal, Iverson, Angelo, Boettger, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, 1: Courtney.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 43, a resolution to recognize Dennis Clark and his associates for their service to wounded veterans of the Iraq war.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Gronstal, Iverson, Angelo, Boettger, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, 1: Courtney.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTIONS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolutions 42 and 43.

Senate Resolution 42

On motion of Senator Hahn, **Senate Resolution 42**, a resolution honoring America's Vietnam veterans, with report of committee recommending passage, was taken up for consideration.

Senator Hahn moved the adoption of Senate Resolution 42, which motion prevailed by a voice vote.

SPECIAL GUESTS

Senator Hahn welcomed a group of Vietnam veterans who were present in the Senate chamber.

The Senate rose and expressed its appreciation for the military service of these men and women.

Senate Resolution 43

On motion of Senator Danielson, **Senate Resolution 43**, a resolution to recognize Dennis Clark and his associates for their service to wounded veterans of the Iraq war, with report of committee recommending passage, was taken up for consideration.

Senator Danielson moved the adoption of Senate Resolution 43, which motion prevailed by a voice vote.

SPECIAL GUESTS

Senator Danielson introduced Dennis Clark, a leader in the field of orthotics and prosthetics, and his wife. Mr. Clark and his associates have been working with wounded Iraqi war veterans.

The Senate rose and expressed its appreciation.

The Senate stood at ease at 2:08 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 4:06 p.m., President Pro Tempore McKibben presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Courtney, for the day, on request of Senator Gronstal; and Senator Larson, until he arrives, on request of Senator Behn.

HOUSE AMENDMENT CONSIDERED

Senate File 365

Senator Ragan called up for consideration **Senate File 365**, a bill for an act relating to the application deadline for certification of enterprise zones, amended by the House in House amendment S–3117, filed April 13, 2005.

Senator Ragan 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 Ragan 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. 365), the vote was:

Yeas, 48:

Angelo	Fraise	Kreiman	Schoenjahn
Beall	Gaskill	Lamberti	Seng
Behn	Gronstal	Lundby	Seymour
Black	Hahn	McCoy	Shull
Boettger	Hancock	McKibben	Stewart
Bolkcom	Hatch	McKinley	Tinsman
Brunkhorst	Horn	Miller	Ward
Connolly	Houser	Mulder	Warnstadt
Danielson	Iverson	Putney	Wieck
Dearden	Johnson	Quirmbach	Wood
Dotzler	Kettering	Ragan	Zaun
Dvorsky	Kibbie	Rielly	Zieman

Nays, none.

Absent, 2:

Courtney	Larson

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 37.

Senate Resolution 37

On motion of Senator Ragan, **Senate Resolution 37**, a resolution honoring the city of Riceville on its sesquicentennial, with report of committee recommending passage, was taken up for consideration.

Senator Ragan moved the adoption of Senate Resolution 37, which motion prevailed by a voice vote.

HOUSE AMENDMENT CONSIDERED

Senate File 325

Senator Angelo called up for consideration **Senate File 325**, a bill for an act relating to the procedures and duties of the judicial branch, including sending notices and reports, and providing an effective

date, amended by the House, and moved that the Senate concur and vote "No" in House amendment S–3114, filed April 13, 2005.

A nonrecord roll call was requested.

The ayes were 3, nays 38.

The motion lost and the Senate **refused to concur** in the House amendment.

HOUSE AMENDMENT CONSIDERED

Senate File 340

Senator Dearden called up for consideration **Senate File 340**, a bill for an act relating to motor vehicle registration and driver licensing services provided by county treasurers and providing for the collection of certain fees, fines, and penalties, amended by the House in House amendment S–3115, filed April 13, 2005.

Senator Dearden 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 Dearden 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. 340), the vote was:

Yeas, 48:

Angelo	Fraise	Kreiman	Schoenjahn
Beall	Gaskill	Lamberti	Seng
Behn	Gronstal	Lundby	Seymour
Black	Hahn	McCoy	Shull
Boettger	Hancock	McKibben	Stewart
Bolkcom	Hatch	McKinley	Tinsman
Brunkhorst	Horn	Miller	Ward
Connolly	Houser	Mulder	Warnstadt
Danielson	Iverson	Putney	Wieck

Dearden	Johnson	Quirmbach	Wood
Dotzler	Kettering	Ragan	Zaun
Dvorsky	Kibbie	Rielly	Zieman

Nays, none.

Absent, 2:

Courtney	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 4:30 p.m.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 403.

Senate File 403

On motion of Senator Lundby, **Senate File 403**, a bill for an act providing for the receipt of and costs relating to public records requests, was taken up for consideration.

Senator Lundby moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 403), the vote was:

Yeas, 48:

Angelo	Fraise	Kreiman	Schoenjahn
Beall	Gaskill	Lamberti	Seng
Behn	Gronstal	Lundby	Seymour
Black	Hahn	McCoy	Shull
Boettger	Hancock	McKibben	Stewart
Bolkcom	Hatch	McKinley	Tinsman
Brunkhorst	Horn	Miller	Ward
Connolly	Houser	Mulder	Warnstadt
Danielson	Iverson	Putney	Wieck
Dearden	Johnson	Quirmbach	Wood

Dotzler	Kettering	Ragan	Zaun
Dvorsky	Kibbie	Rielly	Zieman

Nays, none.

Absent, 2:

Courtney	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 Gronstal asked and received unanimous consent to take up for consideration Senate File 404.

Senate File 404

On motion of Senator Wieck, **Senate File 404**, a bill for an act providing for county eligibility for state payment of property tax relief moneys and allowed growth funding for mental health, mental retardation, and developmental disabilities services and providing effective and retroactive applicability dates, 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. 404), the vote was:

Yeas, 48:

Angelo	Fraise	Kreiman	Schoenjahn
Beall	Gaskill	Lamberti	Seng
Behn	Gronstal	Lundby	Seymour
Black	Hahn	McCoy	Shull
Boettger	Hancock	McKibben	Stewart
Bolkcom	Hatch	McKinley	Tinsman
Brunkhorst	Horn	Miller	Ward
Connolly	Houser	Mulder	Warnstadt
Danielson	Iverson	Putney	Wieck
Dearden	Johnson	Quirmbach	Wood

Dotzler	Kettering	Ragan	Zaun
Dvorsky	Kibbie	Rielly	Zieman

Nays, none.

Absent, 2:

Courtney	Larson

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 325**, **340**, **365**, **403**, and **404** be **immediately messaged** to the House.

CONSIDERATION OF BILLS
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 310 and 313.

House File 310

On motion of Senator Connolly, **House File 310**, a bill for an act exempting the sale of toys to certain nonprofit organizations from state sales and use taxes, 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. 310), the vote was:

Yeas, 46:

Angelo	Gaskill	Lamberti	Seymour
Beall	Gronstal	Lundby	Shull
Behn	Hahn	McCoy	Stewart
Black	Hancock	McKibben	Tinsman
Boettger	Hatch	McKinley	Ward
Bolkcom	Horn	Miller	Warnstadt

Brunkhorst	Houser	Mulder	Wieck
Connolly	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dotzler	Kettering	Ragan	Zieman
Dvorsky	Kibbie	Rielly	
Fraise	Kreiman	Schoenjahn	

Nays, 2:

Dearden Seng

Absent, 2:

Courtney Larson

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 313

On motion of Senator Hahn, **House File 313**, a bill for an act relating to the establishment of an industrial processing exemption study committee and including an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Hahn moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 313), the vote was:

Yeas, 48:

Angelo	Fraise	Kreiman	Schoenjahn
Beall	Gaskill	Lamberti	Seng
Behn	Gronstal	Lundby	Seymour
Black	Hahn	McCoy	Shull
Boettger	Hancock	McKibben	Stewart
Bolkcom	Hatch	McKinley	Tinsman
Brunkhorst	Horn	Miller	Ward
Connolly	Houser	Mulder	Warnstadt
Danielson	Iverson	Putney	Wieck
Dearden	Johnson	Quirmbach	Wood

Dotzler	Kettering	Ragan	Zaun
Dvorsky	Kibbie	Rielly	Zieman

Nays, none.

Absent, 2:

Courtney	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 398

The Senate resumed consideration of **House File 398**, a bill for an act adding an exemption for colleges and universities established by city ordinance to the requirements relating to the registration of postsecondary school, placed on the Unfinished Business Calendar on April 14, 2005, with report of committee recommending passage, was taken up for consideration.

Senator Quirmbach moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 398), the vote was:

Yeas, 48:

Angelo	Fraise	Kreiman	Schoenjahn
Beall	Gaskill	Lamberti	Seng
Behn	Gronstal	Lundby	Seymour
Black	Hahn	McCoy	Shull
Boettger	Hancock	McKibben	Stewart
Bolkcom	Hatch	McKinley	Tinsman
Brunkhorst	Horn	Miller	Ward
Connolly	Houser	Mulder	Warnstadt
Danielson	Iverson	Putney	Wieck
Dearden	Johnson	Quirmbach	Wood
Dotzler	Kettering	Ragan	Zaun
Dvorsky	Kibbie	Rielly	Zieman

Nays, none.

Absent, 2:

Courtney	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 423

The Senate resumed consideration of **House File 423**, a bill for an act relating to participation in secondary school interscholastic sports at the varsity and inferior level, placed on the Unfinished Business Calendar on April 14, 2005, with report of committee recommending passage, was taken up for consideration.

Senator Putney withdrew amendment S–3133, filed by him from the floor, to pages 1 and 3 and to the title page of the bill.

Senator Connolly moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 423), the vote was:

Yeas, 48:

Angelo	Fraise	Kreiman	Schoenjahn
Beall	Gaskill	Lamberti	Seng
Behn	Gronstal	Lundby	Seymour
Black	Hahn	McCoy	Shull
Boettger	Hancock	McKibben	Stewart
Bolkcom	Hatch	McKinley	Tinsman
Brunkhorst	Horn	Miller	Ward
Connolly	Houser	Mulder	Warnstadt
Danielson	Iverson	Putney	Wieck
Dearden	Johnson	Quirmbach	Wood
Dotzler	Kettering	Ragan	Zaun
Dvorsky	Kibbie	Rielly	Zieman

Nays, none.

Absent, 2:

Courtney	Larson

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Files 310**, **313**, **398**, and **423** be **immediately messaged** to the House.

CONSIDERATION OF RESOLUTIONS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolutions 29, 30, and 31.

Senate Resolution 29

On motion of Senator Quirmbach, **Senate Resolution 29**, a resolution to recognize Holly Bender, Associate Professor of Veterinary Pathology at Iowa State University, for receiving the Teaching Excellence Award for Basic Sciences from the Student American Veterinary Medicine Association, with report of committee recommending passage, was taken up for consideration.

Senator Quirmbach moved the adoption of Senate Resolution 29, which motion prevailed by a voice vote.

Senate Resolution 30

On motion of Senator Quirmbach, **Senate Resolution 30**, a resolution of appreciation to the Iowa Chapter of the American Institute of Architects for designating C.Y. Stephens Auditorium as Iowa's Building of the Century, with report of committee recommending passage, was taken up for consideration.

Senator Quirmbach moved the adoption of Senate Resolution 30, which motion prevailed by a voice vote.

Senate Resolution 31

On motion of Senator Quirmbach, **Senate Resolution 31**, a resolution to recognize Joanne Olson of Iowa State University for being named the Outstanding Science Teacher Educator of the Year

by the Association for Science Teacher Education, with report of committee recommending passage, was taken up for consideration.

Senator Quirmbach moved the adoption of Senate Resolution 31, which motion prevailed by a voice vote.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 607.

House File 607

On motion of Senator Hahn, **House File 607**, a bill for an act relating to emergency services provided to residents of certain townships and including effective date and retroactive applicability date provisions, with report of committee recommending passage, was taken up for consideration.

Senator Hahn moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 607), the vote was:

Yeas, 48:

Angelo	Fraise	Kreiman	Schoenjahn
Beall	Gaskill	Lamberti	Seng
Behn	Gronstal	Lundby	Seymour
Black	Hahn	McCoy	Shull
Boettger	Hancock	McKibben	Stewart
Bolkcom	Hatch	McKinley	Tinsman
Brunkhorst	Horn	Miller	Ward
Connolly	Houser	Mulder	Warnstadt
Danielson	Iverson	Putney	Wieck
Dearden	Johnson	Quirmbach	Wood
Dotzler	Kettering	Ragan	Zaun
Dvorsky	Kibbie	Rielly	Zieman

Nays, none.

Absent, 2:

Courtney	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 275

On motion of Senator Tinsman, **House File 275**, a bill for an act relating to the purchase, possession, or consumption of alcohol by a person under legal age, and providing a penalty, placed on the Unfinished Business Calendar on April 14, 2005, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Tinsman withdrew amendment S–3065, filed by the committee on Judiciary on March 29, 2005, to page 1 of the bill.

Senator Kreiman offered amendment S–3091, filed by him on April 6, 2005, to page 1 of the bill, and moved its adoption.

Amendment S–3091 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. 275), the vote was:

Yeas, 47:

Angelo	Fraise	Kreiman	Seng
Beall	Gaskill	Lamberti	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McKibben	Stewart
Boettger	Hancock	McKinley	Tinsman
Bolkcom	Hatch	Miller	Ward
Brunkhorst	Horn	Mulder	Warnstadt
Connolly	Houser	Putney	Wieck
Danielson	Iverson	Quirmbach	Wood
Dearden	Johnson	Ragan	Zaun

Dotzler	Kettering	Rielly	Zieman
Dvorsky	Kibbie	Schoenjahn	

Nays, 1:

McCoy

Absent, 2:

Courtney Larson

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Files 275** and **607** be **immediately messaged** to the House.

UNFINISHED BUSINESS
(Deferred April 14, 2005)

House File 616

The Senate resumed consideration of **House File 616**, a bill for an act revising requirements applicable to county and multicounty decategorization of child welfare and juvenile justice funding projects, deferred April 14, 2005.

Senator Kreiman offered amendment S–3125, filed by Senators Kreiman and Tinsman on April 14, 2005, to page 3 of the bill, and moved its adoption.

Amendment S–3125 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. 616), the vote was:

Yeas, 49:

Angelo	Gaskill	Larson	Seymour
Beall	Gronstal	Lundby	Shull
Behn	Hahn	McCoy	Stewart
Black	Hancock	McKibben	Tinsman
Boettger	Hatch	McKinley	Ward
Bolkcom	Horn	Miller	Warnstadt
Brunkhorst	Houser	Mulder	Wieck
Connolly	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	
Fraise	Lamberti	Seng	

Nays, none.

Absent, 1:

Courtney

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS

House File 739

On motion of Senator Beall, **House File 739**, a bill for an act relating to education technology, including the creation of an Iowa learning technology commission and pilot program, and the establishment of a research triangle and clearinghouse, placed on the Unfinished Business Calendar on April 14, 2005, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Kreiman offered amendment S–3095, filed by the committee on Education on April 6, 2005, to pages 1, 2, 4–6, and to the title page of the bill, and moved its adoption.

Amendment S–3095 was adopted by a voice vote.

Senator Beall moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 739), the vote was:

Yeas, 47:

Angelo	Gaskill	Lamberti	Schoenjahn
Beall	Gronstal	Larson	Seng
Behn	Hahn	Lundby	Seymour
Black	Hancock	McCoy	Shull
Boettger	Hatch	McKibben	Stewart
Brunkhorst	Horn	McKinley	Tinsman
Connolly	Houser	Miller	Ward
Danielson	Iverson	Mulder	Wieck
Dearden	Johnson	Putney	Wood
Dotzler	Kettering	Quirmbach	Zaun
Dvorsky	Kibbie	Ragan	Zieman
Fraise	Kreiman	Rielly	

Nays, 2:

Bolkcom Warnstadt

Absent, 1:

Courtney

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 14, 2005)

House File 753

The Senate resumed consideration of **House File 753**, a bill for an act requiring certain safety-related information concerning a child to be provided to a parent, guardian, or foster parent or other custodian of a child, deferred April 14, 2005.

Senator Kreiman withdrew amendment S–3126, filed by him on April 14, 2005, to pages 1–3 and to the title page of the bill.

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. 753), the vote was:

Yeas, 49:

Angelo	Gaskill	Larson	Seymour
Beall	Gronstal	Lundby	Shull
Behn	Hahn	McCoy	Stewart
Black	Hancock	McKibben	Tinsman
Boettger	Hatch	McKinley	Ward
Bolkcom	Horn	Miller	Warnstadt
Brunkhorst	Houser	Mulder	Wieck
Connolly	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	
Fraise	Lamberti	Seng	

Nays, none.

Absent, 1:

Courtney

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 Zaun, until he returns, on request of Senator Iverson.

UNFINISHED BUSINESS
(Deferred April 12, 2005)

House File 685

The Senate resumed consideration of **House File 685**, a bill for an act establishing the child identification and protection Act, which prohibits the fingerprinting of children, and providing for exception, deferred April 12, 2005.

Senator Quirmbach moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 685), the vote was:

Yeas, 48:

Angelo	Fraise	Kreiman	Rielly
Beall	Gaskill	Lamberti	Schoenjahn
Behn	Gronstal	Larson	Seng
Black	Hahn	Lundby	Seymour
Boettger	Hancock	McCoy	Shull
Bolkcom	Hatch	McKibben	Stewart
Brunkhorst	Horn	McKinley	Tinsman
Connolly	Houser	Miller	Ward
Danielson	Iverson	Mulder	Warnstadt
Dearden	Johnson	Putney	Wieck
Dotzler	Kettering	Quirmbach	Wood
Dvorsky	Kibbie	Ragan	Zieman

Nays, none.

Absent, 2:

Courtney	Zaun

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Files 616**, **685**, **739**, and **753** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 5:46 p.m. until 9:00 a.m., Tuesday, April 19, 2005.

APPENDIX

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Mr. and Mrs. Millie and George Jacoby, Marion—For celebrating your 50th wedding anniversary. Senator Lundby (4/18/05).

REPORTS OF COMMITTEE MEETINGS

RULES AND ADMINISTRATION

Convened: April 18, 2005, 1:20 p.m.

Members Present: Gronstal and Iverson, Co-chairs; Angelo, Boettger, Dvorsky, Hahn, Kibbie, Lamberti and Ragan.

Members Absent: Courtney (excused).

Committee Business: Passed SCRs 9 and 13 and SRs 34, 39, 42, and 43.

Recessed: 1:25 p.m.

Reconvened: 1:45 p.m.

Adjourned: 1:50 p.m.

WAYS AND MEANS

Convened: April 18, 2005, 5:45 p.m.

Members Present: Bolkcom and Zieman, Co-chairs; Connolly, Danielson, Dotzler, McKibben, McKinley, Miller, Quirmbach, and Stewart.

Members Absent: Hahn, Larson, McCoy, Seng, Wieck, and Zaun (all excused).

Committee Business: Subcommittee assignments.

Adjourned: 5:50 p.m.

INTRODUCTION OF RESOLUTIONS

Senate Concurrent Resolution 14, by Hatch, Danielson, Dotzler, Warnstadt, Seng, Hancock, Rielly, Wood, Schoenjahn, Connolly, Courtney, Quirmbach, Gronstal, Fraise, Black, Stewart, Ragan, Beall, Kreiman, and Dvorsky, a concurrent resolution

designating November 13 through 19, 2005, as Iowa Homeless Awareness Week.

Read first time under Rule 28 and referred to committee on **Rules and Administration.**

Senate Resolution 44, by Hatch, Danielson, Dotzler, Warnstadt, Seng, Hancock, Rielly, Wood, Schoenjahn, Connolly, Courtney, Quirmbach, Gronstal, Fraise, Black, Stewart, Ragan, Beall, Kreiman, and Dvorsky, a resolution protesting the proposed reduction in the federal Community Development Block Grant program.

Read first time under Rule 28 and referred to committee on **Rules and Administration.**

STUDY BILLS RECEIVED

SSB 1312 Ways and Means

Providing for an exemption from sales and use taxes for specific items used in livestock and plant production, providing a refund, and including effective and retroactive applicability date provisions.

SSB 1313 Ways and Means

Relating to written advice issued by the department of revenue to a particular retailer regarding the collection of state or local sales tax.

SSB 1314 Ways and Means

Relating to additional educational funding by increasing the state regular program foundation base per pupil, by modifying the community college operations levy, creating local workforce and economic development funds for community credit, increasing the state cigarette tax, and including effective and applicability date provisions.

SUBCOMMITTEE ASSIGNMENTS

Senate Resolution 41

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

House File 702

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

House File 703

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

House File 836

WAYS AND MEANS: Dotzler and Zaun, Co-chairs; McKinley and Seng

SSB 1312

WAYS AND MEANS: Hahn and Stewart, Co-chairs; Dotzler and McKibben

SSB 1313

WAYS AND MEANS: Danielson and Wieck, Co-chairs; McCoy and Zaun

SSB 1314

WAYS AND MEANS: Connolly and McKibben, Co-chairs; Bolkcom and Zieman

FINAL COMMITTEE REPORTS OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE CONCURRENT RESOLUTION 9, a concurrent resolution relating to the creation of a criminal code revisions legislative study committee.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Gronstal, Iverson, Angelo, Boettger, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, 1: Courtney.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE CONCURRENT RESOLUTION 13, a concurrent resolution relating to cervical cancer awareness, and recognizing efforts by the Iowa Department

of Public Health and the Iowa Consortium for Comprehensive Cancer Control in promoting that awareness.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Gronstal, Iverson, Angelo, Boettger, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, 1: Courtney.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 34, a resolution honoring Solon Community Schools coach and teacher Ed Hansen.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Gronstal, Iverson, Angelo, Boettger, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, 1: Courtney.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 39, a resolution honoring the North Mahaska Community Schools boys basketball team.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Gronstal, Iverson, Angelo, Boettger, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, 1: Courtney.

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 resolutions and bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 18th day of April, 2005:

Senate Joint Resolutions 6 and 7 and Senate Files 265, 283, 320, 339, 346, and 379.

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS ASSIGNED TO COMMITTEE

President Lamberti announced that **House Files 702** and **703** were assigned to the committee on **Rules and Administration**.

AMENDMENTS FILED

S–3130	S.F.	350	House
S–3131	H.F.	787	David Johnson
S–3132	H.F.	712	John P. Kibbie
S–3133	H.F.	423	John Putney
S–3134	S.F.	402	Herman C. Quirmbach
S–3135	H.F.	787	David Johnson
S–3136	H.F.	740	Frank B. Wood

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, APRIL 19, 2005

Printed daily by the State of Iowa during the sessions of the General Assembly. An official corrected copy is available for reference in the Secretary of the Senate's Office. (The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE SENATE

ONE HUNDREDTH CALENDAR DAY
FIFTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, April 19, 2005

The Senate met in regular session at 9:21 a.m., President Lamberti presiding.

Prayer was offered by Cassie Lauterbach, a junior at Simpson College in Indianola, Iowa. Ms. Lauterbach sang "The Star Spangled Banner." She was the guest of Senator Behn.

The Journal of Monday, April 18, 2005, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Wieck, until he arrives, on request of Senator Shull.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 16.

Senate Resolution 16

On motion of Senator Angelo, **Senate Resolution 16**, a resolution honoring the actress Hilary Swank and her Iowa roots, with report of committee recommending passage, was taken up for consideration.

Senator Angelo moved the adoption of Senate Resolution 16, which motion prevailed by a voice vote.

SPECIAL GUEST

Senator Angelo welcomed to the Senate chamber Shirley Hightshoe of Mount Ayr, the aunt of actress Hilary Swank.

The Senate rose and expressed its welcome.

UNFINISHED BUSINESS

Senate File 402

On motion of Senator Zaun, **Senate File 402**, a bill for an act relating to the assessment and collection of penalty, fee, and interest charges imposed for the late payment of building code penalties, fines, and inspection and enforcement fees, placed on the Unfinished Business Calendar on April 7, 2005, was taken up for consideration.

Senator Quirmbach offered amendment S–3134, filed by him on April 18, 2005, to page 1 of the bill, and moved its adoption.

Amendment S–3134 was adopted by a voice vote.

Senator Zaun moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 402), the vote was:

Yeas, 49:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wood
Courtney	Iverson	Putney	Zaun
Danielson	Johnson	Quirmbach	Zieman
Dearden	Kettering	Ragan	

Dotzler	Kibbie	Rielly
Dvorsky	Kreiman	Schoenjahn

Nays, none.

Absent, 1:

Wieck

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 402** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:43 a.m. until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:12 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 19, 2005, **passed** the following bill in which the concurrence of the House was asked:

Senate File 370, a bill for an act relating to the duration of a no-contact order in a criminal case.

ALSO: That the House has on April 19, 2005, **concurred** in the Senate amendment and **passed** the following bill in which the concurrence of the House was asked:

House File 742, a bill for an act relating to the Iowa early intervention block grant program by changing the reporting

requirements, extending the repeal of the chapter establishing the program, and providing an effective date.

ALSO: That the House has on April 19, 2005, **passed** the following bills in which the concurrence of the Senate is asked:

House File 805, a bill for an act relating to agricultural production including animal feeding operations, by providing for the regulation of open feedlot operations, and agricultural production liens, and providing for penalties.

Read first time and **attached to similar Senate File 372.**

House File 844, a bill for an act relating to the exemption of sales and use taxes on the purchase of coins, currency, or bullion.

Read first time and referred to committee on **Ways and Means.**

House File 853, a bill for an act providing that contributions made to certain school tuition organizations may be treated as credits under the individual income tax and including an applicability date provision.

Read first time and referred to committee on **Ways and Means.**

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Connolly asked and received unanimous consent to take up for consideration Senate Resolution 39.

Senate Resolution 39

On motion of Senator McKinley, **Senate Resolution 39**, a resolution honoring the North Mahaska Community Schools boys basketball team, with report of committee recommending passage, was taken up for consideration.

Senator McKinley moved the adoption of Senate Resolution 39, which motion prevailed by a voice vote.

SPECIAL GUESTS

Senators McKinley and Rielly introduced the North Mahaska Community Schools boys' basketball team and coaches. Team member Blake McGriff addressed the Senate with brief remarks.

The Senate rose and expressed its welcome.

RECESS

On motion of Senator Connolly, the Senate recessed at 1:19 p.m. until the completion of a meeting of the committee on Ways and Means.

RECONVENED

The Senate reconvened at 2:06 p.m., President Lamberti presiding.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 20.

Senate Resolution 20

On motion of Senator Kreiman, **Senate Resolution 20**, a resolution urging the United States Congress to take action to maintain the United States Veterans Medical Center at Knoxville, with report of committee recommending passage, was taken up for consideration.

Senator Kreiman moved the adoption of Senate Resolution 20, which motion prevailed by a voice vote.

HOUSE AMENDMENT CONSIDERED

Senate File 350

Senator Kreiman called up for consideration **Senate File 350**, a bill for an act relating to the suspension of a child support obligation,

amended by the House in House amendment S–3130, filed April 18, 2005.

Senator Kreiman asked and received unanimous consent that action on House amendment S–3130 and **Senate File 350** be **deferred**.

UNFINISHED BUSINESS

Senate File 366

On motion of Senator Tinsman, **Senate File 366**, a bill for an act relating to the timing of a mental competency hearing for a person accused of a criminal offense, placed on the Unfinished Business Calendar on April 7, 2005, was taken up for consideration.

Senator Tinsman offered amendment S–3060, filed by her on March 23, 2005, to page 1 of the bill, and moved its adoption.

Amendment S–3060 was adopted by a voice vote.

Senator Tinsman asked and received unanimous consent that **House File 771** be **substituted** for **Senate File 366**.

House File 771

On motion of Senator Tinsman, **House File 771**, a bill for an act relating to the timing of a mental competency hearing for a person accused of a criminal offense, 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. 771), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kibbie	Rielly
Beall	Fraise	Lamberti	Schoenjahn
Behn	Gaskill	Larson	Seng
Black	Gronstal	Lundby	Seymour
Boettger	Hahn	McCoy	Shull

Bolkcom	Hancock	McKibben	Stewart
Brunkhorst	Hatch	McKinley	Tinsman
Connolly	Horn	Miller	Ward
Courtney	Houser	Mulder	Warnstadt
Danielson	Iverson	Putney	Wood
Dearden	Johnson	Quirmbach	Zaun
Dotzler	Kettering	Ragan	Zieman

Nays, 1:

Kreiman

Absent, 1:

Wieck

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

WITHDRAWN

Senator Tinsman asked and received unanimous consent that **Senate File 366** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 771** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 330

Senator Kreiman called up for consideration **Senate File 330**, a bill for an act relating to family law provisions including dissolution of marriage and domestic relations and termination of parental rights provisions, amended by the House in House amendment S–3072, filed March 30, 2005.

Senator Kreiman offered amendment S–3141, filed by him from the floor to pages 1 and 39 of House amendment S–3072, and moved its adoption.

Amendment S–3141 was adopted by a voice vote.

Senator Kreiman 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 Kreiman 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. 330), the vote was:

Yeas, 49:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wood
Courtney	Iverson	Putney	Zaun
Danielson	Johnson	Quirmbach	Zieman
Dearden	Kettering	Ragan	
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, 1:

Wieck

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 Kreiman, until he returns, on request of Senator Fraise.

CONSIDERATION OF BILLS
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 589 and 674.

House File 589

On motion of Senator Larson, **House File 589**, a bill for an act relating to the property taxation of nursing facilities and including effective and applicability date provisions, with report of committee recommending passage, was taken up for consideration.

Senator Larson moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 589), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kibbie	Rielly
Beall	Fraise	Lamberti	Schoenjahn
Behn	Gaskill	Larson	Seng
Black	Gronstal	Lundby	Seymour
Boettger	Hahn	McCoy	Shull
Bolkcom	Hancock	McKibben	Stewart
Brunkhorst	Hatch	McKinley	Tinsman
Connolly	Horn	Miller	Ward
Courtney	Houser	Mulder	Warnstadt
Danielson	Iverson	Putney	Wood
Dearden	Johnson	Quirmbach	Zaun
Dotzler	Kettering	Ragan	Zieman

Nays, none.

Absent, 2:

Kreiman	Wieck

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 674

On motion of Senator Danielson, **House File 674**, a bill for an act relating to distribution of secondary and farm-to-market road funds, with report of committee recommending passage, was taken up for consideration.

Senator Danielson moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 674), the vote was:

Yeas, 37:

Angelo	Dvorsky	Kibbie	Seng
Beall	Fraise	McKibben	Seymour
Behn	Gaskill	McKinley	Shull
Boettger	Gronstal	Miller	Stewart
Bolkcom	Hahn	Mulder	Tinsman
Brunkhorst	Hancock	Putney	Wood
Connolly	Houser	Quirmbach	Zieman
Courtney	Iverson	Ragan	
Danielson	Johnson	Rielly	
Dotzler	Kettering	Schoenjahn	

Nays, 11:

Black	Horn	Lundby	Warnstadt
Dearden	Lamberti	McCoy	Zaun
Hatch	Larson	Ward	

Absent, 2:

Kreiman	Wieck

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 Gronstal asked and received unanimous consent to take up for consideration Senate Resolutions 27 and 28.

Senate Resolution 27

On motion of Senator Bolkcom, **Senate Resolution 27**, a resolution to recognize and honor Professor James Van Allen for his lifetime of service and achievement, with report of committee recommending passage, was taken up for consideration.

Senator Bolkcom moved the adoption of Senate Resolution 27, which motion prevailed by a voice vote.

Senate Resolution 28

On motion of Senator Dvorsky, **Senate Resolution 28**, a resolution to recognize the 50th anniversary of the creation of county conservation boards, with report of committee recommending passage, was taken up for consideration.

Senator Dvorsky moved the adoption of Senate Resolution 28, which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 330** and **House Files 589** and **674** be **immediately messaged** to the House.

UNFINISHED BUSINESS

House File 737

On motion of Senator Courtney, **House File 737**, a bill for an act relating to the registration and licensing of mortgage bankers and brokers, providing for fees, and providing an effective date, placed on the Unfinished Business Calendar on April 14, 2005, with report of committee recommending passage, was taken up for consideration.

Senator Courtney moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (H.F. 737), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kibbie	Rielly
Beall	Fraise	Lamberti	Schoenjahn
Behn	Gaskill	Larson	Seng
Black	Gronstal	Lundby	Seymour
Boettger	Hahn	McCoy	Shull
Bolkcom	Hancock	McKibben	Stewart
Brunkhorst	Hatch	McKinley	Tinsman
Connolly	Horn	Miller	Ward
Courtney	Houser	Mulder	Warnstadt
Danielson	Iverson	Putney	Wood
Dearden	Johnson	Quirmbach	Zaun
Dotzler	Kettering	Ragan	Zieman

Nays, none.

Absent, 2:

Kreiman Wieck

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS

House File 538

On motion of Senator Tinsman, **House File 538**, a bill for an act revising child welfare requirements involving children with mental health, behavioral, or emotional disorders and providing a contingent effective date, placed on the Unfinished Business Calendar on April 14, 2005, with report of committee recommending passage, was taken up for consideration.

Senator Hatch offered amendment S–3144, filed by Senators Hatch, Kreiman, and Tinsman from the floor to page 2 of the bill, and moved its adoption.

Amendment S–3144 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. 538), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kibbie	Rielly
Beall	Fraise	Lamberti	Schoenjahn
Behn	Gaskill	Larson	Seng
Black	Gronstal	Lundby	Seymour
Boettger	Hahn	McCoy	Shull
Bolkcom	Hancock	McKibben	Stewart
Brunkhorst	Hatch	McKinley	Tinsman
Connolly	Horn	Miller	Ward
Courtney	Houser	Mulder	Warnstadt
Danielson	Iverson	Putney	Wood
Dearden	Johnson	Quirmbach	Zaun
Dotzler	Kettering	Ragan	Zieman

Nays, none.

Absent, 2:

Kreiman	Wieck

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 Gronstal asked and received unanimous consent to take up for consideration Senate Resolutions 35 and 40.

Senate Resolution 35

On motion of Senator Kettering, **Senate Resolution 35**, a resolution honoring the city of Sac City on its sesquicentennial, with report of committee recommending passage, was taken up for consideration.

Senator Kettering moved the adoption of Senate Resolution 35, which motion prevailed by a voice vote.

Senate Resolution 40

On motion of Senator Iverson, **Senate Resolution 40**, a resolution to recognize Child Passenger Safety Day, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved the adoption of Senate Resolution 40, which motion prevailed by a voice vote.

CONSIDERATION OF RESOLUTIONS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Concurrent Resolutions 9 and 13.

Senate Concurrent Resolution 9

On motion of Senator Miller, **Senate Concurrent Resolution 9**, a concurrent resolution relating to the creation of a criminal code revisions legislative study committee, with report of committee recommending passage, was taken up for consideration.

Senator Miller moved the adoption of Senate Concurrent Resolution 9, which motion prevailed by a voice vote.

Senate Concurrent Resolution 13

On motion of Senator Ragan, **Senate Concurrent Resolution 13**, a concurrent resolution relating to cervical cancer awareness, and recognizing efforts by the Iowa Department of Public Health and the Iowa Consortium for Comprehensive Cancer Control in promoting that awareness, with report of committee recommending passage, was taken up for consideration.

Senator Ragan moved the adoption of Senate Concurrent Resolution 13, which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Concurrent Resolutions 9** and **13** and **House Files 538** and **737** be **immediately messaged** to the House.

BILL REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that **House File 644** be referred from the Unfinished Business Calendar to the committee on **State Government.**

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, 2005, **passed** the following bill in which the concurrence of the House was asked:

Senate File 360, a bill for an act relating to various provisions administered by the insurance division of the department of commerce concerning premium tax refunds, the interstate insurance compact, insurer insolvency proceedings, individual health insurance, the small employer carrier reinsurance program, insurance applications, the Iowa comprehensive health association, fire insurance policies, the Iowa insurance guaranty association, the FAIR plan, motor vehicle service contracts, investments by county and state mutual associations, reciprocal or interinsurance contract premium rates, unauthorized activity of insurance producers, and annuity contracts for cemetery and funeral merchandise and funeral services, and making fees and penalties applicable and providing effective and retroactive applicability dates.

ALSO: That the House has on April 19, 2005, **concurred** in the Senate amendment and **passed** the following bills in which the concurrence of the House was asked:

House File 585, a bill for an act relating to assisted living programs, providing for a fee, and providing penalties.

House File 587, a bill for an act relating to adult day services regulation and providing penalties.

House File 617, a bill for an act relating to inclusion of assisted living services under the medical assistance home and community-based services waiver for the elderly.

House File 710, a bill for an act relating to the regulation of elder group homes and providing penalties.

House File 770, a bill for an act providing for the Iowa department of public health to administer the hotel sanitation code, regulation of home food establishments, Iowa food code, and regulation of egg handlers in place of the department of inspections and appeals.

House File 777, a bill for an act relating to testing a person for contagious or infectious disease if the person assaults a person by exchanging or attempting to exchange bodily fluids, and providing a penalty.

House File 789, a bill for an act relating to programs and functions under the purview of the Iowa department of public health.

ALSO: That the House has on April 19, 2005, **amended and passed** the following bills in which the concurrence of the Senate is asked:

Senate File 57, a bill for an act authorizing the appointment of a nine-member city zoning board of adjustment. (S–3146)

ALSO: That the House has on April 19, 2005, **passed** the following bill in which the concurrence of the Senate is asked:

House File 837, a bill for an act relating to state government financial matters concerning charter agencies, the state appeal board, and reinvention initiatives of the department of management, and making appropriations.

Read first time and referred to committee on **Appropriations.**

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 3:22 p.m. until 8:30 a.m., Wednesday, April 20, 2005.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Robert "Bob" G. Bierie, Dubuque—For retiring after 25 years of dedicated service to Loras College. Senator Rielly (4/19/05).

Tyler Joseph Coleman, Milford—For achieving the rank of Eagle Scout, Boy Scout Troop 170. Senator Johnson (4/19/05).

Irma Fisher Ferguson, Jefferson—For celebrating your 100th birthday. Senator Beall (4/19/05).

Matthew Haganman, Osage—For receiving the rank of Eagle Scout, Boy Scout Troop 62. Senator Ragan (4/19/05).

Andrew Hamann, Milford—For achieving the rank of Eagle Scout, Boy Scout Troop 170. Senator Johnson (4/19/05).

Mr. and Mrs. Everett and Barb Hennigar, McCallsburg—For celebrating your 50th wedding anniversary. Senator Iverson (4/19/05).

Kassie Hobbs, Bettendorf—For being selected by the Tobacco-Free Kids as "Youth Advocate of the Year." Senator Tinsman (4/19/05).

Mr. and Mrs. John and Lucille Jacobson, McCallsburg—For celebrating your 50th wedding anniversary. Senator Iverson (4/19/05).

Mary E. Junck—For being named Publisher of the Year by Editor and Publisher Magazine. Senator Tinsman (4/19/05).

Roberta Meinking, Auriela—For celebrating your 100th birthday. Senator Wieck (4/19/05).

Michael Sewell, Milford—For achieving the rank of Eagle Scout, Boy Scout Troop 170. Senator Johnson (4/19/05).

Richard E. Sours—For your inauguration as the 25th President of William Penn University. Senator Rielly (4/19/05).

Jason Wesselman, Milford—For achieving the rank of Eagle Scout, Boy Scout Troop 170. Senator Johnson (4/19/05).

REPORT OF COMMITTEE MEETING

WAYS AND MEANS

Convened: April 19, 2005, 1:20 p.m.

Members Present: Bolkcom and Zieman, Co-chairs; Connolly, Danielson, Dotzler, Hahn, Larson, McCoy, McKibben, McKinley, Miller, Quirmbach, Seng, Stewart, and Zaun.

Members Absent: Wieck (excused).

Committee Business: Passed SF 278 and approved SSBs 1095 and 1312.

Adjourned: 1:50 p.m.

INTRODUCTION OF BILL

Senate File 407, by Gronstal and Iverson, a bill for an act relating to asset disregard under the medical assistance program for the purchase of a certified long-term care insurance policy, providing for a repeal, providing a contingent effective date, and providing an appropriation.

Read first time under Rule 28 and referred to committee on **Ways and Means.**

SUBCOMMITTEE ASSIGNMENTS

Senate Concurrent Resolution 14

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

Senate Resolution 44

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 19, 2005, the Governor approved and transmitted to the Secretary of State the following resolutions and bills:

S.J.R. 6 – 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.J.R. 7 – Authorizing the temporary use and consumption of wine and beer in the State Capitol in conjunction with the 2005 National Governors Association Annual Meeting.

S.F. 265 – Relating to delinquent property taxes and other duties of the county treasurer and including effective date and applicability date provisions.

S.F. 283 – Relating to the department of public safety by updating references, changing the names of divisions in the department, and changing practices and procedures.

S.F. 320 – Requiring performance of a criminal history check of applicants for real estate broker and salesperson licenses.

S.F. 339 – Relating to regional transit districts.

S.F. 346 – 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.F. 379 – Relating to the Iowa probate code, the Iowa trust code, and certain other trusts.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Forty 8th grade students from Sudlow Intermediate School in Davenport, Iowa, accompanied by Jamie Reese. Senator Tinsman.

Twenty-seven middle school students from Evans Middle School in Ottumwa, Iowa, accompanied by Mrs. Happle. Senator Kreiman.

AMENDMENTS FILED

S–3137	H.F.	740	Jeff Angelo
S–3138	H.F.	740	Michael Connolly
S–3139	H.F.	740	Nancy Boettger
			Dave Mulder
S–3140	H.F.	748	Bob Brunkhorst
S–3141	S.F.	330	Keith A. Kreiman
S–3142	H.F.	740	John Putney

S–3143	H.F.	253	Doug Shull
S–3144	H.F.	538	Jack Hatch
			Keith A. Kreiman
			Maggie Tinsman
S–3145	H.F.	729	Mark Zieman
S–3146	S.F.	57	House

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, APRIL 20, 2005

Printed daily by the State of Iowa during the sessions of the General Assembly. An official corrected copy is available for reference in the Secretary of the Senate's Office. (The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE SENATE

ONE HUNDRED FIRST CALENDAR DAY
FIFTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, April 20, 2005

The Senate met in regular session at 8:38 a.m., President Lamberti presiding.

Prayer was offered by Pastor Gale Richards of Colwell United Church of Christ in Colwell and Riceville, Iowa. He was the guest of Senator Ragan.

The Journal of Tuesday, April 19, 2005, was approved.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 34.

Senate Resolution 34

On motion of Senator Horn, **Senate Resolution 34**, a resolution honoring Solon Community Schools coach and teacher Ed Hansen, with report of committee recommending passage, was taken up for consideration.

Senator Horn moved the adoption of Senate Resolution 34, which motion prevailed by a voice vote.

SPECIAL GUESTS

Senator Horn introduced Solon Community Schools teacher and coach Ed Hansen and his wife.

The Senate rose and expressed its welcome.

The Senate stood at ease at 8:53 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:18 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 April 20, 2005, **concurred** in the Senate amendment and **passed** the following bill in which the concurrence of the House was asked:

House File 645, a bill for an act relating to the regulation of lotteries, including the definition of a lottery, permissible lotteries by commercial organizations, and the prosecution of violators.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Lundby, until she arrives, on request of Senator Iverson.

UNFINISHED BUSINESS

House File 253

On motion of Senator Kibbie, **House File 253**, a bill for an act relating to governmental ethics and the duties of the Iowa ethics and campaign disclosure board, placed on the Unfinished Business Calendar on April 14, 2005, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Horn offered amendment S–3088, filed by the committee on State Government on April 5, 2005, to page 2 of the bill, and moved its adoption.

Amendment S–3088 was adopted by a voice vote.

Senator Shull withdrew amendment S–3143, filed by him on April 19, 2005, to page 4 of the bill.

Senator Kibbie moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 253), the vote was:

Yeas, 49:

Angelo	Fraise	Lamberti	Seymour
Beall	Gaskill	Larson	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirmbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Kreiman	Seng	

Nays, none.

Absent, 1:

Lundby

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 11.

Senate Concurrent Resolution 11

On motion of Senator Tinsman, **Senate Concurrent Resolution 11**, a concurrent resolution requesting the establishment of a planning

group to develop a plan for unifying the state administration of services utilized by older Iowans age 60 or older, with report of committee recommending passage, was taken up for consideration.

Senator Tinsman offered amendment S–3147, filed by her from the floor to page 2 of the resolution, and moved its adoption.

Amendment S–3147 was adopted by a voice vote.

Senator Tinsman moved the adoption of Senate Concurrent Resolution 11, which motion prevailed by a voice vote.

UNFINISHED BUSINESS

House File 312

On motion of Senator Wieck, **House File 312**, a bill for an act relating to campaign finance committee reporting, use of committee funds or property, independent expenditures, and placement of campaign signs, placed on the Unfinished Business Calendar on April 14, 2005, 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. 312), the vote was:

Yeas, 49:

Angelo	Fraise	Lamberti	Seymour
Beall	Gaskill	Larson	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirmbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	

Dotzler	Kibbie	Schoenjahn
Dvorsky	Kreiman	Seng

Nays, none.

Absent, 1:

Lundby

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Concurrent Resolution 11** and **House Files 253** and **312** be **immediately messaged** to the House.

UNFINISHED BUSINESS

House File 748

On motion of Senator Wood, **House File 748**, a bill for an act providing for state employee payroll deductions for qualified tuition program contributions, placed on the Unfinished Business Calendar on April 14, 2005, with report of committee recommending passage, was taken up for consideration.

Senator Connolly withdrew amendment S–3119, filed by him on April 13, 2005, to page 1 of the bill.

Senator Brunkhorst offered amendment S–3140, filed by him on April 19, 2005, to page 1 and to the title page of the bill.

Senator Brunkhorst asked and received unanimous consent that action on amendment S–3140 and **House File 748** be **deferred**.

UNFINISHED BUSINESS

House File 374

On motion of Senator McKibben, **House File 374**, a bill for an act relating to veterans by providing for the compensation of members of a county commission of veteran affairs, providing for the issuance of combined hunting and fishing licenses to certain veterans, establishing a hepatitis C awareness program for veterans, concerning funds in an account for a state veterans cemetery, and providing an effective date, placed on the Unfinished Business Calendar on April 14, 2005, with report of committee recommending passage, was taken up for consideration.

Senator Warnstadt offered amendment S–3118, filed by Senator Warnstadt, et al., on April 13, 2005, striking and replacing everything after the enacting clause and to the title page of the bill.

Senator Warnstadt offered amendment S–3127, filed by him on April 14, 2005, to page 11 of amendment S–3118, and moved its adoption.

Amendment S–3127 was adopted by a voice vote.

Senator Warnstadt moved the adoption of amendment S–3118, as amended, which motion prevailed by a voice vote.

Senator McKibben moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 374), the vote was:

Yeas, 49:

Angelo	Fraise	Lamberti	Seymour
Beall	Gaskill	Larson	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirmbach	Zaun

Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Kreiman	Seng	

Nays, none.

Absent, 1:

Lundby

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

President Pro Tempore McKibben took the chair at 10:52 a.m.

HOUSE AMENDMENT CONSIDERED

Senate File 57

Senator Schoenjahn called up for consideration **Senate File 57**, a bill for an act authorizing the appointment of a nine-member city zoning board of adjustment, amended by the House in House amendment S–3146, filed April 19, 2005.

Senator Schoenjahn 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 Schoenjahn 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. 57), the vote was:

Yeas, 49:

Angelo	Fraise	Lamberti	Seymour
Beall	Gaskill	Larson	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward

Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirmbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Kreiman	Seng	

Nays, none.

Absent, 1:

Lundby

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS

House File 682

On motion of Senator Kreiman, **House File 682**, a bill for an act relating to the assessment of a civil penalty upon the entry of a deferred judgment, placed on the Unfinished Business Calendar on April 14, 2005, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Kreiman offered amendment S–3103, filed by the committee on Judiciary on April 11, 2005, to pages 1 and 2 and to the title page of the bill.

Senator Kreiman called for the following division of amendment S–3103:

Division S–3103A: Page 1, lines 36–48; and
Division S–3103B: Page 1, lines 3–35 and 49 and 50, and page 2, lines 1–18.

Senator Kreiman withdrew amendment S–3103A.

Senator Kreiman moved the adoption of amendment S–3103B, which motion prevailed 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?" (H.F. 682), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kibbie	Schoenjahn
Beall	Fraise	Kreiman	Seng
Behn	Gaskill	Lamberti	Seymour
Black	Gronstal	Larson	Shull
Boettger	Hahn	McCoy	Stewart
Bolkcom	Hancock	McKibben	Tinsman
Brunkhorst	Hatch	McKinley	Ward
Connolly	Horn	Miller	Warnstadt
Courtney	Houser	Mulder	Wieck
Danielson	Iverson	Putney	Wood
Dearden	Johnson	Ragan	Zaun
Dotzler	Kettering	Rielly	Zieman

Nays, 1:

Quirmbach

Absent, 1:

Lundby

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 57** and **House Files 374** and **682** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 11:20 a.m. until the completion of a meeting of the committee on Appropriations.

APPENDIX — 1

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Mr. and Mrs. Delmar and Barbara Bunch, Council Bluffs—For celebrating your 50th wedding anniversary. Senator Gronstal (4/20/05).

Mr. and Mrs. Stan and Audrey Bruner, Council Bluffs—For celebrating your 60th wedding anniversary. Senator Gronstal (4/20/05).

Cedar County—For the 50th anniversary of the creation of the County Conservation Board. Senator Hahn (4/20/05).

Mr. and Mrs. Mark and LaVerna Maguire, Council Bluffs—For celebrating your 60th wedding anniversary. Senator Gronstal (4/20/05).

Mr. and Mrs. Wesley and Janice Mortensen, Council Bluffs—For celebrating your 50th wedding anniversary. Senator Gronstal (4/20/05).

Muscatine County—For the 50th anniversary of the creation of the County Conservation Board. Senator Hahn (4/20/05).

Mr. and Mrs. Claire and Myrtle Walck, Council Bluffs—For celebrating your 63rd wedding anniversary. Senator Gronstal (4/20/05).

REPORT OF COMMITTEE MEETING

GOVERNMENT OVERSIGHT

Convened: April 19, 2005, 11:10 a.m.

Members Present: Courtney and Lundby, Co-chairs

Members Absent: Connolly and Wieck (both excused).

Committee Business: Presentation by Iowa State County Treasurers Association.

Adjourned: 12:50 p.m.

INTRODUCTION OF BILLS

Senate File 408, by committee on Ways and Means, a bill for an act relating to the exemption from property taxation of certain low-rent housing and including effective date and applicability date provisions.

Read first time under Rule 28 and **placed on Ways and Means calendar.**

Senate File 409, by committee on Ways and Means, a bill for an act relating to financial transactions including the sale of specific items used in livestock and plant production, providing for an exemption and refund of sales and use taxes, providing for a maximum finance charge on consumer loans secured by a certificate of title to a motor vehicle, making penalties applicable, and including an effective and retroactive applicability date provision.

Read first time under Rule 28 and **placed on Ways and Means calendar.**

Senate File 410, by committee on Ways and Means, a bill for an act relating to the transferability of eligible housing business tax credits for new housing investment under the enterprise zone program.

Read first time under Rule 28 and **placed on Ways and Means calendar.**

SUBCOMMITTEE ASSIGNMENTS

Senate File 407

WAYS AND MEANS: Stewart and Wieck, Co-chairs; Bolkcom and Larson

House File 844

WAYS AND MEANS: Dotzler and Zieman, Co-chairs; Danielson and McKibben

House File 853

WAYS AND MEANS: McKinley and Quirmbach, Co-chairs; Connolly and Zaun

FINAL COMMITTEE REPORTS OF BILL ACTION

WAYS AND MEANS

Bill Title: SENATE FILE 408 (formerly SF 278), a bill for an act relating to the exemption from property taxation of certain low-rent housing and including effective date and applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Bolkcom, Zieman, Connolly, Danielson, Dotzler, Hahn, Larson, McCoy, McKibben, McKinley, Miller, Quirmbach, Seng, Stewart, and Zaun. Nays, none. Absent, 1: Wieck.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 409 (SSB 1312), a bill for an act relating to financial transactions including the sale of specific items used in livestock and plant production, providing for an exemption and refund of sales and use taxes, providing for a maximum finance charge on consumer loans secured by a certificate of title to a motor vehicle, making penalties applicable, and including an effective and retroactive applicability date provision.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Bolkcom, Zieman, Connolly, Danielson, Dotzler, Hahn, Larson, McCoy, McKibben, McKinley, Miller, Quirmbach, Seng, Stewart, and Zaun. Nays, none. Absent, 1: Wieck.

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 409, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 410 (SSB 1095), a bill for an act relating to the transferability of eligible housing business tax credits for new housing investment under the enterprise zone program.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Bolkcom, Zieman, Connolly, Danielson, Dotzler, Hahn, Larson, McCoy, McKibben, McKinley, Miller, Quirmbach, Seng, Stewart, and Zaun. Nays, none. Absent, 1: Wieck.

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 410, and they were attached to the committee report.

AFTERNOON SESSION

The Senate reconvened at 2:21 p.m., Senator Zieman presiding.

QUORUM CALL

Senator Gronstal requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 44 present, 6 absent, and a quorum present.

President Lamberti took the chair at 2:52 p.m.

BUSINESS PENDING

House File 748

The Senate resumed consideration of **House File 748**, a bill for an act providing for state employee payroll deductions for qualified tuition program contributions, and amendment S–3140, previously deferred.

Senator Brunkhorst moved the adoption of amendment S–3140.

A record roll call was requested.

On the question "Shall amendment S–3140 be adopted?" (H.F. 748), the vote was:

Yeas, 24:

Angelo	Houser	McKibben	Shull
Behn	Iverson	McKinley	Tinsman
Boettger	Johnson	Miller	Ward
Brunkhorst	Kettering	Mulder	Wieck
Gaskill	Lamberti	Putney	Zaun
Hahn	Larson	Seymour	Zieman

Nays, 25:

Beall	Dotzler	Kibbie	Seng
Black	Dvorsky	Kreiman	Stewart
Bolkcom	Fraise	McCoy	Warnstadt
Connolly	Gronstal	Quirmbach	Wood
Courtney	Hancock	Ragan	

Danielson	Hatch	Rielly
Dearden	Horn	Schoenjahn

Absent, 1:

Lundby

Amendment S–3140 lost.

Senator Wood moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 748), the vote was:

Yeas, 49:

Angelo	Fraise	Lamberti	Seymour
Beall	Gaskill	Larson	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirmbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Kreiman	Seng	

Nays, none.

Absent, 1:

Lundby

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 Ragan, the Senate recessed at 3:14 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 3:18 p.m., President Lamberti presiding.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 748** be **immediately messaged** to the House.

The Senate stood at ease at 3:20 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 4:10 p.m., President Lamberti presiding.

UNFINISHED BUSINESS

House File 729

On motion of Senator Zieman, **House File 729**, a bill for an act relating to the Iowa public employees' retirement system and the judicial retirement system, placed on the Unfinished Business Calendar on April 14, 2005, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Zieman asked and received unanimous consent to withdraw amendment S–3105, filed by the committee on State Government on April 11, 2005, to pages 1–3 and to the title page of the bill.

Senator Zieman withdrew amendment S–3129, filed by him on April 14, 2005, to pages 1, 3, 4, 6, and 10 of amendment S–3105.

Senator Zieman offered amendment S–3145, filed by him on April 19, 2005, 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–3145 be adopted?" (H.F. 729), the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Yeas, 24:

Angelo	Houser	McKibben	Shull
Behn	Iverson	McKinley	Tinsman
Boettger	Johnson	Miller	Ward
Brunkhorst	Kettering	Mulder	Wieck
Gaskill	Lamberti	Putney	Zaun
Hahn	Larson	Seymour	Zieman

Nays, 26:

Beall	Dotzler	Kibbie	Schoenjahn
Black	Dvorsky	Kreiman	Seng
Bolkcom	Fraise	Lundby	Stewart
Connolly	Gronstal	McCoy	Warnstadt
Courtney	Hancock	Quirmbach	Wood
Danielson	Hatch	Ragan	
Dearden	Horn	Rielly	

Absent, none.

Amendment S–3145 lost.

Senator Iverson offered amendment S–3151, filed by him from the floor to page 2 of the bill.

Senator Iverson asked and received unanimous consent that action on amendment S–3151 and **House File 729** be **deferred**.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 409.

Senate File 409

On motion of Senator Stewart, **Senate File 409**, a bill for an act relating to financial transactions including the sale of specific items used in livestock and plant production, providing for an exemption and refund of sales and use taxes, providing for a maximum finance charge on consumer loans secured by a certificate of title to a motor vehicle, making penalties applicable, and including an effective and

retroactive applicability date provision, 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?" (S.F. 409), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 409** be **immediately messaged** to the House.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Larson, until he returns, on request of Senator Zieman.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 814.

House File 814

On motion of Senator Lundby, **House File 814**, a bill for an act relating to electronic notices of bidding opportunities for state purchases, 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. 814), the vote was:

Yeas, 49:

Angelo	Fraise	Lamberti	Seymour
Beall	Gaskill	Lundby	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirmbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
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 Gronstal asked and received unanimous consent that **House File 814** 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 April 20, 2005, **passed** the following bill in which the concurrence of the Senate is asked:

House File 862, a bill for an act relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund.

Read first time and referred to committee on **Appropriations.**

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 5:04 p.m. until 8:30 a.m., Thursday, April 21, 2005.

APPENDIX — 2

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Dorothy Gronewold, Davenport—For celebrating your 100th birthday. Senator Wood (4/20/05).

Mr. and Mrs. Bill and Virginia Haycraft, Eldridge—For celebrating your 50th wedding anniversary. Senator Wood (4/20/05).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: April 20, 2005, 1:10 p.m.

Members Present: Angelo and Dvorsky, Co-chairs; Black, Boettger, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Johnson, Kettering, Lambert, Miller, Putney, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, Ward, and Warnstadt.

Members Absent: None.

Committee Business: Passed HFs 807, 821, and 839.

Recessed: 1:20 p.m.

Reconvened: 1:35 p.m.

Adjourned: 2:00 p.m.

RULES AND ADMINISTRATION

Convened: April 20, 2005, 3:15 p.m.

Members Present: Gronstal and Iverson, Co-chairs; Angelo, Boettger, Courtney, Hahn, Kibbie, Lamberti, and Ragan.

Members Absent: Dvorsky (excused).

Committee Business: Passed SCR 14 and SR 41.

Adjourned: 3:18 p.m.

INTRODUCTION OF BILL

Senate File 411, by Gronstal and Iverson, a bill for an act relating to the applicability of motor vehicle financial responsibility provisions to special mobile equipment and providing an effective date.

Read first time under Rule 28 and referred to committee on **Commerce.**

STUDY BILL RECEIVED

SSB 1315 Appropriations

Relating to local government innovation, providing appropriations, and including an effective date.

SUBCOMMITTEE ASSIGNMENT

SSB 1315

APPROPRIATIONS: Angelo and Stewart, Co-chairs; Bolkcom and Shull

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: HOUSE FILE 807, a bill for an act relating to and making appropriations to the judicial branch, and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 24: Angelo, Dvorsky, Black, Boettger, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Johnson, Kettering, Lambert, Miller, Putney, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, Ward, and Warnstadt. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 821, a bill for an act relating to the establishment of a prescription drug assistance clearinghouse program by the commissioner of insurance, and providing for a contingent appropriation.

Recommendation: DO PASS.

Final Vote: Ayes, 24: Angelo, Dvorsky, Black, Boettger, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Johnson, Kettering, Lambert, Miller, Putney, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, Ward, and Warnstadt. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 839, a bill for an act providing for the establishment of a technology governance board within the department of administrative services, and making an appropriation.

Recommendation: DO PASS.

Final Vote: Ayes, 23: Angelo, Dvorsky, Black, Boettger, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Horn, Johnson, Kettering, Lambert, Miller, Putney, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, Ward, and Warnstadt. Nays, 1: Hatch. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RULES AND ADMINISTRATION

Bill Title: SENATE CONCURRENT RESOLUTION 14, a concurrent resolution designating November 13 through 19, 2005, as Iowa Homeless Awareness Week.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Gronstal, Iverson, Angelo, Boettger, Courtney, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, 1: Dvorsky.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 41, a resolution to recognize the life and accomplishments of Colonel Virgil D. Olson, United States Marine Corps-Retired.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Gronstal, Iverson, Angelo, Boettger, Courtney, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, 1: Dvorsky.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S–3147	S.C.R.	11	Maggie Tinsman
S–3148	S.F.	392	Michael Connolly

S–3149	H.F.	740	Paul McKinley
S–3150	S.F.	406	Michael Connolly
			Dave Mulder
			Brad Zaun
			Thomas G. Courtney
S–3151	H.F.	729	Stewart E. Iverson, Jr.
S–3152	H.F.	740	Michael Connolly
S–3153	H.F.	729	Stewart E. Iverson, Jr.
S–3154	H.F.	222	Herman C. Quirmbach
			Brad Zaun
			Roger Stewart
			Dave Mulder
			Daryl Beall
			Pat Ward

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, APRIL 21, 2005

Printed daily by the State of Iowa during the sessions of the General Assembly. An official corrected copy is available for reference in the Secretary of the Senate's Office. (The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE SENATE

ONE HUNDRED SECOND CALENDAR DAY
SIXTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, April 21, 2005

The Senate met in regular session at 8:36 a.m., President Lamberti presiding.

Prayer was offered by the Honorable David Johnson, member of the Senate from Osceola County, Ocheyedan, Iowa, and the Honorable Doug Shull, member of the Senate from Warren County, Indianola, Iowa.

The Journal of Wednesday, April 20, 2005, 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 20, 2005, **passed** the following bills in which the concurrence of the Senate is asked:

House File 833, a bill for an act making changes relating to the practice of pharmacy, providing for the creation of an electronic drug database, establishing and appropriating fees, providing penalties, and providing an effective date.

Read first time and referred to committee on **Ways and Means.**

House File 841, a bill for an act relating to health care reform, including provisions relating to the medical assistance program, providing appropriations, providing effective dates, and providing for retroactive applicability.

Read first time and referred to committee on **Appropriations.**

House File 857, a bill for an act relating to eligible housing businesses under the enterprise zone program.

Read first time and **attached to similar Senate File 410.**

House File 859, a bill for an act relating to the establishment of a form of business association referred to as a cooperative, and providing for fees and tax credits, providing penalties, and providing an effective date.

Read first time and referred to committee on **Ways and Means.**

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 14.

Senate Concurrent Resolution 14

On motion of Senator Ragan, **Senate Concurrent Resolution 14**, a concurrent resolution designating November 13 through 19, 2005, as Iowa Homeless Awareness Week, with report of committee recommending passage, was taken up for consideration.

Senator Ragan moved the adoption of Senate Concurrent Resolution 14, which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Concurrent Resolution 14** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:06 a.m. until 10:00 a.m.

RECONVENED

The Senate reconvened at 10:10 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 21, 2005, **passed** the following bills in which the concurrence of the House was asked:

Senate File 201, a bill for an act providing for veterinary emergency preparedness and response by the department of agriculture and land stewardship.

Senate File 321, a bill for an act relating to the use of moneys deposited into the inmate labor fund.

Senate File 323, a bill for an act establishing a uniform mediation Act.

ALSO: That the House has on April 21, 2005, **concurred** in the Senate amendment and **passed** the following bills in which the concurrence of the House was asked:

House File 253, a bill for an act relating to governmental ethics and the duties of the Iowa ethics and campaign disclosure board.

House File 538, a bill for an act revising child welfare requirements involving children with mental health, behavioral, or emotional disorders and providing a contingent effective date.

House File 616, a bill for an act revising requirements applicable to county and multicounty decategorization of child welfare and juvenile justice funding projects.

House File 745, a bill for an act relating to the criminal offense of theft of leased or rented personal property and making penalties applicable.

ALSO: That the House has on April 21, 2005, **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 330, a bill for an act relating to family law provisions including dissolution of marriage and domestic relations and termination of parental rights provisions.

ALSO: That the House has on April 21, 2005, **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 683, a bill for an act authorizing the appointment of an attorney to represent an indigent parole violator, and providing effective and retroactive applicability date provisions. (S–3158)

ALSO: That the House has on April 21, 2005, **passed** the following bill in which the concurrence of the Senate is asked:

House File 801, a bill for an act providing a deduction in computing the individual income tax for certain unreimbursed expenses relating to a human organ transplant and including a retroactive applicability date.

Read first time and referred to committee on **Ways and Means.**

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McKinley, until he arrives, on request of Senator Gaskill.

HOUSE AMENDMENT CONSIDERED
(Deferred April 19, 2005)

Senate File 350

The Senate resumed consideration of **Senate File 350**, a bill for an act relating to the suspension of a child support obligation, and House amendment S–3130, deferred April 19, 2005.

Senator Kreiman offered amendment S–3157, filed by Senators Kreiman and Miller from the floor to pages 1 and 4 of House amendment S–3130, and moved its adoption.

Amendment S–3157 was adopted by a voice vote.

Senator Kreiman 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 Kreiman 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. 350), the vote was:

Yeas, 49:

Angelo	Fraise	Lamberti	Seymour
Beall	Gaskill	Larson	Shull
Behn	Gronstal	Lundby	Stewart
Black	Hahn	McCoy	Tinsman
Boettger	Hancock	McKibben	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirmbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Kreiman	Seng	

Nays, none.

Absent, 1:

McKinley

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 Gronstal asked and received unanimous consent to take up for consideration Senate File 405.

Senate File 405

On motion of Senator Dotzler, **Senate File 405**, a bill for an act establishing an interior design examining board, providing for the registration of interior designers, and providing fees and penalties, was taken up for consideration.

Senator Ward offered amendment S–3156, filed by her from the floor to pages 1–3 and 6 of the bill, and moved its adoption.

Amendment S–3156 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. 405), the vote was:

Yeas, 49:

Angelo	Fraise	Lamberti	Seymour
Beall	Gaskill	Larson	Shull
Behn	Gronstal	Lundby	Stewart
Black	Hahn	McCoy	Tinsman
Boettger	Hancock	McKibben	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirmbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Kreiman	Seng	

Nays, none.

Absent, 1:

McKinley

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 350** and **405** be **immediately messaged** to the House.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 408.

Senate File 408

On motion of Senator Connolly, **Senate File 408**, a bill for an act relating to the exemption from property taxation of certain low-rent housing and including effective date and applicability date provisions, was taken up for consideration.

Senator Lundby asked and received unanimous consent that action on **Senate File 408** be **deferred**.

RECESS

On motion of Senator Gronstal, the Senate recessed at 11:35 a.m. until 2:00 p.m.

APPENDIX — 1

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Connie Gronstal, Council Bluffs—For completing Touchpoints Training at Harvard Medical School. Senator Gronstal (4/21/05).

Adam Hargrave, Letts—For qualifying for the State Wrestling Tournament four times, finishing 3rd the last two years, setting a 160–21 new career wins record and including 93 career pins. Senator Courtney (4/21/05).

Christy Nielsen, Council Bluffs—For winning First Place in the women's division of the Little Rock Marathon. Senator Gronstal (4/21/05).

Derek Townsend, Thomas Jefferson High School, Council Bluffs—For being named the 2005 Council Bluffs Boys' Basketball Player of the Year. Senator Gronstal (4/21/05).

REPORT OF COMMITTEE MEETING

WAYS AND MEANS

Convened: April 21, 2005, 9:10 a.m.

Members Present: Bolkcom and Zieman, Co-chairs; Connolly, Danielson, Dotzler, Hahn, Larson, McKibben, McKinley, Miller, Quirmbach, Seng, Stewart, Wieck, and Zaun.

Members Absent: McCoy (excused).

Committee Business: Passed SF 407 and HF 836. Approved SSB 1310.

Adjourned: 9:40 a.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 45, by Lamberti and Ward, a resolution honoring actress Annette Bening and her Iowa roots.

Read first time under Rule 28 and referred to committee on **Rules and Administration.**

INTRODUCTION OF BILL

Senate File 412, by committee on Ways and Means, a bill for an act relating to asset disregard under the medical assistance program for the purchase of a certified long-term care insurance policy, providing for a repeal, providing a contingent effective date, and providing an appropriation.

Read first time under Rule 28 and **placed on Ways and Means calendar.**

SUBCOMMITTEE ASSIGNMENTS

Senate File 332

JUDICIARY: Quirmbach and Tinsman, Co-chairs; Horn and Larson

Senate File 357

JUDICIARY: Fraise and Larson, Co-chairs; Brunkhorst and Kreiman

FINAL COMMITTEE REPORTS OF BILL ACTION

WAYS AND MEANS

Bill Title: SENATE FILE 412 (formerly SF 407), a bill for an act relating to asset disregard under the medical assistance program for the purchase of a certified long-term care insurance policy, providing for a repeal, providing a contingent effective date, and providing an appropriation.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Bolkcom, Zieman, Connolly, Danielson, Dotzler, Hahn, Larson, McKibben, McKinley, Miller, Quirmbach, Seng, Stewart, Wieck, and Zaun. Nays, none. Absent, 1: McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 836, a bill for an act relating to cemeteries and cemetery regulation, providing administration and enforcement procedures, establishing requirements for interment rights agreements and reporting, establishing and appropriating fees, and providing penalties.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Bolkcom, Zieman, Connolly, Danielson, Dotzler, Hahn, McKibben, McKinley, Miller, Quirmbach, Seng, Stewart, Wieck, and Zaun. Nays, none. Absent, 2: Larson and McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AFTERNOON SESSION

The Senate reconvened at 2:05 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 21, 2005, **concurred** in the Senate amendment and **passed** the following bill in which the concurrence of the House was asked:

House File 682, a bill for an act relating to the assessment of a civil penalty upon the entry of a deferred judgment.

ALSO: That the House has on April 21, 2005, **amended** and **passed** the following bill in which the concurrence of the Senate is asked:

Senate File 355, a bill for an act relating to the creation of a task force to provide for the implementation of Medicare Part D and providing an effective date. (S–3162)

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Kreiman, until he returns, on request of Senator Gronstal.

UNFINISHED BUSINESS

Senate File 392

On motion of Senator Connolly, **Senate File 392**, a bill for an act relating to entities eligible to claim certain property-related tax credits, placed on the Unfinished Business Calendar on April 7, 2005, was taken up for consideration.

Senator Connolly offered amendment S–3148, filed by him on April 20, 2005, to pages 1–3 of the bill.

Senator Connolly offered amendment S–3159, filed by him from the floor to page 1 of amendment S–3148, and moved its adoption.

Amendment S–3159 was adopted by a voice vote.

Senator Connolly moved the adoption of amendment S–3148, as amended, which motion prevailed by a voice vote.

Senator Connolly moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 392), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kibbie	Schoenjahn
Beall	Fraise	Lamberti	Seng
Behn	Gaskill	Larson	Seymour
Black	Gronstal	Lundby	Shull
Boettger	Hahn	McCoy	Stewart
Bolkcom	Hancock	McKibben	Tinsman
Brunkhorst	Hatch	Miller	Ward
Connolly	Horn	Mulder	Warnstadt
Courtney	Houser	Putney	Wieck
Danielson	Iverson	Quirmbach	Wood
Dearden	Johnson	Ragan	Zaun
Dotzler	Kettering	Rielly	Zieman

Nays, none.

Absent, 2:

Kreiman	McKinley

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 Gronstal asked and received unanimous consent to take up for consideration House File 821.

House File 821

On motion of Senator Seymour, **House File 821**, a bill for an act relating to the establishment of a prescription drug assistance clearinghouse program by the commissioner of insurance, and

providing for a contingent appropriation, 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. 821), the vote was:

Yeas, 49:

Angelo	Fraise	Lamberti	Seymour
Beall	Gaskill	Larson	Shull
Behn	Gronstal	Lundby	Stewart
Black	Hahn	McCoy	Tinsman
Boettger	Hancock	McKibben	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirmbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Kreiman	Seng	

Nays, none.

Absent, 1:

McKinley

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS
(Deferred April 14, 2005)

House File 787

The Senate resumed consideration of **House File 787**, a bill for an act relating to information to be reported regarding an induced termination of pregnancy performed on a minor, and making penalties applicable, deferred April 14, 2005.

Senator Johnson offered amendment S–3128, filed by him on April 14, 2005, to pages 1 and 2 of the bill.

Senator Johnson asked and received unanimous consent that action on amendment S–3128 and **House File 787** be **deferred**.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 839.

House File 839

On motion of Senator Putney, **House File 839**, a bill for an act providing for the establishment of a technology governance board within the department of administrative services, and making an appropriation, 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. 839), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kreiman	Schoenjahn
Beall	Fraise	Lamberti	Seng
Behn	Gaskill	Larson	Seymour
Black	Gronstal	Lundby	Shull
Boettger	Hahn	McCoy	Stewart
Bolkcom	Hancock	McKibben	Tinsman
Brunkhorst	Horn	Miller	Ward
Connolly	Houser	Mulder	Warnstadt
Courtney	Iverson	Putney	Wieck
Danielson	Johnson	Quirmbach	Wood
Dearden	Kettering	Ragan	Zaun
Dotzler	Kibbie	Rielly	Zieman

Nays, 1:

Hatch

Absent, 1:

McKinley

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

President Pro Tempore McKibben took the chair at 2:32 p.m.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 392** and **House Files 821** and **839** be **immediately messaged** to the House.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 410.

Senate File 410

On motion of Senator Zieman, **Senate File 410**, a bill for an act relating to the transferability of eligible housing business tax credits for new housing investment under the enterprise zone program, was taken up for consideration.

Senator Zieman asked and received unanimous consent that action on **Senate File 410** be **deferred**.

BUSINESS PENDING

Senate File 408

The Senate resumed consideration of **Senate File 408**, a bill for an act relating to the exemption from property taxation of certain low-rent housing and including effective date and applicability date provisions, previously deferred.

Senator Lundby offered amendment S–3160, filed by her from the floor to page 1 of the bill, and moved its adoption.

Amendment S–3160 was adopted by a voice vote.

Senator Gronstal asked and received unanimous consent that action on **Senate File 408** be **deferred**.

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 21, 2005, **adopted** the following resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 14, a concurrent resolution designating November 13 through 19, 2005, as Iowa Homeless Awareness Week.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 2:45 p.m. until 1:00 p.m., Monday, April 25, 2005.

APPENDIX — 2

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Dickie Helm and family, Mediapolis—For being one of the families of the five-generation Nelson family. Senator Courtney (4/21/05).

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Nine 4th grade talented and gifted students from Cooper and Duncombe elementary schools in Fort Dodge, Iowa, accompanied by Janet Singer. Senator Beall.

INTRODUCTION OF BILL

Senate File 413, by committee on Ways and Means, a bill for an act relating to sales and use tax changes, excise taxes on rental of rooms and sleeping quarters, and the sale and use of construction equipment, and including an effective and retroactive applicability date provision.

Read first time under Rule 28 and **placed on Ways and Means calendar.**

STUDY BILLS RECEIVED

SSB 1316 Appropriations

Relating to settlement of state financial and tort claims, establishing a state liability fund, providing for charging of costs for the fund to state departments, making an appropriation, and providing an effective and applicability date.

SSB 1317 Government Oversight

Relating to various conservation and recreation activities under the jurisdiction of the department of natural resources, modifying fees, and making penalties applicable.

SSB 1318 Ways and Means

Relating to taxation by making changes to assessment of property for purposes of property taxation, county and city budgets funded primarily by property taxes and service charges, school district budgets funded primarily by state and local taxes, state mandates funding, local assessors, and property tax exemptions and credits, creating an implementation committee, and including effective and applicability date provisions.

SUBCOMMITTEE ASSIGNMENTS

House File 833

WAYS AND MEANS: Danielson and Larson, Co-chairs; McCoy and Zaun

House File 837

APPROPRIATIONS: Johnson and Warnstadt, Co-chairs; Dvorsky and Ward

House File 859

WAYS AND MEANS: Miller and Seng, Co-chairs; Stewart and Zieman

SSB 1316

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs; Lamberti and Warnstadt

SSB 1317

GOVERNMENT OVERSIGHT: Courtney and Lundby, Co-chairs

SSB 1318

WAYS AND MEANS: Miller and Quirmbach, Co-chairs; Connolly and McKinley

FINAL COMMITTEE REPORT OF BILL ACTION

WAYS AND MEANS

Bill Title: *SENATE FILE 413 (SSB 1310), a bill for an act relating to sales and use tax changes, excise taxes on rental of rooms and sleeping quarters, and the sale and use of construction equipment, and including an effective and retroactive applicability date provision.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Bolkcom, Zieman, Connolly, Danielson, Dotzler, Hahn, Larson, McKibben, McKinley, Miller, Quirmbach, Seng, Stewart, Wieck, and Zaun. Nays, none. Absent, 1: 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 413, and they were attached to the committee report.

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 21st day of April, 2005:

Senate Files 260, 304, and 335.

MICHAEL E. MARSHALL
Secretary of the Senate

AMENDMENTS FILED

S–3155	H.F.	740	Jeff Danielson
S–3156	S.F.	405	Pat Ward
S–3157	S.F.	350	Keith A. Kreiman
			David Miller
S–3158	H.F.	683	House
S–3159	S.F.	392	Michael Connolly
S–3160	S.F.	408	Mary Lundby
S–3161	S.F.	398	Steve Warnstadt

S–3162	S.F.	355	House
S–3163	H.F.	740	James F. Hahn
			Larry McKibben
			David Johnson
			Nancy J. Boettger
			James A. Seymour
			Dave Mulder
			Hubert Houser
			John Putney

PROOF

STATE OF IOWA

Senate Journal

MONDAY, APRIL 25, 2005

Printed daily by the State of Iowa during the sessions of the General Assembly. An official corrected copy is available for reference in the Secretary of the Senate's Office. (The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE SENATE

ONE HUNDRED SIXTH CALENDAR DAY
SIXTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, April 25, 2005

The Senate met in regular session at 1:07 p.m., President Kibbie presiding.

Prayer was offered by the Reverend Bob Kunz, pastor of the Marion Christian Church in Marion, Iowa. He was the guest of Senator Lundby.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Kevin Hamer.

The Journal of Thursday, April 21, 2005, 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 April 21, 2005, **passed** the following bill in which the concurrence of the Senate is asked:

House File 847, a bill for an act relating to property taxation by modifying property assessment guidelines and notification requirements, creating a property assessment appeal board to hear appeals of the actions of local boards of review, tying together the assessment limitations of certain classes of property, and including a retroactive applicability date provision.

Read first time and referred to committee on **Ways and Means.**

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Lundby, until she arrives, on request of Senator Wieck; Senator Gaskill, until he arrives, on request of Senator Putney; and Senator McKinley, until he arrives, on request of Senator Zieman.

RECESS

On motion of Senator Iverson, the Senate recessed at 1:14 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 1:20 p.m., President Kibbie presiding.

WITHDRAWN

Senator Iverson asked and received unanimous consent that Senate Resolution 22 be **withdrawn** from further consideration of the Senate.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 41.

Senate Resolution 41

On motion of Senator Larson, **Senate Resolution 41**, a resolution to recognize the life and accomplishments of Colonel Virgil D. Olson, United States Marine Corps-Retired, with report of committee recommending passage, was taken up for consideration.

Senator Larson moved the adoption of Senate Resolution 41, which motion prevailed by a voice vote.

SPECIAL GUEST

Senator Larson introduced Colonel Virgil D. Olson, who addressed the Senate with brief remarks.

The Senate rose and expressed its welcome.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 45, a resolution honoring actress Annette Bening and her Iowa roots.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Gronstal, Iverson, Angelo, Boettger, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, 2: Courtney and Dvorsky.

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 45.

Senate Resolution 45

On motion of Senator Ward, **Senate Resolution 45**, a resolution honoring actress Annette Bening and her Iowa roots, with report of committee recommending passage, was taken up for consideration.

Senator Ward moved the adoption of Senate Resolution 45, which motion prevailed by a voice vote.

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 3:12 p.m., President Kibbie presiding.

QUORUM CALL

Senator Johnson requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 40 present, 10 absent, and a quorum present.

MOTIONS TO RECONSIDER WITHDRAWN

House File 614

Senators Behn and Connolly withdrew the motions to reconsider **House File 614**, a bill for an act relating to the transmission, installation, and use of computer software through deceptive or unauthorized means and providing for penalties, filed by Senators Behn and Connolly on April 13, 2005, and found on page 875 of the Senate Journal.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 614** be **immediately messaged** to the House.

BILL REFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that **House File 857** be referred from the Regular Calendar to the committee on **Ways and Means.**

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 3:28 p.m. until 8:30 a.m., Tuesday, April 26, 2005.

APPENDIX

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Bill Moore, Danville—For celebrating your 90th birthday. Senator Courtney (4/25/05).

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Students from Hoover Elementary School in Dubuque, Iowa, and their parents, accompanied by teacher Randy Lyon. Senator Connolly.

Three 6th grade students from St. Patrick's Catholic School in Sheldon, Iowa, accompanied by teacher Pam Wehmeyer. Senator Johnson.

REPORT OF COMMITTEE MEETING

RULES AND ADMINISTRATION

Convened: April 25, 2005, 1:15 p.m.

Members Present: Gronstal and Iverson, Co-chairs; Angelo, Boettger, Hahn, Kibbie, Lamberti, and Ragan.

Members Absent: Courtney and Dvorsky (both excused).

Committee Business: Passed SR 45.

Adjourned: 1:20 p.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 46, by Houser, a resolution relating to Iowa's contribution to a hydrogen-powered economy.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

SUBCOMMITTEE ASSIGNMENTS

Senate Resolution 45

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

House File 847

WAYS AND MEANS: Connolly and Miller, Co-chairs; McKibben and Quirmbach

House File 857

WAYS AND MEANS: Dotzler and Zaun, Co-chairs; McCoy and McKinley

House File 862

APPROPRIATIONS: Bolkcom and Seymour, Co-chairs; Dvorsky and Johnson

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 340, the following correction was made:

1. Page 2, line 9: delete 0 in front of fine.

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 25th day of April, 2005:

Senate Files 340, 352, 363, 365, and 370.

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 22, 2005, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 260 – Relating to debt collection disclosure requirements for certain financial institution affiliates.

S.F. 304 – Relating to the provisions of the elder Iowans Act.

S.F. 335 – Relating to access to dependent adult abuse information and unemployment compensation claims.

AMENDMENTS FILED

S–3164	H.F.	740	Herman C. Quirmbach
S–3165	S.F.	408	Steve Warnstadt
S–3166	H.F.	840	Bob Brunkhorst
			Roger Stewart
			Steve Kettering
			William A. Dotzler, Jr.
			Mark Zieman
			Tom Rielly
S–3167	H.F.	540	John Putney

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, APRIL 26, 2005

Printed daily by the State of Iowa during the sessions of the General Assembly. An official corrected copy is available for reference in the Secretary of the Senate's Office. (The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE SENATE

ONE HUNDRED SEVENTH CALENDAR DAY
SIXTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, April 26, 2005

The Senate met in regular session at 8:34 a.m., President Kibbie presiding.

Prayer was offered by the Reverend Jane Sheperd, pastor of the Gowrie United Methodist Church in Gowrie, Iowa. She was the guest of Senator Beall.

The Journal of Monday, April 25, 2005, 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 25, 2005, **passed** the following bill in which the concurrence of the House was asked:

Senate File 313, a bill for an act relating to traffic citations issued for school bus warning device and railroad crossing violations.

ALSO: That the House has on April 25, 2005, **amended and passed** the following bill in which the concurrence of the House was asked:

Senate File 375, a bill for an act creating the uniform environmental covenants Act. (S–3168)

ALSO: That the House has on April 25, 2005, **passed** the following bills in which the concurrence of the Senate is asked:

House File 819, a bill for an act relating to asset disregard under the medical assistance program for the purchase of a certified

long-term care insurance policy, providing for a repeal, providing a contingent effective date, and providing an appropriation.

Read first time and **attached to companion Senate File 412.**

House File 856, a bill for an act providing a sales and use tax exemption for certain nonprofit organizations that build or repair low-income dwellings.

Read first time and referred to committee on **Ways and Means.**

House File 869, a bill for an act relating to tax credits provided for purposes of acquiring agricultural assets by beginning farmers, and providing effective and applicability dates.

Read first time and referred to committee on **Ways and Means.**

SPECIAL GUESTS

Senator Black introduced Director General Thomas T. S. Cheng, Director Eric J. J. Chou, and Director Vicky Chuang of the Taipei Economic and Cultural Office in Chicago. Mr. Cheng addressed the Senate with brief remarks.

The Senate rose and expressed its welcome.

UNFINISHED BUSINESS

Senate File 393

On motion of Senator Dotzler, **Senate File 393**, a bill for an act authorizing the rebate of state sales tax to the owner or operator of a sanctioned automobile racetrack facility, placed on the Unfinished Business Calendar on April 7, 2005, was taken up for consideration.

Senator Dotzler asked and received unanimous consent that **House File 840** be **substituted** for **Senate File 393.**

House File 840

On motion of Senator Dotzler, **House File 840**, a bill for an act authorizing the rebate of state sales tax to the owner or operator of a sanctioned automobile racetrack facility, was taken up for consideration.

The Senate stood at ease at 9:16 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:00 a.m., President Kibbie presiding.

Senator Brunkhorst offered amendment S–3166, filed by Senator Brunkhorst, et al., on April 25, 2005, striking and replacing everything after the enacting clause of the bill.

Senator Hatch offered amendment S–3169, filed by Senators Hatch and Kreiman from the floor to pages 1 and 2 of amendment S–3166, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3169 to amendment S–3166 be adopted?" (H.F. 840), the vote was:

Yeas, 10:

Bolkcom	Dvorsky	Quirmbach	Zaun
Connolly	Hatch	Ragan	
Dearden	Kreiman	Warnstadt	

Nays, 40:

Angelo	Gaskill	Lamberti	Schoenjahn
Beall	Gronstal	Larson	Seng
Behn	Hahn	Lundby	Seymour
Black	Hancock	McCoy	Shull
Boettger	Horn	McKibben	Stewart
Brunkhorst	Houser	McKinley	Tinsman
Courtney	Iverson	Miller	Ward
Danielson	Johnson	Mulder	Wieck
Dotzler	Kettering	Putney	Wood
Fraise	Kibbie	Rielly	Zieman

Absent, none.

Amendment S–3169 lost.

Senator Hatch offered amendment S–3173, filed by Senators Hatch and Bolkcom from the floor to page 3 and to the title provisions of amendment S–3166, and moved its adoption.

Amendment S–3173 lost by a voice vote.

Senator Kreiman asked and received unanimous consent that action on amendment S–3166 and **House File 840** be **deferred.**

HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED

House File 683

Senator Larson called up for consideration **House File 683**, a bill for an act authorizing the appointment of an attorney to represent an indigent parole violator, and providing effective and retroactive applicability date provisions, amended by the Senate, further amended by the House, and moved that the Senate concur in the House amendment S–3158 to the Senate amendment H–1358, filed April 21, 2005.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment to the Senate amendment.

Senator Larson moved that the bill, as amended by the Senate, further amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 683), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck

Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 413.

Senate File 413

On motion of Senator Connolly, **Senate File 413**, a bill for an act relating to sales and use tax changes, excise taxes on rental of rooms and sleeping quarters, and the sale and use of construction equipment, and including an effective and retroactive applicability date provision, was taken up for consideration.

Senator Connolly moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 413), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman

Dotzler	Kibbie	Rielly
Dvorsky	Kreiman	Schoenjahn

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 413** and **House File 683** be **immediately messaged** to the House.

RECESS

On motion of Senator Iverson, the Senate recessed at 11:47 a.m. until 2:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 2:24 p.m., President Kibbie presiding.

HOUSE AMENDMENT CONSIDERED

Senate File 206

Senator Black called up for consideration **Senate File 206**, a bill for an act relating to deer population management and providing penalties and appropriations, amended by the House in House amendment S–3096, filed April 7, 2005.

Senator Black offered amendment S–3170, filed by him from the floor to pages 1 and 2 of House amendment S–3096.

Senator Fraise offered amendment S–3176, filed by him from the floor to pages 7 and 8 of amendment S–3170, and moved its adoption.

Amendment S–3176 was adopted by a voice vote.

Senator Lundby asked and received unanimous consent that action on amendment S–3170 to House amendment S–3096 and **Senate File 206** be **deferred.**

UNFINISHED BUSINESS

Senate File 372

On motion of Senator Johnson, **Senate File 372**, a bill for an act relating to animal feeding operations, by providing for the regulation of open feedlot operations, and providing for penalties, placed on the Unfinished Business Calendar on April 7, 2005, was taken up for consideration.

Senator Johnson offered amendment S–3172, 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–3172 was adopted by a voice vote.

Senator Johnson asked and received unanimous consent that **House File 805** be **substituted** for **Senate File 372.**

House File 805

On motion of Senator Johnson, **House File 805**, a bill for an act relating to animal feeding operations, by providing for the regulation of open feedlot operations, and providing for penalties, was taken up for consideration.

Senator Fraise offered amendment S–3171, filed by Senator Fraise, et al., from the floor to pages 8, 18, 20, and 21 of the bill, and moved its adoption.

Amendment S–3171 was adopted by a voice vote.

Senator Johnson moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (H.F. 805), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kreiman	Schoenjahn
Beall	Fraise	Lamberti	Seng
Behn	Gaskill	Larson	Seymour
Black	Gronstal	McCoy	Shull
Boettger	Hahn	McKibben	Stewart
Bolkcom	Hancock	McKinley	Tinsman
Brunkhorst	Horn	Miller	Ward
Connolly	Houser	Mulder	Warnstadt
Courtney	Iverson	Putney	Wieck
Danielson	Johnson	Quirmbach	Wood
Dearden	Kettering	Ragan	Zaun
Dotzler	Kibbie	Rielly	Zieman

Nays, 2:

Hatch Lundby

Absent, none.

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 372** be **withdrawn** from further consideration of the Senate.

BUSINESS PENDING

House File 840

The Senate resumed consideration of **House File 840**, a bill for an act authorizing the rebate of state sales tax to the owner or operator of a sanctioned automobile racetrack facility, and amendment S–3166, previously deferred.

Senator Kreiman offered amendment S–3179, filed by him from the floor to page 3 and to the title provisions of amendment S–3166, and moved its adoption.

Amendment S–3179 lost by a voice vote.

Senator Brunkhorst moved the adoption of amendment S–3166, which motion prevailed 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?" (H.F. 840), the vote was:

Yeas, 44:

Angelo	Fraise	Kreiman	Schoenjahn
Beall	Gaskill	Lamberti	Seng
Black	Gronstal	Larson	Seymour
Boettger	Hahn	Lundby	Shull
Bolkcom	Hancock	McCoy	Stewart
Brunkhorst	Horn	McKibben	Tinsman
Connolly	Houser	Miller	Ward
Courtney	Iverson	Mulder	Warnstadt
Danielson	Johnson	Putney	Wieck
Dotzler	Kettering	Ragan	Wood
Dvorsky	Kibbie	Rielly	Zieman

Nays, 6:

Behn	Hatch	Quirmbach
Dearden	McKinley	Zaun

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

WITHDRAWN

Senator Dotzler asked and received unanimous consent that **Senate File 393** be **withdrawn** from further consideration of the Senate.

BUSINESS PENDING

Senate File 206

The Senate resumed consideration of **Senate File 206**, a bill for an act relating to deer population management and providing

penalties and appropriations, and amendment S–3170 to House amendment S–3096, previously deferred.

Senator Black moved the adoption of amendment S–3170, as amended, which motion prevailed by a voice vote.

Senator Black 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 Black 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. 206), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 412.

Senate File 412

On motion of Senator Wieck, **Senate File 412**, a bill for an act relating to asset disregard under the medical assistance program for the purchase of a certified long-term care insurance policy, providing for a repeal, providing a contingent effective date, and providing an appropriation, was taken up for consideration.

Senator Wieck asked and received unanimous consent that **House File 819** be **substituted** for **Senate File 412.**

House File 819

On motion of Senator Wieck, **House File 819**, a bill for an act relating to asset disregard under the medical assistance program for the purchase of a certified long-term care insurance policy, providing for a repeal, providing a contingent effective date, and providing an appropriation, 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. 819), the vote was:

Yeas, 49:

Angelo	Fraise	Larson	Seymour
Beall	Gaskill	Lundby	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirmbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	

Dotzler	Kibbie	Schoenjahn
Dvorsky	Lamberti	Seng

Nays, 1:

Kreiman

Absent, none.

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 412** be **withdrawn** from further consideration of the Senate.

UNFINISHED BUSINESS

House File 420

On motion of Senator Warnstadt, **House File 420**, a bill for an act relating to third-party payment of health care coverage costs for biologically based mental illness treatment service, placed on the Unfinished Business Calendar on April 14, 2005, with report of committee recommending passage, 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?" (H.F. 420), the vote was:

Yeas, 38:

Beall	Dvorsky	Kreiman	Seymour
Black	Fraise	Lamberti	Shull
Boettger	Gaskill	McCoy	Stewart
Bolkcom	Gronstal	McKibben	Tinsman
Brunkhorst	Hancock	Putney	Ward
Connolly	Hatch	Quirmbach	Warnstadt
Courtney	Horn	Ragan	Wood
Danielson	Johnson	Rielly	Zaun
Dearden	Kettering	Schoenjahn	
Dotzler	Kibbie	Seng	

Nays, 12:

Angelo	Houser	Lundby	Mulder
Behn	Iverson	McKinley	Wieck
Hahn	Larson	Miller	Zieman

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 206** and **House Files 420**, **805**, and **819** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 4:26 p.m. until 8:30 a.m., Wednesday, April 27, 2005.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Virginia E. Hauge, Des Moines—For celebrating your 90th birthday. Senator Beall (4/26/05).

Orville "Ole" Jorgenson, Oskaloosa—For serving your state and your country in World War II and your 60 years membership in the Veterans of Foreign Wars. Senator Rielly (4/26/05).

Jeffrey Patch, Dubuque—For receiving the University of Iowa School of Journalism and Mass Communications Paul Conrad Scholarship. Senator Connolly (4/26/05).

Veryl Paul, Sioux City—For celebrating your 100th birthday. Senator Warnstadt (4/26/05).

Mary Quijas, Davenport—For celebrating your 90th birthday. Senator Seng (4/26/05).

Mr. and Mrs. Chuck and Pat Rubley, Davenport—For celebrating your 50th wedding anniversary. Senator Seng (4/26/05).

REPORT OF COMMITTEE MEETING

WAYS AND MEANS

Convened: April 26, 2005, 1:10 p.m.

Members Present: Bolkcom and Zieman, Co-chairs; Connolly, Danielson, Dotzler, Hahn, Larson, McCoy, McKibben, McKinley, Miller, Quirmbach, Seng, Stewart, and Zaun.

Members Absent: Wieck (excused).

Committee Business: Passed SF 400 and HFs 834 and 857.

Adjourned: 1:40 p.m.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 47, by Kreiman, a resolution to recognize and honor Johnny Talbot of Centerville for his service as a navy fighter pilot in the Battle of Midway.

Read first time under Rule 28 and referred to committee on **Rules and Administration.**

Senate Resolution 48, by Rielly, a resolution honoring Iowa's Amana Colonies on its sesquicentennial.

Read first time under Rule 28 and referred to committee on **Rules and Administration.**

Senate Resolution 49, by Tinsman, a resolution honoring the Bettendorf High School boys basketball team for its 2005 4A State Championship.

Read first time under Rule 28 and referred to committee on **Rules and Administration.**

STUDY BILL RECEIVED

SSB 1319 Ways and Means

Providing a tax credit under the individual income tax for an individual who provides household services and care for certain dependents and including a retroactive applicability date provision.

SUBCOMMITTEE ASSIGNMENTS

Senate Resolution 46

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

Senate File 411

COMMERCE: McCoy and Wieck, Co-chairs; Kettering and Rielly

House File 820

APPROPRIATIONS: Putney and Warnstadt, Co-chairs; Angelo and Dvorsky

House File 841

APPROPRIATIONS: Hatch and Tinsman, Co-chairs; Angelo, Dvorsky, Ragan, and Seymour

House File 856

WAYS AND MEANS: Dotzler and Wieck, Co-chairs; Miller and Seng

House File 869

WAYS AND MEANS: Hahn and Stewart, Co-chairs; Danielson and Zieman

SSB 1319

WAYS AND MEANS: Connolly and McKinley, Co-chairs; Larson and Stewart

FINAL COMMITTEE REPORTS OF BILL ACTION

WAYS AND MEANS

Bill Title: HOUSE FILE 834, a bill for an act relating to persons commercially cleaning toilet units and private sewage disposal facilities by providing regulations, fees, and civil penalties, and making appropriations.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S–3181.

Final Vote: Ayes, 13: Bolkcom, Zieman, Connolly, Danielson, Dotzler, Hahn, McCoy, McKinley, Miller, Quirmbach, Seng, Stewart, and Zaun. Nays, none. Absent, 3: Larson, McKibben, and Wieck.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 857, a bill for an act relating to eligible housing businesses under the enterprise zone program.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S–3180.

Final Vote: Ayes, 14: Bolkcom, Zieman, Connolly, Danielson, Dotzler, Hahn, Larson, McCoy, McKinley, Miller, Quirmbach, Seng, Stewart, and Zaun. Nays, none. Absent, 2: McKibben and Wieck.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

MOTIONS TO RECONSIDER FILED

MR. PRESIDENT: I move to reconsider the vote by which House File 840 passed the Senate on April 26, 2005.

BOB BRUNKHORST

MR. PRESIDENT: I move to reconsider the vote by which House File 840 passed the Senate on April 26, 2005.

WILLIAM A. DOTZLER, 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 26th day of April, 2005:

Senate Files 57, 321, 323, 330, and 360.

MICHAEL E. MARSHALL
Secretary of the Senate

AMENDMENTS FILED

S–3168	S.F.	375	House
S–3169	H.F.	840	Jack Hatch
			Keith A. Kreiman
S–3170	S.F.	206	Dennis H. Black
S–3171	H.F.	805	Gene Fraise
			David Johnson
			John P. Kibbie
			Hubert Houser
S–3172	S.F.	372	David Johnson
S–3173	H.F.	840	Jack Hatch
			Joe Bolkcom
S–3174	H.F.	619	Larry McKibben
			Jeff Lamberti
			Jerry Behn
			Jeff Angelo
			James A. Seymour
			Paul McKinley
			John Putney
			Nancy J. Boettger
			Ron Wieck
			Charles W. Larson, Jr.
			Pat Ward
			Bob Brunkhorst
			Steve Kettering
			James F. Hahn
			Hubert Houser
			Stewart E. Iverson, Jr.

S–3175	S.F.	408	Mary Lundby
S–3176	S.F.	206	Gene Fraise
S–3177	H.F.	712	John P. Kibbie
S–3178	S.F.	408	Steve Warnstadt
S–3179	H.F.	840	Keith A. Kreiman
S–3180	H.F.	857	Ways and Means
S–3181	H.F.	834	Ways and Means
S–3182	H.F.	619	Larry McKibben
			Jeff Lamberti
			Jerry Behn
			Jeff Angelo
			James A. Seymour
			Paul McKinley
			Nancy J. Boettger
			Ron Wieck
			Pat Ward
			Bob Brunkhorst
			Steve Kettering
			James F. Hahn
			Stewart E. Iverson, Jr.

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, APRIL 27, 2005

Printed daily by the State of Iowa during the sessions of the General Assembly. An official corrected copy is available for reference in the Secretary of the Senate's Office. (The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE SENATE

ONE HUNDRED EIGHTH CALENDAR DAY
SIXTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, April 27, 2005

The Senate met in regular session at 8:36 a.m., President Kibbie presiding.

Prayer was offered by the Reverend Alan Hatner, pastor of the St. James Lutheran Church in Victor, Iowa. He was the guest of Senator Rielly.

The Journal of Tuesday, April 26, 2005, 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 26, 2005, **passed** the following bill in which the concurrence of the House was asked:

Senate File 395, a bill for an act relating to the activities of the grape and wine development commission, and providing for the transfer of wine gallonage tax revenues to the grape and wine development fund.

ALSO: That the House has on April 26, 2005, **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 206, a bill for an act relating to deer population management and providing penalties and appropriations.

ALSO: That the House has on April 26, 2005, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 272, a bill for an act relating to the council with which the director of human services consults regarding the medical assistance program. (S–3183)

ALSO: That the House has on April 26, 2005, **passed** the following bills in which the concurrence of the Senate is asked:

House File 828, a bill for an act relating to aquatic regulations and activities, including aquatic invasive species, the regulation and registration of certain vessels, the operation of certain vessels by minors, inspections of certain vessels, the operation of vessels for hire or commercial vessels, providing for penalties, and appropriating the moneys collected from certain registration fee increases to the state fish and game protection fund.

Read first time and referred to committee on **Ways and Means.**

House File 860, a bill for an act establishing a tax credit certificate transfer program.

Read first time and referred to committee on **Ways and Means.**

House File 864, a bill for an act providing an exemption from and a refund of sales and use taxes on materials and services used in the construction of a building or addition to a building to be used as a collaborative educational facility and including effective and applicability date provisions.

Read first time and referred to committee on **Ways and Means.**

House File 866, a bill for an act relating to a sales tax holiday for purchases of certain computers during certain times.

Read first time and referred to committee on **Ways and Means.**

House File 871, a bill for an act providing for income tax credits for the cost of purchasing health insurance coverage by certain small employers and providing effective and retroactive applicability dates.

Read first time and referred to committee on **Ways and Means.**

House File 875, 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, vertical infrastructure fund, general fund of the state, and related matters, and including effective and retroactive applicability date provisions.

Read first time and referred to committee on **Appropriations.**

MOTIONS TO RECONSIDER WITHDRAWN

House File 646

Senator Iverson withdrew the motion to reconsider **House File 646**, a bill for an act concerning social and charitable gambling, including the regulation of cash raffles at fairs, prohibiting raffles at annual game nights, establishing a permanent electrical and mechanical amusement devices special fund and providing an appropriation, prohibiting certain electrical or mechanical amusement devices and bona fide contests, and providing for the denial, suspension, and revocation of certain gambling licenses by the department of inspections and appeals, filed by him on April 14, 2005, found on page 911 of the Senate Journal.

House File 809

Senator Gronstal withdrew the motion to reconsider **House File 809**, a bill for an act relating to and making appropriations to the department of economic development, certain board of regents institutions, the department of workforce development, and the public employment relations board and related matters, filed by him on April 14, 2005, found on page 911 of the Senate Journal.

House File 840

Senators Brunkhorst and Dotzler withdrew the motions to reconsider **House File 840**, a bill for an act authorizing the rebate of state sales tax to the owner or operator of a sanctioned automobile racetrack facility, filed by Senators Brunkhorst and Dotzler on April 26, 2005, found on page 1024 of the Senate Journal.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 646**, **809**, and **840** 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 House File 857.

House File 857

On motion of Senator Zaun, **House File 857**, a bill for an act relating to eligible housing businesses under the enterprise zone program, was taken up for consideration.

Senator Zieman offered amendment S–3180, filed by the committee on Ways and Means on April 26, 2005, to page 1 of the bill, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 36, nays 5.

Amendment S–3180 was adopted.

Senator Zaun moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 857), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck

Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS

House File 540

On motion of Senator Zaun, **House File 540**, a bill for an act relating to reports of traffic accidents involving certified law enforcement officers, placed on the Unfinished Business Calendar on April 14, 2005, with report of committee recommending passage, was taken up for consideration.

Senator Putney offered amendment S–3167, filed by him on April 25, 2005, striking and replacing everything after the enacting clause of the bill, and moved its adoption.

Amendment S–3167 was adopted by a voice vote.

Senator Zaun moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 540), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood

Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 540** and **857** be **immediately messaged** to the House.

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 10:10 a.m., President Kibbie presiding.

UNFINISHED BUSINESS

House File 619

On motion of Senator Dvorsky, **House File 619**, a bill for an act relating to persons convicted of criminal offenses requiring registration on the sex offender registry or requiring an additional indeterminate sentence, establishing a sex offender registry database task force, and providing penalties, placed on the Unfinished Business Calendar on April 14, 2005, with report of committee recommending passage, was taken up for consideration.

Senator McKibben offered amendment S–3182, filed by Senator McKibben, et al., on April 26, 2005, striking and replacing everything after the enacting clause of the bill.

Senator McKibben offered amendment S–3184, filed by him from the floor to pages 9, 12, 22, 29, 36, and 37 of amendment S–3182, and moved its adoption.

Amendment S–3184 was adopted by a voice vote.

Senator Miller offered amendment S–3186, filed by Senators Miller and Behn from the floor to pages 13 and 14 of amendment S–3182, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3186 to amendment S–3182 be adopted?" (H.F. 619), the vote was:

Yeas, 42:

Angelo	Gronstal	McCoy	Shull
Beall	Hahn	McKibben	Stewart
Behn	Hancock	McKinley	Tinsman
Black	Horn	Miller	Ward
Boettger	Houser	Mulder	Warnstadt
Brunkhorst	Iverson	Putney	Wieck
Connolly	Johnson	Ragan	Wood
Courtney	Kettering	Rielly	Zaun
Danielson	Lamberti	Schoenjahn	Zieman
Dotzler	Larson	Seng	
Gaskill	Lundby	Seymour	

Nays, 8:

Bolkcom	Dvorsky	Hatch	Kreiman
Dearden	Fraise	Kibbie	Quirmbach

Absent, none.

Amendment S–3186 was adopted.

Senator Gronstal raised the point of order that amendment S–3182, as amended, was not germane to the bill.

The Chair ruled the point well-taken and amendment S–3182, as amended, out of order.

Senator Iverson asked and received unanimous consent that action on **House File 619** be **deferred.**

RECESS

On motion of Senator Iverson, the Senate recessed at 10:53 a.m. until 3:00 p.m.

APPENDIX — 1

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Annie Shuppy, Wilton—For receiving the University of Iowa School of Journalism and Mass Communications Laurence Fairall Scholarship. Senator Hahn (4/27/05).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: April 27, 2005, 1:05 p.m.

Members Present: Angelo and Dvorsky, Co-chairs; Black, Boettger, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Johnson, Kettering, Lamberti, Miller, Putney, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, Ward, and Warnstadt.

Members Absent: None.

Committee Business: Passed HFs 837 and 862.

Recessed: 1:10 p.m.

Reconvened: 1:30 p.m.

Adjourned: 1:45 p.m.

WAYS AND MEANS

Convened: April 27, 2005, 11:05 a.m.

Members Present: Bolkcom and Zieman, Co-chairs; Connolly, Danielson, Dotzler, Hahn, Larson, McCoy, McKinley, Miller, Quirmbach, Seng, Stewart, Wieck, and Zaun.

Members Absent: McKibben (excused).

Committee Business: Passed HFs 801, 833, 835, 856, 859, and 869.

Adjourned: 12:20 p.m.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 50, by Dvorsky and Bolkcom, a resolution honoring the University of Iowa football team and Coach Kirk Ferentz.

Read first time under Rule 28 and referred to committee on **Rules and Administration.**

Senate Resolution 51, by Miller and Kreiman, a resolution recognizing May 1, 2005, as Law Day.

Read first time under Rule 28 and referred to committee on **Rules and Administration.**

Senate Resolution 52, by Stewart, a resolution honoring the city of Clinton on its sesquicentennial.

Read first time under Rule 28 and referred to committee on **Rules and Administration.**

INTRODUCTION OF BILL

Senate File 414, by committee on Ways and Means, a bill for an act providing for income tax credits for the cost of purchasing life insurance coverage by certain members of the national guard and the reserves, providing for death benefits for certain deceased members of the national guard and the reserves, making appropriations, and providing for effective and retroactive applicability dates.

Read first time under Rule 28 and **placed on Ways and Means calendar.**

SUBCOMMITTEE ASSIGNMENTS

Senate Resolution 47

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

Senate Resolution 48

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

Senate Resolution 49

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

Senate Resolution 50

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 27, 2005, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 340 – Relating to motor vehicle registration and driver licensing services provided by county treasurers and providing for the collection of certain fees, fines, and penalties.

S.F. 352 – Relating to confidentiality and liability provisions involving the child advocacy board and the programs associated with the board and making a penalty applicable.

S.F. 363 – Providing for the regulation of persons engaged in soliciting business opportunities, including franchises.

S.F. 365 – Relating to the application deadline for certification of enterprise zones.

S.F. 370 – Relating to the duration of a no-contact order in a criminal case.

FINAL COMMITTEE REPORT OF BILL ACTION

WAYS AND MEANS

Bill Title: SENATE FILE 414 (formerly SF 400), a bill for an act providing for income tax credits for the cost of purchasing life insurance coverage by certain members of the national guard and the reserves, providing for death benefits for certain deceased members of the national guard and the reserves, making appropriations, and providing for effective and retroactive applicability dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Bolkcom, Zieman, Connolly, Danielson, Dotzler, Hahn, Larson, McCoy, McKinley, Miller, Quirmbach, Seng, Stewart, and Zaun. Nays, none. Absent, 2: McKibben and Wieck.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AFTERNOON SESSION

The Senate reconvened at 3:08 p.m., President Kibbie presiding.

RECESS

On motion of Senator Iverson, the Senate recessed at 3:10 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 3:19 p.m., President Kibbie presiding.

UNFINISHED BUSINESS

House File 610

On motion of Senator McKinley, **House File 610**, a bill for an act relating to the transmission of electronic mail including the transmission of unsolicited bulk electronic mail, and the sale or offer for direct sale of prescription drugs and the sale of adulterated or misbranded drugs through the use of electronic mail or the internet, and providing for penalties, placed on the Unfinished Business Calendar on April 14, 2005, with report of committee recommending passage, was taken up for consideration.

Senator McKinley moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 610), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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 410** be **withdrawn** from further consideration of the Senate.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 836.

House File 836

On motion of Senator Dotzler, **House File 836**, a bill for an act relating to cemeteries and cemetery regulation, providing administration and enforcement procedures, establishing requirements for interment rights agreements and reporting, establishing and appropriating fees, and providing penalties, 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. 836), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS
(Deferred April 21, 2005)

Senate File 408

The Senate resumed consideration of **Senate File 408**, a bill for an act relating to the exemption from property taxation of certain low-rent housing and including effective date and applicability date provisions, deferred April 21, 2005.

Senator Lundby called up the following motion to reconsider filed by her from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which amendment S–3160 to Senate File 408 was adopted by the Senate on April 21, 2005.

The motion prevailed by a voice vote, and amendment S–3160, by Senator Lundby, was taken up for reconsideration.

Senator Lundby offered amendment S–3175, filed by her on April 26, 2005, to page 1 of amendment S–3160, and moved its adoption.

Amendment S–3175 was adopted by a voice vote.

Senator Lundby moved the adoption of amendment S–3160, as amended, which motion prevailed by a voice vote.

Senator Warnstadt offered amendment S–3178, filed by him on April 26, 2005, to page 1 of the bill, and moved its adoption.

Amendment S–3178 was adopted by a voice vote.

With the adoption of amendment S–3178, the Chair ruled amendment S–3165, filed by Senator Warnstadt on April 25, 2005, to page 1 of the bill, out of order.

Senator Iverson offered amendment S–3188, filed by him from the floor to page 1 and to the title page of the bill.

Senator Connolly raised the point of order that amendment S–3188 was not germane to the bill.

The Chair ruled the point well-taken and amendment S–3188 out of order.

Senator Connolly moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 408), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 50, a resolution honoring the University of Iowa football team and Coach Kirk Ferentz.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Iverson, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. 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 50.

Senate Resolution 50

On motion of Senator Dvorsky, **Senate Resolution 50**, a resolution honoring the University of Iowa football team and Coach

Kirk Ferentz, with report of committee recommending passage, was taken up for consideration.

Senator Dvorsky moved the adoption of Senate Resolution 50, which motion prevailed by a voice vote.

SPECIAL GUESTS

Senator Dvorsky introduced University of Iowa football team members and coaches, who were present in the Senate chamber. Team member Warren Holloway addressed the Senate 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 April 27, 2005, **adopted** the following resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 13, a concurrent resolution relating to cervical cancer awareness, and recognizing efforts by the Iowa Department of Public Health and the Iowa Consortium for Comprehensive Cancer Control in promoting that awareness.

ALSO: That the House has on April 27, 2005, **passed** the following bills in which the concurrence of the House was asked:

Senate File 78, a bill for an act relating to the exemption from city taxes of land included in an application for voluntary annexation or in a city's involuntary annexation petition and including effective and applicability date provisions.

Senate File 210, a bill for an act relating to specified requirements applicable to a real estate broker or attorney providing services in connection with a real estate auction.

ALSO: That the House has on April 27, 2005, **concurred** in the Senate amendment and **passed** the following bills in which the concurrence of the House was asked:

House File 275, a bill for an act relating to the purchase, possession, or consumption of alcohol by a person under legal age, and providing a penalty.

House File 614, a bill for an act relating to the transmission, installation, and use of computer software through deceptive or unauthorized means and providing for penalties.

House File 646, a bill for an act concerning social and charitable gambling, including the regulation of cash raffles, prohibiting raffles at annual game nights, establishing a permanent electrical and mechanical amusement devices special fund and providing an appropriation, prohibiting certain electrical or mechanical amusement devices and bona fide contests, and providing for the denial, suspension, and revocation of certain gambling licenses by the department of inspections and appeals, and providing an effective date.

House File 739, a bill for an act relating to education technology, including the creation of an Iowa learning technology commission and pilot programs, and the establishment of a research triangle and clearinghouse, and providing for contingent effectiveness.

House File 840, a bill for an act authorizing the rebate of state sales tax to the owner or operator of a sanctioned automobile racetrack facility.

ALSO: That the House has on April 27, 2005, **concurred** in the Senate amendment to the House amendment, and **passed** the following bill in which the concurrence of the House was asked:

Senate File 350, a bill for an act relating to child support recovery including access to information for the purposes of recovery, provisions relating to failure to withhold income or to pay the amounts withheld, and to the suspension of a child support obligation, the satisfaction of support payments, nullifying related administrative rules and providing penalties.

ALSO: That the House has on April 27, 2005, **amended** the Senate amendment, **concurred** in the Senate amendment as amended, and **passed** the following bills in which the concurrence of the Senate is asked:

House File 374, a bill for an act relating to veterans by providing for the compensation of members of a county commission of veteran affairs, providing for the issuance of combined hunting and fishing licenses to certain veterans, establishing a hepatitis C awareness program for veterans, concerning funds in an account for a state veterans cemetery, and providing an effective date. (S–3194)

House File 716, a bill for an act relating to the military division and the homeland security and emergency management division of the department of public defense concerning the activation and use of the civil air patrol, the authority of the adjutant general to enter into interstate agreements for use of national guard personnel, and the use of the national incident management system for state emergencies. (S–3195)

ALSO: That the House has on April 27, 2005, **amended and passed** the following bills in which the concurrence of the Senate is asked:

Senate File 245, a bill for an act relating to a secondary school core curriculum, including requiring the state board of education to determine a model core curriculum and set a statewide core curriculum completion rate goal, requiring school districts to report student core curriculum progress annually, requiring school districts and schools to report core curriculum completion percentages annually, and providing for the coordination of an educational data definitions working group. (S–3196)

Senate File 403, a bill for an act providing for the receipt of and costs relating to public records requests. (S–3197)

ALSO: That the House has on April 27, 2005, **passed** the following bills in which the concurrence of the Senate is asked:

House File 845, a bill for an act relating to appointments by members of the general assembly to statutory boards, commissions, councils, and committees, abolishing certain related entities, and including effective date and applicability provisions.

Read first time and referred to committee on **Rules and Administration.**

House File 870, a bill for an act relating to the applicability of motor vehicle financial responsibility provisions to special mobile equipment and providing an effective date.

Read first time and referred to committee on **Commerce.**

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 4:12 p.m. until 8:30 a.m., Thursday, April 28, 2005.

APPENDIX — 2

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Josephine Stark, Waterloo—For celebrating your 100th birthday. Senator Dotzler (4/27/05).

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: April 27, 2005, 2:00 p.m.

Members Present: Behn and Warnstadt, Co-chairs; Angelo, Bolkcom, Courtney, Gronstal, Kettering, Larson, McCoy, McKinley, Rielly, Stewart, Wieck, and Zieman.

Members Absent: Beall and Zaun (both excused).

Committee Business: Passed SF 411.

Adjourned: 2:10 p.m.

RULES AND ADMINISTRATION

Convened: April 27, 2005, 3:10 p.m.

Members Present: Gronstal and Iverson, Co-chairs; Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan.

Members Absent: None.

Committee Business: Passed SRs 47, 48, 49, and 50.

Adjourned: 3:15 p.m.

STATE GOVERNMENT

Convened: April 27, 2005, 2:30 p.m.

Members Present: Horn and McKibben, Co-chairs; Black, Brunkhorst, Connolly, Danielson, Hancock, Hatch, Kettering, Kibbie, Miller, Tinsman, Ward, Wieck, Wood, and Zieman.

Members Absent: None.

Committee Business: Passed HF 644.

Adjourned: 2:55 p.m.

SUBCOMMITTEE ASSIGNMENTS

Senate Resolution 51

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

Senate Resolution 52

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

House File 828

WAYS AND MEANS: Bolkcom and Wieck, Co-chairs; McCoy and Miller

House File 860

WAYS AND MEANS: Miller and Stewart, Co-chairs; Connolly and Zieman

House File 864

WAYS AND MEANS: Quirmbach and Zieman, Co-chairs; Danielson and Zaun

House File 866

WAYS AND MEANS: Bolkcom and McKinley, Co-chairs; Connolly and Larson

House File 871

WAYS AND MEANS: Connolly and McKinley, Co-chairs; Larson and Seng

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: HOUSE FILE 837, a bill for an act relating to state government financial matters concerning charter agencies, the state appeal board, and reinvention initiatives of the department of management, and making appropriations.

Recommendation: DO PASS.

Final Vote: Ayes, 24: Angelo, Dvorsky, Black, Boettger, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Johnson, Kettering, Lamberti, Miller, Putney, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, Ward, and Warnstadt. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 862, a bill for an act relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S–3192.

Final Vote: Ayes, 24: Angelo, Dvorsky, Black, Boettger, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Johnson, Kettering, Lamberti, Miller, Putney, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, Ward, and Warnstadt. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

COMMERCE

Bill Title: SENATE FILE 411, a bill for an act relating to the applicability of motor vehicle financial responsibility provisions to special mobile equipment and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Behn, Warnstadt, Angelo, Bolkcom, Courtney, Gronstal, Kettering, Larson, McCoy, McKinley, Rielly, Stewart, Wieck, and Zieman. Nays, none. Absent, 2: Beall and Zaun.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 47, a resolution to recognize and honor Johnny Talbot of Centerville for his service as a navy fighter pilot in the Battle of Midway.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Iverson, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 48, a resolution honoring Iowa's Amana Colonies on its sesquicentennial.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Iverson, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 49, a resolution honoring the Bettendorf High School boys basketball team for its 2005 4A State Championship.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Iverson, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: HOUSE FILE 801, a bill for an act providing a deduction in computing the individual income tax for certain unreimbursed expenses relating to a human organ transplant and including a retroactive applicability date.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Bolkcom, Zieman, Connolly, Danielson, Dotzler, Hahn, McCoy, McKinley, Miller, Quirmbach, Seng, Stewart, Wieck, and Zaun. Nays, none. Absent, 2: Larson and McKibben.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 833, a bill for an act making changes relating to the practice of pharmacy, providing for the creation of an electronic drug database, establishing and appropriating fees, providing penalties, and providing an effective date.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S–3190.

Final Vote: Ayes, 13: Bolkcom, Zieman, Connolly, Danielson, Hahn, Larson, McCoy, McKinley, Miller, Seng, Stewart, Wieck, and Zaun. Nays, none. Present, 2: Dotzler and Quirmbach. Absent, 1: McKibben.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 835, a bill for an act relating to the port authorities including providing for the establishment, control, and dissolution of port authorities and providing for certain powers, limitations, and requirements including issuing revenue bonds and pledge orders, charging fees, entering into contracts and agreements, employing persons and peace officers, and providing for the use of revenues and exemption from property taxes.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S–3189.

Final Vote: Ayes, 15: Bolkcom, Zieman, Connolly, Danielson, Dotzler, Hahn, Larson, McCoy, McKinley, Miller, Quirmbach, Seng, Stewart, Wieck, and Zaun. Nays, none. Absent, 1: McKibben.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 856, a bill for an act providing a sales and use tax exemption for certain nonprofit organizations that build or repair low-income dwellings.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Bolkcom, Zieman, Connolly, Danielson, Dotzler, Hahn, Larson, McCoy, McKinley, Miller, Quirmbach, Seng, Stewart, Wieck, and Zaun. Nays, none. Absent, 1: McKibben.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 859, a bill for an act relating to the establishment of a form of business association referred to as a cooperative, and providing for fees and tax credits, providing penalties, and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Bolkcom, Zieman, Connolly, Danielson, Dotzler, Hahn, Larson, McCoy, McKinley, Miller, Quirmbach, Seng, Stewart, Wieck, and Zaun. Nays, none. Absent, 1: McKibben.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 869, a bill for an act relating to tax credits provided for purposes of acquiring agricultural assets by beginning farmers, and providing effective and applicability dates.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Bolkcom, Zieman, Connolly, Danielson, Dotzler, Hahn, Larson, McCoy, McKinley, Miller, Quirmbach, Seng, Stewart, Wieck, and Zaun. Nays, none. Absent, 1: McKibben.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S–3183	S.F.	272	House
S–3184	H.F.	619	Larry McKibben

S–3185	H.F.	619	Robert E. Dvorsky
			Charles W. Larson, Jr.
			Nancy J. Boettger
			Gene Fraise
			Wally E. Horn
			Keith A. Kreiman
			Larry McKibben
			David Miller
S–3186	H.F.	619	David Miller
			Jerry Behn
S–3187	H.F.	619	Robert E. Dvorsky
S–3188	S.F.	408	Stewart E. Iverson, Jr.
S–3189	H.F.	835	Ways and Means
S–3190	H.F.	833	Ways and Means
S–3191	H.F.	833	Charles W. Larson, Jr.
			Matt McCoy
S–3192	H.F.	862	Appropriations
S–3193	H.F.	740	Nancy J. Boettger
S–3194	H.F.	374	House
S–3195	H.F.	716	House
S–3196	S.F.	245	House
S–3197	S.F.	403	House

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, APRIL 28, 2005

Printed daily by the State of Iowa during the sessions of the General Assembly. An official corrected copy is available for reference in the Secretary of the Senate's Office. (The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE SENATE

ONE HUNDRED NINTH CALENDAR DAY
SIXTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, April 28, 2005

The Senate met in regular session at 8:37 a.m., President Kibbie presiding.

Prayer was offered by the Honorable Carmine Boal, member of the House of Representatives from Polk County, Ankeny, Iowa.

The Journal of Wednesday, April 27, 2005, 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 April 27, 2005, **passed** the following bill in which the concurrence of the Senate is asked:

House File 868, a bill for an act relating to economic development, business, workforce, and regulatory assistance and tax credits, and to state developmental, research, and regulatory oversight, and including effective date and retroactive applicability provisions.

Read first time and referred to committee on **Ways and Means.**

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 408** and **House Files 610** and **836** be **immediately messaged** to the House.

RECESS

On motion of Senator Iverson, the Senate recessed at 8:40 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 Kibbie presiding.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 47.

Senate Resolution 47

On motion of Senator Kreiman, **Senate Resolution 47**, a resolution to recognize and honor Johnny Talbot of Centerville for his service as a navy fighter pilot in the Battle of Midway, with report of committee recommending passage, was taken up for consideration.

Senator Kreiman moved the adoption of Senate Resolution 47, which motion prevailed by a voice vote.

SPECIAL GUEST

Senator Kreiman introduced Johnny Talbot of Centerville, a Navy fighter pilot who served during World War II.

The Senate rose and expressed its welcome and appreciation of his military service.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 49.

Senate Resolution 49

On motion of Senator Tinsman, **Senate Resolution 49**, a resolution honoring the Bettendorf High School boys basketball team for its 2005 4A State Championship, with report of committee recommending passage, was taken up for consideration.

Senator Tinsman moved the adoption of Senate Resolution 49, which motion prevailed by a voice vote.

The Senate stood at ease at 9:36 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:49 a.m., President Kibbie presiding.

RECESS

On motion of Senator Iverson, the Senate recessed at 10:50 a.m. until 1:30 p.m.

APPENDIX — 1

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Lois Kroeger—For celebrating your 80th birthday. Senator Wood (4/28/05).

Matthew Zeien, Alta Vista—For achieving the rank of Eagle Scout, Boy Scout Troop 48. Senator Zieman (4/28/05).

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: April 28, 2005, 10:50 a.m.

Members Present: Behn and Warnstadt, Co-chairs; Angelo, Beall, Bolkcom, Courtney, Kettering, McCoy, McKinley, Rielly, Stewart, Wieck, and Zaun.

Members Absent: Gronstal, Larson, and Zieman (all excused).

Committee Business: Passed HF 870.

Adjourned: 10:55 a.m.

RULES AND ADMINISTRATION

Convened: April 28, 2005, 8:40 a.m.

Members Present: Gronstal and Iverson, Co-chairs; Angelo, Courtney, Dvorsky, Hahn, Kibbie, and Ragan.

Members Absent: Boettger and Lamberti (both excused).

Committee Business: Passed SRs 51 and 52.

Adjourned: 8:45 a.m.

SUBCOMMITTEE ASSIGNMENTS

House File 845

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

House File 870

COMMERCE: McCoy and Wieck, Co-chairs; Kettering and Rielly

FINAL COMMITTEE REPORTS OF BILL ACTION

COMMERCE

Bill Title: HOUSE FILE 870, a bill for an act relating to the applicability of motor vehicle financial responsibility provisions to special mobile equipment and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Behn, Warnstadt, Angelo, Beall, Bolkcom, Courtney, Kettering, McCoy, McKinley, Rielly, Stewart, Wieck, and Zaun. Nays, none. Absent, 3: Gronstal, Larson, and Zieman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 51, a resolution recognizing May 1, 2005, as Law Day.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Gronstal, Iverson, Angelo, Courtney, Dvorsky, Hahn, Kibbie, and Ragan. Nays, none. Absent, 2: Boettger and Lamberti.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 52, a resolution honoring the city of Clinton on its sesquicentennial.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Gronstal, Iverson, Angelo, Courtney, Dvorsky, Hahn, Kibbie, and Ragan. Nays, none. Absent, 2: Boettger and Lamberti.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Bill Title: HOUSE FILE 644, a bill for an act relating to elections and voter registration by making certain corrective changes, prohibiting the processing of certain voter registration applications, allowing certain voter registrations to be submitted after the deadline, removing the requirement for separate entrances to buildings where polling places for more than one precinct are located, requiring names of candidates for nonpartisan office to be printed on the ballot in alphabetical order, relating to information printed on a certain portion of the ballot, modifying opening hours of the polls at certain elections, allowing the voter's declaration of eligibility to be printed on the election register, relating to the abstract of votes for county offices, relating to

appointment of observers present when ballots are counted, allowing absentee voting at the commissioner's office for part of the day of the election for certain elections, modifying the time period during which a person may request an absentee ballot, requiring the registered voter's date of birth on the absentee ballot application, clarifying that certain confined persons may vote an absentee ballot in person at the commissioner's office, changing the deadline for challenging an absentee voter's qualifications, relating to persons nominated for city office by write-in votes, repealing the provisions declaring it unlawful for an absentee voter to fail to return the voter's absentee ballot, and including an applicability date provision.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S–3200.

Final Vote: Ayes, 16: Horn, McKibben, Black, Brunkhorst, Connolly, Danielson, Hancock, Hatch, Kettering, Kibbie, Miller, Tinsman, Ward, Wieck, Wood, and Zieman. 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 28, 2005, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 57 – Authorizing the appointment of a nine-member city zoning board of adjustment.

S.F. 321 – Relating to the use of moneys deposited into the inmate labor fund.

S.F. 323 – Establishing a uniform mediation Act.

S.F. 330 – Relating to family law provisions including dissolution of marriage and domestic relations and termination of parental rights provisions.

S.F. 360 – Relating to various provisions administered by the insurance division of the department of commerce concerning premium tax refunds, the interstate insurance compact, insurer insolvency proceedings, individual health insurance, the small employer carrier reinsurance program, insurance applications, the Iowa comprehensive health association, fire insurance policies, the Iowa insurance guaranty association, the FAIR plan, motor vehicle service contracts, investments by county and state mutual associations, reciprocal or interinsurance contract premium rates, unauthorized activity of insurance producers, and annuity contracts for cemetery and funeral merchandise and funeral services, and making fees and penalties applicable and providing effective and retroactive applicability dates.

AFTERNOON SESSION

The Senate reconvened at 1:45 p.m., President Kibbie presiding.

SPECIAL GUESTS

Senators Gronstal and Iverson welcomed to the Senate chamber Richard Crawford and Marshall Irwin, who serve on the Capitol security force. Mr. Crawford and Mr. Irwin were presented copies of Senate Resolution 42, a resolution honoring America's Vietnam veterans. These two men, along with fellow security force employees Nicholas Brown and Leo Skeffington, served in the Vietnam War.

The Senate rose and expressed its appreciation for their military service.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator McCoy, for the remainder of the day, on request of Senator Gronstal; and Senator Gaskill, for the remainder of the day, on request of Senator Putney.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 374

Senator Warnstadt called up for consideration **House File 374**, a bill for an act relating to veterans by providing for the compensation of members of a county commission of veteran affairs, providing for the issuance of combined hunting and fishing licenses to certain veterans, establishing a hepatitis C awareness program for veterans, concerning funds in an account for a state veterans cemetery, and providing an effective date, amended by the Senate and further amended by the House in House amendment S–3194 to Senate amendment H–1437, filed April 27, 2005.

Senator Warnstadt 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 Warnstadt 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. 374), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kreiman	Schoenjahn
Beall	Fraise	Lamberti	Seng
Behn	Gronstal	Larson	Seymour
Black	Hahn	Lundby	Shull
Boettger	Hancock	McKibben	Stewart
Bolkcom	Hatch	McKinley	Tinsman
Brunkhorst	Horn	Miller	Ward
Connolly	Houser	Mulder	Warnstadt
Courtney	Iverson	Putney	Wieck
Danielson	Johnson	Quirmbach	Wood
Dearden	Kettering	Ragan	Zaun
Dotzler	Kibbie	Rielly	Zieman

Nays, none.

Absent, 2:

Gaskill	McCoy

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 375

Senator Seng called up for consideration **Senate File 375**, a bill for an act creating the uniform environmental covenants Act, amended by the House in House amendment S–3168, filed April 26, 2005.

Senator Seng 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 Seng 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. 375), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kreiman	Schoenjahn
Beall	Fraise	Lamberti	Seng
Behn	Gronstal	Larson	Seymour
Black	Hahn	Lundby	Shull
Boettger	Hancock	McKibben	Stewart
Bolkcom	Hatch	McKinley	Tinsman
Brunkhorst	Horn	Miller	Ward
Connolly	Houser	Mulder	Warnstadt
Courtney	Iverson	Putney	Wieck
Danielson	Johnson	Quirmbach	Wood
Dearden	Kettering	Ragan	Zaun
Dotzler	Kibbie	Rielly	Zieman

Nays, none.

Absent, 2:

Gaskill	McCoy

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 403

Senator Lundby called up for consideration **Senate File 403**, a bill for an act providing for the receipt of and costs relating to public records requests, amended by the House in House amendment S–3197, filed April 27, 2005.

Senator Lundby 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 Lundby moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 403), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kreiman	Schoenjahn
Beall	Fraise	Lamberti	Seng
Behn	Gronstal	Larson	Seymour
Black	Hahn	Lundby	Shull
Boettger	Hancock	McKibben	Stewart
Bolkcom	Hatch	McKinley	Tinsman
Brunkhorst	Horn	Miller	Ward
Connolly	Houser	Mulder	Warnstadt
Courtney	Iverson	Putney	Wieck
Danielson	Johnson	Quirmbach	Wood
Dearden	Kettering	Ragan	Zaun
Dotzler	Kibbie	Rielly	Zieman

Nays, none.

Absent, 2:

Gaskill	McCoy

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 716

Senator Hancock called up for consideration **House File 716**, a bill for an act relating to the military division and the homeland security and emergency management division of the department of public defense concerning the activation and use of the civil air patrol, the authority of the adjutant general to enter into interstate agreements for use of national guard personnel, and the use of the national incident management system for state emergencies,

amended by the Senate and further amended by the House in House amendment S–3195 to Senate amendment H–1359, filed April 27, 2005.

Senator Hancock 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 Hancock 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. 716), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kreiman	Schoenjahn
Beall	Fraise	Lamberti	Seng
Behn	Gronstal	Larson	Seymour
Black	Hahn	Lundby	Shull
Boettger	Hancock	McKibben	Stewart
Bolkcom	Hatch	McKinley	Tinsman
Brunkhorst	Horn	Miller	Ward
Connolly	Houser	Mulder	Warnstadt
Courtney	Iverson	Putney	Wieck
Danielson	Johnson	Quirmbach	Wood
Dearden	Kettering	Ragan	Zaun
Dotzler	Kibbie	Rielly	Zieman

Nays, none.

Absent, 2:

Gaskill	McCoy

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

The Senate stood at ease at 2:15 p.m. until the fall of the gavel for the purpose of a Democratic caucus.

The Senate resumed session at 3:10 p.m., President Pro Tempore Dvorsky presiding.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 375** and **403** and **House Files 374** and **716** be **immediately messaged** to the House.

UNFINISHED BUSINESS

House File 644

On motion of Senator Danielson, **House File 644**, a bill for an act relating to elections and voter registration by making certain corrective changes, prohibiting the processing of certain voter registration applications, allowing certain voter registrations to be submitted after the deadline, removing the requirement for separate entrances to buildings where polling places for more than one precinct are located, requiring names of candidates for nonpartisan office to be printed on the ballot in alphabetical order, relating to information printed on a certain portion of the ballot, modifying opening hours of the polls at certain elections, allowing the voter's declaration of eligibility to be printed on the election register, relating to the abstract of votes for county offices, relating to appointment of observers present when ballots are counted, allowing absentee voting at the commissioner's office for part of the day of the election for certain elections, modifying the time period during which a person may request an absentee ballot, requiring the registered voter's date of birth on the absentee ballot application, clarifying that certain confined persons may vote an absentee ballot in person at the commissioner's office, changing the deadline for challenging an absentee voter's qualifications, relating to persons nominated for city office by write-in votes, repealing the provisions declaring it unlawful for an absentee voter to fail to return the voter's absentee ballot, and including an applicability date provision, placed on the Unfinished Business Calendar on April 14, 2005, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Danielson offered amendment S–3200, filed by the committee on State Government on April 28, 2005, striking and replacing everything after the enacting clause of the bill.

Senator McKibben offered amendment S–3201, filed by him from the floor to page 12 of amendment S–3200, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3201 to amendment S–3200 be adopted?" (H.F. 644), the vote was:

Yeas, 24:

Angelo	Houser	Lundby	Seymour
Behn	Iverson	McKibben	Shull
Boettger	Johnson	McKinley	Ward
Brunkhorst	Kettering	Miller	Wieck
Hahn	Lamberti	Mulder	Zaun
Horn	Larson	Putney	Zieman

Nays, 24:

Beall	Dearden	Hatch	Schoenjahn
Black	Dotzler	Kibbie	Seng
Bolkcom	Dvorsky	Kreiman	Stewart
Connolly	Fraise	Quirmbach	Tinsman
Courtney	Gronstal	Ragan	Warnstadt
Danielson	Hancock	Rielly	Wood

Absent, 2:

Gaskill	McCoy

Amendment S–3201 lost.

Senator Brunkhorst raised the point of order that amendment S–3200 was not germane to the bill.

The Chair ruled the point not well-taken and amendment S–3200 in order.

Senator McKibben asked and received unanimous consent that action on amendment S–3200 and **House File 644** be **deferred**.

The Senate stood at ease at 3:46 p.m. until the fall of the gavel for the purpose of a Republican caucus.

The Senate resumed session at 4:06 p.m., President Pro Tempore Dvorsky 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 28, 2005, **passed** the following bills in which the concurrence of the House was asked:

Senate File 389, a bill for an act providing individual and corporate income tax credits for soy-based cutting tool oil and including an applicability date provision.

Senate File 404, a bill for an act providing for county eligibility for state payment of property tax relief moneys and allowed growth funding for mental health, mental retardation, and developmental disabilities services and providing effective and retroactive applicability dates.

ALSO: That the House has on April 28, 2005, **passed** the following bills in which the concurrence of the Senate is asked:

House File 858, a bill for an act establishing a statewide work-based learning intermediary network program and creating a fund.

Read first time and referred to committee on **Appropriations.**

House File 880, a bill for an act relating to the disposition of certain real estate transfer tax receipts by the treasurer of state.

Read first time and referred to committee on **Ways and Means.**

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Lundby, until she returns, on request of Senator Wieck.

HOUSE AMENDMENT CONSIDERED

Senate File 272

Senator Boettger called up for consideration **Senate File 272**, a bill for an act relating to the council with which the director of human services consults regarding the medical assistance program, amended by the House in House amendment S–3183, filed April 27, 2005.

Senator Boettger 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 Boettger moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 272), the vote was:

Yeas, 47:

Angelo	Dvorsky	Kreiman	Seng
Beall	Fraise	Lamberti	Seymour
Behn	Gronstal	Larson	Shull
Black	Hahn	McKibben	Stewart
Boettger	Hancock	McKinley	Tinsman
Bolkcom	Hatch	Miller	Ward
Brunkhorst	Horn	Mulder	Warnstadt
Connolly	Houser	Putney	Wieck
Courtney	Iverson	Quirmbach	Wood
Danielson	Johnson	Ragan	Zaun
Dearden	Kettering	Rielly	Zieman
Dotzler	Kibbie	Schoenjahn	

Nays, none.

Absent, 3:

Gaskill	Lundby	McCoy

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

President Kibbie took the chair at 5:15 p.m.

HOUSE AMENDMENT CONSIDERED

Senate File 245

Senator Brunkhorst called up for consideration **Senate File 245**, a bill for an act relating to a secondary school core curriculum, including requiring the state board of education to determine a model core curriculum and set a statewide core curriculum completion rate goal, requiring school districts to report student core curriculum progress annually, requiring school districts and schools to report core curriculum completion percentages annually, and providing for the coordination of an educational data definitions working group, amended by the House in House amendment S–3196, filed April 27, 2005.

Senator Connolly asked and received unanimous consent that action on House amendment S–3196 and **Senate File 245** be **deferred**.

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 28, 2005, **passed** the following bill in which the concurrence of the Senate is asked:

House File 879, a bill for an act relating to the regulation of snowmobiles and establishing fees.

Read first time and referred to committee on **Ways and Means.**

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 869.

House File 869

On motion of Senator Hahn, **House File 869**, a bill for an act relating to tax credits provided for purposes of acquiring agricultural assets by beginning farmers, and providing effective and applicability dates, with report of committee recommending passage, was taken up for consideration.

Senator Hahn offered amendment S–3205, filed by him from the floor to pages 1–4 of the bill, and moved its adoption.

Amendment S–3205 was adopted by a voice vote.

Senator Hahn moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 869), the vote was:

Yeas, 46:

Angelo	Fraise	Lamberti	Seymour
Beall	Gronstal	Larson	Shull
Behn	Hahn	McKibben	Stewart
Black	Hancock	McKinley	Tinsman
Boettger	Hatch	Miller	Ward
Bolkcom	Horn	Mulder	Warnstadt
Brunkhorst	Houser	Putney	Wieck
Connolly	Iverson	Quirmbach	Wood
Courtney	Johnson	Ragan	Zaun
Danielson	Kettering	Rielly	Zieman
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Kreiman	Seng	

Nays, 1:

Dearden

Absent, 3:

Gaskill	Lundby	McCoy

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 272** and **House File 869** be **immediately messaged** to the House.

The Senate stood at ease at 5:44 p.m. until the fall of the gavel.

The Senate resumed session at 6:18 p.m., President Kibbie 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 28, 2005, **passed** the following bill in which the concurrence of the House was asked:

Senate File 405, a bill for an act establishing an interior design examining board, providing for the registration of interior designers, and providing fees and penalties.

ALSO: That the House has on April 28, 2005, **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 809, a bill for an act relating to and making appropriations to the department of economic development, certain board of regents institutions, the department of workforce development, and the public employment relations board and related matters. (S–3210)

ALSO: That the House has on April 28, 2005, **amended and passed** the following bills in which the concurrence of the Senate is asked:

Senate File 200, a bill for an act relating to the administration of the department of agriculture and land stewardship, by providing for its powers and duties. (S–3208)

Senate File 341, a bill for an act relating to the long-term living system in Iowa including establishment of the intent for Iowa's long-term living system. (S–3206)

Senate File 343, a bill for an act relating to governmental services involving audit reports and the family investment program. (S–3207)

ALSO: That the House has on April 28, 2005, **passed** the following bills in which the concurrence of the Senate is asked:

House File 873, a bill for an act relating to recommendations of the education subcommittee of the governor's committee on local governance by providing for the development of a school sharing and efficiencies in operations process, the referral of certain issues to legislative standing committees for further review and consideration, and a study by the department of education concerning certain barriers to effective structure and delivery models that promote optimum student achievement.

Read first time and referred to committee on **Ways and Means.**

House File 876, a bill for an act relating to mental health, mental retardation, developmental disabilities, and brain injury service requirements and including an effective and applicability date.

Read first time and **passed on file.**

BUSINESS PENDING

Senate File 245

The Senate resumed consideration of **Senate File 245**, a bill for an act relating to a secondary school core curriculum, including requiring the state board of education to determine a model core curriculum and set a statewide core curriculum completion rate goal, requiring school districts to report student core curriculum progress annually, requiring school districts and schools to report core curriculum completion percentages annually, and providing for the coordination of an educational data definitions working group, and House amendment S–3196, previously deferred.

Senator Brunkhorst offered amendment S–3209, filed by him from the floor to page 1 of House amendment S–3196, and moved its adoption.

Amendment S–3209 was adopted by a voice vote.

Senator Brunkhorst 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 Brunkhorst 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. 245), the vote was:

Yeas, 46:

Angelo	Dvorsky	Lamberti	Seymour
Beall	Fraise	Larson	Shull
Behn	Gronstal	McKibben	Stewart
Black	Hahn	McKinley	Tinsman
Boettger	Hancock	Miller	Ward
Bolkcom	Hatch	Mulder	Warnstadt
Brunkhorst	Horn	Putney	Wieck
Connolly	Houser	Quirmbach	Wood
Courtney	Iverson	Ragan	Zaun
Danielson	Johnson	Rielly	Zieman
Dearden	Kettering	Schoenjahn	
Dotzler	Kibbie	Seng	

Nays, 1:

Kreiman

Absent, 3:

Gaskill	Lundby	McCoy

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 245** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 6:26 p.m. until 8:30 a.m., Friday, April 29, 2005.

APPENDIX — 2

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Larry Lewis, Oskaloosa—For becoming the fourth recipient of the Iowa Associations of Track Officials' Outstanding Service and Dedication as a Volunteer Meet Official award. Senator Rielly (4/28/05).

Reverend Jane Sheperd, Gowrie United Methodist Church—For being pastor of the day. Senator Beall (4/28/05).

REPORT OF COMMITTEE MEETING

WAYS AND MEANS

Convened: April 28, 2005, 1:05 p.m.

Members Present: Bolkcom and Zieman, Co-chairs; Danielson, Hahn, McKibben, McKinley, Quirmbach, Seng, Stewart, Wieck, and Zaun.

Members Absent: Connolly, Dotzler, Larson, McCoy, and Miller (all excused).

Committee Business: Subcommittee assignments.

Adjourned: 1:10 p.m.

STUDY BILL RECEIVED

SSB 1320 Ways and Means

Relating to property taxation by making changes relating to assessment of property and to city and county budget and taxation authority, creating an implementation task force, and providing effective and applicability dates.

SUBCOMMITTEE ASSIGNMENTS

House File 868

WAYS AND MEANS: Dotzler and McKinley, Co-chairs; Hahn and Stewart

SSB 1320

WAYS AND MEANS: Miller and Quirmbach, Co-chairs; Connolly and McKibben

MOTION TO RECONSIDER FILED

MR. PRESIDENT: I move to reconsider the vote by which amendment S–3201 to amendment S–3200 to House File 644 failed to be adopted by the Senate on April 28, 2005.

MAGGIE TINSMAN

AMENDMENTS FILED

S–3198	H.F.	619	Keith A. Kreiman
S–3199	H.F.	619	Bob Brunkhorst
			David Johnson
			Steve Kettering
			Jerry Behn
			Larry McKibben
			Jeff Angelo
			Paul McKinley
			John Putney
			Ron Wieck
			Pat Ward
			Dave Mulder
			Brad Zaun
			Hubert Houser
			James F. Hahn
S–3200	H.F.	644	State Government
S–3201	H.F.	644	Larry McKibben
S–3202	H.F.	774	Wally E. Horn
			Mary Lundby
S–3203	H.F.	619	David Miller
			Jerry Behn
S–3204	H.F.	834	Jeff Danielson
S–3205	H.F.	869	James F. Hahn
S–3206	S.F.	341	House

S–3207	S.F.	343	House
S–3208	S.F.	200	House
S–3209	S.F.	245	Bob Brunkhorst
S–3210	H.F.	809	House

PROCLAMATION FOR WORKERS' MEMORIAL DAY

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, every year tens of thousands of American workers are killed by workplace injuries and occupational disease; and

Whereas, tens of thousands more are permanently disabled; and

Whereas, millions are injured; and

Whereas, concerned Americans are determined to prevent these tragedies by:

- Organizing Workers' Memorial Day on April 28, a day chosen by the unions of the AFL-CIO as a day to remember these victims of workplace injuries and disease; and
- Renewing our efforts to seek stronger safety and health protections, better standards and enforcement, and fair and just compensation; and
- Rededicating ourselves to improving safety and health in every American workplace:

Now, Therefore, I, Thomas J. Vilsack, Governor of the State of Iowa, do hereby proclaim April 28, 2005, as

WORKERS' MEMORIAL DAY

In recognition of workers killed, injured, and disabled on the job in the State of Iowa.

(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 28th day of April in the year of our Lord two thousand five.

THOMAS J. VILSACK
Governor

Attest:

CHESTER J. CULVER
Secretary of State

MESSAGE FROM BYRON K. ORTON, LABOR COMMISSIONER

Mourn For The Dead
Fight For The Living

May this Workers' Memorial Day bring you peace and a renewed commitment to end the senseless pain and tragedy. Let us be ever mindful that the pain and tragedy does not end with the death of a worker. To the surviving loved ones, especially the beautiful children, you are always in our thoughts; you inspire and motivate us as we go about our daily work. God bless and comfort you.

A remembrance of those who lost their lives:

William Augustine
Bradley Berg
Doug Berkenpas
Ricky Blackburn
Jeffrey Bohr
Gene Boykin
Joseph Brannon
Robert Bruegge
Scott Bryant
Santiago Cano
Ben Carman
Jermaine Carpenter
Dustin Colby
Kevin Dahms
Daryl Davis
Bobby Derrickson
Michael Deutsch
Trace Dossett
Victor Duran
Jesus Escareno-Diaz
Ramon Leon Felix
Paul Fisher
Dale Flint
Philo Frey
Kurt Frosheiser
Bradley Gooden
David Hammond
Benny Jennings
Brian Johnson
James Kearney III
Merle Keim
James Kiehl
David Kirchhoff
Robert Kluzik
Joshua Knowles
Bradley Korthaus
Maurice Kunz
Stacey Kusel
Lee Lawrence
Joan Linder
Dale Loberg
Darren Long
Jarrod Maher
T. Wayne McCarty
Ryan McCauley
Joseph McNeil
Scott McVey
Robert Meeve
Matthew Molacek
Kenneth Nalley
James Pattman
Raul Perez-Rojas
Bruce Pollema
Kevin Pope
Duane Rice
Warren Risberg
Elio Rosales
Mark Sanderson
Jeremiah Savage
John Sidwell
Aaron Sissel
Nick Skinner
Bruce Smith
Michael Speer
Brandon Sturdy
Neal Voelkers

PROOF

STATE OF IOWA

Senate Journal

FRIDAY, APRIL 29, 2005

Printed daily by the State of Iowa during the sessions of the General Assembly. An official corrected copy is available for reference in the Secretary of the Senate's Office. (The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE SENATE

ONE HUNDRED TENTH CALENDAR DAY
SIXTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, April 29, 2005

The Senate met in regular session at 8:34 a.m., President Kibbie presiding.

Prayer was offered by the Honorable Maggie Tinsman, member of the Senate from Scott County, Davenport, Iowa.

The Journal of Thursday, April 28, 2005, was approved.

The Senate stood at ease at 8:44 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:38 a.m., President Kibbie presiding.

RECESS

On motion of Senator Behn, the Senate recessed at 9:39 a.m. until the completion of a meeting of the committee on Ways and Means.

RECONVENED

The Senate reconvened at 9:52 a.m., President Kibbie presiding.

CONSIDERATION OF RESOLUTIONS
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolutions 52, 51, and 48.

Senate Resolution 52

On motion of Senator Stewart, **Senate Resolution 52**, a resolution honoring the city of Clinton on its sesquicentennial, with report of committee recommending passage, was taken up for consideration.

Senator Stewart moved the adoption of Senate Resolution 52, which motion prevailed by a voice vote.

Senate Resolution 51

On motion of Senator Miller, **Senate Resolution 51**, a resolution recognizing May 1, 2005, as Law Day, with report of committee recommending passage, was taken up for consideration.

Senator Miller moved the adoption of Senate Resolution 51, which motion prevailed by a voice vote.

Senate Resolution 48

On motion of Senator Rielly, **Senate Resolution 48**, a resolution honoring Iowa's Amana Colonies on its sesquicentennial, with report of committee recommending passage, was taken up for consideration.

Senator Rielly moved the adoption of Senate Resolution 48, which motion prevailed by a voice vote.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator McCoy, for the day, on request of Senator Dearden; Senator Houser, until he arrives, on request of Senator Gaskill; Senator Lundby, until she arrives, on request of Senator Wieck; and Senator Putney, until he arrives, on request of Senator Angelo.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 837.

House File 837

On motion of Senator Johnson, **House File 837**, a bill for an act relating to state government financial matters concerning charter agencies, the state appeal board, and reinvention initiatives of the department of management, and making appropriations, 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. 837), the vote was:

Yeas, 46:

Angelo	Dvorsky	Kreiman	Seymour
Beall	Fraise	Lamberti	Shull
Behn	Gaskill	Larson	Stewart
Black	Gronstal	McKibben	Tinsman
Boettger	Hahn	McKinley	Ward
Bolkcom	Hancock	Miller	Warnstadt
Brunkhorst	Hatch	Mulder	Wieck
Connolly	Horn	Quirmbach	Wood
Courtney	Iverson	Ragan	Zaun
Danielson	Johnson	Rielly	Zieman
Dearden	Kettering	Schoenjahn	
Dotzler	Kibbie	Seng	

Nays, none.

Absent, 4:

Houser	Lundby	McCoy	Putney

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 Johnson asked and received unanimous consent to take up for consideration House Files 859 and 801.

House File 859

On motion of Senator Miller, **House File 859**, a bill for an act relating to the establishment of a form of business association referred to as a cooperative, and providing for fees and tax credits, providing 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. 859), the vote was:

Yeas, 45:

Angelo	Dvorsky	Kreiman	Seymour
Beall	Fraise	Lamberti	Shull
Behn	Gaskill	Larson	Stewart
Black	Gronstal	McKibben	Ward
Boettger	Hahn	McKinley	Warnstadt
Bolkcom	Hancock	Miller	Wieck
Brunkhorst	Hatch	Mulder	Wood
Connolly	Horn	Quirmbach	Zaun
Courtney	Iverson	Ragan	Zieman
Danielson	Johnson	Rielly	
Dearden	Kettering	Schoenjahn	
Dotzler	Kibbie	Seng	

Nays, 1:

Tinsman

Absent, 4:

Houser	Lundby	McCoy	Putney

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 801

On motion of Senator Wieck, **House File 801**, a bill for an act providing a deduction in computing the individual income tax for certain unreimbursed expenses relating to a human organ transplant

and including a retroactive applicability date, 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. 801), the vote was:

Yeas, 46:

Angelo	Dvorsky	Kreiman	Seymour
Beall	Fraise	Lamberti	Shull
Behn	Gaskill	Larson	Stewart
Black	Gronstal	McKibben	Tinsman
Boettger	Hahn	McKinley	Ward
Bolkcom	Hancock	Miller	Warnstadt
Brunkhorst	Hatch	Mulder	Wieck
Connolly	Horn	Quirmbach	Wood
Courtney	Iverson	Ragan	Zaun
Danielson	Johnson	Rielly	Zieman
Dearden	Kettering	Schoenjahn	
Dotzler	Kibbie	Seng	

Nays, none.

Absent, 4:

Houser	Lundby	McCoy	Putney

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 10:22 a.m. until 11:30 a.m.

RECONVENED

The Senate reconvened at 11:47 a.m., President Kibbie presiding.

HOUSE AMENDMENT CONSIDERED

Senate File 341

Senator Seymour called up for consideration **Senate File 341**, a bill for an act relating to the long-term living system in Iowa including establishment of the intent for Iowa's long-term living system, amended by the House in House amendment S–3206, filed April 28, 2005.

Senator Bolkcom asked and received unanimous consent that action on House amendment S–3206 and **Senate File 341** be **deferred**.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Stewart, for the remainder of the day, on request of Senator Bolkcom; and Senator Gaskill, until he returns, on request of Senator Behn.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 834.

House File 834

On motion of Senator Danielson, **House File 834**, a bill for an act relating to persons commercially cleaning toilet units and private sewage disposal facilities by providing regulations, fees, and civil penalties, and making appropriations, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Danielson offered amendment S–3181, filed by the committee on Ways and Means on April 26, 2005, to page 2 of the bill.

Senator Danielson offered amendment S–3204, filed by him on April 28, 2005, to page 1 of amendment S–3181, and moved its adoption.

Amendment S–3204 was adopted by a voice vote.

Senator Danielson moved the adoption of amendment S–3181, as amended, which motion prevailed by a voice vote.

Senator Danielson moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 834), the vote was:

Yeas, 46:

Angelo	Dvorsky	Kreiman	Seng
Beall	Fraise	Lamberti	Seymour
Behn	Gronstal	Larson	Shull
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirmbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	

Nays, none.

Absent, 4:

Gaskill	Lundby	McCoy	Stewart

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 870.

House File 870

On motion of Senator Wieck, **House File 870**, a bill for an act relating to the applicability of motor vehicle financial responsibility provisions to special mobile equipment and providing an effective

date, 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. 870), the vote was:

Yeas, 46:

Angelo	Dvorsky	Kreiman	Seng
Beall	Fraise	Lamberti	Seymour
Behn	Gronstal	Larson	Shull
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirmbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	

Nays, none.

Absent, 4:

Gaskill	Lundby	McCoy	Stewart

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 411** be **withdrawn** from further consideration of the Senate.

HOUSE AMENDMENT CONSIDERED

Senate File 343

Senator Behn called up for consideration **Senate File 343**, a bill for an act relating to governmental services involving audit reports and the family investment program, amended by the House in House amendment S–3207, filed April 28, 2005.

Senator Behn 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 Behn moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 343), the vote was:

Yeas, 46:

Angelo	Dvorsky	Kreiman	Seng
Beall	Fraise	Lamberti	Seymour
Behn	Gronstal	Larson	Shull
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirmbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	

Nays, none.

Absent, 4:

Gaskill	Lundby	McCoy	Stewart

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 862.

House File 862

On motion of Senator Bolkcom, **House File 862**, a bill for an act relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Bolkcom offered amendment S–3192, filed by the committee on Appropriations on April 27, 2005, to pages 5, 6, and 8 of the bill.

Senator Bolkcom offered amendment S–3213, filed by him from the floor to page 1 of amendment S–3192, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 25, nays 21.

Amendment S–3213 was adopted.

Senator Bolkcom offered amendment S–3211, filed by Senator Bolkcom, et al., from the floor to pages 1 and 6 of amendment S–3192, and moved its adoption.

Amendment S–3211 was adopted by a voice vote.

Senator Quirmbach asked and received unanimous consent to withdraw amendment S–3214 filed by Senator Quirmbach, et al., from the floor, to page 1 of the bill.

Senator Bolkcom moved the adoption of amendment S–3192, as amended, which motion prevailed by a voice vote.

Senator Bolkcom moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (H.F. 862), the vote was:

Yeas, 38:

Angelo	Dvorsky	Kibbie	Seng
Beall	Fraise	Kreiman	Seymour
Black	Gronstal	Lamberti	Shull
Boettger	Hahn	Larson	Tinsman
Bolkcom	Hancock	McKibben	Ward
Connolly	Hatch	Putney	Warnstadt
Courtney	Horn	Quirmbach	Wood
Danielson	Houser	Ragan	Zieman
Dearden	Iverson	Rielly	
Dotzler	Johnson	Schoenjahn	

Nays, 8:

Behn	Kettering	Miller	Wieck
Brunkhorst	McKinley	Mulder	Zaun

Absent, 4:

Gaskill	Lundby	McCoy	Stewart

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

The Senate stood at ease at 12:55 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 1:40 p.m., President Kibbie presiding.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 1:41 p.m. until 10:00 a.m., Monday, May 2, 2005.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

BUSINESS AND LABOR RELATIONS

Convened: April 29, 2005, 11:15 a.m.

Members Present: Dearden and Wieck, Co-chairs; Behn, Courtney, Dotzler, Horn, McKibben, Seng, Seymour, and Shull.

Members Absent: None.

Committee Business: Passed SF 415.

Adjourned: 11:30 a.m.

WAYS AND MEANS

Convened: April 29, 2005, 9:40 a.m.

Members Present: Bolkcom and Zieman, Co-chairs; Connolly, Danielson, Dotzler, Hahn, Larson, McKibben, McKinley, Miller, Quirmbach, Seng, Stewart, Wieck, and Zaun.

Members Absent: McCoy (excused).

Committee Business: Subcommittee assignments.

Adjourned: 9:45 a.m.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 15, by Black, Behn, Gronstal, Connolly, and Iverson, a concurrent resolution expressing the State of Iowa's appreciation of its strong relations with the Republic of China on Taiwan and urging the establishment of an Iowa presence in the Republic of China on Taiwan.

Read first time under Rule 28 and referred to committee on **Rules and Administration.**

INTRODUCTION OF BILL

Senate File 415, by Gronstal and Iverson, a bill for an act relating to the direct deposit of wages paid by an employer, requiring a regular payday statement, and making a civil penalty applicable.

Read first time under Rule 28 and referred to committee on **Business and Labor Relations.**

SUBCOMMITTEE ASSIGNMENTS

Senate Concurrent Resolution 15

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

Senate File 415

BUSINESS AND LABOR RELATIONS: Dearden and Wieck, Co-chairs; Seng and Seymour

House File 873

WAYS AND MEANS: Connolly and McKinley, Co-chairs; Danielson and Zieman

House File 876

WAYS AND MEANS: Bolkcom and Larson, Co-chairs; Connolly and McKibben

House File 879

WAYS AND MEANS: Dotzler and Hahn, Co-chairs; Miller and Seng

House File 880

WAYS AND MEANS: Stewart and Zaun, Co-chairs; Hahn and McCoy

FINAL COMMITTEE REPORT OF BILL ACTION

BUSINESS AND LABOR RELATIONS

Bill Title: SENATE FILE 415, a bill for an act relating to the direct deposit of wages paid by an employer, requiring a regular payday statement, and making a civil penalty applicable.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Dearden, Wieck, Behn, Dotzler, Horn, McKibben, Seng, Seymour, and Shull. Nays, 1: Courtney. 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 862 passed the Senate on April 29, 2005.

JOE BOLKCOM

BILL ASSIGNED TO COMMITTEE

President Kibbie announced that **House File 876** was assigned to the committee on **Ways and Means.**

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 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 April, 2005:

Senate File 313.

MICHAEL E. MARSHALL
Secretary of the Senate

AMENDMENTS FILED

S–3211	H.F.	862	Joe Bolkcom
			James A. Seymour
			Jeff Angelo
			Robert E. Dvorsky
S–3212	H.F.	810	Michael Connolly
S–3213	H.F.	862	Joe Bolkcom
S–3214	H.F.	862	Herman C. Quirmbach
			Tom Rielly
			Jeff Danielson
			Joe Bolkcom
			William A. Dotzler, Jr.
S–3215	H.F.	833	Charles W. Larson, Jr.
S–3216	H.F.	807	Stewart E. Iverson, Jr.

PROOF

STATE OF IOWA

Senate Journal

MONDAY, MAY 2, 2005

Printed daily by the State of Iowa during the sessions of the General Assembly. An official corrected copy is available for reference in the Secretary of the Senate's Office. (The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE SENATE

ONE HUNDRED THIRTEENTH CALENDAR DAY
SIXTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, May 2, 2005

The Senate met in regular session at 10:07 a.m., President Lamberti presiding.

Prayer was offered by the Honorable Dave Mulder, member of the Senate from Sioux County, Sioux Center, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Senate pages.

The Journal of Friday, April 29, 2005, 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 29, 2005, **concurred** in the Senate amendment and **passed** the following bills in which the concurrence of the House was asked:

House File 805, a bill for an act relating to agricultural production including animal feeding operations, by providing for the regulation of open feedlot operations, and agricultural production liens, and providing for penalties.

House File 857, a bill for an act relating to eligible housing businesses under the enterprise zone program.

ALSO: That the House has on April 29, 2005, **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 245, a bill for an act relating to a secondary school core curriculum, including requiring the state board of education to determine a model core curriculum and set a statewide core curriculum completion rate goal, requiring school districts to develop a core curriculum plan for eighth grade students and to report student core curriculum progress annually, requiring school districts and schools to report core curriculum completion percentages annually, and providing for the coordination of an educational data definitions working group.

ALSO: That the House has on April 29, 2005, **amended and passed** the following bill in which the concurrence of the House was asked:

Senate File 413, a bill for an act relating to sales and use tax changes, excise taxes on rental of rooms and sleeping quarters, and the sale and use of construction equipment, and including an effective and retroactive applicability date provision. (S–3218)

ALSO: That the House has on April 29, 2005, **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 869, a bill for an act relating to tax credits provided for purposes of acquiring agricultural assets by beginning farmers, and providing effective and applicability dates. (S–3217)

ALSO: That the House has on April 29, 2005, **passed** the following bills in which the concurrence of the Senate is asked:

House File 861, a bill for an act relating to the provision of telecommunications services through a telecommunications system owned or operated by a city, city utility, combined city utility, city enterprise, or combined city enterprise, and providing an effective date.

Read first time and referred to committee on **Ways and Means.**

House File 881, a bill for an act relating to the compensation and benefits for public officials and employees and members of the general assembly, providing for related matters, making appropriations, and including effective and retroactive applicability date provisions.

Read first time and referred to committee on **Appropriations.**

House File 882, a bill for an act making, reducing, and transferring appropriations, providing for fees, and providing for properly related matters and including effective and retroactive applicability date provisions.

Read first time and referred to committee on **Appropriations.**

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Lundby, until she arrives, on request of Senator Wieck.

The Senate stood at ease at 10:14 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:48 a.m., President Lamberti presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Angelo and Larson, until they arrive, on request of Senator Iverson.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 856.

House File 856

On motion of Senator Dotzler, **House File 856**, a bill for an act providing a sales and use tax exemption for certain nonprofit organizations that build or repair low-income dwellings, 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. 856), the vote was:

Yeas, 48:

Beall	Fraise	Kreiman	Schoenjahn
Behn	Gaskill	Lamberti	Seng
Black	Gronstal	Lundby	Seymour
Boettger	Hahn	McCoy	Shull
Bolkcom	Hancock	McKibben	Stewart
Brunkhorst	Hatch	McKinley	Tinsman
Connolly	Horn	Miller	Ward
Courtney	Houser	Mulder	Warnstadt
Danielson	Iverson	Putney	Wieck
Dearden	Johnson	Quirmbach	Wood
Dotzler	Kettering	Ragan	Zaun
Dvorsky	Kibbie	Rielly	Zieman

Nays, none.

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 Gronstal asked and received unanimous consent that **Senate File 343** and **House Files 834**, **837**, **856**, **859**, and **870** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 11:56 a.m. until 2:30 p.m.

AFTERNOON SESSION

The Senate reconvened at 3:27 p.m., President Lamberti presiding.

SPECIAL GUESTS

Senators Boettger and Beall introduced five leaders of the Kaduna State Assembly, Nigeria, Africa: Bashir Usman Zubairu, Audu Emannuel Maisango, Mohammad Mahmood Abubakar, Patrick Stephen Mangari, and Mohammed Auwal Mohammed.

The Senate rose and expressed its welcome.

MOTION TO RECONSIDER WITHDRAWN

House File 862

Senator Bolkcom withdrew the motion to reconsider **House File 862**, a bill for an act relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund, filed by him on April 29, 2005, found on page 1090 of the Senate Journal.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Files 801** and **862** be **immediately messaged** to the House.

UNFINISHED BUSINESS
(Deferred April 27, 2005)

House File 619

The Senate resumed consideration of **House File 619**, a bill for an act relating to persons convicted of criminal offenses requiring registration on the sex offender registry or requiring an additional indeterminate sentence, establishing a sex offender registry database task force, and providing penalties, deferred April 27, 2005.

Senator Dvorsky offered amendment S–3185, filed by Senator Dvorsky, et al., on April 27, 2005, striking and replacing everything after the enacting clause of the bill.

Senator Kreiman offered amendment S–3198, filed by him on April 28, 2005, to pages 1–22 and to the title provisions of amendment S–3185.

Senator Miller asked and received unanimous consent that action on amendment S–3198 to S–3185 and **House File 619** be **deferred.**

UNFINISHED BUSINESS
(Deferred April 14, 2005)

House File 774

The Senate resumed consideration of **House File 774**, a bill for an act relating to the petition and vote requirements for increasing or reducing board of supervisors membership in certain counties, deferred April 14, 2005.

Senator Lundby asked and received unanimous consent to withdraw amendment S–3202, filed by Senators Horn and Lundby on April 28, 2005, to page 1 of the bill.

Senator Quirmbach moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 774), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 774** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 4:25 p.m. until 8:30 a.m., Tuesday, May 3, 2005.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Bettendorf High School Football Team—For winning the 2004 4A Championship. Senator Tinsman (5/2/05).

Bettendorf High School Golf Team—For winning the 2004 4A Championship. Senator Tinsman (5/2/05).

Bettendorf High School Soccer Team—For winning the 2004 2A Championship. Senator Tinsman (5/2/05).

Jenna Caffrey, Burlington—For being a member of the high school shuttle hurdle relay team winning 1st place at the Drake Relays with a time of 1:00.96, which is the second fastest in Iowa history. Senator Courtney (5/2/05).

Tiffany Hendricks, Burlington—For being a member of the high school shuttle hurdle relay team winning 1st place at the Drake Relays with a time of 1:00.96, which is the second fastest in Iowa history. Senator Courtney (5/2/05).

Kurt Kruger, Sheldon—For achieving the rank of Eagle Scout, Boy Scout Troop 155. Senator Johnson (5/2/05).

Joanne Lueken, Dubuque—For receiving the 2005 Dubuque Community School District Team Award. Senator Connolly (5/2/05).

James Pitcher, Coralville—For achieving the rank of Eagle Scout, Boy Scout Troop 207. Senator Dvorsky (5/2/05).

Natalie Sandard, Burlington—For being a member of the high school shuttle hurdle relay team winning 1st place at the Drake Relays with a time of 1:00.96, which is the second fastest in Iowa history. Senator Courtney (5/2/05).

Judy Schmidt, Dubuque—For receiving the 2005 Teacher of the Year Award for the Dubuque Community School District. Senator Connolly (5/2/05).

Kelsey Smith, Burlington—For being a member of the high school shuttle hurdle relay team winning 1st place at the Drake Relays with a time of 1:00.96, which is the second fastest in Iowa history. Senator Courtney (5/2/05).

Mr. and Mrs. Don and Mary Steinkamp, Madrid—For celebrating your 50th wedding anniversary. Senator Quirmbach (5/2/05).

Bradley Youngs, Sheldon—For achieving the rank of Eagle Scout, Boy Scout Troop 155. Senator Johnson (5/2/05).

INTRODUCTION OF RESOLUTION

Senate Resolution 53, by Gaskill, a resolution honoring the city of Corwith on its quasquicentennial.

Read first time under Rule 28 and referred to committee on **Rules and Administration.**

SUBCOMMITTEE ASSIGNMENTS

House File 875

APPROPRIATIONS: Kettering and Warnstadt, Co-chairs; Angelo and Dvorsky

House File 881

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs; Connolly and Gaskill

House File 882

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs; Lamberti and Warnstadt

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 2nd day of May, 2005:

Senate Files 210, 375, 403, and 405.

MICHAEL E. MARSHALL
Secretary of the Senate

AMENDMENTS FILED

S–3217	H.F.	869	House
S–3218	S.F.	413	House
S–3219	H.F.	619	Larry McKibben Jeff Lamberti Jerry Behn Jeff Angelo James A. Seymour Paul McKinley

			John Putney
			Nancy J. Boettger
			Ron Wieck
			Pat Ward
			Bob Brunkhorst
			Steve Kettering
			James F. Hahn
			Hubert Houser
			Stewart E. Iverson, Jr.
S–3220	H.F.	729	Jack Hatch
S–3221	H.F.	619	Larry McKibben
S–3222	H.F.	619	David Miller
			Jerry Behn
S–3223	H.F.	807	Robert E. Dvorsky
			Jeff Angelo
S–3224	S.F.	200	John Putney

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, MAY 3, 2005

Printed daily by the State of Iowa during the sessions of the General Assembly. An official corrected copy is available for reference in the Secretary of the Senate's Office. (The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE SENATE

ONE HUNDRED FOURTEENTH CALENDAR DAY
SIXTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, May 3, 2005

The Senate met in regular session at 8:42 a.m., President Lamberti presiding.

Prayer was offered by Dr. Tom Clegg, vice president of Church Resource Ministries, Urbandale, Iowa. He was the guest of Senator Zaun.

The Journal of Monday, May 2, 2005, was approved.

INTRODUCTION OF RESOLUTIONS

Senate Concurrent Resolution 16, by Boettger, Beall, Black, Fraise, Johnson, Tinsman, Behn, Gronstal, Connolly, and Iverson, a concurrent resolution expressing the State of Iowa's appreciation of its strong relations with the Republic of China on Taiwan and urging the establishment of an Iowa presence in the Republic of China on Taiwan.

Read first time and referred to committee on **Rules and Administration.**

Senate Resolution 54, by Iverson and Gronstal, a resolution honoring Charles F. Wasker for 50 years of dedicated service to his clients, to the legislative process, and to the State of Iowa.

Read first time and referred to committee on **Rules and Administration.**

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:25 a.m. until the completion of a meeting of the committee on Appropriations.

AFTERNOON SESSION

The Senate reconvened at 2:24 p.m., President Lamberti presiding.

QUORUM CALL

Senator Courtney requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 39 present, 11 absent, and a quorum present.

RECESS

On motion of Senator Gronstal, the Senate recessed at 2:30 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 2:40 p.m., President Lamberti presiding.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 54, a resolution honoring Charles F. Wasker for 50 years of dedicated service to his clients, to the legislative process, and to the State of Iowa.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Gronstal, Iverson, Angelo, Boettger, Courtney, Dvorsky, Hahn, Lamberti, and Ragan. Nays, none. Absent, 1: Kibbie.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 54.

Senate Resolution 54

On motion of Senator Iverson, **Senate Resolution 54**, a resolution honoring Charles F. Wasker for 50 years of dedicated service to his clients, to the legislative process, and to the State of Iowa, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved the adoption of Senate Resolution 54, which motion prevailed by a voice vote.

SPECIAL GUEST

Senator Iverson welcomed Charlie Wasker to the Senate chamber. Mr. Wasker addressed the Senate with brief remarks.

The Senate rose and expressed its appreciation of Mr. Wasker's many years of service to the legislative process in the State of Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Lundby, until she returns, on request of Senator Iverson.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 809

Senator Dotzler called up for consideration **House File 809**, a bill for an act relating to and making appropriations to the department of economic development, certain board of regents institutions, the department of workforce development, and the public employment relations board and related matters, amended by the Senate and further amended by the House in House amendment S–3210 to Senate amendment H–1544, filed April 28, 2005.

Senator Dotzler moved that the Senate concur in the House amendment to the Senate amendment.

A record roll call was requested.

On the question "Shall the motion to concur be adopted?" (H.F. 809), the vote was:

Yeas, 32:

Beall	Dvorsky	Kreiman	Schoenjahn
Black	Fraise	Lamberti	Seng
Bolkcom	Gaskill	McCoy	Seymour
Brunkhorst	Gronstal	Mulder	Stewart
Connolly	Hancock	Putney	Tinsman
Courtney	Hatch	Quirmbach	Ward
Danielson	Horn	Ragan	Warnstadt
Dotzler	Kibbie	Rielly	Wood

Nays, 17:

Angelo	Houser	McKibben	Zaun
Behn	Iverson	McKinley	Zieman
Boettger	Johnson	Miller	
Dearden	Kettering	Shull	
Hahn	Larson	Wieck	

Absent, 1:

Lundby

The motion prevailed and the Senate **concurred** in the House amendment to the Senate amendment.

Senator Dotzler 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. 809), the vote was:

Yeas, 31:

Beall	Dvorsky	Lamberti	Seng
Black	Fraise	McCoy	Seymour
Bolkcom	Gaskill	Mulder	Stewart
Brunkhorst	Gronstal	Putney	Tinsman
Connolly	Hancock	Quirmbach	Ward
Courtney	Hatch	Ragan	Warnstadt
Danielson	Horn	Rielly	Wood
Dotzler	Kibbie	Schoenjahn	

Nays, 18:

Angelo	Houser	Larson	Wieck
Behn	Iverson	McKibben	Zaun
Boettger	Johnson	McKinley	Zieman
Dearden	Kettering	Miller	
Hahn	Kreiman	Shull	

Absent, 1:

Lundby

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 Gronstal asked and received unanimous consent to take up for consideration House File 808.

House File 808

On motion of Senator Seng, **House File 808**, a bill for an act relating to and making appropriations involving state government, including provisions affecting agriculture and natural resources, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Seng offered amendment S–3092, filed by the committee on Appropriations on April 6, 2005, to pages 1–4 of the bill, and moved its adoption.

Amendment S–3092 was adopted by a voice vote.

Senator Seng offered amendment S–3225, filed by Senator Seng, et al., from the floor to pages 3 and 7 and to the title page of the bill, and moved its adoption.

Amendment S–3225 was adopted by a voice vote.

Senator Iverson offered amendment S–3231, filed by Senators Iverson and Gronstal from the floor to page 7 and to the title page of the bill, and moved its adoption.

Amendment S–3231 was adopted by a voice vote.

Senator Johnson asked to withdraw amendment S–3232 filed by him from the floor to page 7 and to the title page of the bill.

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. 808), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kibbie	Rielly
Beall	Fraise	Lamberti	Schoenjahn
Behn	Gaskill	Larson	Seng
Black	Gronstal	Lundby	Seymour
Boettger	Hahn	McCoy	Shull
Bolkcom	Hancock	McKibben	Stewart
Brunkhorst	Hatch	McKinley	Tinsman
Connolly	Horn	Miller	Ward
Courtney	Houser	Mulder	Warnstadt
Danielson	Iverson	Putney	Wieck
Dearden	Johnson	Quirmbach	Wood
Dotzler	Kettering	Ragan	Zieman

Nays, 2:

Kreiman Zaun

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 53, a resolution honoring the city of Corwith on its quasquicentennial.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Gronstal, Iverson, Angelo, Boettger, Courtney, Dvorsky, Hahn, Lamberti, and Ragan. Nays, none. Absent, 1: Kibbie.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 53.

Senate Resolution 53

On motion of Senator Gaskill, **Senate Resolution 53**, a resolution honoring the city of Corwith on its quasquicentennial, with report of committee recommending passage, was taken up for consideration.

Senator Gaskill moved the adoption of Senate Resolution 53, which motion prevailed by a voice vote.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 415.

Senate File 415

On motion of Senator Dearden, **Senate File 415**, a bill for an act relating to the direct deposit of wages paid by an employer, requiring a regular payday statement, and making a civil penalty applicable, with report of committee recommending passage, was taken up for consideration.

Senator Dotzler offered amendment S–3237, 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–3237 was adopted by a voice vote.

Senator Dearden moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 415), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 711.

House File 711

On motion of Senator Ward, **House File 711**, a bill for an act relating to judicial branch procedures involving the appointment process of certain officers and judges and applications for further review at the appellate level, and providing for temporary delays in filling judgeships, with report of committee recommending passage, was taken up for consideration.

Senator Kreiman offered amendment S–3239, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S–3239 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. 711), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 415** and **House File 711** be **immediately messaged** to the House.

UNFINISHED BUSINESS
(Deferred May 2, 2005)

House File 619

The Senate resumed consideration of **House File 619**, a bill for an act relating to persons convicted of criminal offenses requiring registration on the sex offender registry or requiring an additional indeterminate sentence, establishing a sex offender registry database task force, and providing penalties, and amendment S–3185, deferred May 2, 2005. (Amendment S–3198 to amendment S–3185 pending.)

Senator Dvorsky asked and received unanimous consent to withdraw amendment S–3185.

With the withdrawal of amendment S–3185, the Chair ruled the following amendments out of order:

S–3198, previously deferred;
S–3229, filed by Senators Larson and Kreiman from the floor, to pages 1–22 and to the title provisions of amendment S–3185;
S–3187, filed by Senator Dvorsky on April 27, 2005, to page 12 of amendment S–3185;
S–3199, filed by Senator Brunkhorst, et al., on April 28, 2005, to page 13 of amendment S–3185; and
S–3203, filed by Senators Miller and Behn on April 28, 2005, to pages 13 and 14 of amendment S–3185.

Senator McKibben asked and received unanimous consent to withdraw amendment S–3219, filed by Senator McKibben, et al., on May 2, 2005, striking and replacing everything after the enacting clause and to the title page of the bill.

With the withdrawal of amendment S–3219, the Chair ruled amendment S–3221, filed by Senator McKibben on May 2, 2005, to pages 1–37 and to the title provisions of amendment S–3219, out of order.

Senator Dvorsky offered amendment S–3238, filed by Senator Dvorsky, et al., from the floor striking and replacing everything after the enacting clause and to the title page of the bill.

Senator Brunkhorst asked and received unanimous consent that action on amendment S–3238 and **House File 619** be **deferred.**

The Senate stood at ease at 5:24 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 6:11 p.m., President Lamberti presiding.

BUSINESS PENDING

House File 619

The Senate resumed consideration of **House File 619**, a bill for an act relating to persons convicted of criminal offenses requiring registration on the sex offender registry or requiring an additional indeterminate sentence, establishing a sex offender registry database task force, and providing penalties, and amendment S–3238, previously deferred.

Senator Brunkhorst offered amendment S–3242, filed by Senators Brunkhorst and Zaun from the floor to page 12 of amendment S–3238, and moved its adoption.

Amendment S–3242 was adopted by a voice vote.

Senator Dvorsky moved the adoption of amendment S–3238, as amended, which motion prevailed by a voice vote.

With the adoption of amendment S–3238, the Chair ruled the following amendments out of order:

S–3174, filed by Senator McKibben, et al., on April 26, 2005, to pages 1 and 11 and to the title page of the bill; and
S–3222, filed by Senators Miller and Behn on May 2, 2005, to pages 1 and 5 of the bill.

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. 619), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck

Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 619** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 6:20 p.m. until 8:30 a.m., Wednesday, May 4, 2005.

APPENDIX

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

David "Duke" Egli, Fort Dodge—For becoming the state champion in the Iowa Kids AAU State Folkstyle Wrestling Championships in the 90-pound class for third and fourth graders. Senator Beall (5/3/05).

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:

IOWA RACING AND GAMING COMMISSION

FY 2004 Annual Report. Report received on May 2, 2005.

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: May 3, 2005, 1:40 p.m.

Members Present: Angelo and Dvorsky, Co-chairs; Black, Boettger, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Johnson, Kettering, Lamberti, Miller, Putney, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, Ward, and Warnstadt.

Members Absent: None.

Committee Business: Passed HFs 811, 816, 825, 841, 875, 881, and 882.

Recessed: 1:45 p.m.

Reconvened: 1:50 p.m.

Adjourned: 2:00 p.m.

RULES AND ADMINISTRATION

Convened: May 3, 2005, 2:30 p.m.

Members Present: Gronstal and Iverson, Co-chairs; Angelo, Boettger, Courtney, Dvorsky, Hahn, Lamberti, and Ragan.

Members Absent: Kibbie (excused).

Committee Business: Passed SCR 16 and SRs 53 and 54.

Adjourned: 2:35 p.m.

SUBCOMMITTEE ASSIGNMENTS

Senate Resolution 53

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

House File 861

WAYS AND MEANS: Bolkcom and Wieck, Co-chairs; Danielson and Miller

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: HOUSE FILE 811, a bill for an act relating to and making appropriations to the justice system and providing an effective date.

Recommendation: WITHOUT RECOMMENDATION.

Final Vote: Ayes, 24: Angelo, Dvorsky, Black, Boettger, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Johnson, Kettering, Lamberti, Miller, Putney, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, Ward, and Warnstadt. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 816, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of cultural affairs, the department of education, and the state board of regents and providing an effective date.

Recommendation: WITHOUT RECOMMENDATION.

Final Vote: Ayes, 24: Angelo, Dvorsky, Black, Boettger, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Johnson, Kettering, Lamberti, Miller, Putney, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, Ward, and Warnstadt. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 825, a bill for an act relating to and making appropriations to the department of human services, the department of elder affairs, the Iowa department of public health, the commission of veterans affairs and the Iowa veterans home, and the department of inspections and appeals, providing for fee increases, and including other related provisions and appropriations, and providing effective dates.

Recommendation: WITHOUT RECOMMENDATION.

Final Vote: Ayes, 24: Angelo, Dvorsky, Black, Boettger, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Johnson, Kettering, Lamberti, Miller, Putney, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, Ward, and Warnstadt. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 841, a bill for an act relating to health care reform, including provisions relating to the medical assistance program, providing appropriations, providing effective dates, and providing for retroactive applicability.

Recommendation: WITHOUT RECOMMENDATION.

Final Vote: Ayes, 24: Angelo, Dvorsky, Black, Boettger, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Johnson, Kettering, Lamberti, Miller, Putney, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, Ward, and Warnstadt. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 875, 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, vertical infrastructure fund, general fund of the state, and related matters, and including effective and retroactive applicability date provisions.

Recommendation: WITHOUT RECOMMENDATION.

Final Vote: Ayes, 24: Angelo, Dvorsky, Black, Boettger, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Johnson, Kettering, Lamberti, Miller, Putney, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, Ward, and Warnstadt. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 881, a bill for an act relating to the compensation and benefits for public officials and employees and members of the general assembly, providing for related matters, making appropriations, and including effective and retroactive applicability date provisions.

Recommendation: WITHOUT RECOMMENDATION.

Final Vote: Ayes, 24: Angelo, Dvorsky, Black, Boettger, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Johnson, Kettering, Lamberti, Miller, Putney, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, Ward, and Warnstadt. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 882, a bill for an act making, reducing, and transferring appropriations, providing for fees, and providing for properly related matters and including effective and retroactive applicability date provisions.

Recommendation: WITHOUT RECOMMENDATION.

Final Vote: Ayes, 24: Angelo, Dvorsky, Black, Boettger, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Johnson, Kettering, Lamberti, Miller, Putney, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, Ward, and Warnstadt. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RULES AND ADMINISTRATION

Bill Title: SENATE CONCURRENT RESOLUTION 16, a concurrent resolution expressing the State of Iowa's appreciation of its strong relations with the Republic of China on Taiwan and urging the establishment of an Iowa presence in the Republic of China on Taiwan.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Gronstal, Iverson, Angelo, Boettger, Courtney, Dvorsky, Hahn, Lamberti, and Ragan. Nays, none. Absent, 1: Kibbie.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

MOTIONS TO RECONSIDER FILED

MR. PRESIDENT: I move to reconsider the votes by which House Files 808 and 809 passed the Senate on May 3, 2005.

MICHAEL E. GRONSTAL

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 3rd day of May, 2005:

Senate Files 78, 350, 395, and 404.

MICHAEL E. MARSHALL
Secretary of the Senate

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on May 3, 2005, the Governor approved and transmitted to the Secretary of State the following bill:

S.F. 313 – Relating to traffic citations issued for school bus warning device and railroad crossing violations.

AMENDMENTS FILED

S–3225	H.F.	808	Joe M. Seng
			Jeff Angelo
			Robert E. Dvorsky
			E. Thurman Gaskill
S–3226	S.F.	413	Michael Connolly
S–3227	H.F.	807	Jeff Lamberti
S–3228	H.F.	810	Jeff Angelo
			Robert E. Dvorsky
S–3229	H.F.	619	Charles W. Larson, Jr.
			Keith A. Kreiman
S–3230	S.F.	414	Jeff Danielson
S–3231	H.F.	808	Stewart E. Iverson, Jr.
			Michael E. Gronstal
S–3232	H.F.	808	David Johnson
S–3233	H.F.	810	Jeff Angelo
			Robert E. Dvorsky
S–3234	H.F.	881	Bob Brunkhorst
S–3235	H.F.	882	Herman C. Quirmbach
			Doug Shull

			Keith A. Kreiman
			Hubert Houser
			Jeff Danielson
			Ron Wieck
S–3236	H.F.	810	Roger Stewart
			John Putney
			Robert E. Dvorsky
			Jeff Angelo
S–3237	S.F.	415	William A. Dotzler, Jr.
S–3238	H.F.	619	Robert E. Dvorsky
			Charles W. Larson, Jr.
			Nancy J. Boettger
			Gene Fraise
			Wally E. Horn
			Larry McKibben
			Keith A. Kreiman
			David Miller
S–3239	H.F.	711	Keith A. Kreiman
S–3240	S.F.	413	Michael Connolly
			Mark Zieman
S–3241	S.F.	414	Jeff Danielson
S–3242	H.F.	619	Bob Brunkhorst
			Brad Zaun

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, MAY 4, 2005

Printed daily by the State of Iowa during the sessions of the General Assembly. An official corrected copy is available for reference in the Secretary of the Senate's Office. (The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE SENATE

ONE HUNDRED FIFTEENTH CALENDAR DAY
SIXTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, May 4, 2005

The Senate met in regular session at 8:42 a.m., President Lamberti presiding.

Prayer was offered by the Honorable David Johnson, member of the Senate from Osceola County, Ocheyedan, Iowa, and the Honorable Doug Shull, member of the Senate from Warren County, Indianola, Iowa.

The Journal of Tuesday, May 3, 2005, was approved.

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 2005 Regular Session of the Eighty-First General Assembly were given to the following:

Sarah Aschim, Elizabeth Beadle, Elyse Beenken, Genevieve Craggs, Elise Dirks, Kasey Friedrichsen, Kevin Hamer, Ellen Harris, Jane Lee, Victoria Lee, Jennifer Nefzger, Dorriann Prather, Kelsey Shay, Nicole Webb, Kimberly Wilson, and Will Zasadny.

The Senate rose and expressed its appreciation.

The Senate stood at ease at 9:12 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:57 a.m., President Lamberti presiding.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 16.

Senate Concurrent Resolution 16

On motion of Senator Black, **Senate Concurrent Resolution 16**, a concurrent resolution expressing the State of Iowa's appreciation of its strong relations with the Republic of China on Taiwan and urging the establishment of an Iowa presence in the Republic of China on Taiwan, with report of committee recommending passage, was taken up for consideration.

Senator Black moved the adoption of Senate Concurrent Resolution 16, which motion prevailed by a voice vote.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 810.

House File 810

On motion of Senator Stewart, **House File 810**, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Stewart offered amendment S–3094, filed by the committee on Appropriations on April 6, 2005, to pages 1, 2, 10, 17, and 18 of the bill, and moved its adoption.

Amendment S–3094 was adopted by a voice vote.

Senator Stewart asked and received unanimous consent to withdraw amendment S–3236, filed by Senator Stewart, et al., on May 3, 2005, to pages 4, 5, and 7 of the bill.

Senator Stewart offered amendment S–3248, filed by Senator Stewart, et al., from the floor to pages 4, 5, 7, and 15 of the bill, and moved its adoption.

Amendment S–3248 was adopted by a voice vote.

Senator Connolly withdrew amendment S–3212, filed by him on April 29, 2005, to pages 18 and 19 of the bill.

Senator Angelo asked and received unanimous consent to withdraw amendment S–3228, filed by Senators Angelo and Dvorsky on May 3, 2005, to page 18 of the bill.

Senator Angelo offered amendment S–3233, filed by Senators Angelo and Dvorsky on May 3, 2005, to page 18 of the bill, and moved its adoption.

Amendment S–3233 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. 810), the vote was:

Yeas, 45:

Angelo	Gaskill	Larson	Seymour
Beall	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	Miller	Ward
Connolly	Horn	Mulder	Warnstadt
Courtney	Houser	Putney	Wieck
Danielson	Iverson	Quirmbach	Wood
Dearden	Johnson	Ragan	Zieman
Dotzler	Kettering	Rielly	
Dvorsky	Kibbie	Schoenjahn	
Fraise	Lamberti	Seng	

Nays, 5:

Behn	Kreiman	Zaun
Brunkhorst	McKinley	

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Concurrent Resolution 16** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 11:25 a.m. until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:15 p.m., President Pro Tempore McKibben presiding.

QUORUM CALL

Senator Gronstal 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
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 807.

House File 807

On motion of Senator Miller, **House File 807**, a bill for an act relating to and making appropriations to the judicial branch, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Lamberti offered amendment S–3227, filed by him on May 3, 2005, to page 1 of the bill, and moved its adoption.

Amendment S–3227 was adopted by a voice vote.

Senator Dvorsky offered amendment S–3223, filed by Senators Dvorsky and Angelo on May 2, 2005, to pages 1 and 4 of the bill, and moved its adoption.

Amendment S–3223 was adopted by a voice vote.

Senator Dvorsky offered amendment S–3251, filed by Senator Dvorsky, et al., from the floor to page 4 of the bill, and moved its adoption.

Amendment S–3251 was adopted by a voice vote.

Senator Iverson offered amendment S–3216, filed by him on April 29, 2005, to page 4 and to the title page of the bill.

Senator Connolly asked and received unanimous consent that action on amendment S–3216 and **House File 807** be **deferred.**

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 2:31 p.m., President Pro Tempore McKibben presiding.

HOUSE AMENDMENT CONSIDERED

Senate File 200

Senator Putney called up for consideration **Senate File 200**, a bill for an act relating to the administration of the department of agriculture and land stewardship, by providing for its powers and duties, amended by the House in House amendment S–3208, filed April 28, 2005.

Senator Schoenjahn offered amendment S–3250, filed by Senator Schoenjahn, et al., from the floor to pages 1–4, and to the title provisions of House amendment S–3208.

Senator Schoenjahn offered amendment S–3253, filed by him from the floor to page 2 of amendment S–3250, and moved its adoption.

Amendment S–3253 was adopted by a voice vote.

Senator Schoenjahn moved the adoption of amendment S–3250, as amended, which motion prevailed by a voice vote.

With the adoption of amendment S–3250 to amendment S–3208, the Chair ruled amendment S–3224, filed by Senator Putney on May 2, 2005, to page 2 of the bill, out of order.

Senator Putney 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 Putney 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. 200), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 200** be **immediately messaged** to the House.

BUSINESS PENDING

House File 807

The Senate resumed consideration of **House File 807**, a bill for an act relating to and making appropriations to the judicial branch, and providing an effective date, and amendment S–3216, previously deferred.

Senator Iverson moved the adoption of amendment S–3216.

A record roll call was requested.

On the question "Shall amendment S–3216 be adopted?" (H.F. 807), the vote was:

Yeas, 24:

Angelo	Houser	McKibben	Shull
Behn	Iverson	McKinley	Tinsman
Boettger	Johnson	Miller	Ward
Brunkhorst	Kettering	Mulder	Wieck
Gaskill	Lamberti	Putney	Zaun
Hahn	Larson	Seymour	Zieman

Nays, 26:

Beall	Dotzler	Kibbie	Schoenjahn
Black	Dvorsky	Kreiman	Seng
Bolkcom	Fraise	Lundby	Stewart
Connolly	Gronstal	McCoy	Warnstadt
Courtney	Hancock	Quirmbach	Wood
Danielson	Hatch	Ragan	
Dearden	Horn	Rielly	

Absent, none.

Amendment S–3216 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?" (H.F. 807), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 807** be **immediately messaged** to the House.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 841.

House File 841

On motion of Senator Tinsman, **House File 841**, a bill for an act relating to health care reform, including provisions relating to the medical assistance program, providing appropriations, providing effective dates, and providing for retroactive applicability, with report of committee without recommendation, was taken up for consideration.

Senator Lamberti offered amendment S–3243, filed by Senators Lamberti and Gronstal from the floor to pages 3, 5–7, 13, 14, 16, 19, 26, 27, and 46–48 of the bill, and moved its adoption.

Amendment S–3243 was adopted by a voice vote.

Senator Hatch offered amendment S–3254, filed by Senators Hatch and Gronstal from the floor to pages 8 and 9 of the bill, and moved its adoption.

Amendment S–3254 was adopted by a voice vote.

Senator Dvorsky offered amendment S–3247, filed by Senators Dvorsky, Bolkcom, and Hatch from the floor to page 47 of the bill, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 23, nays 26.

Amendment S–3247 lost.

Senator Seymour asked and received unanimous consent to withdraw amendment S–3246, filed by Senators Seymour and Hatch from the floor to page 49 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. 841), the vote was:

Yeas, 41:

Angelo	Fraise	Lamberti	Shull
Beall	Gaskill	McCoy	Stewart
Black	Gronstal	McKibben	Tinsman
Bolkcom	Hahn	Mulder	Ward
Brunkhorst	Hancock	Putney	Warnstadt
Connolly	Hatch	Quirmbach	Wieck
Courtney	Horn	Ragan	Wood
Danielson	Houser	Rielly	Zaun
Dearden	Johnson	Schoenjahn	
Dotzler	Kibbie	Seng	
Dvorsky	Kreiman	Seymour	

Nays, 9:

Behn	Kettering	McKinley
Boettger	Larson	Miller
Iverson	Lundby	Zieman

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

SPECIAL GUEST

Senator Brunkhorst introduced Cadet Major Jason R. Hornberg, a member of the University of Northern Iowa Army ROTC program. Cadet Major Hornberg was named an outstanding ROTC cadet in a Governor's ceremony on May 4, 2005.

The Senate rose and expressed its welcome.

RECESS

On motion of Senator Gronstal, the Senate recessed at 3:34 p.m. until 6:30 p.m.

APPENDIX — 1

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Fifth and sixth graders from East Greene Schools in Grand Junction and Rippey, Iowa, accompanied by Karen Sandbery and Brenda Onken. Senator Beall.

REPORT OF COMMITTEE MEETING

WAYS AND MEANS

Convened: May 4, 2005, 11:30 a.m.

Members Present: Bolkcom and Zieman, Co-chairs; Connolly, Danielson, Dotzler, Hahn, Larson, McCoy, McKibben, McKinley, Miller, Quirmbach, Seng, Stewart, Wieck, and Zaun.

Members Absent: None.

Committee Business: Passed HFs 828 (as amended), 868, and 879.

Adjourned: 11:55 a.m.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 55, by Lundby, a resolution honoring all Iowans, living and previously living, former Iowans, all persons with an Iowa connection, and all persons who have known an Iowan, who have not yet been honored.

Read first time under Rule 28 and referred to committee on **Rules and Administration.**

Senate Resolution 56, by Bolkcom and Dvorsky, a resolution to recognize and honor Frank Conroy posthumously for his lifetime of service and achievement.

Read first time under Rule 28 and referred to committee on **Rules and Administration.**

STUDY BILL RECEIVED

SSB 1321 Ways and Means

Relating to additional education funding by increasing the state regular program foundation base per pupil, by modifying the community college operations levy, creating local workforce and economic development funds for community colleges, increasing the state cigarette tax and including effective and applicability date provisions.

SUBCOMMITTEE ASSIGNMENTS

Senate Resolution 55

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

Senate Resolution 56

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

House File 858

APPROPRIATIONS: Dotzler and Ward, Co-chairs; Boettger and Dvorsky

SSB 1321

WAYS AND MEANS: Connolly and Zieman, Co-chairs; Bolkcom and Zaun

FINAL COMMITTEE REPORTS OF BILL ACTION

WAYS AND MEANS

Bill Title: HOUSE FILE 828, a bill for an act relating to aquatic regulations and activities, including aquatic invasive species, the regulation and registration of certain vessels, the operation of certain vessels by minors, inspections of certain vessels, the operation of vessels for hire or commercial vessels, providing for penalties, and

appropriating the moneys collected from certain registration fee increases to the state fish and game protection fund.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S–3252.

Final Vote: Ayes, 12: Bolkcom, Zieman, Connolly, Danielson, Dotzler, McCoy, McKibben, McKinley, Quirmbach, Seng, Stewart, and Zaun. Nays, 1: Hahn. Absent, 3: Larson, Miller, and Wieck.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 868, a bill for an act relating to economic development, business, workforce, and regulatory assistance and tax credits, and to state developmental, research, and regulatory oversight, and including effective date and retroactive applicability provisions.

Recommendation: WITHOUT RECOMMENDATION.

Final Vote: Ayes, 15: Bolkcom, Zieman, Connolly, Danielson, Dotzler, Hahn, Larson, McCoy, McKibben, McKinley, Miller, Quirmbach, Seng, Stewart, and Zaun. Nays, none. Absent, 1: Wieck.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 879, a bill for an act relating to the regulation of snowmobiles and establishing fees.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Bolkcom, Zieman, Connolly, Danielson, Dotzler, Hahn, Larson, McCoy, McKibben, McKinley, Miller, Quirmbach, Seng, Stewart, and Zaun. Nays, none. Absent, 1: Wieck.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EVENING SESSION

The Senate reconvened at 7:00 p.m., President Pro Tempore McKibben presiding.

QUORUM CALL

Senator Beall requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 41 present, 9 absent, and a quorum present.

The Senate stood at ease at 7:10 p.m. until the fall of the gavel.

The Senate resumed session at 8:30 p.m., President Lamberti presiding.

CONSIDERATION OF BILLS
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 875, 825, and 811.

House File 875

On motion of Senator Kettering, **House File 875**, 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, vertical infrastructure fund, general fund of the state, and related matters, and including effective and retroactive applicability date provisions, with report of committee without recommendation, was taken up for consideration.

Senator Warnstadt offered amendment S–3258, filed by Senator Warnstadt, et al., from the floor to pages 1–7, 9, 12, 14–20, 24, and to the title page of the bill, and moved its adoption.

Amendment S–3258 was adopted by a voice vote.

Senator Iverson offered amendment S–3260, filed by Senators Iverson and Gronstal from the floor to page 14 of the bill, and moved its adoption.

Amendment S–3260 was adopted by a voice vote.

Senator McCoy withdrew amendment S–3256, filed by him from the floor to page 22 of the bill.

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. 875), the vote was:

Yeas, 47:

Angelo	Fraise	Kreiman	Schoenjahn
Beall	Gaskill	Lamberti	Seng
Behn	Gronstal	Larson	Seymour
Black	Hahn	Lundby	Shull
Boettger	Hancock	McCoy	Stewart
Bolkcom	Hatch	McKibben	Tinsman
Connolly	Horn	McKinley	Ward
Courtney	Houser	Miller	Warnstadt
Danielson	Iverson	Mulder	Wieck
Dearden	Johnson	Quirmbach	Wood
Dotzler	Kettering	Ragan	Zieman
Dvorsky	Kibbie	Rielly	

Nays, 2:

Brunkhorst Zaun

Present, 1:

Putney

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

House File 825

On motion of Senator Tinsman, **House File 825**, a bill for an act relating to and making appropriations to the department of human services, the department of elder affairs, the Iowa department of public health, the commission of veterans affairs and the Iowa veterans home, and the department of inspections and appeals, providing for fee increases, and including other related provisions and appropriations, and providing effective dates, with report of committee without recommendation, was taken up for consideration.

Senator Hatch offered amendment S–3259, filed by Senators Hatch and Tinsman from the floor to pages 1–4, 6, 12, 13, 15, 16, 18–20, 22, 25, 27, 29, 30, 32, 33, 35, 36, 39–41, 43, 45, 46, 48, 49, 68, 73–76, and 86 of the bill.

Senator Angelo offered amendment S–3263, filed by him from the floor to pages 3 and 19 of amendment S–3259, and moved its adoption.

Amendment S–3263 was adopted by a voice vote.

Senator Hatch offered amendment S–3262, filed by him from the floor to page 3 of amendment S–3259, and moved its adoption.

Amendment S–3262 was adopted by a voice vote.

Senator Hatch moved the adoption of amendment S–3259, as amended, which motion prevailed by a voice vote.

Senator Putney offered amendment S–3244, filed by him from the floor to page 15 of the bill, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 30, nays 10.

Amendment S–3244 was adopted.

Senator Connolly offered amendment S–3245, filed by him from the floor to page 25 of the bill, and moved its adoption.

Amendment S–3245 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. 825), the vote was:

Yeas, 42:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Black	Gronstal	Lundby	Shull
Boettger	Hahn	McCoy	Stewart
Bolkcom	Hancock	McKibben	Tinsman
Connolly	Hatch	Mulder	Ward
Courtney	Horn	Putney	Warnstadt
Danielson	Houser	Quirmbach	Wood
Dearden	Iverson	Ragan	Zieman
Dotzler	Johnson	Rielly	
Dvorsky	Kibbie	Schoenjahn	

Nays, 8:

Behn	Kettering	McKinley	Wieck
Brunkhorst	Kreiman	Miller	Zaun

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 811

On motion of Senator McKibben, **House File 811**, a bill for an act relating to and making appropriations to the justice system and providing an effective date, with report of committee without recommendation, was taken up for consideration.

Senator Fraise offered amendment S–3261, filed by Senators Fraise and McKibben 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–3261 was adopted by a voice vote.

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. 811), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 10:15 p.m. until 9:00 a.m., Thursday, May 5, 2005.

APPENDIX — 2

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on May 4, 2005, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 210 – Relating to specified requirements applicable to a real estate broker or attorney providing services in connection with a real estate auction.

S.F. 375 – Creating the uniform environmental covenants Act.

S.F. 403 – Providing for the receipt of and costs relating to public records requests.

S.F. 405 – Establishing an interior design examining board, providing for the registration of interior designers, and providing fees and penalties.

MOTIONS TO RECONSIDER FILED

MR. PRESIDENT: I move to reconsider the vote by which House Files 810, 811, 825, 841, and 875 passed the Senate on May 4, 2005.

MICHAEL E. GRONSTAL

MR. PRESIDENT: I move to reconsider the vote by which House File 841 passed the Senate on May 4, 2005.

ROBERT E. DVORSKY

AMENDMENTS FILED

S–3243	H.F.	841	Jeff Lamberti
			Michael E. Gronstal
S–3244	H.F.	825	John Putney
S–3245	H.F.	825	Michael Connolly
S–3246	H.F.	841	James A. Seymour
			Jack Hatch
S–3247	H.F.	841	Robert E. Dvorsky
			Joe Bolkcom
			Jack Hatch
S–3248	H.F.	810	Roger Stewart
			John Putney
			Robert E. Dvorsky
			Jeff Angelo

S–3249	H.F.	882	Jeff Angelo
S–3250	S.F.	200	Brian Schoenjahn
			Steve Kettering
			Dennis H. Black
			Hubert Houser
			Gene Fraise
			E. Thurman Gaskill
S–3251	H.F.	807	Robert E. Dvorsky
			David Miller
			Jeff Angelo
			Gene Fraise
S–3252	H.F.	828	Ways and Means
S–3253	S.F.	200	Brian Schoenjahn
S–3254	H.F.	841	Jack Hatch
			Michael E. Gronstal
S–3255	H.F.	816	Frank B. Wood
			Herman C. Quirmbach
S–3256	H.F.	875	Matt McCoy
S–3257	H.F.	816	John Putney
S–3258	H.F.	875	Steve Warnstadt
			Steve Kettering
			Daryl Beall
			Jeff Angelo
S–3259	H.F.	825	Jack Hatch
			Maggie Tinsman
S–3260	H.F.	875	Stewart E. Iverson, Jr.
			Michael E. Gronstal
S–3261	H.F.	811	Gene Fraise
			Larry McKibben
S–3262	H.F.	825	Jack Hatch
S–3263	H.F.	825	Jeff Angelo
S–3264	H.F.	729	Stewart E. Iverson, Jr.
S–3265	H.F.	882	Steve Warnstadt

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, MAY 5, 2005

Printed daily by the State of Iowa during the sessions of the General Assembly. An official corrected copy is available for reference in the Secretary of the Senate's Office. (The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE SENATE

ONE HUNDRED SIXTEENTH CALENDAR DAY
SIXTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, May 5, 2005

The Senate met in regular session at 9:04 a.m., President Lamberti presiding.

Prayer was offered by Mary Lou Aspengren, secretary to Senator McKinley.

The Journal of Wednesday, May 4, 2005, was approved.

The Senate stood at ease at 9:17 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:00 a.m., President Pro Tempore McKibben presiding.

QUORUM CALL

Senator Hancock 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 Gaskill, until he arrives, on request of Senator Putney.

CONSIDERATION OF BILL
(Ways and Means)

Senator Hancock asked and received unanimous consent to take up for consideration House File 879.

House File 879

On motion of Senator Hahn, **House File 879**, a bill for an act relating to the regulation of snowmobiles and establishing fees, with report of committee recommending passage, was taken up for consideration.

Senator Hahn moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 879), the vote was:

Yeas, 49:

Angelo	Fraise	Larson	Seymour
Beall	Gronstal	Lundby	Shull
Behn	Hahn	McCoy	Stewart
Black	Hancock	McKibben	Tinsman
Boettger	Hatch	McKinley	Ward
Bolkcom	Horn	Miller	Warnstadt
Brunkhorst	Houser	Mulder	Wieck
Connolly	Iverson	Putney	Wood
Courtney	Johnson	Quirmbach	Zaun
Danielson	Kettering	Ragan	Zieman
Dearden	Kibbie	Rielly	
Dotzler	Kreiman	Schoenjahn	
Dvorsky	Lamberti	Seng	

Nays, none.

Absent, 1:

Gaskill

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Hancock asked and received unanimous consent that **House File 879** be **immediately messaged** to the House.

CONSIDERATION OF BILL
(Ways and Means)

Senator Hancock asked and received unanimous consent to take up for consideration House File 828.

House File 828

On motion of Senator Bolkcom, **House File 828**, a bill for an act relating to aquatic regulations and activities, including aquatic invasive species, the regulation and registration of certain vessels, the operation of certain vessels by minors, inspections of certain vessels, the operation of vessels for hire or commercial vessels, providing for penalties, and appropriating the moneys collected from certain registration fee increases to the state fish and game protection fund, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Bolkcom offered amendment S–3252, filed by the committee on Ways and Means on May 4, 2005, to page 2 of the bill, and moved its adoption.

Amendment S–3252 was adopted by a voice vote.

Senator Bolkcom moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 828), the vote was:

Yeas, 41:

Angelo	Dotzler	Kibbie	Seng
Beall	Dvorsky	Kreiman	Seymour
Behn	Fraise	Lundby	Shull
Black	Gronstal	McCoy	Stewart
Boettger	Hancock	McKibben	Ward
Bolkcom	Hatch	Mulder	Warnstadt

Brunkhorst	Horn	Putney	Wieck
Connolly	Houser	Quirmbach	Wood
Courtney	Iverson	Ragan	
Danielson	Johnson	Rielly	
Dearden	Kettering	Schoenjahn	

Nays, 8:

Hahn	Larson	Miller	Zaun
Lamberti	McKinley	Tinsman	Zieman

Absent, 1:

Gaskill

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Hancock asked and received unanimous consent that **House File 828** be **immediately messaged** to the House.

The Senate stood at ease at 11:22 a.m. until the fall of the gavel.

The Senate resumed session at 11:34 a.m., President Pro Tempore McKibben presiding.

HOUSE AMENDMENT CONSIDERED

Senate File 413

Senator Connolly called up for consideration **Senate File 413**, a bill for an act relating to sales and use tax changes, excise taxes on rental of rooms and sleeping quarters, and the sale and use of construction equipment, and including an effective and retroactive applicability date provision, amended by the House in House amendment S–3218, filed May 2, 2005.

Senator Connolly withdrew amendment S–3226, filed by him on May 3, 2005, to pages 10 and 13 of House amendment S–3218.

Senator Connolly offered amendment S–3240, filed by Senators Connolly and Zieman on May 3, 2005, to pages 1 and 10 of House amendment S–3218, and moved its adoption.

Amendment S–3240 was adopted by a voice vote.

Senator Connolly 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 Connolly moved that the bill, as amended by the House, further amended and in 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. 413), the vote was:

Yeas, 49:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Wieck
Connolly	Houser	Mulder	Wood
Courtney	Iverson	Putney	Zaun
Danielson	Johnson	Quirmbach	Zieman
Dearden	Kettering	Ragan	
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, 1:

Warnstadt

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Hancock asked and received unanimous consent that **Senate File 413** be **immediately messaged** to the House.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 869

Senator Hahn called up for consideration **House File 869**, a bill for an act relating to tax credits provided for purposes of acquiring agricultural assets by beginning farmers, and providing effective and applicability dates, amended by the Senate, further amended by the House, and moved that the Senate concur in House amendment S–3217 to Senate amendment H–1594, filed May 2, 2005.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment to the Senate amendment.

Senator Hahn 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. 869), the vote was:

Yeas, 49:

Angelo	Gaskill	Larson	Seymour
Beall	Gronstal	Lundby	Shull
Behn	Hahn	McCoy	Stewart
Black	Hancock	McKibben	Tinsman
Boettger	Hatch	McKinley	Ward
Bolkcom	Horn	Miller	Warnstadt
Brunkhorst	Houser	Mulder	Wieck
Connolly	Iverson	Putney	Wood
Courtney	Johnson	Quirmbach	Zaun
Danielson	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	
Fraise	Lamberti	Seng	

Nays, 1:

Dearden

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 869** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 11:56 a.m. until the completion of a meeting of the committee on Ways and Means.

AFTERNOON SESSION

The Senate reconvened at 2:40 p.m., President Lamberti presiding.

SPECIAL GUESTS

Senator Mulder introduced the Orange City Tulip Festival Queen Haley Janssen and her court: Brooke Achterhoff, Elizabeth Van Oort, Melissa Wallinga, and Megan Van Voorst.

The Queen and her four attendants entertained the Senate with a skit and a song inviting visitors to Orange City for the upcoming Tulip Festival.

The Senate rose and expressed its welcome.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 881.

House File 881

On motion of Senator Angelo, **House File 881**, a bill for an act relating to the compensation and benefits for public officials and employees and members of the general assembly, providing for related matters, making appropriations, and including effective and retroactive applicability date provisions, with report of committee without recommendation, was taken up for consideration.

Senator Brunkhorst offered amendment S–3234, filed by him on May 3, 2005, to page 13 of the bill, and moved its adoption.

Amendment S–3234 lost 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. 881), the vote was:

Yeas, 28:

Angelo	Dvorsky	Iverson	Quirmbach
Boettger	Fraise	Kibbie	Seng
Bolkcom	Gaskill	Lamberti	Seymour
Connolly	Gronstal	Lundby	Tinsman
Courtney	Hatch	McCoy	Ward
Dearden	Horn	McKibben	Wood
Dotzler	Houser	Putney	Zaun

Nays, 22:

Beall	Hancock	Miller	Stewart
Behn	Johnson	Mulder	Warnstadt
Black	Kettering	Ragan	Wieck
Brunkhorst	Kreiman	Rielly	Zieman
Danielson	Larson	Schoenjahn	
Hahn	McKinley	Shull	

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

The Senate stood at ease at 3:07 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 4:39 p.m., President Lamberti presiding.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 57, by Seng, a resolution urging the President of the United States and the United States Congress to take action to keep the Rock Island Arsenal open.

Read first time and referred to committee on **Rules and Administration.**

Senate Resolution 58, by Gronstal, a resolution declaring support for Amtrak.

Read first time and referred to committee on **Rules and Administration.**

INTRODUCTION OF BILL

Senate File 416, by committee on Ways and Means, a bill for an act relating to additional educational funding by increasing the state regular program foundation base per pupil, by modifying the community college operations levy, creating local workforce and economic development funds for community colleges, increasing the state cigarette tax, modifying an appropriation, and including effective and applicability date provisions.

Read first time and **placed on Ways and Means calendar.**

RECESS

On motion of Senator Gronstal, the Senate recessed at 4:40 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 4:47 p.m., President Lamberti presiding.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 414.

Senate File 414

On motion of Senator McCoy, **Senate File 414**, a bill for an act providing for income tax credits for the cost of purchasing life

insurance coverage by certain members of the national guard and the reserves, providing for death benefits for certain deceased members of the national guard and the reserves, making appropriations, and providing for effective and retroactive applicability dates, was taken up for consideration.

Senator Danielson offered amendment S–3230, filed by him on May 3, 2005, to page 2 and to the title page of the bill.

Senator Danielson offered amendment S–3241, filed by him on May 3, 2005, to page 1 of amendment S–3230, and moved its adoption.

Amendment S–3241 was adopted by a voice vote.

Senator Larson raised the point of order that amendment S–3230 was not germane to the bill.

Senator Larson withdrew his point of order.

Senator Danielson moved the adoption of amendment S–3230, as amended, which motion prevailed by a voice vote.

Senator McCoy moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 414), the vote was:

Yeas, 49:

Angelo	Fraise	Lamberti	Seymour
Beall	Gaskill	Larson	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirmbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Kreiman	Seng	

Nays, 1:

Lundby

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 414** be **immediately messaged** to the House.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 56, a resolution to recognize and honor Frank Conroy posthumously for his lifetime of service and achievement.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Gronstal, Iverson, Courtney, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, 3: Angelo, Boettger, and Dvorsky.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 56.

Senate Resolution 56

On motion of Senator Bolkcom, **Senate Resolution 56**, a resolution to recognize and honor Frank Conroy posthumously for his lifetime of service and achievement, with report of committee recommending passage, was taken up for consideration.

Senator Bolkcom moved the adoption of Senate Resolution 56, which motion prevailed by a voice vote.

UNFINISHED BUSINESS

House File 761

On motion of Senator Wood, **House File 761**, a bill for an act relating to children's programs by colocating early childhood programs available through the community empowerment initiative and requiring the department of human services to develop and implement a voluntary child care quality rating system, placed on the Unfinished Business Calendar on April 14, 2005, with report of committee recommending passage, was taken up for consideration.

Senator Wood offered amendment S–3276, filed by Senator Wood, 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.

Amendment S–3276 was adopted by a voice vote.

Senator Wood moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 761), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 761** be **immediately messaged** to the House.

FINAL COMMITTEE REPORT OF BILL ACTION

WAYS AND MEANS

Bill Title: SENATE FILE 416 (SSB 1322), a bill for an act relating to additional educational funding by increasing the state regular program foundation base per pupil, by modifying the community college operations levy, creating local workforce and economic development funds for community colleges, increasing the state cigarette tax, modifying an appropriation, and including effective and applicability date provisions.

Recommendation: WITHOUT RECOMMENDATION.

Final Vote: Ayes, 11: Bolkcom, Zieman, Connolly, Danielson, Dotzler, Hahn, McKibben, Quirmbach, Seng, Stewart, and Wieck. Nays, 3: Larson, McKinley, and Miller. Absent, 2: McCoy and Zaun.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 416.

Senate File 416

On motion of Senator Connolly, **Senate File 416**, a bill for an act relating to additional educational funding by increasing the state regular program foundation base per pupil, by modifying the community college operations levy, creating local workforce and economic development funds for community colleges, increasing the state cigarette tax, modifying an appropriation, and including effective and applicability date provisions, with report of committee without recommendation, was taken up for consideration.

The Senate stood at ease at 5:28 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 7:00 p.m., President Lamberti presiding.

Senator Larson offered amendment S–3278, filed by Senator Larson, et al., from the floor to page 1 of the bill, and moved its adoption.

Amendment S–3278 lost by a voice vote.

Senator Brunkhorst offered amendment S–3281, filed by him from the floor to pages 1, 7, and 8 and to the title page of the bill, and moved its adoption.

Amendment S–3281 lost by a voice vote.

Senator Houser offered amendment S–3279, filed by Senator Houser, et al., from the floor to pages 1–5 of the bill, and moved its adoption.

Amendment S–3279 lost by a voice vote.

Senator Connolly moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 416), the vote was:

Yeas, 38:

Angelo	Dvorsky	Lamberti	Seng
Beall	Fraise	Lundby	Seymour
Black	Gaskill	McCoy	Shull
Boettger	Gronstal	McKibben	Stewart
Bolkcom	Hahn	Mulder	Tinsman
Connolly	Hatch	Putney	Ward
Courtney	Horn	Quirmbach	Wieck
Danielson	Iverson	Ragan	Wood
Dearden	Johnson	Rielly	
Dotzler	Kibbie	Schoenjahn	

Nays, 12:

Behn	Houser	Larson	Warnstadt
Brunkhorst	Kettering	McKinley	Zaun
Hancock	Kreiman	Miller	Zieman

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

The Senate stood at ease at 8:33 p.m. until the fall of the gavel for the purpose of a Republican caucus.

The Senate resumed session at 9:35 p.m., President Lamberti presiding.

QUORUM CALL

Senator Gronstal requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 40 present, 10 absent, and a quorum present.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 416** be **immediately messaged** to the House.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 868.

House File 868

On motion of Senator Dotzler, **House File 868**, a bill for an act relating to economic development, business, workforce, and regulatory assistance and tax credits, and to state developmental, research, and regulatory oversight, and including effective date and retroactive applicability provisions, with report of committee without recommendation, was taken up for consideration.

Senator Brunkhorst offered amendment S–3283, filed by Senator Brunkhorst, et al., from the floor to pages 1–5, 12, 18, 19, 21, 24, 51, 52, and 59 of the bill.

Senator Brunkhorst asked and received unanimous consent that action on amendment S–3283 be **deferred.**

Senator Hatch offered amendment S–3267, filed by him from the floor to pages 1, 45, 47, 48, and 53–55 and to the title page of the bill, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 25, nays 25.

Amendment S–3267 lost.

The Senate resumed consideration of amendment S–3283, previously deferred.

Senator Dotzler offered amendment S–3288, filed by him from the floor to page 1 of amendment S–3283, and moved its adoption.

Amendment S–3288 was adopted by a voice vote.

Senator Dotzler offered amendment S–3286, filed by Senators Dotzler and Hatch from the floor to page 2 of amendment S–3283, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3286 to amendment S–3283 be adopted?" (H.F. 868), the vote was:

Yeas, 25:

Beall	Dotzler	Kibbie	Seng
Black	Dvorsky	Kreiman	Stewart
Bolkcom	Fraise	McCoy	Warnstadt
Connolly	Gronstal	Quirmbach	Wood
Courtney	Hancock	Ragan	
Danielson	Hatch	Rielly	
Dearden	Horn	Schoenjahn	

Nays, 25:

Angelo	Iverson	McKinley	Ward
Behn	Johnson	Miller	Wieck
Boettger	Kettering	Mulder	Zaun
Brunkhorst	Lamberti	Putney	Zieman
Gaskill	Larson	Seymour	
Hahn	Lundby	Shull	
Houser	McKibben	Tinsman	

Absent, none.

Amendment S–3286 lost.

Senator Dotzler offered amendment S–3285, filed by Senators Dotzler and Hatch from the floor to page 2 of amendment S–3283, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 25, nays 25.

Amendment S–3285 lost.

Senator McCoy withdrew amendment S–3289, filed by him from the floor to page 4 of amendment S–3283.

Senator Brunkhorst moved the adoption of amendment S–3283, as amended, which motion prevailed by a voice vote.

Senator Angelo took the chair at 10:40 p.m.

Senator McKinley asked and received unanimous consent to withdraw amendment S–3273 filed by Senators McKinley, Behn, and Miller from the floor to page 18 of the bill.

Senator Dotzler offered amendment S–3280, filed by him from the floor to page 49 of the bill, and moved its adoption.

Amendment S–3280 was adopted by a voice vote.

Senator Dotzler asked and received unanimous consent to withdraw amendment S–3284 filed by Senators Dotzler and Miller from the floor to page 52 of the bill.

Senator Houser asked and received unanimous consent to withdraw amendment S–3277 filed by Senator Houser, et al., from the floor to page 59 and to the title page of the bill.

Senator Houser offered amendment S–3287, filed by Senator Houser, et al., from the floor to page 59 and to the title page of the bill, and moved its adoption.

Amendment S–3287 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?" (H.F. 868), the vote was:

Yeas, 41:

Angelo	Fraise	Lundby	Shull
Beall	Gaskill	McCoy	Stewart
Black	Gronstal	McKibben	Tinsman
Boettger	Hahn	Mulder	Ward
Bolkcom	Hancock	Putney	Warnstadt
Brunkhorst	Hatch	Quirmbach	Wieck
Connolly	Horn	Ragan	Wood
Courtney	Houser	Rielly	Zieman
Danielson	Johnson	Schoenjahn	
Dotzler	Kibbie	Seng	
Dvorsky	Lamberti	Seymour	

Nays, 9:

Behn	Kettering	McKinley
Dearden	Kreiman	Miller
Iverson	Larson	Zaun

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 868** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 11:10 p.m. until 8:30 a.m., Friday, May 6, 2005.

APPENDIX

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Millie Iehl, Eagle Grove—For retiring after 39 years of working in the field of optometry. Senator Iverson (5/5/05).

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:

DEPARTMENT OF TRANSPORTATION

2002–2005 Secondary Road Fund Distribution Advisory Committee final report, pursuant to Iowa Code section 312.3C. Report received on May 5, 2005.

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on May 5, 2005, when the votes were taken on House Files 828 and 879. Had I been present, I would have voted "Yea" on both.

E. THURMAN GASKILL

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: May 5, 2005, 1:35 p.m.

Members Present: Angelo and Dvorsky, Co-chairs; Black, Boettger, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Johnson, Kettering, Miller, Putney, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, Ward, and Warnstadt.

Members Absent: Lamberti (excused).

Committee Business: Passed HF 858.

Adjourned: 1:45 p.m.

RULES AND ADMINISTRATION

Convened: May 5, 2005, 4:40 p.m.

Members Present: Gronstal and Iverson, Co-chairs; Courtney, Hahn, Kibbie, Lamberti, and Ragan.

Members Absent: Angelo, Boettger, and Dvorsky (all excused).

Committee Business: Passed SRs 55, 56, and 58.

Adjourned: 4:45 p.m.

WAYS AND MEANS

Convened: May 5, 2005, 2:05 p.m.

Members Present: Bolkcom and Zieman, Co-chairs; Connolly, Danielson, Dotzler, Hahn, Larson, McKibben, McKinley, Miller, Quirmbach, Seng, Stewart, and Wieck.

Members Absent: McCoy and Zaun (both excused).

Committee Business: Approved SSB 1322.

Adjourned: 2:20 p.m.

STUDY BILL RECEIVED

SSB 1322 Ways and Means

Relating to additional educational funding by increasing the state regular program foundation base per pupil, by modifying the community college operations levy, creating local workforce and economic development funds for community colleges, increasing the state cigarette tax, modifying an appropriation, and including effective and applicability date provisions.

SUBCOMMITTEE ASSIGNMENTS

Senate Resolution 57

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

SSB 1322

WAYS AND MEANS: Connolly and Zieman, Co-chairs; Bolkcom and Zaun

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: HOUSE FILE 858, a bill for an act establishing a statewide work-based learning intermediary network program and creating a fund.

Recommendation: DO PASS.

Final Vote: Ayes, 23: Angelo, Dvorsky, Black, Boettger, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Johnson, Kettering, Miller, Putney, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, Ward, and Warnstadt. Nays, none. Absent, 1: Lamberti.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 55, a resolution honoring all Iowans, living and previously living, former Iowans, all persons with an Iowa connection, and all persons who have known an Iowan, who have not yet been honored.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Gronstal, Iverson, Courtney, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, 3: Angelo, Boettger, and Dvorsky.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 58, a resolution declaring support for Amtrak.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Gronstal, Iverson, Courtney, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, 3: Angelo, Boettger, and Dvorsky.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

MOTION TO RECONSIDER FILED

MR. PRESIDENT: I move to reconsider the vote by which House File 881 passed the Senate on May 5, 2005.

MICHAEL E. GRONSTAL

AMENDMENTS FILED

S–3266	H.F.	882	Dave Mulder
S–3267	H.F.	868	Jack Hatch
S–3268	H.F.	816	Herman C. Quirmbach
			William A. Dotzler, Jr.
			Robert E. Dvorsky
			Jeff Danielson
			Jack Hatch
			Joe Bolkcom
S–3269	H.F.	882	Dave Mulder
S–3270	H.F.	882	John Putney
S–3271	H.F.	882	Michael E. Gronstal
			Jeff Lamberti
S–3272	H.F.	882	David Miller
S–3273	H.F.	868	Paul McKinley
			Jerry Behn
			David Miller
S–3274	H.F.	882	Roger Stewart
S–3275	H.F.	882	Michael Connolly
			John P. Kibbie
S–3276	H.F.	761	Frank B. Wood
			Nancy J. Boettger
			Brian Schoenjahn
			Dave Mulder
S–3277	H.F.	868	Hubert Houser
			John P. Kibbie
			Brian Schoenjahn
			E. Thurman Gaskill
			Dave Mulder
			Tom Rielly
			Thomas G. Courtney
			Daryl Beall
			James A. Seymour
			Nancy J. Boettger
			Jerry Behn
			David Johnson
S–3278	S.F.	416	Charles W. Larson, Jr.
			David Johnson
			Brad Zaun
			Mark Zieman
			Hubert Houser

			James F. Hahn
			Larry McKibben
			E. Thurman Gaskill
			John Putney
			Steve Kettering
			Ron Wieck
			Dave Mulder
			Pat Ward
			Jerry Behn
			David Miller
			James A. Seymour
			Mary Lundby
			Doug Shull
S–3279	S.F.	416	Hubert Houser
			Mark Zieman
			Larry McKibben
			James F. Hahn
			Maggie Tinsman
			Steve Kettering
			Ron Wieck
S–3280	H.F.	868	William A. Dotzler, Jr.
S–3281	S.F.	416	Bob Brunkhorst
S–3282	H.F.	882	John P. Kibbie
			Hubert Houser
S–3283	H.F.	868	Bob Brunkhorst
			Mark Zieman
			William A. Dotzler, Jr.
			Jack Hatch
S–3284	H.F.	868	William A. Dotzler, Jr.
			David Miller
S–3285	H.F.	868	William A. Dotzler, Jr.
			Jack Hatch
S–3286	H.F.	868	William A. Dotzler, Jr.
			Jack Hatch
S–3287	H.F.	868	Hubert Houser
			John P. Kibbie
			Brain Schoenjahn
			E. Thurman Gaskill
			Dave Mulder
			Tom Rielly
			Thomas G. Courtney

			Daryl Beall
			James A. Seymour
			Nancy J. Boettger
			Jerry Behn
			David Johnson
			Amanda Ragan
S–3288	H.F.	868	William A. Dotzler, Jr.
S–3289	H.F.	868	Matt McCoy

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on May 5, 2005, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 78 – Relating to the exemption from city taxes of land included in an application for voluntary annexation or in a city's involuntary annexation petition and including effective and applicability date provisions.

S.F. 350 – Relating to child support recovery including access to information for the purposes of recovery, provisions relating to failure to withhold income or to pay the amounts withheld, and to the suspension of a child support obligation, the satisfaction of support payments, nullifying related administrative rules and providing penalties.

S.F. 395 – Relating to the activities of the grape and wine development commission, and providing for the transfer of wine gallonage tax revenues to the grape and wine development fund.

S.F. 404 – Providing for county eligibility for state payment of property tax relief moneys and allowed growth funding for mental health, mental retardation, and developmental disabilities services and providing effective and retroactive applicability dates.

PROOF

STATE OF IOWA

Senate Journal

FRIDAY, MAY 6, 2005

Printed daily by the State of Iowa during the sessions of the General Assembly. An official corrected copy is available for reference in the Secretary of the Senate's Office. (The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE SENATE

ONE HUNDRED SEVENTEENTH CALENDAR DAY
SEVENTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, May 6, 2005

The Senate met in regular session at 8:39 a.m., President Lamberti presiding.

Prayer was offered by Senate Page Ellen Harris. She performed "On Eagle's Wings."

The Journal of Thursday, May 5, 2005, was approved.

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 10:04 a.m., President Lamberti presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Boettger and Zieman, until they arrive, on request of Senator Iverson.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 816.

House File 816

On motion of Senator Horn, **House File 816**, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the

blind, the department of cultural affairs, the department of education, and the state board of regents and providing an effective date, with report of committee without recommendation, was taken up for consideration.

Senator Angelo offered amendment S–3292, filed by Senators Angelo, Horn, and Dvorsky from the floor striking and replacing everything after the enacting clause and to the title page of the bill.

Senator Quirmbach offered amendment S–3295, filed by Senator Quirmbach, et al., from the floor to page 13 of amendment S–3292, and moved its adoption.

Amendment S–3295 lost by a voice vote.

Senator Connolly offered amendment S–3296, filed by him from the floor to pages 25 and 26 of amendment S–3292, and moved its adoption.

Amendment S–3296 lost by a voice vote.

Senator Putney offered amendment S–3294, filed by him from the floor to pages 29 and 37 of amendment S–3292, and moved its adoption.

Amendment S–3294 lost by a voice vote.

Senator Rielly offered amendment S–3302, filed by Senators Rielly, Stewart, and Shull from the floor to pages 35 and 36 of amendment S–3292, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 24, nays 24.

Amendment S–3302 lost.

Senator Dvorsky offered amendment S–3303, filed by Senators Dvorsky and Angelo from the floor to page 36 of amendment S–3292, and moved its adoption.

Amendment S–3303 was adopted by a voice vote.

Senator Quirmbach offered amendment S–3307, filed by him from the floor to page 2 of amendment S–3292, and moved its adoption.

Amendment S–3307 was adopted by a voice vote.

Senator Angelo moved the adoption of amendment S–3292, as amended, which motion prevailed by a voice vote.

With the adoption of amendment S–3292, as amended, the Chair ruled the following amendments out of order:

S–3268, filed by Senator Quirmbach, et al., on May 5, 2005, to page 15 of the bill;
S–3255, filed by Senators Wood and Quirmbach on May 4, 2005, to pages 17, 18, and 23 of the bill; and
S–3257, filed by Senator Putney on May 5, 2005, to pages 31 and 33 of the bill.

Senator Horn moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 816), the vote was:

Yeas, 48:

Angelo	Fraise	Kreiman	Rielly
Beall	Gaskill	Lamberti	Schoenjahn
Behn	Gronstal	Larson	Seng
Black	Hahn	Lundby	Seymour
Bolkcom	Hancock	McCoy	Shull
Brunkhorst	Hatch	McKibben	Stewart
Connolly	Horn	McKinley	Tinsman
Courtney	Houser	Miller	Ward
Danielson	Iverson	Mulder	Warnstadt
Dearden	Johnson	Putney	Wieck
Dotzler	Kettering	Quirmbach	Wood
Dvorsky	Kibbie	Ragan	Zaun

Nays, none.

Absent, 2:

Boettger	Zieman

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

INTRODUCTION OF RESOLUTION

Senate Resolution 59, by Black, a resolution supporting a proposal to invite the Republic of China (Taiwan) to participate in the upcoming meeting of the World Health Assembly as an observer.

Read first time and referred to committee on **Rules and Administration.**

RECESS

On motion of Senator Gronstal, the Senate recessed at 12:15 p.m. until the completion of a meeting of the committee on Rules and Administration.

APPENDIX — 1

REPORT OF COMMITTEE MEETING

RULES AND ADMINISTRATION

Convened: May 6, 2005, 12:15 p.m.

Members Present: Gronstal and Iverson, Co-chairs; Angelo, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan.

Members Absent: Boettger (excused).

Committee Business: Passed SR 59.

Adjourned: 12:20 p.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 60, by Seng, Tinsman, and Wood, a resolution urging the President of the United States and the United States Congress to take action to keep the Rock Island Arsenal open.

Read first time under Rule 28 and referred to committee on **Rules and Administration.**

SUBCOMMITTEE ASSIGNMENTS

Senate Resolution 58

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

Senate Resolution 59

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

Senate Resolution 60

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Students from Aquin Elementary School in Cascade, Iowa, accompanied by their teacher Susan Maternach. Senators Connolly and Hancock.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 59, a resolution supporting a proposal to invite the Republic of China (Taiwan) to participate in the upcoming meeting of the World Health Assembly as an observer.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Gronstal, Iverson, Angelo, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, 1: Boettger.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RECONVENED

The Senate reconvened at 12:21 p.m., President Lamberti presiding.

The Senate stood at ease at 12:22 p.m. until the fall of the gavel.

The Senate resumed session at 1:07 p.m., President Lamberti presiding.

QUORUM CALL

Senator Gronstal requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 40 present, 10 absent, and a quorum present.

The Senate stood at ease at 1:45 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.

MOTIONS TO RECONSIDER WITHDRAWN

House File 816

Senator Gronstal withdrew the following motion to reconsider filed by him from the floor:

MR. PRESIDENT: I move to reconsider the vote by which House File 816 passed the Senate on May 6, 2005.

House File 841

Senators Dvorsky and Gronstal withdrew their motions to reconsider **House File 841**, a bill for an act relating to health care reform, including provisions relating to the medical assistance program, providing appropriations, providing effective dates, and providing for retroactive applicability, filed by them on May 4, 2005, found on page 1137 of the Senate Journal.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Files 816** and **841** be **immediately messaged** to the House.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 59.

Senate Resolution 59

On motion of Senator Black, **Senate Resolution 59**, a resolution supporting a proposal to invite the Republic of China (Taiwan) to participate in the upcoming meeting of the World Health Assembly as an observer, with report of committee recommending passage, was taken up for consideration.

Senator Black moved the adoption of Senate Resolution 59, which motion prevailed by a voice vote.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 882.

House File 882

On motion of Senator Dvorsky, **House File 882**, a bill for an act making, reducing, and transferring appropriations, providing for fees, and providing for properly related matters and including effective and retroactive applicability date provisions, with report of committee without recommendation, was taken up for consideration.

Senator Hatch offered amendment S–3315, filed by him from the floor to page 2 of the bill.

Senator Hatch asked and received unanimous consent that action on amendment S–3315 be deferred.

Senator Dvorsky offered amendment S–3306, filed by Senators Angelo and Dvorsky from the floor to pages 4–7, 9–15, 18, 20, 21, 23–28, 35–37, and 48 and to the title page of the bill.

Senator Dvorsky offered amendment S–3316, filed by Senators Dvorsky and Angelo from the floor to page 1 of amendment S–3306, and moved its adoption.

Amendment S–3316 was adopted by a voice vote.

Senator Quirmbach offered amendment S–3314, filed by Senators Quirmbach and Tinsman from the floor to page 16 of amendment S–3306, and moved its adoption.

A nonrecord roll call was requested.

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

The ayes were 23, nays 25.

Amendment S–3314 lost.

Senator Houser offered amendment S–3312, filed by Senator Houser, et al., from the floor to pages 26–28 of amendment S–3306, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3312 to amendment S–3306 be adopted?" (H.F. 882), the vote was:

Yeas, 17:

Courtney	Houser	McKinley	Shull
Fraise	Johnson	Mulder	Stewart
Gaskill	Kibbie	Putney	
Hahn	Kreiman	Seng	
Hatch	Lundby	Seymour	

Nays, 31:

Angelo	Dearden	Lamberti	Schoenjahn
Beall	Dotzler	Larson	Tinsman

Behn	Dvorsky	McCoy	Ward
Black	Gronstal	McKibben	Warnstadt
Bolkcom	Hancock	Miller	Wieck
Brunkhorst	Horn	Quirmbach	Wood
Connolly	Iverson	Ragan	Zaun
Danielson	Kettering	Rielly	

Absent, 2:

Boettger	Zieman

Amendment S–3312 lost.

Senator Dvorsky moved the adoption of amendment S–3306, as amended, which motion prevailed by a voice vote.

With the adoption of amendment S–3306, as amended, the Chair ruled amendment S–3235, filed by Senator Quirmbach, et al., on May 3, 2005, to page 18 of the bill, out of order.

Senator Gronstal offered amendment S–3271, filed by Senators Gronstal and Lamberti on May 5, 2005, to page 5 of the bill, and moved its adoption.

Amendment S–3271 was adopted by a voice vote.

Senator Wieck offered amendment S–3293, filed by Senator Wieck, et al., from the floor to page 13 of the bill, and moved its adoption.

Amendment S–3293 was adopted by a voice vote.

Senator Angelo offered amendment S–3249, filed by him on May 4, 2005, to page 18 of the bill, and moved its adoption.

Amendment S–3249 lost by a voice vote.

Senator Warnstadt offered amendment S–3265, filed by him on May 4, 2005, to page 18 of the bill.

Senator Warnstadt withdrew amendment S–3265.

Senator Putney offered amendment S–3270, filed by him on May 5, 2005, to page 18 of the bill, and moved its adoption.

Amendment S–3270 lost by a voice vote.

Senator Bolkcom withdrew amendment S–3297, filed by him from the floor to pages 18 and 24 of the bill.

Senator Bolkcom withdrew amendment S–3308, filed by him from the floor to pages 18 and 24 of the bill.

Senator Mulder withdrew amendment S–3266, filed by him on May 5, 2005, to pages 19 and 24 and to the title page of the bill.

Senator Mulder offered amendment S–3269, filed by him on May 5, 2005, to pages 19 and 24 of the bill.

Senator Mulder withdrew amendment S–3269.

Senator Johnson offered amendment S–3291, filed by Senators Johnson and Mulder from the floor to pages 19 and 24 of the bill.

Senator Johnson asked and received unanimous consent to withdraw amendment S–3291.

Senator Mulder withdrew amendment S–3305, filed by him from the floor to pages 19 and 24 and to the title page of the bill.

Senator Warnstadt offered amendment S–3299, filed by him from the floor to pages 21 and 24 of the bill, and moved its adoption.

Amendment S–3299 lost by a voice vote.

Senator Rielly offered amendment S–3310, filed by him from the floor to pages 21 and 24 of the bill.

Senator Rielly withdrew amendment S–3310.

Senator Miller offered amendment S–3272, filed by him on May 5, 2005, to page 24 of the bill.

Senator Fraise offered amendment S–3313, filed by him from the floor to page 1 of amendment S–3272.

Senator Fraise withdrew amendment S–3313.

Senator Miller moved the adoption of amendment S–3272, which motion prevailed by a voice vote.

Senator Courtney offered amendment S–3290, filed by Senators Courtney and Lundby from the floor to page 33 of the bill.

Senator Courtney asked and received unanimous consent to withdraw amendment S–3290.

Senator Brunkhorst offered amendment S–3304, filed by Senators Brunkhorst and Kreiman from the floor to page 48 of the bill, and moved its adoption.

Amendment S–3304 was adopted by a voice vote.

Senator Stewart offered amendment S–3274, filed by him on May 5, 2005, to page 48 of the bill, and moved its adoption.

Amendment S–3274 lost by a voice vote.

Senator Connolly offered amendment S–3275, filed by Senators Connolly and Kibbie on May 5, 2005, to page 48 of the bill.

Senator Connolly asked and received unanimous consent to withdraw amendment S–3275.

Senator Kibbie offered amendment S–3282, filed by Senators Kibbie and Houser on May 5, 2005, to page 48 and to the title page of the bill, and moved its adoption.

Amendment S–3282 was adopted by a voice vote.

Senator Courtney offered amendment S–3298, filed by Senators Courtney and Fraise from the floor to page 48 of the bill.

Senator Courtney asked and received unanimous consent to withdraw amendment S–3298.

Senator Stewart withdrew amendment S–3300, filed by him from the floor to page 48 of the bill.

Senator McCoy offered amendment S–3301, filed by him from the floor to page 48 and to the title page of the bill, and moved its adoption.

Amendment S–3301 lost by a voice vote.

Senator Angelo offered amendment S–3309, filed by Senator Angelo, et al., from the floor to page 48 of the bill, and moved its adoption.

Amendment S–3309 was adopted by a voice vote.

Senator Courtney offered amendment S–3311, filed by Senators Courtney and Fraise from the floor to page 48 and to the title page of the bill.

Senator Courtney asked and received unanimous consent to withdraw amendment S–3311.

The Senate resumed consideration of amendment S–3315, previously deferred.

Senator Hatch moved the adoption of amendment S–3315.

Amendment S–3315 lost by a voice vote.

Senator Dvorsky moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 882), the vote was:

Yeas, 39:

Angelo	Fraise	Kreiman	Seng
Beall	Gaskill	Lamberti	Seymour
Black	Gronstal	McCoy	Shull
Bolkcom	Hahn	McKibben	Stewart
Connolly	Hancock	Miller	Tinsman
Courtney	Hatch	Putney	Ward

Danielson	Horn	Quirmbach	Warnstadt
Dearden	Iverson	Ragan	Wieck
Dotzler	Johnson	Rielly	Wood
Dvorsky	Kibbie	Schoenjahn	

Nays, 9:

Behn	Kettering	McKinley
Brunkhorst	Larson	Mulder
Houser	Lundby	Zaun

Absent, 2:

Boettger	Zieman

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 4:02 p.m. until 1:00 p.m., Monday, May 9, 2005.

APPENDIX — 2

MOTION TO RECONSIDER FILED

MR. PRESIDENT: I move to reconsider the vote by which House File 882 passed the Senate on May 6, 2005.

MICHAEL E. GRONSTAL

AMENDMENTS FILED

S–3290	H.F.	882	Thomas G. Courtney
			Mary Lundby
S–3291	H.F.	882	David Johnson
			Dave Mulder
S–3292	H.F.	816	Jeff Angelo
			Wally E. Horn
			Robert E. Dvorsky
S–3293	H.F.	882	Ron Wieck
			Steve Warnstadt
			Robert E. Dvorsky
			Jeff Angelo
S–3294	H.F.	816	John Putney
S–3295	H.F.	816	Herman C. Quirmbach
			Robert E. Dvorsky
			Joe Bolkcom
			Jack Hatch
			Jeff Danielson
			William A. Dotzler, Jr.
S–3296	H.F.	816	Michael Connolly
S–3297	H.F.	882	Joe Bolkcom
S–3298	H.F.	882	Thomas G. Courtney
			Gene Fraise
S–3299	H.F.	882	Steve Warnstadt
S–3300	H.F.	882	Roger Stewart
S–3301	H.F.	882	Matt McCoy
S–3302	H.F.	816	Tom Rielly
			Roger Stewart
			Doug Shull
S–3303	H.F.	816	Robert E. Dvorsky
			Jeff Angelo

S–3304	H.F.	882	Bob Brunkhorst
			Keith A. Kreiman
S–3305	H.F.	882	Dave Mulder
S–3306	H.F.	882	Jeff Angelo
			Robert E. Dvorsky
S–3307	H.F.	816	Herman C. Quirmbach
S–3308	H.F.	882	Joe Bolkcom
S–3309	H.F.	882	Jeff Angelo
			Robert E. Dvorsky
			Jeff Lamberti
			Steve Warnstadt
			Joe Bolkcom
			Charles W. Larson, Jr.
			Jeff Danielson
			Keith A. Kreiman
S–3310	H.F.	882	Tom Rielly
S–3311	H.F.	882	Thomas G. Courtney
			Gene Fraise
S–3312	H.F.	882	Hubert Houser
			John Putney
			David Johnson
			James F. Hahn
			James A. Seymour
			Joe M. Seng
			Roger Stewart
S–3313	H.F.	882	Gene Fraise
S–3314	H.F.	882	Herman C. Quirmbach
			Maggie Tinsman
S–3315	H.F.	882	Jack Hatch
S–3316	H.F.	882	Robert E. Dvorsky
			Jeff Angelo

PROOF

STATE OF IOWA

Senate Journal

MONDAY, MAY 9, 2005

Printed daily by the State of Iowa during the sessions of the General Assembly. An official corrected copy is available for reference in the Secretary of the Senate's Office. (The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE SENATE

ONE HUNDRED TWENTIETH CALENDAR DAY
SEVENTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, May 9, 2005

The Senate met in regular session at 1:08 p.m., President Kibbie presiding.

Prayer was offered by Vicki Iverson, wife of and secretary to Republican Floor Leader Stewart E. Iverson, Jr.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Sarah Aschim.

The Journal of Friday, May 6, 2005, was approved.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 1:10 p.m. until 2:00 p.m., Tuesday, May 10, 2005.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Mr. and Mrs. Mark and Violet Berogan, Story City—For celebrating your 70th wedding anniversary. Senator Iverson (5/9/05).

Eric Boucher, Council Bluffs Abraham Lincoln High School—For being awarded a University of Iowa Dean's Scholarship for the 2005–2006 academic year. Senator Gronstal. (5/9/05).

Angela Brown, Council Bluffs Abraham Lincoln High School—For being awarded a University of Iowa Dean's Scholarship for the 2005–2006 academic year. Senator Gronstal. (5/9/05).

Mr. and Mrs. Jim and Jean Harmon, Collins—For celebrating your 70th wedding anniversary. Senator Iverson (5/9/05).

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:

DEPARTMENT OF ADMINISTRATIVE SERVICES

2003–2004 Capitol Planning Commission Annual Report, pursuant to Iowa Code section 18A.3. Report received on May 9, 2005.

MOTION TO RECONSIDER FILED

MR. PRESIDENT: I move to reconsider the vote by which House File 882 passed the Senate on May 6, 2005.

STEWART E. IVERSON, JR.

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, MAY 10, 2005

Printed daily by the State of Iowa during the sessions of the General Assembly. An official corrected copy is available for reference in the Secretary of the Senate's Office. (The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE SENATE

ONE HUNDRED TWENTY-FIRST CALENDAR DAY
SEVENTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, May 10, 2005

The Senate met in regular session at 2:26 p.m., President Kibbie presiding.

Prayer was offered by the Honorable Gene Fraise, member of the Senate from Lee County, Fort Madison, Iowa.

The Journal of Monday, May 9, 2005, was approved.

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 10, 2005, **concurred** in the Senate amendment and **passed** the following bill in which the concurrence of the House was asked:

House File 828, a bill for an act relating to aquatic regulations and activities, including aquatic invasive species, the regulation and registration of certain vessels, the operation of certain vessels by minors, inspections of certain vessels, the operation of vessels for hire or commercial vessels, providing for penalties, and appropriating the moneys collected from certain registration fee increases to the state fish and game protection fund.

MOTION TO RECONSIDER WITHDRAWN

House File 810

Senator Gronstal withdrew the motion to reconsider **House File 810**, a bill for an act relating to and making appropriations to

certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and providing an effective date, filed by him on May 4, 2005, found on page 1137 of the Senate Journal.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 810** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 2:33 p.m. until 8:30 a.m., Wednesday, May 11, 2005.

APPENDIX

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Eric James Cook, Dubuque—For achieving the rank of Eagle Scout, Boy Scout Troop 11. Senator Connolly (5/10/05).

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 10th day of May, 2005:

Senate Files 272 and 343.

MICHAEL E. MARSHALL
Secretary of the Senate

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, MAY 11, 2005

Printed daily by the State of Iowa during the sessions of the General Assembly. An official corrected copy is available for reference in the Secretary of the Senate's Office. (The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE SENATE

ONE HUNDRED TWENTY-SECOND CALENDAR DAY
SEVENTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, May 11, 2005

The Senate met in regular session at 9:10 a.m., President Kibbie presiding.

Prayer was offered by Senate President John P. Kibbie, member of the Senate from Palo Alto County, Emmetsburg, Iowa.

The Journal of Tuesday, May 10, 2005, 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 May 10, 2005, **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 413, a bill for an act relating to sales and use tax changes, excise taxes on rental of rooms and sleeping quarters, and the sale and use of construction equipment, and relating to the policy and administration of other taxes and tax-related matters, and including effective and retroactive applicability date provisions.

ALSO: I am directed to inform your honorable body that the House has on May 10, 2005, **concurred** in the Senate amendment and **passed** the following bills in which the concurrence of the House was asked:

House File 841, a bill for an act relating to health care reform, including provisions relating to the medical assistance program, providing appropriations, providing effective dates, and providing for retroactive applicability.

House File 862, a bill for an act relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund.

ALSO: That the House has on May 10, 2005, **amended** the Senate amendment, **concurred** in the Senate amendment as amended, and **passed** the following bills in which the concurrence of the House was asked:

House File 619, a bill for an act relating to persons convicted of criminal offenses requiring registration on the sex offender registry or requiring an additional indeterminate sentence, establishing a sex offender registry database task force, and providing penalties. (S–3318)

House File 807, a bill for an act relating to and making appropriations to the judicial branch, and providing an effective date. (S–3317)

ALSO: That the House has on May 10, 2005, **refused to concur** in the Senate amendment to the following bills in which the concurrence of the House was asked:

House File 816, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of cultural affairs, the department of education, and the state board of regents and providing an effective date.

House File 834, a bill for an act relating to persons commercially cleaning toilet units and private sewage disposal facilities by providing regulations, fees, and civil penalties, and making appropriations.

MOTIONS TO RECONSIDER WITHDRAWN

House File 808

Senator Gronstal withdrew the motion to reconsider **House File 808**, a bill for an act relating to and making appropriations involving state government, including provisions affecting agriculture and natural resources, filed by him on May 3, 2005, found on page 1116 of the Senate Journal.

House File 875

Senator Gronstal withdrew the motion to reconsider **House File 875**, 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, vertical infrastructure fund, general fund of the state, and related matters, and including effective and retroactive applicability date provisions, filed by him on May 4, 2005, found on page 1137 of the Senate Journal.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 808** and **875** be **immediately messaged** to the House.

RECESS

On motion of Senator Iverson, the Senate recessed at 9:20 a.m. until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:44 p.m., President Kibbie presiding.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 1:47 p.m. until 8:30 a.m., Thursday, May 12, 2005.

APPENDIX

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Bryan Whitlock, Sioux City—For achieving the rank of Eagle Scout. Senator Warnstadt. (5/11/05).

AMENDMENTS FILED

S–3317	H.F.	807	House
S–3318	H.F.	619	House

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, MAY 12, 2005

Printed daily by the State of Iowa during the sessions of the General Assembly. An official corrected copy is available for reference in the Secretary of the Senate's Office. (The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE SENATE

ONE HUNDRED TWENTY-THIRD CALENDAR DAY
SEVENTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, May 12, 2005

The Senate met in regular session at 8:44 a.m., President Kibbie presiding.

Prayer was offered by Alyce Elmitt, secretary to President of the Senate Jeff Lamberti.

The Journal of Wednesday, May 11, 2005, 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 May 11, 2005, **amended and passed** the following bill in which the concurrence of the House was asked:

Senate File 342, a bill for an act relating to appropriation matters by making and increasing appropriations for the fiscal year beginning July 1, 2004, and providing effective and applicability date provisions. (S–3321)

ALSO: That the House has on May 11, 2005, **amended** the Senate amendment, **concurred** in the Senate amendment as amended, and **passed** the following bills in which the concurrence of the Senate is asked:

House File 761, a bill for an act relating to children's programs by colocating early childhood programs available through the community empowerment initiative and requiring the department of human services to develop and implement a voluntary child care quality rating system. (S–3320)

House File 808, a bill for an act relating to and making appropriations involving state government, including provisions affecting agriculture and natural resources. (S–3319)

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 8:45 a.m. until 1:00 p.m., Monday, May 16, 2005.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Lieutenant Paul Fredin, McGuire Air Force Base, New Jersey—For being promoted to Captain. Senator Beall (5/12/05).

Nicholas Paul Hogberg, Red Oak—For achieving the rank of Eagle Scout, Boy Scout Troop 86. Senator Angelo (5/12/05).

Joshua Lucky, Stanton—For achieving the rank of Eagle Scout, Boy Scout Troop 86. Senator Angelo (5/12/05).

Nicholas Soe, Red Oak—For achieving the rank of Eagle Scout, Boy Scout Troop 86. Senator Angelo (5/12/05).

AMENDMENTS FILED

S–3319	H.F.	808	House
S–3320	H.F.	761	House
S–3321	S.F.	342	House

PROOF

STATE OF IOWA

Senate Journal

MONDAY, MAY 16, 2005

Printed daily by the State of Iowa during the sessions of the General Assembly. An official corrected copy is available for reference in the Secretary of the Senate's Office. (The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE SENATE

ONE HUNDRED TWENTY-SEVENTH CALENDAR DAY
SEVENTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, May 16, 2005

The Senate met in regular session at 1:08 p.m., President Lamberti presiding.

Prayer was offered by the Honorable David Johnson, member of the Senate from Osceola County, Ocheyedan, Iowa, and the Honorable Doug Shull, member of the Senate from Warren County, Indianola, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by President of the Senate Jeff Lamberti.

The Journal of Thursday, May 12, 2005, was approved.

The Senate stood at ease at 1:12 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:02 p.m., President Lamberti presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Larson, until he arrives, on request of Senator Iverson.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 761

Senator Wood called up for consideration **House File 761**, a bill for an act relating to children's programs by colocating early childhood programs available through the community empowerment initiative and requiring the department of human services to develop and implement a voluntary child care quality rating system, amended by the Senate and further amended by the House in House amendment S–3320 to Senate amendment H–1634, filed May 12, 2005.

Senator Wood 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 Wood 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. 761), the vote was:

Yeas, 49:

Angelo	Fraise	Lamberti	Seymour
Beall	Gaskill	Lundby	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirmbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
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 INSISTS

House File 816

Senator Horn called up for consideration **House File 816**, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of cultural affairs, the department of education, and the state board of regents and providing an effective date, amended by the House, further amended by the Senate, and moved that the Senate insist on its amendment.

The motion prevailed by a voice vote and the Senate **insisted** on its amendment.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **House File 816** on the part of the Senate: Senators Horn and Boettger, Co-chairs; Gronstal, Iverson, Kibbie, and Lamberti.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Files 761** and **816** 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 May 16, 2005, **passed** the following bill in which the concurrence of the Senate is asked:

House File 883, a bill for an act to legalize actions taken and proceedings conducted by the state of Iowa, Linn county, the city of Cedar Rapids, and three school districts including the Cedar Rapids community school district, the College community school district, and

the Linn-Mar community school district, which relate to erroneously established boundaries, and providing an effective date.

Read first time and referred to committee on **State Government.**

RECESS

On motion of Senator Gronstal, the Senate recessed at 2:23 p.m. until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:30 p.m., President Lamberti presiding.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 4:31 p.m. until 8:30 a.m., Tuesday, May 17, 2005.

APPENDIX

AGENCY ICN REPORT

Iowa Communications Network (ICN) Usage report for FY 2004, pursuant to Iowa Code section 8D.10, was received from the following agency:

IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION — Report received on May 16, 2005.

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Ward, Lynn, and Tom Handorf, Gladbrook—For receiving the Good Neighbor Award. Senators McKibben and Putney (5/16/05).

Joyce McDermott, Epworth—For being a recipient of the 100 Great Iowa Nurses for 2005 Award. Senator Hancock (5/16/05).

Kay Takes, Cascade—For being a recipient of the 100 Great Iowa Nurses for 2005 Award. Senator Hancock (5/16/05).

Tim Riedl, Dubuque—For achieving the rank of Eagle Scout, Boy Scout Troop 48. Senator Connolly (5/16/05).

Megan Srinivas, Fort Dodge—For being selected for the USA Today 2005 All-USA High School Academic Team. Senator Beall (5/16/05).

REPORT OF COMMITTEE MEETING

STATE GOVERNMENT

Convened: May 16, 2005, 4:45 p.m.

Members Present: Horn and McKibben, Co-chairs; Black, Brunkhorst, Connolly, Hancock, Kibbie, Ward, and Wieck.

Members Absent: Danielson, Hatch, Kettering, Miller, Tinsman, Wood, and Zieman (all excused).

Committee Business: Passed HF 883.

Adjourned: 4:50 p.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 61, by Bolkcom, a resolution honoring Marilynne Robinson for her Pulitzer Prize-winning novel "Gilead."

Read first time under Rule 28 and referred to committee on **Rules and Administration.**

SUBCOMMITTEE ASSIGNMENT

House File 883

STATE GOVERNMENT: Horn and Ward, Co-chairs; McKibben and Wood

PROOF OF PUBLICATION
(House File 883)

Verified proof of publication of House File 883, in accordance with Section 585.1 of the Code, was filed with the Secretary of the Senate on May 16, 2005.

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on May 12, 2005, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 272 – Relating to the council with which the director of human services consults regarding the medical assistance program.

S.F. 343 – Relating to governmental services involving audit reports and the family investment program.

FINAL COMMITTEE REPORT OF BILL ACTION

STATE GOVERNMENT

Bill Title: HOUSE FILE 883, a bill for an act to legalize actions taken and proceedings conducted by the state of Iowa, Linn county, the city of Cedar Rapids, and three school districts including the Cedar Rapids community school district, the College community school district, and the Linn-Mar community school district, which relate to erroneously established boundaries, and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Horn, McKibben, Black, Brunkhorst, Connolly, Hancock, Kibbie, Ward, and Wieck. Nays, none. Absent, 7: Danielson, Hatch, Kettering, Miller, Tinsman, Wood, and Zieman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENT FILED

S–3322 H.F. 882 Michael Connolly

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, MAY 17, 2005

Printed daily by the State of Iowa during the sessions of the General Assembly. An official corrected copy is available for reference in the Secretary of the Senate's Office. (The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE SENATE

ONE HUNDRED TWENTY-EIGHTH CALENDAR DAY
SEVENTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, May 17, 2005

The Senate met in regular session at 8:39 a.m., President Lamberti presiding.

Prayer was offered by the Honorable Dave Mulder, member of the Senate from Sioux County, Sioux Center, Iowa.

The Journal of Monday, May 16, 2005, was approved.

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 16, 2005, appointed the conference committee to **House File 816**, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of cultural affairs, the department of education, and the state board of regents, and the conference committee members on the part of the House are: The Representative from O'Brien, Representative Chambers, Chair; the Representative from Butler, Representative Dix; the Representative from Johnson, Representative Mascher; the Representative from Polk, Representative Oldson; the Representative from Madison, Representative Tymeson.

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 10:55 a.m., President Lamberti presiding.

Senator Brunkhorst asked to invoke Rule 24 and moved to reconsider the votes by which House Files 811, 825, and 882 passed the Senate.

MOTIONS TO RECONSIDER CONSIDERED

House File 811

Senator Gronstal called up the motion to reconsider **House File 811**, filed by him on May 4, 2005, found on page 1137 of the Senate Journal.

Senator Gronstal asked and received unanimous consent that the motion to reconsider **House File 811** be **deferred.**

House File 825

Senator Gronstal called up the motion to reconsider **House File 825**, filed by him on May 4, 2005, found on page 1137 of the Senate Journal.

Senator Gronstal asked and received unanimous consent that the motion to reconsider **House File 825** be **deferred.**

House File 882

Senator Gronstal called up the motion to reconsider **House File 882**, filed by him on May 6, 2005, found on page 1177 of the Senate Journal.

Senator Gronstal asked and received unanimous consent that the motion to reconsider **House File 882** be **deferred.**

Senator Gronstal moved that the Senate adjourn.

A nonrecord roll call was requested.

The ayes were 27, nays 11.

The motion to adjourn was adopted.

ADJOURNMENT

The Senate adjourned at 11:10 a.m. until 9:00 a.m., Thursday, May 19, 2005.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Isla Johnston—For celebrating your 100th birthday. Senator Stewart (5/17/05).

Clint Michael Mausser, Dyersville—For achieving the rank of Eagle Scout, Boy Scout Troop 48. Senator Hancock (5/17/05).

SUBCOMMITTEE ASSIGNMENT

Senate Resolution 61

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, MAY 19, 2005

Printed daily by the State of Iowa during the sessions of the General Assembly. An official corrected copy is available for reference in the Secretary of the Senate's Office. (The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE SENATE

ONE HUNDRED THIRTIETH CALENDAR DAY
SEVENTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, May 19, 2005

The Senate met in regular session at 9:14 a.m., President Lamberti presiding.

Prayer was offered by Alyce Elmitt, secretary to President of the Senate Jeff Lamberti.

The Journal of Tuesday, May 17, 2005, was approved.

MOTIONS TO RECONSIDER WITHDRAWN

House File 811

Senator Gronstal withdrew the motion to reconsider **House File 811**, a bill for an act relating to and making appropriations to the justice system and providing an effective date, filed by him on May 4, 2005, found on page 1137 of the Senate Journal, and previously deferred on May 17, 2005.

House File 825

Senator Gronstal withdrew the motion to reconsider **House File 825**, a bill for an act relating to and making appropriations to the department of human services, the department of elder affairs, the Iowa department of public health, the commission of veterans affairs and the Iowa veterans home, and the department of inspections and appeals, providing for fee increases, and including other related provisions and appropriations, and providing effective dates, filed by him on May 4, 2005, found on page 1137 of the Senate Journal, and previously deferred on May 17, 2005.

House File 882

Senator Gronstal withdrew the motion to reconsider **House File 882**, a bill for an act making, reducing, and transferring appropriations, providing for fees, and providing for properly related matters and including effective and retroactive applicability date provisions, filed by him on May 6, 2005, found on page 1177 of the Senate Journal, and previously deferred on May 17, 2005.

Also, Senator Angelo, on behalf of Senator Iverson, withdrew the motion to reconsider **House File 882,** filed by Senator Iverson on May 9, 2005, found on page 1180 of the Senate Journal.

With the withdrawal of the motions to reconsider House File 882, the Chair ruled amendment S–3322, filed by Senator Connolly on May 16, 2005, to page 48 and to the title page of the bill, out of order.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Files 811**, **825**, and **882** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:16 a.m. until 2:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 2:09 p.m., President Lamberti presiding.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 2:10 p.m. until 10:00 a.m., Friday, May 20, 2005.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Clark and Chris Bening, Des Moines—For celebrating 50 years of marriage. Senator Lamberti (5/19/05).

Mr. Robinson Lake, Council Bluffs St. Albert—For being named Teacher of the Year. Senator Gronstal (5/19/05).

Monsignor Gerald Ryan, Des Moines—For celebrating 50 years of priesthood. Senator Lamberti (5/19/05).

Melissa Walden, Council Bluffs Community School District—For being named Teacher of the Year. Senator Gronstal (5/19/05).

NOTICE OF CHANGE OF CONFERENCE COMMITTEE MEMBER

On May 19, 2005, Senator Iverson announced that Senator Angelo would replace him on the conference committee for **House File 816.**

PROOF

STATE OF IOWA

Senate Journal

FRIDAY, MAY 20, 2005

Printed daily by the State of Iowa during the sessions of the General Assembly. An official corrected copy is available for reference in the Secretary of the Senate's Office. (The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE SENATE

ONE HUNDRED THIRTY-FIRST CALENDAR DAY
SEVENTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, May 20, 2005

The Senate met in regular session at 10:12 a.m., President Lamberti presiding.

Prayer was offered by Maggie Tinsman, member of the Senate from Scott County, Davenport, Iowa.

The Journal of Thursday, May 19, 2005, was approved.

The Senate stood at ease at 10:16 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:55 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 May 20, 2005, **refused to concur** in the Senate amendment to the House amendment to the following bill in which the concurrence of the House was asked:

Senate File 200, a bill for an act relating to the administration of the department of agriculture and land stewardship, by providing for its powers and duties.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Larson, McKinley, and Mulder, until they arrive, on request of Senator Iverson.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 808

Senator Seng called up for consideration **House File 808**, a bill for an act relating to and making appropriations involving state government, including provisions affecting agriculture and natural resources, amended by the Senate and further amended by the House in House amendment S–3319 to Senate amendment H–1678, filed May 12, 2005.

Senator Seng 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 Seng 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. 808), the vote was:

Yeas, 39:

Angelo	Gaskill	Kibbie	Seymour
Beall	Gronstal	Lamberti	Shull
Behn	Hahn	McKibben	Stewart
Boettger	Hancock	Miller	Tinsman
Brunkhorst	Hatch	Putney	Ward
Connolly	Horn	Quirmbach	Warnstadt
Courtney	Houser	Ragan	Wieck
Danielson	Iverson	Rielly	Wood
Dvorsky	Johnson	Schoenjahn	Zieman
Fraise	Kettering	Seng	

Nays, 8:

Black	Dearden	Kreiman	McCoy
Bolkcom	Dotzler	Lundby	Zaun

Absent, 3:

Larson	McKinley	Mulder

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 807

Senator Miller called up for consideration **House File 807**, a bill for an act relating to and making appropriations to the judicial branch, and providing an effective date, amended by the Senate and further amended by the House in House amendment S–3317 to Senate amendment H–1629, filed May 11, 2005.

Senator Miller moved that the Senate concur and vote "No" in the House amendment to the Senate amendment.

The motion lost by a voice vote and the Senate **refused to concur** in the House amendment to the Senate amendment.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 883.

House File 883

On motion of Senator Horn, **House File 883**, a bill for an act to legalize actions taken and proceedings conducted by the state of Iowa, Linn county, the city of Cedar Rapids, and three school districts including the Cedar Rapids community school district, the College community school district, and the Linn-Mar community school district, which relate to erroneously established boundaries, and

providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Horn moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 883), the vote was:

Yeas, 47:

Angelo	Dvorsky	Kibbie	Seng
Beall	Fraise	Kreiman	Seymour
Behn	Gaskill	Lamberti	Shull
Black	Gronstal	Lundby	Stewart
Boettger	Hahn	McCoy	Tinsman
Bolkcom	Hancock	McKibben	Ward
Brunkhorst	Hatch	Miller	Warnstadt
Connolly	Horn	Putney	Wieck
Courtney	Houser	Quirmbach	Wood
Danielson	Iverson	Ragan	Zaun
Dearden	Johnson	Rielly	Zieman
Dotzler	Kettering	Schoenjahn	

Nays, none.

Absent, 3:

Larson	McKinley	Mulder

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Files 807**, **808**, and **883** be **immediately messaged** to the House.

SENATE INSISTS

House File 834

Senator Danielson called up for consideration **House File 834**, a bill for an act relating to persons commercially cleaning toilet units and private sewage disposal facilities by providing regulations, fees,

and civil penalties, and making appropriations, 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 834** on the part of the Senate: Senators Danielson and Ward, Co-chairs; Dearden, Seng, Shull, and Zieman.

SENATE INSISTS

Senate File 200

Senator Kettering called up for consideration **Senate File 200**, a bill for an act relating to the administration of the department of agriculture and land stewardship, by providing for its powers and duties, amended by the House, further amended by the Senate, and moved that the Senate insist on its amendment.

The motion prevailed by a voice vote and the Senate **insisted** on its amendment.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **Senate File 200** on the part of the Senate: Senators Kettering and Black, Co-chairs; Houser, Johnson, Ragan, and Schoenjahn.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 858.

House File 858

On motion of Senator Dotzler, **House File 858**, a bill for an act establishing a statewide work-based learning intermediary network program and creating a fund, 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. 858), the vote was:

Yeas, 47:

Angelo	Dvorsky	Kibbie	Seng
Beall	Fraise	Kreiman	Seymour
Behn	Gaskill	Lamberti	Shull
Black	Gronstal	Lundby	Stewart
Boettger	Hahn	McCoy	Tinsman
Bolkcom	Hancock	McKibben	Ward
Brunkhorst	Hatch	Miller	Warnstadt
Connolly	Horn	Putney	Wieck
Courtney	Houser	Quirmbach	Wood
Danielson	Iverson	Ragan	Zaun
Dearden	Johnson	Rielly	Zieman
Dotzler	Kettering	Schoenjahn	

Nays, none.

Absent, 3:

Larson	McKinley	Mulder

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 200** and **House Files 834** and **858** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 12:42 p.m. until 1:45 p.m.

AFTERNOON SESSION

The Senate reconvened at 2:52 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 May 20, 2005, **receded** from the House amendment to the Senate amendment, and **passed** the following bill in which the concurrence of the House was asked:

House File 807, a bill for an act relating to and making appropriations to the judicial branch, and providing an effective date.

ALSO: That the House has on May 20, 2005, **amended** the Senate amendment, **concurred** in the Senate amendment as amended, and **passed** the following bills in which the concurrence of the House was asked:

House File 811, a bill for an act relating to and making appropriations to the justice system and providing an effective date. (S–3326)

House File 825, a bill for an act relating to and making appropriations to the department of human services, the department of elder affairs, the Iowa department of public health, the commission of veterans affairs and the Iowa veterans home, and the department of inspections and appeals, providing for fee increases, and including other related provisions and appropriations, and providing effective dates. (S–3324)

House File 875, 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, vertical infrastructure fund, general fund of the state, and related matters, and including effective and retroactive applicability date provisions. (S–3325)

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator McCoy, until he returns, on request of Senator Gronstal; and Senator Fraise, until he returns, on request of Senator Kibbie.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 831.

House File 831

On motion of Senator Zaun, **House File 831**, a bill for an act relating to tax credits for equity investments in qualifying businesses or community-based seed capital funds, with report of committee recommending passage, was taken up for consideration.

Senator Zaun moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 831), the vote was:

Yeas, 45:

Angelo	Dvorsky	Kreiman	Shull
Beall	Gaskill	Lamberti	Stewart
Behn	Gronstal	Lundby	Tinsman
Black	Hahn	McKibben	Ward
Boettger	Hancock	Miller	Warnstadt
Bolkcom	Hatch	Putney	Wieck
Brunkhorst	Horn	Quirmbach	Wood
Connolly	Houser	Ragan	Zaun
Courtney	Iverson	Rielly	Zieman
Danielson	Johnson	Schoenjahn	
Dearden	Kettering	Seng	
Dotzler	Kibbie	Seymour	

Nays, none.

Absent, 5:

Fraise	McCoy	Mulder
Larson	McKinley	

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED

House File 875

Senator Kettering called up for consideration **House File 875**, 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, vertical infrastructure fund, general fund of the state, and related matters, and including effective and retroactive applicability date provisions, amended by the Senate and further amended by the House in House amendment S–3325 to Senate amendment H–1679, filed May 20, 2005.

Senator Kettering 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 Kettering 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. 875), the vote was:

Yeas, 44:

Angelo	Dvorsky	Kibbie	Schoenjahn
Beall	Gaskill	Kreiman	Seng
Behn	Gronstal	Lamberti	Seymour
Black	Hahn	Lundby	Shull
Boettger	Hancock	McCoy	Stewart
Bolkcom	Hatch	McKibben	Tinsman
Connolly	Horn	Miller	Ward
Courtney	Houser	Putney	Warnstadt
Danielson	Iverson	Quirmbach	Wieck
Dearden	Johnson	Ragan	Wood
Dotzler	Kettering	Rielly	Zieman

Nays, 2:

Brunkhorst Zaun

Absent, 4:

Fraise Larson McKinley Mulder

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 825

Senator Tinsman called up for consideration **House File 825**, a bill for an act relating to and making appropriations to the department of human services, the department of elder affairs, the Iowa department of public health, the commission of veterans affairs and the Iowa veterans home, and the department of inspections and appeals, providing for fee increases, and including other related provisions and appropriations, and providing effective dates, amended by the Senate and further amended by the House in House amendment S–3324 to Senate amendment H–1702, filed May 20, 2005.

Senator Tinsman 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 Tinsman moved that the bill, as amended by the Senate, further amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 825), the vote was:

Yeas, 42:

Angelo	Fraise	Kibbie	Seymour
Beall	Gaskill	Lamberti	Shull
Black	Gronstal	Larson	Stewart

Boettger	Hahn	McCoy	Tinsman
Bolkcom	Hancock	McKibben	Ward
Connolly	Hatch	Putney	Warnstadt
Courtney	Horn	Quirmbach	Wieck
Danielson	Houser	Ragan	Wood
Dearden	Iverson	Rielly	Zieman
Dotzler	Johnson	Schoenjahn	
Dvorsky	Kettering	Seng	

Nays, 6:

Behn	Kreiman	Miller
Brunkhorst	Lundby	Zaun

Absent, 2:

McKinley	Mulder

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Courtney asked and received unanimous consent that **House Files 825**, **831**, and **875** be **immediately messaged** to the House.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 811

Senator Fraise called up for consideration **House File 811**, a bill for an act relating to and making appropriations to the justice system and providing an effective date, amended by the Senate and further amended by the House in House amendment S–3326 to Senate amendment H–1701, filed May 20, 2005.

Senator Fraise 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 Fraise 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. 811), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kibbie	Schoenjahn
Beall	Fraise	Kreiman	Seng
Behn	Gaskill	Lamberti	Seymour
Black	Gronstal	Larson	Shull
Boettger	Hahn	Lundby	Stewart
Bolkcom	Hancock	McCoy	Tinsman
Brunkhorst	Hatch	McKibben	Ward
Connolly	Horn	Miller	Warnstadt
Courtney	Houser	Putney	Wieck
Danielson	Iverson	Quirmbach	Wood
Dearden	Johnson	Ragan	Zaun
Dotzler	Kettering	Rielly	Zieman

Nays, none.

Absent, 2:

McKinley	Mulder

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Courtney asked and received unanimous consent that **House File 811** be **immediately messaged** to the House.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 619

Senator Larson called up for consideration **House File 619**, a bill for an act relating to persons convicted of criminal offenses requiring registration on the sex offender registry or requiring an additional indeterminate sentence, establishing a sex offender registry database task force, and providing penalties, amended by the Senate and

further amended by the House in House amendment S–3318 to Senate amendment H–1628, filed May 11, 2005.

Senator Larson 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 Larson 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. 619), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kibbie	Schoenjahn
Beall	Fraise	Kreiman	Seng
Behn	Gaskill	Lamberti	Seymour
Black	Gronstal	Larson	Shull
Boettger	Hahn	Lundby	Stewart
Bolkcom	Hancock	McCoy	Tinsman
Brunkhorst	Hatch	McKibben	Ward
Connolly	Horn	Miller	Warnstadt
Courtney	Houser	Putney	Wieck
Danielson	Iverson	Quirmbach	Wood
Dearden	Johnson	Ragan	Zaun
Dotzler	Kettering	Rielly	Zieman

Nays, none.

Absent, 2:

McKinley	Mulder

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Courtney asked and received unanimous consent that **House File 619** be **immediately messaged** to the House.

The Senate stood at ease at 3:38 p.m. until the fall of the gavel.

The Senate resumed session at 5:55 p.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 May 20, 2005, **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 868, a bill for an act relating to economic development, business, workforce, and regulatory assistance and tax credits, and to state developmental, research, and regulatory oversight, and including effective date and retroactive applicability provisions. (S–3328)

HOUSE AMENDMENT CONSIDERED

Senate File 342

Senator Dvorsky called up for consideration **Senate File 342**, a bill for an act relating to appropriation matters by making and increasing appropriations for the fiscal year beginning July 1, 2004, and providing effective and applicability date provisions, amended by the House in House amendment S–3321, filed May 12, 2005.

Senator Dvorsky offered amendment S–3327, filed by Senators Dvorsky and Angelo from the floor to page 1 of House amendment S–3321, and moved its adoption.

Amendment S–3327 was adopted by a voice vote.

Senator Connolly offered amendment S–3323, filed by him from the floor to page 8 of House amendment S–3321, and moved its adoption.

Senator Angelo raised the point of order that amendment S–3323 to House amendment S–3321 was not germane to the bill.

The Chair ruled the point well-taken and amendment S–3323 out of order.

Senator Gronstal asked and received unanimous consent that action on amendment S–3321, as amended, and **Senate File 342** be **deferred.**

RECESS

On motion of Senator Gronstal, the Senate recessed at 6:08 p.m. until 7:30 p.m.

EVENING SESSION

The Senate reconvened at 7:52 p.m., President Lamberti presiding.

QUORUM CALL

Senator Bolkcom requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 41 present, 9 absent, and a quorum present.

BUSINESS PENDING

Senate File 342

The Senate resumed consideration of **Senate File 342**, a bill for an act relating to appropriation matters by making and increasing appropriations for the fiscal year beginning July 1, 2004, and providing effective and applicability date provisions, and House amendment S–3321, previously deferred.

Senator Dotzler offered amendment S–3329, filed by him from the floor to page 7 of House amendment S–3321, and moved its adoption.

Amendment S–3329 was adopted by a voice vote.

Senator Dotzler 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 Dotzler 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. 342), the vote was:

Yeas, 47:

Angelo	Dvorsky	Kibbie	Schoenjahn
Beall	Fraise	Lamberti	Seng
Behn	Gaskill	Larson	Seymour
Black	Gronstal	Lundby	Shull
Boettger	Hahn	McCoy	Stewart
Bolkcom	Hancock	McKibben	Tinsman
Brunkhorst	Hatch	McKinley	Ward
Connolly	Horn	Miller	Warnstadt
Courtney	Houser	Putney	Wieck
Danielson	Iverson	Quirmbach	Wood
Dearden	Johnson	Ragan	Zieman
Dotzler	Kettering	Rielly	

Nays, 2:

Kreiman Zaun

Absent, 1:

Mulder

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 868

Senator Dotzler called up for consideration **House File 868**, a bill for an act relating to economic development, business, workforce, and

regulatory assistance and tax credits, and to state developmental, research, and regulatory oversight, and including effective date and retroactive applicability provisions, amended by the Senate and further amended by the House in House amendment S–3328 to Senate amendment H–1633, filed May 20, 2005.

Senator Dotzler 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 Dotzler 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. 868), the vote was:

Yeas, 42:

Angelo	Fraise	Lamberti	Seymour
Beall	Gaskill	Lundby	Shull
Black	Gronstal	McCoy	Stewart
Boettger	Hahn	McKibben	Tinsman
Bolkcom	Hancock	Miller	Ward
Brunkhorst	Hatch	Putney	Warnstadt
Connolly	Horn	Quirmbach	Wieck
Courtney	Houser	Ragan	Wood
Danielson	Iverson	Rielly	Zieman
Dotzler	Johnson	Schoenjahn	
Dvorsky	Kibbie	Seng	

Nays, 7:

Behn	Kettering	Larson	Zaun
Dearden	Kreiman	McKinley	

Absent, 1:

Mulder

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 342** and **House File 868** be **immediately messaged** to the House.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 58.

Senate Resolution 58

On motion of Senator Gronstal, **Senate Resolution 58**, a resolution declaring support for Amtrak, with report of committee recommending passage, was taken up for consideration.

Senator Gronstal moved the adoption of Senate Resolution 58, which motion prevailed by a voice vote.

The Senate stood at ease at 8:20 p.m. until the fall of the gavel.

The Senate resumed session at 9:08 p.m., President Lamberti presiding.

INTRODUCTION OF RESOLUTIONS

Senate Concurrent Resolution 17, by Kibbie, McKinley, Angelo, Connolly, and Lundby, a concurrent resolution to recognize Joe Royce, the winner of the 2005 Dwight Ink Public Service Award at Iowa State University.

Read first time and referred to committee on **Rules and Administration.**

Senate Resolution 62, by Seng, Wood, and Tinsman, a resolution urging the President of the United States and the United States Congress to take action to keep all current organizations and positions at the Rock Island Arsenal.

Read first time and referred to committee on **Rules and Administration.**

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:08 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 9:15 p.m., President Lamberti presiding.

UNFINISHED BUSINESS

House File 222

On motion of Senator Quirmbach, **House File 222**, a bill for an act relating to the nonpartisan election of township officer, placed on the Unfinished Business Calendar on April 14, 2005, with report of committee recommending passage, was taken up for consideration.

Senator Quirmbach offered amendment S–3154, filed by Senator Quirmbach, et al., on April 20, 2005, to page 6 and to the title page of the bill.

Senator Quirmbach asked and received unanimous consent to withdraw amendment S–3154.

Senator Quirmbach moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 222), the vote was:

Yeas, 44:

Angelo	Dvorsky	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McKibben	Stewart
Boettger	Hancock	McKinley	Tinsman
Bolkcom	Hatch	Miller	Ward

Brunkhorst	Horn	Putney	Warnstadt
Connolly	Houser	Quirmbach	Wieck
Courtney	Iverson	Ragan	Wood
Danielson	Kettering	Rielly	Zaun
Dotzler	Kibbie	Schoenjahn	Zieman

Nays, 5:

Dearden	Johnson	McCoy
Fraise	Kreiman	

Absent, 1:

Mulder

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

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 61, a resolution honoring Marilynne Robinson for her Pulitzer Prize-winning novel "Gilead."

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Iverson, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 61.

Senate Resolution 61

On motion of Senator Bolkcom, **Senate Resolution 61**, a resolution honoring Marilynne Robinson for her Pulitzer Prize-winning novel "Gilead," with report of committee recommending passage, was taken up for consideration.

Senator Bolkcom moved the adoption of Senate Resolution 61, which motion prevailed by a voice vote.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 20, 2005, **adopted** the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 19, a concurrent resolution to recognize Joe Royce, the winner of the 2005 Dwight Ink Public Service Award at Iowa State University.

Read first time and **attached to companion Senate Concurrent Resolution 17.**

ALSO: That the House has on May 20, 2005, **passed** the following bill in which the concurrence of the House was asked:

Senate File 390, a bill for an act relating to the generation and purchase of renewable energy including establishing a renewable energy tax credit program administered by the utilities division of the department of commerce and the department of revenue, and providing an effective date.

ALSO: That the House has on May 20, 2005, **concurred** in the Senate amendment and **passed** the following bill in which the concurrence of the House was asked:

House File 810, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and providing an effective date.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 62, a resolution urging the President of the United States and the United States Congress to take action to keep all current organizations and positions at the Rock Island Arsenal.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Iverson, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 62.

Senate Resolution 62

On motion of Senator Seng, **Senate Resolution 62**, a resolution urging the President of the United States and the United States Congress to take action to keep all current organizations and positions at the Rock Island Arsenal, with report of committee recommending passage, was taken up for consideration.

Senator Seng moved the adoption of Senate Resolution 62, which motion prevailed by a voice vote.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE CONCURRENT RESOLUTION 17, a concurrent resolution to recognize Joe Royce, the winner of the 2005 Dwight Ink Public Service Award at Iowa State University.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Iverson, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 17.

Senate Concurrent Resolution 17

On motion of President Kibbie, **Senate Concurrent Resolution 17**, a concurrent resolution to recognize Joe Royce, the winner of the 2005 Dwight Ink Public Service Award at Iowa State University, with report of committee recommending passage, was taken up for consideration.

Senator Kibbie asked and received unanimous consent that **House Concurrent Resolution 19** be **substituted** for **Senate Concurrent Resolution 17.**

House Concurrent Resolution 19

On motion of President Kibbie, **House Concurrent Resolution 19**, a concurrent resolution to recognize Joe Royce, the winner of the 2005 Dwight Ink Public Service Award at Iowa State University, was taken up for consideration.

The Secretary of the Senate read the following:

HOUSE CONCURRENT RESOLUTION 19
By: Eichhorn, Carroll, Frevert, Heaton, and Huser
(COMPANION TO LSB 3697SS BY KIBBIE)
A concurrent resolution to recognize Joe Royce, the winner of the 2005 Dwight Ink Public Service Award at Iowa State University.

WHEREAS, Joe Royce, the legal counsel to the Iowa Administrative Rules Review Committee, was presented the 2005 Dwight Ink Public Service Award at Iowa State University; and

WHEREAS, Mr. Royce was presented the award on May 6, 2005, at the 2005 Building Excellence in Governance conference sponsored by Iowa State University's Public Policy and Administration Program; and

WHEREAS, at the presentation of the award, Kurt Thurmaier, professor of political science and director of the Public Policy and Administration Program, praised Joe Royce, stating that "Joe Royce not only has a strong command of his area of government, but the manner in which he administers that role is what is most striking about him. Over the years he has patiently and clearly guided many a state employee through the complex and often-confusing process of rulemaking."; and

WHEREAS, Joe Royce provides legislative oversight to the State of Iowa's administrative rulemaking

27 process and serves as legal counsel to the Iowa
28 General Assembly's Administrative Rules Review
29 Committee, a position he has held for the past 29
30 years; and

Page 2

1 WHEREAS, the Dwight Ink Public Service Award honors
2 Dwight Ink, an Iowa State University alumnus who
3 served every U.S. president from Eisenhower through
4 Reagan and who, throughout his public service, had
5 responsibilities for organizing federal departments
6 and agencies; NOW THEREFORE,
7 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
8 REPRESENTATIVES CONCURRING, That Joe Royce is
9 recognized for his public service to the State of Iowa
10 and for being the winner of the 2005 Dwight Ink Public
11 Service Award at Iowa State University; and
12 BE IT FURTHER RESOLVED, That, upon passage, a copy
13 of this resolution be prepared and transmitted to Mr.
14 Royce.

President Kibbie moved the adoption of House Concurrent Resolution 19, which motion prevailed by a voice vote.

WITHDRAWN

Senator Kibbie asked and received unanimous consent that **Senate Concurrent Resolution 17** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Concurrent Resolution 19** and **House File 222** be **immediately messaged** to the House.

MOTION TO RECONSIDER WITHDRAWN

House File 809

Senator Gronstal withdrew the motion to reconsider **House File 809**, a bill for an act relating to and making appropriations to the department of economic development, certain board of regents institutions, the department of workforce development, and the public

employment relations board and related matters, filed by him on May 3, 2005, found on page 1116 of the Senate Journal.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 809** be **immediately messaged** to the House.

MOTION TO RECONSIDER WITHDRAWN

House File 881

Senator Gronstal withdrew the motion to reconsider **House File 881**, a bill for an act relating to the compensation and benefits for public officials and employees and members of the general assembly, providing for related matters, making appropriations, and including effective and retroactive applicability date provisions, filed by him on May 4, 2005, found on page 1159 of the Senate Journal.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 881** be **immediately messaged** to the House.

MOTIONS TO RECONSIDER WITHDRAWN

House File 767

Senators Kettering and Bolkcom withdrew their motions to reconsider **House File 767**, a bill for an act relating to a schedule established by the environmental protection commission for civil penalties, filed by Senators Kettering and Bolkcom on April 13, 2005, found on page 876 of the Senate Journal.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 767** be **immediately messaged** to the House.

The Senate stood at ease at 9:40 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:18 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 May 20, 2005, **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 342, a bill for an act relating to appropriation matters by making and increasing appropriations for the fiscal year beginning July 1, 2004, and providing effective and applicability date provisions.

ALSO: That the House has on May 20, 2005, **adopted** the conference committee report and **passed** House File 816, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of cultural affairs, the department of education, and the state board of regents.

ALSO: That the House has on May 20, 2005, appointed the conference committee to **House File 834**, a bill for an act relating to persons commercially cleaning toilet units and private sewage disposal facilities by providing regulations, fees, and civil penalties, and making appropriations, and the conference committee members on the part of the House are: The Representative from Pottawattamie, Representative Struyk, Chair; the Representative from Washington, Representative Greiner; the Representative from Polk, Representative Huser; the Representative from Black Hawk, Representative Shoultz; the Representative from Madison, Representative Tymeson.

ALSO: That the House has on May 20, 2005, **adopted** the conference committee report and **passed** House File 834, a bill for an act relating to persons commercially cleaning toilet units and private sewage disposal facilities by providing regulations, fees, and civil penalties, and making appropriations.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Lundby, until she returns, on request of Senator Iverson.

CONFERENCE COMMITTEE REPORT RECEIVED
(House File 834)

A conference committee report, signed by the following Senate and House members, was filed May 20, 2005, on **House File 834**, a bill for an act relating to persons commercially cleaning toilet units and private sewage disposal facilities by providing regulations, fees, and civil penalties, and making appropriations:

On the part of the Senate:

JEFF DANIELSON, Co-chair
PAT WARD, Co-chair
DICK L. DEARDEN
JOE M. SENG
DOUG SHULL
MARK ZIEMAN

On the part of the House:

DOUGLAS L. STRUYK, Chair
SANDRA H. GREINER
GERI D. HUSER
DON SHOULTZ
JODI TYMESON

CONFERENCE COMMITTEE REPORT CONSIDERED

House File 834

Senator Danielson called up the conference committee report on **House File 834**, a bill for an act relating to persons commercially cleaning toilet units and private sewage disposal facilities by providing regulations, fees, and civil penalties, and making appropriations, filed on May 20, 2005, and moved its adoption.

The motion prevailed by a voice vote, and the conference committee report, and the recommendations and amendments contained therein, was adopted.

Senator Danielson moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 834), the vote was:

Yeas, 46:

Angelo	Dvorsky	Lamberti	Seymour
Beall	Fraise	Larson	Shull
Behn	Gaskill	McCoy	Stewart
Black	Gronstal	McKibben	Tinsman
Boettger	Hahn	McKinley	Ward

Bolkcom	Hancock	Miller	Warnstadt
Brunkhorst	Hatch	Putney	Wieck
Connolly	Horn	Quirmbach	Wood
Courtney	Iverson	Ragan	Zaun
Danielson	Johnson	Rielly	Zieman
Dearden	Kettering	Schoenjahn	
Dotzler	Kibbie	Seng	

Nays, 2:

Houser Kreiman

Absent, 2:

Lundby Mulder

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 834** be **immediately messaged** to the House.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 882

Senator Dvorsky called up for consideration **House File 882**, a bill for an act making, reducing, and transferring appropriations, providing for fees, and providing for properly related matters and including effective and retroactive applicability date provisions, amended by the Senate and further amended by the House in House amendment S–3330 to Senate amendment H–1703, filed May 20, 2005.

Senator Dvorsky 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 Dvorsky 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. 882), the vote was:

Yeas, 40:

Angelo	Dvorsky	Kibbie	Seng
Beall	Fraise	Kreiman	Seymour
Black	Gaskill	Lamberti	Shull
Boettger	Gronstal	McCoy	Stewart
Bolkcom	Hahn	McKibben	Tinsman
Connolly	Hancock	Putney	Ward
Courtney	Hatch	Quirmbach	Warnstadt
Danielson	Horn	Ragan	Wieck
Dearden	Iverson	Rielly	Wood
Dotzler	Johnson	Schoenjahn	Zieman

Nays, 8:

Behn	Houser	Larson	Miller
Brunkhorst	Kettering	McKinley	Zaun

Absent, 2:

Lundby	Mulder

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 Gronstal asked and received unanimous consent that **House File 882** be **immediately messaged** to the House.

CONFERENCE COMMITTEE REPORT RECEIVED
(House File 816)

A conference committee report, signed by the following Senate and House members, was filed May 20, 2005, on **House File 816**, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of cultural affairs, the department of education, and the state board of regents and providing an effective date.

On the part of the Senate:

NANCY J. BOETTGER, Co-chair
WALLY E. HORN, Co-chair
JEFF ANGELO
MICHAEL E. GRONSTAL
JOHN P. KIBBIE
JEFF LAMBERTI

On the part of the House:

ROYD E. CHAMBERS, Chair
BILL DIX
MARY MASCHER
JO OLDSON
JODI TYMESON

CONFERENCE COMMITTEE REPORT CONSIDERED

House File 816

Senator Horn called up the conference committee report on **House File 816**, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of cultural affairs, the department of education, and the state board of regents and providing an effective date, filed on May 20, 2005, and moved its adoption.

The motion prevailed by a voice vote, and the conference committee report, and the recommendations and amendments contained therein, was adopted.

Senator Horn moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 816), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kibbie	Schoenjahn
Beall	Fraise	Kreiman	Seng
Behn	Gaskill	Lamberti	Seymour
Black	Gronstal	Larson	Shull
Boettger	Hahn	McCoy	Stewart
Bolkcom	Hancock	McKibben	Tinsman
Brunkhorst	Hatch	McKinley	Ward
Connolly	Horn	Miller	Warnstadt
Courtney	Houser	Putney	Wieck
Danielson	Iverson	Quirmbach	Wood
Dearden	Johnson	Ragan	Zaun
Dotzler	Kettering	Rielly	Zieman

Nays, none.

Absent, 2:

Lundby Mulder

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

The Senate stood at ease at 10:41 p.m. until the fall of the gavel.

The Senate resumed session at 10:47 p.m., President Lamberti presiding.

CONFERENCE COMMITTEE REPORT RECEIVED
(Senate File 200)

A conference committee report, signed by the following Senate and House members, was filed May 20, 2005, on **Senate File 200**, a bill for an act relating to the administration of the department of agriculture and land stewardship, by providing for its powers and duties:

On the part of the Senate:

DENNIS H. BLACK, Co-Chair
STEVE KETTERING, Co-Chair
HUBERT HOUSER
DAVID JOHNSON
AMANDA RAGAN
BRIAN SCHOENJAHN

On the part of the House:

SANDRA H. GREINER, Chair
ROBERT M. HOGG
JAMES M. KURTENBACH
DELORES M. MERTZ
DANIEL J. RASMUSSEN

CONFERENCE COMMITTEE REPORT CONSIDERED

Senate File 200

Senator Kettering called up the conference committee report on **Senate File 200**, a bill for an act relating to the administration of the department of agriculture and land stewardship, by providing for its powers and duties filed on May 20, 2005, and moved its adoption.

The motion prevailed by a voice vote, and the conference committee report, and the recommendations and amendments contained therein, was adopted.

Senator 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. 200), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kibbie	Schoenjahn
Beall	Fraise	Kreiman	Seng
Behn	Gaskill	Lamberti	Seymour
Black	Gronstal	Larson	Shull
Boettger	Hahn	McCoy	Stewart
Bolkcom	Hancock	McKibben	Tinsman
Brunkhorst	Hatch	McKinley	Ward
Connolly	Horn	Miller	Warnstadt
Courtney	Houser	Putney	Wieck
Danielson	Iverson	Quirmbach	Wood
Dearden	Johnson	Ragan	Zaun
Dotzler	Kettering	Rielly	Zieman

Nays, none.

Absent, 2:

Lundby	Mulder

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 200** and **House File 816** be **immediately messaged** to the House.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 18, by committee on Rules and Administration, a senate concurrent resolution to provide for adjournment sine die.

Read first time and **placed on calendar.**

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE CONCURRENT RESOLUTION 18, a senate concurrent resolution to provide for adjournment sine die.

Recommendation: WITHOUT RECOMMENDATION.

Final Vote: Ayes, 10: Gronstal, Iverson, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 18.

Senate Concurrent Resolution 18

On motion of Senator Gronstal, **Senate Concurrent Resolution 18**, a senate concurrent resolution to provide for adjournment sine die, with report of committee without recommendation, was taken up for consideration.

Senator Gronstal moved the adoption of Senate Concurrent Resolution 18, which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Concurrent Resolution 18** be **immediately messaged** to the House.

FINAL ADJOURNMENT

By virtue of Senate Concurrent Resolution 18, duly adopted, the day of May 20, 2005, having arrived, President Lamberti declared the 2005 Regular Session of the Eighty-First General Assembly adjourned sine die.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Don Tarr, Oskaloosa—For being named Oskaloosa Middle School Teacher of the Year. Senator Rielly (5/20/05).

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:

OFFICE OF CITIZENS' AIDE/OMBUDSMAN

FY 2004 Annual Report. Report received on May 20, 2005.

REPORTS OF COMMITTEE MEETINGS

RULES AND ADMINISTRATION

Convened: May 20, 2005, 9:00 p.m.

Members Present: Gronstal and Iverson, Co-chairs; Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan.

Members Absent: None.

Committee Business: Passed SCRs 17 and 18 and SRs 61 and 62.

Adjourned: 9:05 p.m.

WAYS AND MEANS

Convened: May 20, 2005, 12:45 p.m.

Members Present: Bolkcom and Zieman, Co-chairs; Connolly, Hahn, McKibben, Miller, Quirmbach, Seng, Stewart, Wieck, and Zaun.

Members Absent: Danielson, Dotzler, Larson, McCoy, and McKinley (all excused).

Committee Business: Passed HF 831.

Adjourned: 12:50 p.m.

FINAL COMMITTEE REPORT OF BILL ACTION

WAYS AND MEANS

Bill Title: HOUSE FILE 831, a bill for an act relating to tax credits for equity investments in qualifying businesses or community-based seed capital funds.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Bolkcom, Zieman, Connolly, Hahn, McKibben, Miller, Quirmbach, Seng, Stewart, Wieck, and Zaun. Nays, none. Absent, 5: Danielson, Dotzler, Larson, McCoy, and McKinley.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on May 20, 2005, when the votes were taken on House Files 831 and 875. Had I been present, I would have voted "Yea" on both.

GENE FRAISE

AMENDMENTS FILED

S–3323	S.F.	342	Michael Connolly
S–3324	H.F.	825	House
S–3325	H.F.	875	House
S–3326	H.F.	811	House
S–3327	S.F.	342	Robert E. Dvorsky Jeff Angelo
S–3328	H.F.	868	House
S–3329	S.F.	342	William A. Dotzler, Jr.
S–3330	H.F.	882	House

SENATE REPORTS RECEIVED SUBSEQUENT TO ADJOURNMENT

The following is a record of Senate reports received after the close of the 2005 Regular Session.

HOUSE MESSAGES RECEIVED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 20, 2005, **adopted** the following resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 18, a senate concurrent resolution to provide for adjournment sine die.

ALSO: That the House has on May 20, 2005, appointed the conference committee to **Senate File 200**, a bill for an act relating to the administration of the department of agriculture and land stewardship, by providing for its powers and duties, and the conference committee members on the part of the House are: the Representative from Washington, Representative Greiner, Chair; the Representative from Linn, Representative Hogg; the Representative from Story, Representative Kurtenbach; the Representative from Kossuth, Representative Mertz; and the Representative from Buchanan, Representative Rasmussen.

ALSO: That the House has on May 20, 2005, **adopted** the conference committee report and **passed Senate File 200**, a bill for an act relating to the administration of the department of agriculture and land stewardship, by providing for its powers and duties.

REPORTS OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 342, the following corrections were made:

1. Page 3, line 16: delete a line of space.

2. Page 3, line 17: a dash was used between the words "CLAIMS TRANSFERS."

3. Page 12, line 19: a space was added after the period, changing "~~year. Each change~~" to "~~year. Each change~~".

ALSO:

Pursuant to Senate Rule 21, I report that in enrolling Senate File 390, the following corrections were made:

1. Page 7, line 28: a comma was inserted before the word "shall".

2. Page 11, line 21: the word and number "subsection 4," was inserted after the number "423.4,".

3. Page 11, lines 22 and 23: the word and number ", subsection 4" was struck.

ALSO:

Pursuant to Senate Rule 21, I report that in enrolling Senate File 413, the following correction was made:

1. Page 12, line 19: add a hyphen between the words "STATE IMPOSED" to now read "STATE-IMPOSED HOTEL . . . "

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 May, 2005:

Senate Files 176, 200, 201, 206, 245, 342, 389, 390, and 413.

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS REFERRED TO COMMITTEE FROM CALENDAR

MADAM PRESIDENT: Pursuant to Senate Rule 4, the following resolutions and bills remaining on the Senate calendar upon adjournment of the 2005 session will be removed from the calendar and referred back to the committee to which they were originally assigned:

S.R.	55	Rules and Administration
S.F.	336	State Government
S.F.	374	Judiciary
S.F.	381	Judiciary
S.F.	397	Government Oversight

S.F.	398	Government Oversight
S.F.	401	Ways and Means
S.F.	406	Government Oversight
H.F.	644	State Government
H.F.	712	Local Government
H.F.	729	State Government
H.F.	740	Education
H.F.	787	Human Resources
H.F.	833	Ways and Means
H.F.	835	Ways and Means

BILLS SIGNED BY GOVERNOR

The following is a record of action by the Governor transmitted to the Secretary of State after the close of the 2005 Regular Session:

Senate File 176 – Entering Iowa into the midwestern higher education compact. Approved June 6, 2005.

Senate File 200 – Relating to agriculture by providing for the powers and duties of the department of agriculture and land stewardship and watershed improvement. Approved June 15, 2005.

Senate File 201 – Providing for veterinary emergency preparedness and response by the department of agriculture and land stewardship. Approved June 10, 2005.

Senate File 206 – Relating to deer population management and providing penalties and appropriations. Approved June 3, 2005.

Senate File 245 – Relating to a secondary school core curriculum, including requiring the state board of education to determine a model core curriculum and set a statewide core curriculum completion rate goal, requiring school districts to develop a core curriculum plan for eighth grade students and to report student core curriculum progress annually, requiring school districts and schools to report core curriculum completion percentages annually, and providing for the coordination of an educational data definitions working group. Approved June 7, 2005.

Senate File 342 – Relating to financial and regulatory matters by making and increasing appropriations for the fiscal year beginning July 1, 2004, making civil penalties applicable and providing effective and applicability date provisions. Approved June 3, 2005.

Senate File 389 – Providing individual and corporate income tax credits for soy-based cutting tool oil and including an applicability date provision. Approved June 6, 2005.

Senate File 390 – Relating to the generation and purchase of renewable energy including establishing a renewable energy tax credit program administered by the utilities division of the department of commerce and the department of revenue, and providing an effective date. Approved June 15, 2005.

Senate File 413 – Relating to sales and use tax changes, excise taxes on rental of rooms and sleeping quarters, and the sale and use of construction equipment, and relating to the policy and administration of other taxes and tax-related matters, and including effective and retroactive applicability date provisions. Approved June 3, 2005.

State of Iowa

JOURNAL OF THE SENATE

EIGHTY-FIRST GENERAL ASSEMBLY

2005 REGULAR SESSION

Volume II

JOHN P. KIBBIE, President of the Senate
JEFFREY M. LAMBERTI, President of the Senate
MICHAEL E. MARSHALL, Secretary of the Senate

Published by the
STATE OF IOWA
Des Moines

TABLE OF CONTENTS

VOLUME I

OFFICERS OF THE SENATE v

ELECTED STATE OFFICIALS, SUPREME COURT JUSTICES,
AND COURT OF APPEALS JUDGES ix

MEMBERS OF THE SENATE x

SENATE DAILY JOURNALS
January 10–May 20 1

SENATE REPORTS RECEIVED SUBSEQUENT
TO ADJOURNMENT 1236

VOLUME II

AMENDMENTS FILED 1241

CONFERENCE COMMITTEE REPORTS 2245

RESOLUTIONS ADOPTED 2253

MEMORIALS 2381

JOURNAL INDEX 2391

AMENDMENTS FILED

EIGHTY-FIRST GENERAL ASSEMBLY
2005 REGULAR SESSION

S–3001

Amend Senate File 5 as follows:

1. Page 1, line 5, by striking the words "writing <u>or</u>" and inserting the following: "writing<u>. The agency shall accept such submissions</u>".

2. Page 1, line 6, by striking the words "<u>an electronic format may</u>" and inserting the following: "<u>the electronic format shall</u>".

PAUL McKINLEY

S–3002

Amend Senate File 169 as follows:

1. Page 1, by striking lines 12 through 14 and inserting the following:

"c. Pseudoephedrine. A purchaser shall not purchase more than six thousand milligrams of pseudoephedrine within a thirty-day period from a pharmacy, unless the person has a".

2. Page 1, line 20, by inserting after the word "be" the following: "warehoused and sold by a distributor and may be".

3. Page 1, line 21, by inserting after the word "counter" the following: "by a retailer".

4. Page 2, line 16, by inserting after the word "logbook." the following: "The retailer shall keep the logbook for a minimum period of two years from the date of any purchase."

5. Page 2, by striking lines 18 through 20 and inserting the following: "safety."

6. Page 2, by striking lines 29 through 30 and inserting the following:

"f. A purchaser shall not purchase more than six thousand milligrams of pseudoephedrine from a retailer within a".

7. Page 2, line 32, by striking the word "g." and inserting the following: "2A. a."

8. By striking page 2, line 34, through page 3, line 8, and inserting the following: "agent the records of the purchase, sale, or other disposition of pseudoephedrine products and also make accessible inventory records of such products maintained in accordance with rules adopted by the department of

public safety."

9. Page 3, by inserting before line 9 the following:

"b. Any certified peace officer shall have access to the logbook kept by a retailer pursuant to subsection 2, paragraph "d". The department of public safety shall adopt rules to administer this paragraph."

10. Page 3, by inserting after line 19 the following:

"___. A retailer or an employee of a retailer shall not be civilly liable for acts, omissions, or decisions made in good faith under this section."

11. Page 3, line 24, by striking the words "or a purchaser".

12. Page 3, by inserting after line 27 the following:

"___. A purchaser who commits a violation of subsection 2 commits a simple misdemeanor for a first

Page 2

violation, a serious misdemeanor for a second violation, and an aggravated misdemeanor for a third or subsequent violation.

___. A purchaser who purchases more than six thousand milligrams of pseudoephedrine from a pharmacy under section 124.212 or who purchases more than six thousand milligrams of pseudoephrine from a retailer under this section within a thirty day period, commits an aggravated misdemeanor."

13. Page 4, line 29, by striking the figure "126.23A" and inserting the following: "~~126.23A~~ 126.23B".

14. By striking page 4, line 34, through page 5, line 13, and inserting the following:

"Sec. ___. Section 714.7C, Code 2005, is amended by striking the section and inserting in lieu thereof the following:

714.7C THEFT OF PSEUDOEPHEDRINE.

A person who commits theft of pseudoephedrine is guilty of the following:

1. If the amount of pseudoephedrine is less than seven hundred twenty milligrams, the person shall be subject to the penalties under section 714.2.

2. If the amount of pseudoephedrine is seven hundred twenty milligrams or more but less than four thousand three hundred twenty milligrams, the person is guilty of a serious misdemeanor.

3. If the amount of pseudoephedrine is four

29 thousand three hundred twenty milligrams or more but
30 less than eight thousand six hundred forty milligrams,
31 the person commits an aggravated misdemeanor.
32 4. If the amount of pseudoephedrine is eight
33 thousand six hundred forty milligrams or more, the
34 person commits a class "C" felony."
35 15. Page 5, lines 18 and 19, by striking the
36 words "or a purchaser".
37 16. Page 6, by inserting after line 6 the
38 following:
39 "Sec. ___. DRUG POLICY COORDINATOR — REPORT. The
40 drug policy coordinator shall report to the judiciary
41 committees of the senate and the house of
42 representatives in January 2006 and in January 2007,
43 the effects of this Act on methamphetamine abuse and
44 any related criminal activity."
45 17. By renumbering as necessary.

BOB BRUNKHORST
DAVID MILLER
KEITH A. KREIMAN
HERMAN C. QUIRMBACH

S–3003

1 Amend House File 277, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, line 1, by striking the word and
4 figure "January 1," and inserting the following:
5 "January 31,".

COMMITTEE ON COMMERCE
JERRY BEHN, Co-chair
STEVE WARNSTADT, Co-chair

S–3004

1 Amend Senate File 220 as follows:
2 1. Page 1, by inserting after line 27 the
3 following:
4 "Sec. ___. Section 298.3, Code 2005, is amended by
5 adding the following new unnumbered paragraph:
6 NEW UNNUMBERED PARAGRAPH. A school district shall
7 only be authorized to utilize physical plant and
8 equipment levy revenue for the purchase of software or
9 payments under a software licensing agreement pursuant
10 to subsection 3, for maintenance costs or repairing a
11 building in preparation for sale pursuant to
12 subsection 6, or for transportation repair,
13 maintenance, or depreciation costs pursuant to

subsection 9, if the department of management determines that the school district has an assessed property tax valuation per pupil below the statewide average assessed property tax valuation per pupil."

STEVE WARNSTADT

S–3005

Amend Senate File 220 as follows:

1. Page 1, by inserting after line 27 the following:

"Sec. ___. Section 298.3, Code 2005, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A school district shall only be authorized to utilize physical plant and equipment levy revenue for the purchase of software or payments under a software licensing agreement pursuant to subsection 3, for maintenance costs or repairing a building in preparation for sale pursuant to subsection 6, or for transportation repair, maintenance, or depreciation costs pursuant to subsection 9, if the department of management determines that the rate of property tax levied by a school district per one thousand dollars of assessed valuation for school funding purposes exceeds the statewide average rate of property tax levied by school districts per one thousand dollars of assessed valuation for school funding purposes."

STEVE WARNSTADT

S–3006

Amend Senate File 71 as follows:

1. Page 1, by inserting after line 17 the following:

"Sec. ___. REPORTING. A soil and water conservation district receiving moneys from an allocation provided in this Act shall submit a report to the soil conservation division of the department of agriculture and land stewardship by January 1, 2006, accounting for moneys which have been expended or unexpended or which have been obligated or encumbered. The report shall state how the moneys were used."

2. By renumbering as necessary.

JEFF ANGELO

S–3007

Amend House File 277, as amended, passed, and reprinted by the House, as follows:

1. Page 4, line 28, by inserting after the word "services" the following: "and a facility-based wireline service provider competing in the same exchange as another local exchange carrier".

DAVID JOHNSON

S–3008

Amend Senate File 71 as follows:

1. Page 1, by inserting before line 1, the following:

"Sec. ___. NEW SECTION. 170.3A CHRONIC WASTING DISEASE CONTROL PROGRAM — FEES.

1. The department shall establish and administer a chronic wasting disease control program for the control of chronic wasting disease which threatens farm deer. The program may include procedures for the inspection and testing of farm deer, responses to reported cases of chronic wasting disease, and methods to ensure that owners of farm deer may engage in the movement and sale of farm deer.

2. Beginning on July 1, 2006, a chronic wasting disease control fee is imposed on landowners who maintain farm deer in this state. The fee shall be established by rules adopted by the department in an amount which will generate total revenue not exceeding an amount which is reasonable and necessary to administer the chronic wasting disease control program.

Sec. ___. NEW SECTION. 170.3B FARM DEER ADMINISTRATION FUND — APPROPRIATION.

1. A farm deer administration fund is created in the state treasury under the control of the department. The fund is composed of moneys appropriated by the general assembly and moneys available to and obtained or accepted by the department from the United States or private sources for placement in the fund. The fund shall include all moneys collected from the chronic wasting disease control fee as provided in section 170.3A. The moneys in the fund are appropriated exclusively to the department for purposes of administering the chronic wasting disease control program as provided in section 170.3A.

2. Moneys in the fund are subject to an annual audit by the auditor of state. The fund is subject to warrants written by the director of the department of

administrative services, drawn upon the written requisition of the department.

3. Section 8.33 shall not apply to moneys in the fund. Notwithstanding section 12C.7, moneys earned as income or interest from the fund shall remain in the fund until expended as provided in this section."

2. Page 1, by inserting after line 12, the following:

"( ) Of the amount appropriated in this paragraph "f", $127,000 shall be deposited into the farm deer administration fund created in section

Page 2

170.3B for purposes of administering the chronic wasting disease control program as provided in section 170.3A."

3. By renumbering, redesignating, and correcting internal references as necessary.

MARY LUNDBY

S–3009

HOUSE AMENDMENT TO
SENATE CONCURRENT RESOLUTION 3

Amend Senate Concurrent Resolution 3, as passed by the Senate, as follows:

1. By striking page 15, line 26, through page 16, line 7, and inserting the following:

"a) increases in salary grade or step based on evaluation of their job performance and recommendations of their administrative officers, subject to approval of the senate committee on rules and administration or the house committee on administration and rules, as appropriate~~, provided, however, that for promotions between classes with a three or more pay grade difference, the employee shall be given a two step increase in pay or the employee's salary shall be adjusted to the entry level in the grade of the new position, whichever is greater~~; or".

S–3010

Amend Senate File 245 as follows:

1. Page 1, by striking lines 1 through 16 and inserting the following:

"Section 1. Section 256.7, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 26. Develop a model core curriculum, taking into consideration the

recommendations of the American college testing program, inc. The state board shall set a goal of increasing the number of students graduating from secondary school who have successfully completed a core curriculum, by July 1, 2009, to eighty percent of all students graduating from secondary schools in this state except that the goal shall be exclusive of students who have special or alternative means for satisfying graduation requirements under individualized educational plans developed for the students. For purposes of this section, "core curriculum" means the minimum number of specific high school courses that a student needs to take in preparation for advanced career and vocational purposes."

2. Page 1, line 33, by inserting after the word "and" the following: "who".

FRANK B. WOOD
BOB BRUNKHORST

S–3011

Amend House File 227, as passed by the House, as follows:

1. Page 24, line 15, by striking the words "a ~~state~~" and inserting the following: "~~a~~ the state".

2. Page 24, line 16, by inserting after the word "fair" the following: "or a fair".

COMMITTEE ON JUDICIARY
KEITH A. KREIMAN, Co-chair
DAVID MILLER, Co-chair

S–3012

Amend Senate File 265 as follows:

1. Page 19, line 30, by inserting after the word "both" the following: "regular and".

ROGER STEWART

S–3013

Amend Senate File 281 as follows:

1. Page 1, line 5, by striking the word "plus" and inserting the following: "and may add".

2. Page 1, lines 10 and 11, by striking the words "general taxes" and inserting the following: "a property tax".

3. Page 1, line 16, by striking the word "plus" and inserting the following: "and may add".

4. Page 1, line 21, by striking the words "general taxes" and inserting the following: "a property tax".

HERMAN C. QUIRMBACH

S–3014

Amend Senate Joint Resolution 7 as follows:

1. Page 1, line 7, by striking the words "national governors association" and inserting the following: "National Governors Association".

MICHAEL E. GRONSTAL

S–3015

HOUSE AMENDMENT TO
SENATE FILE 169

Amend Senate File 169, as amended, passed, and reprinted by the Senate, as follows:

1. By striking everything after the enacting clause and inserting the following:

"Section 1. Section 124.212, subsection 4, Code 2005, is amended by striking the subsection and inserting in lieu thereof the following:

4. PRECURSORS TO AMPHETAMINE AND METHAMPHETAMINE. Unless specifically excepted in paragraph "d" or listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following precursors to amphetamine or methamphetamine, including their salts, optical isomers, and salts of their optical isomers:

a. Ephedrine.

b. Phenylpropanolamine.

c. Pseudoephedrine. A person shall not purchase more than seven thousand five hundred milligrams of pseudoephedrine within a thirty-day period from a pharmacy, unless the person has a prescription for a pseudoephedrine product in excess of that quantity.

d. A pseudoephedrine product warehoused by a distributor located in this state which is warehoused for export to a retailer outside this state is excepted from this schedule. A distributor warehousing and exporting a pseudoephedrine product shall register with the board and comply with any rules adopted by the board relating to the diversion of pseudoephedrine products from legitimate commerce.

Sec. 2. NEW SECTION. 124.213 PHARMACY PSEUDOEPHEDRINE SALE RESTRICTION — PENALTY.

A person who purchases more than seven thousand

33 five hundred milligrams of pseudoephedrine from a
34 pharmacy in violation of section 124.212 within a
35 thirty-day period commits a serious misdemeanor.
36 Sec. 3. Section 602.8105, subsection 4, Code 2005,
37 is amended by striking the subsection.
38 Sec. 4. Section 805.8C, subsection 6, Code 2005,
39 is amended by striking the subsection.
40 Sec. 5. PSEUDOEPHEDRINE — PREEMPTION. A
41 political subdivision of the state shall not adopt an
42 ordinance regulating the display or sale of products
43 containing pseudoephedrine. An ordinance adopted in
44 violation of this section is void and unenforceable
45 and any enforcement activity of an ordinance in
46 violation of this section is void.
47 Sec. 6. DRUG POLICY COORDINATOR — REPORT. The
48 drug policy coordinator shall report, in a joint
49 meeting, to the committee on judiciary of the senate
50 and the committee on public safety of the house of

Page 2

1 representatives in January 2006 and in January 2007,
2 the effects of this Act on methamphetamine abuse and
3 related criminal activity.
4 Sec. 7. Sections 126.23A and 714.7C, Code 2005,
5 are repealed.
6 Sec. 8. EFFECTIVE DATES. This Act takes effect
7 sixty days from the date of enactment or July 1, 2005,
8 whichever is earlier. However, the portion of the
9 section of this Act amending section 124.212,
10 subsection 4, which makes all ephedrine products
11 schedule V controlled substances, takes effect upon
12 enactment."

S–3016

1 Amend Senate File 349 as follows:
2 1. Page 1, lines 3 and 4, by striking the words
3 "more than the last four digits of".
4 2. Page 1, line 5, by inserting after the word
5 "warrant" the following: ", or any summary or
6 statement of earnings and deductions attached
7 thereto,".
8 3. Page 1, line 5, by striking the words "wages
9 to the employee" and inserting the following: "an
10 employee's wages or direct deposit thereof; however,
11 an employer may include on any such document an
12 employee or payroll identification number".
13 4. Title page, line 2, by inserting after the
14 word "paychecks" the following: "and paystubs,".

THOMAS G. COURTNEY

S–3017

Amend Senate File 282 as follows:

1. Page 1, by inserting after line 19 the following:

"j. The Iowa truss builders association.

k. The Iowa lumber association."

HERMAN C. QUIRMBACH

S–3018

Amend Senate File 339 as follows:

1. Page 1, by striking line 23, and inserting the following: "participating cities <u>in the chapter 28E</u>".

MATT McCOY

S–3019

Amend Senate File 347 as follows:

1. Page 4, by inserting after line 3, the following:

"Sec. ___. Section 452A.3, subsection 1, unnumbered paragraph 1, Code 2005, is amended to read as follows:

Except as otherwise provided in this section and in this division, until June 30, ~~2007~~ <u>2012</u>, this subsection shall apply to the excise tax imposed on each gallon of motor fuel used for any purpose for the privilege of operating motor vehicles in this state.

Sec. ___. Section 452A.3, subsection 1A, Code 2005, is amended to read as follows:

1A. Except as otherwise provided in this section and in this division, after June 30, ~~2007~~ <u>2012</u>, an excise tax of twenty cents is imposed on each gallon of motor fuel used for any purpose for the privilege of operating motor vehicles in this state."

2. Title page, by striking lines 1 and 2, and inserting the following: "An Act relating to motor fuel by promoting renewable fuel, including biodiesel, E-85 blended gasoline, and other ethanol blended gasoline, and providing for excise taxes on motor fuel."

BOB BRUNKHORST

S–3020

Amend Senate File 342 as follows:
1. Page 3, line 27, by striking the figure "416,394,101" and inserting the following: "422,794,101".

JEFF ANGELO
ROBERT E. DVORSKY

S–3021

Amend Senate File 348 as follows:
1. Page 3, by striking lines 30 through 34.
2. Page 6, line 12, by striking the words "~~twenty-five~~ one hundred" and inserting the following "twenty-five".
3. By renumbering as necessary.

DARYL BEALL
DAVID JOHNSON

S–3022

Amend Senate File 348 as follows:
1. By striking page 5, line 21 through page 6, line 5.
2. By renumbering as necessary.

DAVID JOHNSON
DARYL BEALL

S–3023

Amend Senate File 206 as follows:
1. Page 2, line 17, by striking the word "that" and inserting the following: "eighty percent of which".
2. Page 2, line 20, by inserting after the word "commission" the following: "and twenty percent of which shall be used and is appropriated for the purpose of assisting with the cost of processing deer donated to the harvested deer program established under section 483A.24A and administered by the department of corrections in cooperation with the commission".
3. Page 2, by inserting before line 21 the following: "Any fees appropriated for the use of either program that are not used by that program may be used by the other program as necessary as determined by the commission."

4. Page 2, line 25, by striking the word "that" and inserting the following: "eighty percent of which".

5. Page 2, line 27, by inserting after the word "commission" the following: "and twenty percent of which shall be used and is appropriated for the purpose of assisting with the cost of processing deer donated to the harvested deer program established under section 483A.24A and administered by the department of corrections in cooperation with the commission".

6. Page 2, by inserting before line 28 the following: "Any fees appropriated for the use of either program that are not used by that program may be used by the other program as necessary as determined by the commission."

7. Page 3, line 30, by inserting after the word "program" the following: "and the harvested deer program under section 483A.24A".

8. Page 5, line 32, by striking the word "that" and inserting the following: "eighty percent of which".

9. Page 5, line 35, by inserting after the word "commission" the following: "and twenty percent of which shall be used and is appropriated for the purpose of assisting with the cost of processing deer donated to the harvested deer program established under section 483A.24A and administered by the department of corrections in cooperation with the commission".

10. Page 6, by inserting before line 1 the following: "Any fees appropriated for the use of either program that are not used by that program may

Page 2

be used by the other program as necessary as determined by the commission."

BOB BRUNKHORST
DENNIS H. BLACK

S–3024

Amend Senate File 364 as follows:

1. Page 6, by striking lines 20 through 26, and inserting the following:

"On the general election ballot the names of candidates for the nonpartisan offices listed in section 39.21 shall be arranged by drawing lots for position. The board of supervisors shall hold the drawing at its first meeting following the deadline

for ~~receipt of objections and withdrawals by candidates~~ filing of nomination certificates or petitions with the commissioner for the general election pursuant to section 44.4."

MAGGIE TINSMAN

S–3025

Amend Senate File 339 as follows:

1. Page 2, by striking lines 11 and 12, and inserting the following: "the budget from other available revenue sources. However, for".

DICK L. DEARDEN

S–3026

Amend Senate File 364 as follows:

1. By striking page 16, line 25 through page 17, line 13.
2. Page 18, line 2, by striking the word "insufficient," and inserting the following: "insufficient by the special precinct election board,".
3. Page 18, by striking lines 7 through 10, and inserting the following: "counted."

JEFF DANIELSON

S–3027

Amend Senate File 378 as follows:

1. Page 1, line 2, by striking the word "subsections" and inserting the following: "subsection".
2. Page 1, by striking lines 6 through 8.
3. By striking page 6, line 28 through page 8, line 27.
4. By renumbering as necessary.

LARRY McKIBBEN

S–3028

Amend Senate File 336 as follows:

1. Page 1, by striking lines 25 and 26, and inserting the following: "The care must be provided in good faith and must be reasonable. In addition, one".
2. Page 2, by striking lines 12 and 13, and

inserting the following:
" ___. The care must be provided in good faith and must be reasonable."
3. By renumbering as necessary.

FRANK B. WOOD

S–3029

Amend Senate File 313 as follows:
1. Page 2, line 3, by striking the word "registered".
2. Page 2, line 5, by striking the word "registered".
3. Page 2, by inserting after line 6 the following:
"c. For purposes of this subsection, "owner" means a person who holds the legal title to a motor vehicle; however, if the motor vehicle is the subject of a security agreement with a right of possession in the debtor, the debtor shall be deemed the owner for purposes of this subsection, or if the motor vehicle is leased as defined in section 321.493, the lessee shall be deemed the owner for purposes of this subsection.
Sec. ___. Section 321.372A, subsection 2, paragraph b, Code 2005, is amended to read as follows:
b. If, from the investigation, the peace officer has reasonable cause to believe that a violation of section 321.372, subsection 3, occurred but is unable to identify the driver, the peace officer shall serve a uniform traffic citation for the violation to the owner of the motor vehicle. Notwithstanding section 321.484, in a proceeding where the peace officer who conducted the investigation was not able to identify the driver of the motor vehicle, proof that the motor vehicle described in the uniform traffic citation was used to commit the violation of section 321.372, subsection 3, together with proof that the defendant named in the citation was the ~~registered~~ owner of the motor vehicle at the time the violation occurred, constitutes a permissible inference that the ~~registered~~ owner was the driver who committed the violation.
Sec. ___. Section 321.372A, subsection 2, Code 2005, is amended by adding the following new paragraph:
NEW PARAGRAPH. c. For purposes of this subsection, "owner" means a person who holds the legal title to a motor vehicle; however, if the motor vehicle is the subject of a security agreement with a right of possession in the debtor, the debtor shall be

44 deemed the owner for purposes of this subsection, or
45 if the motor vehicle is leased as defined in section
46 321.493, the lessee shall be deemed the owner for
47 purposes of this subsection."
48 4. Title page, line 1, by inserting after the
49 word "for" the following: "school bus warning device
50 and".

Page 2

1 5. By renumbering as necessary.

STEVE WARNSTADT

S–3030

1 Amend Senate File 342 as follows:
2 1. Page 2, by inserting after line 17 the
3 following:
4 "Sec. ___. DEPARTMENT OF ADMINISTRATIVE SERVICES
5 — RECORDS AND PROPERTY CENTER. There is appropriated
6 from the general fund of the state to the department
7 of administrative services for the fiscal year
8 beginning July 1, 2004, and ending June 30, 2005, the
9 following amount, or so much thereof as is necessary,
10 to be used for the purpose designated:
11 To supplement the appropriations made for costs
12 associated with the remodeling of the records and
13 property center in 2004 Iowa Acts, chapter 1175,
14 section 288, subsection 1, paragraph "e":
15 ..... $ 2,200,000
16 Notwithstanding section 8.33, moneys appropriated
17 in this section that remain unencumbered or
18 unobligated at the close of the fiscal year shall not
19 revert but shall remain available for expenditure for
20 the purposes designated until the close of the fiscal
21 year beginning July 1, 2006, or until completion of
22 the remodeling project, whichever is earlier."
23 2. By renumbering as necessary.

JEFF ANGELO
ROBERT E. DVORSKY

S–3031

1 Amend Senate File 245 as follows:
2 1. Page 2, by inserting after line 6 the
3 following:
4 "Sec. ___. NEW SECTION. 279.60 STUDENT PROGRESS
5 TOWARD UNIVERSITY ADMISSIONS REPORT.
6 For the school year beginning July 1, 2006, and
7 each succeeding school year, the board of directors of

8 each school district shall report annually to each
9 student enrolled in grades nine through twelve in the
10 school district, and to each student's parent or
11 guardian, the student's progress toward meeting the
12 goal of successfully completing the model core
13 curriculum developed by the state board of education
14 pursuant to section 256.7, subsection 21."
15 2. Title page, line 4, by inserting after the
16 word "goal," the following: "requiring school
17 districts to report student core curriculum progress
18 annually,".

HERMAN C. QUIRMBACH
BOB BRUNKHORST

S–3032

1 Amend Senate File 245 as follows:
2 1. Page 2, by inserting after line 6 the
3 following:
4 "Sec. ___. NEW SECTION. 279.60 STUDENT PROGRESS
5 TOWARD UNIVERSITY ADMISSIONS REPORT.
6 For the school year beginning July 1, 2006, and
7 each succeeding school year, the board of directors of
8 each school district shall report annually to each
9 student enrolled in grades nine through twelve in the
10 school district, and to each student's parent or
11 guardian, the student's progress toward meeting the
12 goal of successfully completing the model core
13 curriculum developed by the state board of education
14 pursuant to section 256.7, subsection 26."
15 2. Title page, line 4, by inserting after the
16 word "goal," the following: "requiring school
17 districts to report student core curriculum progress
18 annually,".

HERMAN C. QUIRMBACH
BOB BRUNKHORST

S–3033

1 Amend Senate File 303 as follows:
2 1. Page 1, by striking lines 33 through 35, and
3 inserting the following: "health care facility. For
4 the purposes of this section, "another business or
5 activity" shall not include laboratory services with
6 the exception of laboratory services for which a
7 waiver from regulatory oversight has been obtained
8 under the federal Clinical Laboratory Improvement
9 Amendments of 1988, Pub. L. No. 100-578, as amended,
10 radiological services, anesthesiology services,
11 obstetrical services, surgical services, or emergency

12 room services provided by hospitals licensed under
13 chapter 135B."

AMANDA RAGAN
MAGGIE TINSMAN
KEITH A. KREIMAN

S–3034

1 Amend Senate File 348 as follows:
2 1. Page 6, line 24, by inserting after the word
3 "prescribe." the following: "In preparing the
4 estimated cost in accordance with this subsection, a
5 project shall not be divided into several projects in
6 order to avoid the requirement that the board
7 advertise for bids. If the project is divided into
8 several projects for bidding purposes, the public
9 bidding process shall be followed if the sum of those
10 several projects exceeds the bid threshold requirement
11 of this subsection."

DAVID JOHNSON
DARYL BEALL

S–3035

1 Amend Senate File 342 as follows:
2 1. Page 9, by inserting before line 1 the
3 following:
4 "DIVISION ___
5 MISCELLANEOUS PROVISIONS
6 Sec. ___. 2003 Iowa Acts, chapter 179, section 21,
7 subsections 2 and 5, as enacted by 2005 Iowa Acts,
8 Senate File 75, section 1, are amended to read as
9 follows:
10 2. Of the funds appropriated in this section,
11 $10,000 is transferred to the ~~Iowa~~ department of
12 ~~public health~~ human services for allocation to
13 community mental health centers to provide counseling
14 services to persons, whether or not employed by the
15 state, who are members of the national guard or
16 reservists and who are assigned to active duty service
17 in the armed forces of the United States and to the
18 persons' family members. The sessions shall be
19 provided on a first come, first served basis and shall
20 be limited to three visits per family.
21 5. The remainder of the funds appropriated in this
22 section are transferred to the Iowa finance authority
23 to be used for a home ownership assistance program for
24 persons who are eligible members of the armed forces
25 of the United States. In the event an eligible member
26 is deceased, the surviving spouse of the eligible

27 member shall be eligible for a loan under the program,
28 subject to the surviving spouse meeting the program's
29 eligibility requirements other than the military
30 service requirement. For the purposes of this
31 subsection, "eligible member of the armed forces of
32 the United States" means a resident of this state who
33 is or was a member of the national guard, reserve, or
34 regular component of the armed forces of the United
35 States who has served at least ninety days of active
36 duty service during the period beginning September 11,
37 2001, and ending June 30, 2006.
38 Sec. ___. APPLICABILITY. This division of this
39 Act is retroactively applicable to May 17, 2004."
40 2. By renumbering as necessary.

STEVE WARNSTADT
ROBERT E. DVORSKY
JEFF ANGELO

S–3036

HOUSE AMENDMENT TO
SENATE FILE 71

1 Amend Senate File 71, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by striking lines 1 through 35.
4 2. Page 2, by striking lines 13 through 17.
5 3. By renumbering, redesignating, and correcting
6 internal references as necessary.

S–3037

1 Amend Senate File 355 as follows:
2 1. Page 1, by striking line 24, and inserting the
3 following:
4 "j. A representative of the Iowa association of
5 homes and services for the aging.
6 k. A representative of the Iowa health care
7 association.
8 l. A representative of the Iowa state association
9 of counties.
10 m. Eight members of the general assembly."

JOE BOLKCOM
JAMES SEYMOUR

S–3038

Amend Senate File 333 as follows:

1. Page 1, by inserting before line 1, the following:

"Section 1. Section 7E.5, subsection 1, paragraph v, Code 2005, is amended to read as follows:

v. The ~~commission~~ department of veterans affairs, which has primary responsibility for state veterans affairs.

Sec. 2. Section 35.1, subsection 1, Code 2005, is amended to read as follows:

1. ~~"Commission"~~ "Department" means the ~~commission~~ department of veterans affairs created in section ~~35A.2~~ 35A.4."

2. Page 2, by inserting before line 5, the following:

"Sec. ___. Section 35.8, Code 2005, is amended to read as follows:

35.8 WAR ORPHANS EDUCATIONAL AID FUND.

A war orphans educational aid fund is created as a separate fund in the state treasury under the control of the ~~commission~~ department of veterans affairs. Any money appropriated for the purpose of aiding in the education of orphaned children of veterans, as defined in section 35.1, shall be deposited in the war orphans educational aid fund.

Sec. ___. Section 35.9, unnumbered paragraph 1, Code 2005, is amended to read as follows:

The ~~commission~~ department of veterans affairs may expend not more than six hundred dollars per year for any one child who has lived in the state of Iowa for two years preceding application for aid, and who is the child of a person who died during active federal military service while serving in the armed forces or during active federal military service in the Iowa national guard or other military component of the United States, to defray the expenses of tuition, matriculation, laboratory and similar fees, books and supplies, board, lodging, and any other reasonably necessary expense for the child or children incident to attendance in this state at an educational or training institution of college grade, or in a business or vocational training school with standards approved by the ~~commission~~ department of veterans affairs.

Sec. ___. Section 35.10, Code 2005, is amended to read as follows:

35.10 ELIGIBILITY AND PAYMENT OF AID.

Eligibility for aid shall be determined upon application to the ~~commission~~ department of veterans affairs, whose decision is final. The eligibility of

Page 2

1 eligible applicants shall be certified by the
2 ~~commission~~ department of veterans affairs to the
3 director of the department of administrative services,
4 and all amounts that are or become due to an
5 individual or a training institution under this
6 chapter shall be paid to the individual or institution
7 by the director of the department of administrative
8 services upon receipt by the director of certification
9 by the president or governing board of the educational
10 or training institution as to accuracy of charges
11 made, and as to the attendance of the individual at
12 the educational or training institution. The
13 ~~commission~~ department of veterans affairs may pay over
14 the annual sum of four hundred dollars to the
15 educational or training institution in a lump sum, or
16 in installments as the circumstances warrant, upon
17 receiving from the institution such written
18 undertaking as the ~~commission~~ department may require
19 to assure the use of funds for the child for the
20 authorized purposes and for no other purpose. A
21 person is not eligible for the benefits of this
22 chapter until the person has graduated from a high
23 school or educational institution offering a course of
24 training equivalent to high school training.
25 Sec. ___. Section 35A.1, Code 2005, is amended by
26 adding the following new subsection:
27 NEW SUBSECTION. 3A. "Department" means the Iowa
28 department of veterans affairs established in section
29 35A.4.
30 Sec. ___. Section 35A.1, subsection 4, Code 2005,
31 is amended to read as follows:
32 4. "Director" means the ~~executive~~ director
33 appointed pursuant to section 35A.8.
34 Sec. ___. Section 35A.3, subsection 2, Code 2005,
35 is amended to read as follows:
36 2. Adopt rules pursuant to chapter 17A and
37 establish policy for the management and operation of
38 the department and the commission.
39 Sec. ___. Section 35A.3, subsections 3, 4, 5, 6,
40 7, 8, 9, 10, 11, 12, and 14, Code 2005, are amended by
41 striking the subsections.
42 Sec. ___. NEW SECTION. 35A.4 DEPARTMENT
43 ESTABLISHED.
44 There is established an Iowa department of veterans
45 affairs which shall consist of a commission, a
46 director, and any additional personnel as employed by
47 the director.
48 Sec. ___. NEW SECTION. 35A.5 DUTIES OF THE
49 DEPARTMENT.
50 The department shall do all of the following:

Page 3

1 1. Supervise the commandant's administration of
2 commission and department policy for the operations
3 and conduct of the Iowa veterans home.
4 2. Maintain information and data concerning the
5 military service records of Iowa veterans.
6 3. Assist county veteran affairs commissions
7 established pursuant to chapter 35B. The department
8 shall provide to county commissions suggested uniform
9 benefits and administrative procedures for carrying
10 out the functions and duties of the county
11 commissions.
12 4. Permanently maintain the records including
13 certified records of bonus applications for awards
14 paid from the war orphans educational fund under
15 chapter 35.
16 5. Collect and maintain information concerning
17 veterans affairs.
18 6. Conduct two service schools each year for the
19 Iowa association of county commissioners and executive
20 directors.
21 7. Assist the United States veterans
22 administration, the Iowa veterans home, funeral
23 directors, and federally chartered veterans service
24 organizations in providing information concerning
25 veterans service records and veterans affairs data.
26 8. Maintain alphabetically a permanent registry of
27 the graves of all persons who served in the military
28 or naval forces of the United States in time of war
29 and whose mortal remains rest in Iowa.
30 9. Provide training to executive directors of
31 county commissions of veteran affairs pursuant to
32 section 35B.6. The commission may adopt rules in
33 accordance with chapter 17A to provide for training of
34 county veteran affairs executive directors.
35 10. Establish and operate a state veterans
36 cemetery and make application to the government of the
37 United States or any subdivision, agency, or
38 instrumentality thereof, for funds for the purpose of
39 establishing such a cemetery. The state may enter
40 into agreements with any subdivision of the state for
41 assistance in operating the cemetery. The state shall
42 own the land on which the cemetery is located. The
43 department shall have the authority to accept federal
44 grant funds, funding from state subdivisions,
45 donations from private sources, and federal "plot
46 allowance" payments. All such funds shall be
47 deposited into an account dedicated to the
48 establishment, operation, and maintenance of a
49 veterans cemetery and these funds shall be expended
50 only for those purposes. The department through the

Page 4

1 director shall have the authority to accept suitable
2 cemetery land, in accordance with federal veterans
3 cemetery grant guidelines, from the federal
4 government, state government, state subdivisions,
5 private sources, and any other source wishing to
6 transfer land for use as a veterans cemetery.
7 11. Carry out the policies of the department.
8 Sec. ___. Section 35A.8, subsections 1, 2, and 3,
9 Code 2005, are amended to read as follows:
10 1. The governor shall appoint ~~an executive~~ a
11 director, subject to confirmation by the senate, who
12 shall serve at the pleasure of the governor. The
13 ~~executive~~ director is responsible for administering
14 the duties of the department and the commission ~~other~~
15 ~~than those related to the Iowa veterans home~~.
16 2. The ~~executive~~ director shall be a resident of
17 the state of Iowa and an honorably discharged veteran
18 who served in the armed forces of the United States
19 during a conflict or war. As used in this section,
20 the dates of service in a conflict or war shall
21 coincide with the dates of service established by the
22 Congress of the United States.
23 3. Except for the employment duties and
24 responsibilities assigned to the commandant for the
25 Iowa veterans home, the ~~executive~~ director shall
26 employ such personnel as are necessary for the
27 performance of the duties and responsibilities
28 assigned to the department and the commission. All
29 employees shall be selected on a basis of fitness for
30 the work to be performed with due regard to training
31 and experience and shall be subject to the provisions
32 of chapter 8A, subchapter IV.
33 Sec. ___. Section 35A.8, subsection 4, paragraph
34 a, Code 2005, is amended to read as follows:
35 a. The ~~executive~~ director shall provide for the
36 administration of the bonus authorized in this
37 subsection. The commission shall adopt rules,
38 pursuant to chapter 17A, as necessary to administer
39 this subsection including, but not limited to,
40 application procedures, investigation, approval or
41 disapproval, and payment of claims.
42 Sec. ___. Section 35A.9, subsections 1 and 2, Code
43 2005, are amended to read as follows:
44 1. The ~~executive~~ director, commandant, and
45 employees of the ~~commission~~ department and the Iowa
46 veterans home are entitled to receive, in addition to
47 salary, reimbursement for actual expenses incurred
48 while engaged in the performance of official duties.
49 2. All out-of-state travel by commissioners, the
50 ~~executive~~ director, the commandant, or employees of

Page 5

1 the ~~commission~~ department or the Iowa veterans home
2 shall be approved by the chairperson of the
3 commission.
4 Sec. ___. Section 35A.10, subsections 1 and 2,
5 Code 2005, are amended to read as follows:
6 1. The ~~commission~~ department shall work with the
7 department of administrative services to prepare and
8 submit to the director of the department of
9 management, as provided in section 8.23, a multiyear
10 construction program including estimates of the
11 expenditure requirements for the construction, repair,
12 or improvement of buildings, grounds, or equipment at
13 the ~~commission~~ department of veterans affairs building
14 at Camp Dodge and the Iowa veterans home in
15 Marshalltown.
16 2. The commandant and the ~~commission~~ department
17 shall have plans and specifications prepared by the
18 department of administrative services for authorized
19 construction, repair, or improvement projects in
20 excess of twenty-five thousand dollars. An
21 appropriation for a project shall not be expended
22 until the department of administrative services has
23 adopted plans and specifications and has completed a
24 detailed estimate of the cost of the project, prepared
25 under the supervision of a registered architect or
26 registered professional engineer.
27 Sec. ___. Section 35A.11, Code 2005, is amended to
28 read as follows:
29 35A.11 VETERANS LICENSE FEE FUND.
30 A veterans license fee fund is created in the state
31 treasury under the control of the ~~commission~~
32 department. The fund shall include the fees credited
33 by the treasurer of state from the sale of special
34 veteran license plates pursuant to section 321.34,
35 subsection 13, paragraph "d". Notwithstanding section
36 12C.7, interest or earnings on moneys in the veterans
37 license fee fund shall be credited to the veterans
38 license fee fund. Moneys in the fund are appropriated
39 to the ~~commission~~ department to be used to fulfill the
40 responsibilities of the ~~commission~~ department.
41 Sec. ___. Section 35B.6, subsection 1, paragraph
42 b, Code 2005, is amended to read as follows:
43 b. Upon the employment of an executive director,
44 the executive director shall complete a course of
45 initial training provided by the ~~commission~~ department
46 of veterans affairs pursuant to section ~~35A.3~~ 35A.5.
47 If an executive director is not appointed, a
48 commissioner or a clerical assistant shall complete
49 the course of training. The ~~commission~~ department
50 shall issue the executive director, commissioner, or

Page 6

clerical assistant a certificate of training after completion of the initial training course. To maintain annual certification, the executive director, commissioner, or clerical assistant shall attend one ~~commission~~ department training course each year. Failure to maintain certification may be cause for removal from office. The expenses of training shall be paid from the appropriation authorized in section 35B.14.

Sec. ___. Section 35B.11, Code 2005, is amended to read as follows:

35B.11 DATA FURNISHED STATE COMMISSION.

The commission of veteran affairs of each county shall provide information to the ~~state commission~~ department of veterans affairs as the ~~state commission~~ department may request.

Sec. ___. Section 35B.19, Code 2005, is amended to read as follows:

35B.19 BURIAL RECORDS.

The county commission of veteran affairs shall be charged with securing the information requested by the ~~commission~~ department of veterans affairs of every person having a military service record and buried in that county. Such information shall be secured from the undertaker in charge of the burial and shall be transmitted by the undertaker to the commission of veteran affairs of the county where burial is made. This information shall be recorded alphabetically and by description of location in the cemetery where the veteran is buried. This recording shall conform to the directives of the ~~state commission~~ department of veterans affairs and shall be kept in a book by the county commission.

Sec. ___. Section 35D.1, subsection 2, paragraph b, Code 2005, is amended to read as follows:

b. ~~"Commission"~~ "Department" means the ~~commission~~ department of veterans affairs established in section ~~35A.2~~ 35A.4.

Sec. ___. Section 35D.2, subsection 1, Code 2005, is amended to read as follows:

1. Persons described in section 35D.1 who do not have sufficient means for their own support, or are disabled by disease, wounds, old age, or otherwise, and are unable to earn a livelihood, and who are residents of the state of Iowa on the date of the application and immediately preceding the date the application is accepted, may be admitted to the home as members under rules adopted by the commission of veterans affairs. Eligibility determinations are subject to approval by the commandant.

Page 7

1 Sec. ___. Section 35D.3, Code 2005, is amended to
2 read as follows:
3 35D.3 RULES — GENERAL MANAGEMENT.
4 The commission of veterans affairs shall adopt all
5 the necessary rules, pursuant to chapter 17A, for the
6 preservation of order and enforcement of discipline,
7 the promotion of health and well-being of all the
8 members, and the management and control of the home
9 and its grounds.
10 Sec. ___. Section 35D.4, subsection 2, Code 2005,
11 is amended to read as follows:
12 2. The cottages may be made available to persons
13 on the staff of the home at a rental rate determined
14 by the commission of veterans affairs.
15 Sec. ___. Section 35D.7, subsection 3, Code 2005,
16 is amended to read as follows:
17 3. The commandant may require any member of the
18 home to render assistance in the care of the home and
19 its grounds as the member's psycho-social and physical
20 condition permit, as a phase of that member's
21 rehabilitation program. The commandant shall
22 compensate each member who furnishes assistance at
23 rates established by the commission of veterans
24 affairs.
25 Sec. ___. Section 35D.8, Code 2005, is amended to
26 read as follows:
27 35D.8 CONDITIONAL ADMITTANCE.
28 The ~~commission~~ department may, if there is room for
29 all dependent members and applicants, admit and allow
30 to remain in the home persons who have sufficient
31 means for their own support but are otherwise eligible
32 to become members of the home, on payment of the cost
33 of their support. The cost and method of collection
34 shall be determined by the commission of veterans
35 affairs.
36 Sec. ___. Section 35D.11, subsection 2, Code 2005,
37 is amended to read as follows:
38 2. The commandant, if authorized by a member of
39 the home, and pursuant to policies adopted by the
40 commission of veterans affairs, may act on behalf of
41 that member in receiving, disbursing, and accounting
42 for personal funds of the member received from any
43 source. The authorization may be given by the member
44 at any time and shall not be a condition of admission
45 to the home.
46 Sec. ___. Section 35D.12, subsection 2, Code 2005,
47 is amended to read as follows:
48 2. The commandant, if authorized by a member of
49 the home, and pursuant to policies adopted by the
50 commission of veterans affairs, may make withdrawals

Page 8

against that member's personal account to pay regular bills and other expenses incurred by the member. The authorization may be given by the member at any time and shall not be a condition of admission to the home.

Sec. ___. Section 35D.13, subsections 1 and 3, Code 2005, are amended to read as follows:

1. The governor shall appoint a commandant, subject to senate confirmation, who shall serve at the pleasure of the governor as the chief executive of the home. The commandant shall report directly to the ~~commission~~ department and shall have the immediate custody and control, subject to the orders of the ~~commission~~ department, of all property used in connection with the home.

3. The salary of the commandant shall be fixed by the governor within salary guidelines or a range established by the general assembly. In addition to salary, the ~~commission~~ department shall furnish the commandant with a dwelling house or with appropriate quarters and additional allowances, as provided in section 218.14 for executive heads of state institutions.

Sec. ___. Section 35D.15, Code 2005, is amended to read as follows:

35D.15 RULES ENFORCED — POWER TO SUSPEND AND EXPEL MEMBERS.

The commandant shall administer and enforce all rules adopted by the commission of veterans affairs, including rules of discipline and, subject to these rules, may immediately suspend the membership of and expel any person from the home for infraction of the rules when the commandant determines that the health, safety, or welfare of the residents of the home is in immediate danger and other reasonable alternatives have been exhausted. The suspension and expulsion are temporary pending action by the ~~commission~~ department. Judicial review of the action of the ~~commission~~ department may be sought in accordance with chapter 17A.

Sec. ___. Section 35D.17, Code 2005, is amended to read as follows:

35D.17 REPORT BY COMMANDANT.

The commandant shall, biennially, make a full and detailed report to the governor, the ~~commission~~ department, and the general assembly, showing the condition of the home, the number of members in the Iowa veterans home, the order and discipline enforced, and the needs of the home financially and otherwise, together with an itemized statement of all receipts and disbursements and any other matters of importance

Page 9

in the management and control of the Iowa veterans home.

Sec. ___. Section 36.1, subsection 3, Code 2005, is amended to read as follows:

3. ~~"Commission"~~ "Department" means the ~~commission~~ department of veterans affairs established in section 35A.4.

Sec. ___. Section 36.2, Code 2005, is amended to read as follows:

36.2 CHEMICAL EXPOSURE REPORT TO ~~COMMISSION~~ DEPARTMENT.

A licensed physician, as defined in section 135.1, subsection 4, who treats a veteran the physician believes may have been exposed to chemicals while serving in the armed forces of the United States shall submit a report indicating that information to the ~~commission~~ department at the request of the veteran pursuant to section 36.3.

Sec. ___. Section 36.3, Code 2005, is amended to read as follows:

36.3 DUTIES OF THE ~~COMMISSION~~ DEPARTMENT.

The ~~commission~~ department shall:

1. Provide the forms for the reports required in section 36.2. The report form shall require the doctor to provide all of the following:

a. Symptoms of the veteran which may be related to exposure to chemicals.

b. Diagnosis of the veteran.

c. Methods of treatment prescribed.

2. Annually compile and evaluate the information submitted in the reports pursuant to subsection 1, in consultation and cooperation with a certified medical toxicologist selected by the ~~commission~~ department. The ~~commission~~ department shall submit the report to the governor, the general assembly, and the United States veterans' administration. The report shall include current research data on the effects of exposure to chemicals, statistical information received from individual physicians' reports, and statistical information from the epidemiological investigations pursuant to subsection 3.

3. Conduct epidemiological investigations of veterans who have cancer or other medical problems or who have children born with birth defects associated with exposure to chemicals, in consultation and cooperation with a certified medical toxicologist selected by the ~~commission~~ department. The ~~commission~~ department shall obtain consent from a veteran before conducting the investigations.

The ~~commission~~ department shall cooperate with

Page 10

1 local and state agencies during the course of an
2 investigation.
3 Sec. ___. Section 36.4, unnumbered paragraph 1,
4 Code 2005, is amended to read as follows:
5 The ~~commission~~ department shall not identify a
6 veteran consenting to the epidemiological
7 investigations pursuant to section 36.3, subsection 3,
8 unless the veteran consents to the release of
9 identity. The statistical information compiled by the
10 ~~commission~~ department pursuant to section 36.3 is a
11 public record.
12 Sec. ___. Section 36.6, unnumbered paragraph 1,
13 Code 2005, is amended to read as follows:
14 The ~~commission~~ department and appropriate medical
15 facilities at the state university of Iowa under the
16 control of the state board of regents shall institute
17 a cooperative program to:
18 Sec. ___. Section 36.7, Code 2005, is amended to
19 read as follows:
20 36.7 FEDERAL PROGRAM.
21 If the ~~commission~~ department or the general
22 assembly determines that an agency of the federal
23 government or the state of Iowa is providing the
24 referral and genetic services pursuant to section
25 36.6, the ~~commission~~ department or the general
26 assembly by specific action may discontinue all or
27 part of the services and requirements in this chapter.
28 Sec. ___. Section 36.8, Code 2005, is amended to
29 read as follows:
30 36.8 RULES.
31 The ~~commission~~ department shall adopt rules
32 pursuant to chapter 17A to implement this chapter.
33 Sec. ___. Section 36.9, Code 2005, is amended to
34 read as follows:
35 36.9 APPROPRIATIONS.
36 This chapter shall be implemented by the ~~commission~~
37 department each fiscal year that appropriations are
38 made to the ~~commission~~ department for the
39 implementation.
40 Sec. ___. Section 135C.31A, Code 2005, is amended
41 to read as follows:
42 135C.31A ASSESSMENT OF RESIDENTS — PROGRAM
43 ELIGIBILITY.
44 Beginning July 1, 2003, a health care facility
45 receiving reimbursement through the medical assistance
46 program under chapter 249A shall assist the Iowa
47 ~~commission~~ department of veterans affairs in
48 identifying, upon admission of a resident, the
49 resident's eligibility for benefits through the
50 federal department of veterans affairs. The health

Page 11

1 care facility shall also assist the Iowa ~~commission~~
2 department of veterans affairs in determining such
3 eligibility for residents residing in the facility on
4 July 1, 2003. The department of inspections and
5 appeals, in cooperation with the department of human
6 services, shall adopt rules to administer this
7 section, including a provision that ensures that if a
8 resident is eligible for benefits through the federal
9 department of veterans affairs or other third-party
10 payor, the payor of last resort for reimbursement to
11 the health care facility is the medical assistance
12 program. This section shall not apply to the
13 admission of an individual to a state mental health
14 institute for acute psychiatric care or to the
15 admission of an individual to the Iowa veterans home.
16 Sec. ___. Section 256.9, subsection 48, Code 2005,
17 is amended to read as follows:
18 48. Develop and administer, with the cooperation
19 of the ~~commission~~ department of veterans affairs, a
20 program which shall be known as operation recognition.
21 The purpose of the program is to award high school
22 diplomas to veterans of World War I, World War II, and
23 the Korean and Vietnam conflicts who left high school
24 prior to graduation to enter United States military
25 service. The department of education and the
26 ~~commission~~ department of veterans affairs shall
27 jointly develop an application procedure, distribute
28 applications, and publicize the program to school
29 districts, accredited nonpublic schools, county
30 commissions of veteran affairs, veterans
31 organizations, and state, regional, and local media.
32 All honorably discharged veterans who are residents or
33 former residents of the state; who served at any time
34 between April 6, 1917, and November 11, 1918, at any
35 time between September 16, 1940, and December 31,
36 1946, at any time between June 25, 1950, and January
37 31, 1955, or at any time between February 28, 1961,
38 and May 5, 1975, all dates inclusive; and who did not
39 return to school and complete their education after
40 the war or conflict shall be eligible to receive a
41 diploma. Diplomas may be issued posthumously. Upon
42 approval of an application, the department shall issue
43 an honorary high school diploma for an eligible
44 veteran. The diploma shall indicate the veteran's
45 school of attendance. The department of education and
46 the ~~commission~~ department of veterans affairs shall
47 work together to provide school districts, schools,
48 communities, and county commissions of veteran affairs
49 with information about hosting a diploma ceremony on
50 or around Veterans Day. The diploma shall be mailed

Page 12

1 to the veteran or, if the veteran is deceased, to the
2 veteran's family.
3 Sec. ___. Section 303.2, subsection 2, paragraph
4 k, Code 2005, is amended to read as follows:
5 k. Administer, preserve, and interpret the battle
6 flag collection assembled by the state in consultation
7 and coordination with the ~~commission~~ department of
8 veterans affairs and the department of administrative
9 services. A portion of the battle flag collection
10 shall be on display at the state capitol and the state
11 historical building at all times, unless on loan
12 approved by the department of cultural affairs.
13 Sec. ___. Section 331.608, subsection 6, paragraph
14 e, Code 2005, is amended to read as follows:
15 e. When otherwise required by a department or
16 agency of the federal or state government or a
17 political subdivision. The recorder shall make these
18 records available to the ~~commission~~ department of
19 veterans affairs. The ~~commission~~ department of
20 veterans affairs and its employees shall be subject to
21 the same state and federal confidentiality
22 restrictions and requirements that are imposed on the
23 recorder."
24 3. Page 3, by inserting before line 30, the
25 following:
26 "Sec. ___. Section 483A.24, subsection 13, Code
27 2005, is amended to read as follows:
28 13. Upon payment of the fee of thirty dollars for
29 a lifetime hunting and fishing combined license, the
30 department shall issue a hunting and fishing combined
31 license to a resident of Iowa who is a veteran, as
32 defined in section 35.1, who was disabled or was a
33 prisoner of war during that veteran's military
34 service. The department shall prepare an application
35 to be used by a person requesting a hunting and
36 fishing combined license under this subsection. The
37 ~~commission~~ department of veterans affairs shall assist
38 the department in verifying the status or claims of
39 applicants under this subsection. As used in this
40 subsection, "disabled" means entitled to compensation
41 under the United States Code, Title 38, ch. 11.
42 Sec. ___. Section 669.2, subsection 4, unnumbered
43 paragraph 1, Code 2005, is amended to read as follows:
44 "Employee of the state" includes any one or more
45 officers, agents, or employees of the state or any
46 state agency, including members of the general
47 assembly, and persons acting on behalf of the state or
48 any state agency in any official capacity, temporarily
49 or permanently in the service of the state of Iowa,
50 whether with or without compensation, but does not

Page 13

1 include a contractor doing business with the state.
2 Professional personnel, including physicians,
3 osteopathic physicians and surgeons, osteopathic
4 physicians, optometrists, dentists, nurses, physician
5 assistants, and other medical personnel, who render
6 services to patients or inmates of state institutions
7 under the jurisdiction of the department of human
8 services or the Iowa department of corrections, and
9 employees of the ~~commission~~ department of veterans
10 affairs, are to be considered employees of the state,
11 whether the personnel are employed on a full-time
12 basis or render services on a part-time basis on a fee
13 schedule or other arrangement. Criminal defendants
14 while performing unpaid community service ordered by
15 the district court, board of parole, or judicial
16 district department of correctional services, or an
17 inmate providing services pursuant to a chapter 28E
18 agreement entered into pursuant to section 904.703,
19 and persons supervising those inmates under and
20 according to the terms of the chapter 28E agreement,
21 are to be considered employees of the state."
22 4. Title page, line 1, by inserting after the
23 word "Act" the following: "relating to veterans by
24 providing for the establishment of a department of
25 veterans affairs, and".
26 5. By renumbering as necessary.

JOHN P. KIBBIE

S–3039

1 Amend Senate File 206 as follows:
2 1. Page 1, by striking lines 1 through 14.

MARK ZIEMAN

S–3040

1 Amend Senate File 340 as follows:
2 1. Page 1, by inserting after line 16 the
3 following:
4 "Sec. ___. Section 321.218A, Code 2005, is amended
5 to read as follows:
6 321.218A CIVIL PENALTY — DISPOSITION —
7 REINSTATEMENT.
8 When the department suspends, revokes, or bars a
9 person's driver's license or nonresident operating
10 privilege for a conviction under this chapter, the
11 department shall assess the person a civil penalty of
12 two hundred dollars. However, for persons age

13 nineteen or under, the civil penalty assessed shall be
14 fifty dollars. The civil penalty does not apply to a
15 suspension issued for a violation of section 321.180B.
16 The money collected by the department under this
17 section shall be transmitted to the treasurer of state
18 who shall deposit the money in the juvenile detention
19 home fund created in section 232.142. A temporary
20 restricted license shall not be issued or a driver's
21 license or nonresident operating privilege reinstated
22 until the civil penalty has been paid. A person
23 assessed a penalty under this section may remit the
24 civil penalty along with a processing fee of five
25 dollars to a county treasurer authorized to issue
26 driver's licenses under chapter 321M, or the civil
27 penalty may be paid directly to the department."
28 2. Page 2, by inserting after line 14, the
29 following:
30 "Sec. ___. Section 321A.32A, Code 2005, is amended
31 to read as follows:
32 321A.32A CIVIL PENALTY — DISPOSITION —
33 REINSTATEMENT.
34 When the department suspends, revokes, or bars a
35 person's driver's license or nonresident operating
36 privilege under this chapter, the department shall
37 assess the person a civil penalty of two hundred
38 dollars. However, for persons age nineteen or under,
39 the civil penalty assessed shall be fifty dollars.
40 The money collected by the department under this
41 section shall be transmitted to the treasurer of state
42 who shall deposit the money in the juvenile detention
43 home fund created in section 232.142. A temporary
44 restricted license shall not be issued or a driver's
45 license or nonresident operating privilege reinstated
46 until the civil penalty has been paid. A person
47 assessed a penalty under this section may remit the
48 civil penalty along with a processing fee of five
49 dollars to a county treasurer authorized to issue
50 driver's licenses under chapter 321M, or the civil

Page 2

1 penalty may be paid directly to the department.
2 Sec. ___. Section 321M.5, subsection 2, paragraph
3 a, Code 2005, is amended to read as follows:
4 a. Responsibility for collection of, and
5 accounting for, any fees and penalties associated with
6 the licensing process.
7 Sec. ___. Section 321M.9, subsection 1, Code 2005,
8 is amended to read as follows:
9 1. FEES TO COUNTIES. Notwithstanding any other
10 provision in the Code to the contrary, the county
11 treasurer of ~~any~~ a county authorized to issue driver's

12 licenses under this chapter shall retain for deposit
13 in the county general fund seven dollars of fees
14 received for each issuance or renewal of driver's
15 licenses and nonoperator's identification cards, but
16 shall not retain any moneys for the issuance of any
17 persons with disabilities identification devices. The
18 five dollar processing fee charged by a county
19 treasurer for collection of a civil penalty under
20 section 321.218A or 321A.32A shall be retained for
21 deposit in the county general fund. The county
22 treasurer shall remit the balance of fees and all
23 civil penalties to the department."
24 3. Page 2, by inserting after line 27, the
25 following:
26 "Sec. ___. Section 331.557A, Code 2005, is amended
27 by adding the following new subsection:
28 NEW SUBSECTION. 3A. Accept payment of civil
29 penalties pursuant to sections 321.218A and 321A.32A
30 and remit the penalties to the state department of
31 transportation."
32 4. Title page, by striking lines 1 through 4 and
33 inserting the following: "An Act relating to motor
34 vehicle registration and driver licensing services
35 provided by county treasurers and providing for the
36 collection of certain fees, fines, and penalties."
37 5. By renumbering as necessary.

MARK ZIEMAN

S–3041

1 Amend Senate File 379 as follows:
2 1. Page 10, by inserting after line 23 the
3 following:
4 "Sec. ___. Section 633.434, unnumbered paragraph
5 2, Code 2005, is amended to read as follows:
6 Upon the expiration of the later to occur of four
7 months after the date of the second publication of
8 notice to creditors or one month after the service of
9 the notice by ordinary mail upon all claimants whose
10 identities are reasonably ascertainable, at their last
11 known addresses and whose claims will not or may not
12 be paid or otherwise satisfied during administration,
13 the personal representative shall pay the debts and
14 charges against the estate in accordance with this
15 probate code. If it appears at any time that the
16 estate is or may be insolvent, that there are
17 insufficient funds on hand, or that there is other
18 good and sufficient cause, the personal representative
19 may report that fact to the court and apply for any
20 order that the personal representative deems
21 necessary."

2. Page 12, line 16, by inserting after the word "property" the following: ", if the holder has taken reasonable steps to verify the identity of the person acting as attorney in fact or agent".
3. Page 13, line 19, by inserting after the word "property" the following: ", if the holder has taken reasonable steps to verify the identity of the person acting as attorney in fact or agent".
4. Page 16, line 15, by striking the words "or who" and inserting the following: "and who,".
5. Page 16, line 16, by striking the word "marriage" and inserting the following: "marriage,".
6. Page 19, line 5, by striking the figure "633.434;".
7. By renumbering as necessary.

PAT WARD
KEITH A. KREIMAN

S–3042

Amend Senate File 281 as follows:
1. Page 1, line 5, by striking the word "plus" and inserting the following: "and may add".
2. Page 1, line 10, by striking the word "shall" and inserting the following: "may".
3. Page 1, lines 10 and 11, by striking the words "general taxes" and inserting the following: "a property tax".
4. Page 1, line 16, by striking the word "plus" and inserting the following: "and may add".
5. Page 1, line 21, by striking the word "shall" and inserting the following: "may".
6. Page 1, line 21, by striking the words "general taxes" and inserting the following: "a property tax".

HERMAN C. QUIRMBACH

S–3043

Amend Senate File 206 as follows:
1. Page 2, line 18, by inserting after the word "of" the following: "deer herd population management, including".
2. Page 2, line 25, by inserting after the word "of" the following: "deer herd population management, including".
3. Page 3, line 30, by striking the words "help us stop hunger program" and inserting the following: "purpose of deer herd population management".
4. Page 6, by inserting after line 35 the

12 following:
13 "Sec. ___. Section 483A.24A, Code 2005, is
14 repealed."
15 5. By renumbering as necessary.

BOB BRUNKHORST
DENNIS H. BLACK

S–3044

1 Amend Senate File 367 as follows:
2 1. Page 4, by inserting after line 19 the
3 following:
4 "Sec. ___. Section 481A.123, Code 2005, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 5. This section does not apply to
7 the discharge of a firearm on a farm unit by the owner
8 or tenant of the farm unit or by a family member of
9 the owner or tenant of the farm unit.
10 As used in this subsection, "family member", "farm
11 unit", "owner", and "tenant" mean the same as defined
12 in section 483A.24, subsection 2."
13 2. By renumbering as necessary.

DENNIS H. BLACK

S–3045

1 Amend Senate File 359 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. Section 279.59, Code 2005, is amended
5 to read as follows:
6 279.59 ~~ACCESS BY~~ PROFESSIONAL EDUCATION
7 ASSOCIATIONS.
8 1. The board of directors of a school district
9 shall provide not-for-profit, professional education
10 associations that offer membership to teachers or
11 administrators equal access to teacher or
12 administrator mailboxes for distribution of
13 professional literature.
14 2. Notwithstanding section 20.9, a school district
15 may, upon a teacher's or administrator's written
16 request, deduct from the salary or wages of the
17 teacher or administrator an amount specified by the
18 teacher or administrator for payment of dues or
19 membership fees for the teacher's or administrator's
20 membership in a not-for-profit, professional education
21 association. If a written request is granted, all
22 other written requests for salary or wage deductions
23 for payment of dues or membership fees for membership
24 in the same not-for-profit, professional education

25 association shall also be granted. The teacher or
26 administrator may withdraw the request for the
27 deduction at any time by giving the school district
28 thirty days' written notice.
29 3. For purposes of this section, unless the
30 context otherwise requires, "professional education
31 association" means an association in which the
32 majority of members are practitioners licensed in
33 accordance with chapter 272."
34 2. Title page, line 2, by striking the words "for
35 charitable giving".
36 3. By renumbering as necessary.

PAUL McKINLEY
LARRY McKIBBEN
PAT WARD
NANCY J. BOETTGER
JOHN PUTNEY
DAVID JOHNSON
JEFF ANGELO
BRAD ZAUN
JERRY BEHN
STEWART E. IVERSON, JR.
E. THURMAN GASKILL
JAMES A. SEYMOUR

S–3046

1 Amend Senate File 206 as follows:
2 1. Page 4, by striking lines 10 through 12.
3 2. By renumbering as necessary.

JERRY BEHN

S–3047

1 Amend Senate File 347 as follows:
2 1. Page 1, by striking lines 6 through 22, and
3 inserting the following:
4 "___. "Biodiesel", "E-85 blended gasoline", and
5 "renewable fuel" mean the same as defined in section
6 214A.1."
7 2. Page 1, line 23, by striking the word "Off-
8 site" and inserting the following: "Biodiesel".
9 3. Page 1, by striking lines 25 and 26, and
10 inserting the following: "biodiesel to persons
11 through an automated system and which is located on
12 the same premises as a major pipeline terminal or
13 within close proximity to a major pipeline terminal."
14 4. Page 1, by striking lines 27 through 33.
15 5. Page 2, line 1, by striking the words "service
16 station" and inserting the following: "geographic

location".

6. Page 2, by striking lines 18 through 22, and inserting the following: "conversion of infrastructure required to establish four biodiesel terminal facilities."

7. Page 2, line 27, by striking the word "off-site" and inserting the following: "biodiesel".

8. Page 3, by striking line 28, and inserting the following: "renewable fuel, and experience in promoting the use of renewable fuel".

9. Page 4, by inserting after line 3, the following:

"Sec. ___. Section 159A.2, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 0A. "Biodiesel", "E-85 blended gasoline", "ethanol blended gasoline", and "renewable fuel" mean the same as defined in section 214A.1.

Sec. ___. Section 159A.2, subsections 6 and 8, Code 2005, are amended by striking the subsections.

Sec. ___. Section 159A.3, subsection 3, Code 2005, is amended to read as follows:

3. ~~a.~~ A chief purpose of the office is to further the production and consumption of renewable fuel including but not limited to biodiesel and ethanol ~~fuel~~ blended gasoline including E-85 blended gasoline in this state. The office shall be the primary state agency charged with the responsibility to promote public consumption of ~~ethanol~~ renewable fuel.

~~b. The office shall promote the production and consumption of soydiesel fuel in this state.~~

Sec. ___. Section 214A.1, Code 2005, is amended by adding the following new subsections:

NEW SUBSECTION. 1A. "Biodiesel" means a motor vehicle fuel which is produced for use in diesel

Page 2

powered engines, if at least two percent of the motor vehicle fuel by volume is an end product achieved through a chemical process that produces monoalkyl esters of long chain fatty acids derived from plant or animal matter, and which meets the standards for that type of renewable fuel as provided in section 214A.2.

NEW SUBSECTION. 1B. "E-85 blended gasoline" means ethanol blended gasoline which contains at least eighty-five percent denatured alcohol by volume from the first day of April until the last day of October or seventy percent denatured alcohol by volume from the first day of November until the last day of March and which meets the standards for that type of renewable fuel as provided in section 214A.2.

NEW SUBSECTION. 1C. "Ethanol blended gasoline"

means motor vehicle fuel which is a mixture of conventional gasoline and at least ten percent denatured alcohol by volume for use in spark ignition engines, and which meets the standards for that type of renewable fuel as provided in section 214A.2.

NEW SUBSECTION. 5A. "Renewable fuel" means an energy source which is derived from a biomass that is an organic compound available on a renewable or recurring basis, including but not limited to agricultural crops, if the biomass when processed may be used alone or blended with a petroleum product to power machinery, including an engine or power plant. "Renewable fuel" includes but is not limited to biodiesel and ethanol blended gasoline including E-85 blended gasoline.

Sec. ___. Section 214A.2, subsection 1, Code 2005, is amended to read as follows:

1. The secretary shall adopt rules pursuant to chapter 17A for carrying out this chapter. The rules may include, but are not limited to, specifications relating to motor vehicle fuel ~~or~~, including but not limited to renewable fuel which includes oxygenate octane enhancers. In the interest of uniformity, the secretary shall adopt by reference or otherwise specifications relating to tests and standards for motor fuel or oxygenate octane enhancers, established by A.S.T.M. ~~(American society for testing and materials)~~ international, unless the secretary determines those specifications are inconsistent with this chapter or are not appropriate to the conditions which exist in this state.

Sec. ___. Section 214A.2, subsection 3, Code 2005, is amended by striking the subsection and inserting in lieu thereof the following:

3. Ethanol blended gasoline for use in automotive

spark ignitions must meet all of the following:

a. The registration requirements for fuels and fuel additives established by the United States environmental protection agency under 42 U.S.C. § 7545.

b. Compliance with the specifications of ASTM international designation D–4806.

Sec. ___. Section 214A.2, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. Biodiesel must meet all of the following:

a. The registration requirements for fuels and fuel additives established by the United States environmental protection agency under 42 U.S.C. §

15 7545.
16 b. Compliance with the specifications of ASTM
17 international designation D–5798–99.
18 Sec. ___. Section 307.20, Code 2005, is amended to
19 read as follows:
20 307.20 BIODIESEL ~~FUEL~~ REVOLVING FUND.
21 1. A biodiesel ~~fuel~~ revolving fund is created in
22 the state treasury. The biodiesel ~~fuel~~ revolving fund
23 shall be administered by the department and shall
24 consist of moneys received from the sale of EPAct
25 credits banked by the department on April 19, 2001,
26 moneys appropriated by the general assembly, and any
27 other moneys obtained or accepted by the department
28 for deposit in the fund. Moneys in the fund are
29 appropriated to and shall be used by the department
30 for the purchase of biodiesel ~~fuel~~ for use in
31 department vehicles. The department shall submit an
32 annual report not later than January 31 to the members
33 of the general assembly and the legislative services
34 agency, of the expenditures made from the biodiesel
35 fund during the preceding fiscal year. Section 8.33
36 does not apply to any moneys in the fund and,
37 notwithstanding section 12C.7, subsection 2, earnings
38 or interest on moneys deposited in the fund shall be
39 credited to the fund.
40 2. A department motor vehicle operating on
41 biodiesel ~~fuel~~ shall be affixed with a brightly
42 visible sticker that notifies the traveling public
43 that the motor vehicle uses biodiesel ~~fuel~~.
44 3. For purposes of this section, all of the
45 following definitions apply:
46 a. ~~"Biodiesel fuel"~~ "Biodiesel" means ~~soydiesel~~
47 ~~fuel~~ the same as defined in section ~~159A.2~~ 214A.1.
48 b. "EPAct credit" means a credit issued pursuant
49 to the federal Energy Policy Act (EPAct), 42 U.S.C. §
50 13201 et seq.

Page 4

1 Sec. ___. Section 422.11C, subsection 1, paragraph
2 a, Code 2005, is amended to read as follows:
3 a. "Ethanol blended gasoline" means the same as
4 defined in section ~~452A.2~~ 214A.1.
5 Sec. ___. Section 423.3, subsection 56, Code 2005,
6 is amended to read as follows:
7 56. The sales price from the sale of motor fuel
8 and special fuel consumed for highway use or in
9 watercraft or aircraft where the fuel tax has been
10 imposed and paid and no refund has been or will be
11 allowed and the sales price from the sales of ethanol
12 blended gasoline, as defined in section ~~452A.2~~ 214A.1.
13 Sec. ___. Section 452A.2, subsection 2, Code 2005,

is amended by striking the subsection and inserting in lieu thereof the following:

2. "Biodiesel" means the same as defined in section 214A.1.

Sec. ___. Section 452A.2, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 9A. "E-85 blended gasoline" means the same as defined in section 214A.1.

Sec. ___. Section 452A.2, subsection 11, Code 2005, is amended to read as follows:

11. "Ethanol blended gasoline" means ~~motor fuel containing at least ten percent alcohol distilled from cereal grains~~ the same as defined in section 214A.1.

Sec. ___. Section 452A.2, subsection 21, Code 2005, is amended to read as follows:

21. "Nonterminal storage facility" means a facility where motor fuel or special fuel, other than liquefied petroleum gas, is stored that is not supplied by a pipeline or a marine vessel. "Nonterminal storage facility" includes a facility that manufactures products such as alcohol, ~~biofuel~~ biodiesel, blend stocks, or additives which may be used as motor fuel or special fuel, other than liquefied petroleum gas, for operating motor vehicles or aircraft.

Sec. ___. Section 452A.3, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 1B. An excise tax of fourteen and two-tenths cents is imposed on each gallon of E-85 blended gasoline used for the privilege of operating motor vehicles in this state.

Sec. ___. Section 452A.6, Code 2005, is amended to read as follows:

452A.6 ETHANOL BLENDED GASOLINE AND OTHER PRODUCTS — BLENDER'S LICENSE.

1. A person other than a supplier, restrictive supplier, or importer licensed under this division,

who blends gasoline with alcohol distilled from cereal grains so that the blend contains at least ten percent alcohol distilled from cereal grains, shall obtain a blender's license.

2. A person who blends two or more special fuel products or sells one hundred percent ~~biofuel~~ biodiesel shall obtain a blender's license.

3. ~~The~~ A blender's license shall be obtained by ~~following~~ complying with the procedure under section 452A.4 ~~and the~~. A blender's license is subject to the same restrictions as contained in that section. A blender shall maintain records as required by section

13 452A.10 as to motor fuel, alcohol, ethanol blended
14 gasoline, and special fuels."
15 10. Title page, by striking lines 1 and 2, and
16 inserting the following: "An Act relating to
17 renewable fuel, including by providing for ethanol and
18 biodiesel, providing financial incentives and excise
19 taxes, and making penalties applicable."
20 11. By renumbering as necessary.

JOHN P. KIBBIE
DAVID JOHNSON

S–3048

1 Amend Senate File 359 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. NEW SECTION. 256.67B CHARITABLE
5 GIVING PAYROLL DEDUCTION.
6 1. The board of trustees of a library service area
7 may authorize deductions from the salaries or wages of
8 library service area employees of an amount specified
9 by an employee for payment to an eligible charitable
10 organization. The authorization by an employee for
11 deductions from the employee's salary or wages shall
12 be evidenced by a written request signed by the
13 employee directed to and filed with the treasurer, or
14 official in charge of the payroll system, of the
15 library service area and the treasurer or responsible
16 official shall deduct from the salary or wages of the
17 employee the amount specified for payment to the
18 eligible charitable organization. The request for the
19 deduction may be withdrawn by the employee at any time
20 by filing a written notification of withdrawal with
21 the applicable treasurer or responsible official in
22 charge of the payroll system.
23 2. If a board of trustees authorizes deductions
24 from the salaries or wages of their employees for
25 payment to any eligible charitable organization, the
26 board shall ensure that an employee shall be permitted
27 to authorize a deduction to any eligible charitable
28 organization.
29 3. For purposes of this section, "eligible
30 charitable organization" means a not-for-profit
31 federation of health and human services, social
32 welfare, or environmental agencies or associations
33 that meets all of the following conditions:
34 a. The federation is tax exempt under section
35 501(c)(3) of the Internal Revenue Code and
36 contributions to the federation are deductible under
37 section 170 of the Internal Revenue Code.
38 b. The federation has had an office in this state

39 for the last five years.
40 c. The federation represents at least ten health
41 and human services, social welfare, or environmental
42 agencies or associations that are located in this
43 state.
44 d. The federation is governed by an active,
45 voluntary board, which exercises administrative
46 control over the federation.
47 e. The federation is not a charitable foundation.
48 f. The federation is registered with the secretary
49 of state's office."
50 2. Page 4, by inserting after line 14 the

Page 2

1 following:
2 "Sec. ___. NEW SECTION. 905.15 CHARITABLE GIVING
3 PAYROLL DEDUCTION.
4 1. The board of directors of a district department
5 may authorize deductions from the salaries or wages of
6 district department employees of an amount specified
7 by an employee for payment to an eligible charitable
8 organization. The authorization by an employee for
9 deductions from the employee's salary or wages shall
10 be evidenced by a written request signed by the
11 employee directed to and filed with the treasurer, or
12 official in charge of the payroll system, of the
13 district department and the treasurer or responsible
14 official shall deduct from the salary or wages of the
15 employee the amount specified for payment to the
16 eligible charitable organization. The request for the
17 deduction may be withdrawn by the employee at any time
18 by filing a written notification of withdrawal with
19 the applicable treasurer or responsible official in
20 charge of the payroll system.
21 2. If a board of directors authorizes deductions
22 from the salaries or wages of their employees for
23 payment to any eligible charitable organization, the
24 board shall ensure that an employee shall be permitted
25 to authorize a deduction to any eligible charitable
26 organization.
27 3. For purposes of this section, "eligible
28 charitable organization" means a not-for-profit
29 federation of health and human services, social
30 welfare, or environmental agencies or associations
31 that meets all of the following conditions:
32 a. The federation is tax exempt under section
33 501(c)(3) of the Internal Revenue Code and
34 contributions to the federation are deductible under
35 section 170 of the Internal Revenue Code.
36 b. The federation has had an office in this state
37 for the last five years.

38 c. The federation represents at least ten health
39 and human services, social welfare, or environmental
40 agencies or associations that are located in this
41 state.
42 d. The federation is governed by an active,
43 voluntary board, which exercises administrative
44 control over the federation.
45 e. The federation is not a charitable foundation.
46 f. The federation is registered with the secretary
47 of state's office."
48 3. Title page, lines 1 and 2, by striking the
49 words "county, city, and school district" and
50 inserting the following: "certain governmental".

Page 3

1 4. By renumbering as necessary.

ROBERT E. DVORSKY
HERMAN C. QUIRMBACH
MARY LUNDBY
DOUG SHULL

S–3049

1 Amend Senate File 325 as follows:
2 1. Page 1, by striking lines 20 through 30 and
3 inserting the following:
4 "Notwithstanding any other provision of the Code to
5 the contrary, and subject to rules prescribed by the
6 supreme court, if the clerk of the district court
7 sends a mailing or notice to a person or party and the
8 mailing or notice is returned by the postal service to
9 the clerk of the district court as undeliverable, the
10 clerk is not required to send a repeat or subsequent
11 mailing or notice unless the clerk receives an updated
12 mailing address."
13 2. Page 2, by inserting after line 35 the
14 following:
15 "Sec. ___. EFFECTIVE DATE. The section of this
16 Act creating new section 602.8102A, being deemed of
17 immediate importance, takes effect upon enactment."
18 3. Title page, line 3, by inserting after the
19 word "fund" the following: ", and providing an
20 effective date".

CHARLES W. LARSON, JR.

S–3050

1 Amend Senate File 360 as follows:
2 1. Page 8, by inserting after line 24, the

following:

"Sec. ___. Section 509.3, subsection 1, Code 2005, is amended to read as follows:

1. The policy shall have a provision that a copy of the application, if any, of the policyholder shall be ~~attached to the policy when~~ furnished to the policyholder within thirty days after the policy is issued, that all statements made by the policyholder or by the persons insured shall be deemed representations and not warranties, and that no statement made by any person insured shall be used in any contest unless a copy of the instrument containing the statement is or has been furnished to such person."

2. Page 9, by inserting after line 13, the following:

"Sec. ___. Section 514A.5, subsection 1, Code 2005, is amended to read as follows:

1. The insured shall not be bound by any statement made in an application for a policy unless a copy of such application is ~~attached to or~~ endorsed on the policy when issued as a part thereof or is furnished to the policyholder within thirty days after the policy is issued. If any such policy delivered or issued for delivery to any person in this state shall be reinstated or renewed, and the insured or the beneficiary or assignee of such policy shall make written request to the insurer for a copy of the application, if any, for such reinstatement or renewal, the insurer shall within fifteen days after the receipt of such request at its home office or any branch office of the insurer, deliver or mail to the person making such request, a copy of such application. If such copy shall not be so delivered or mailed, the insurer shall be precluded from introducing such application as evidence in any action or proceeding based upon or involving such policy or its reinstatement or renewal."

3. Title page, line 5, by inserting after the word "program," the following: "insurance applications,".

4. By renumbering as necessary.

MATT McCOY

S–3051

Amend Senate File 364 as follows:

1. Page 14, by striking lines 14 through 19, and inserting the following: "days before the date of the election."

MICHAEL E. GRONSTAL

S–3052

Amend the amendment, S–3037, to Senate File 355 as follows:

1. Page 1, by striking line 10, and inserting the following:

"m. A representative of the Iowa council of health care centers.

n. Eight members of the general assembly."

JAMES A. SEYMOUR

S–3053

Amend Senate File 245 as follows:

1. Page 2, by inserting after line 6 the following:

"Sec. ___. Section 257.17, Code 2005, is amended to read as follows:

257.17 AID REDUCTION FOR EARLY SCHOOL STARTS.

State aid payments made pursuant to section 257.16 for a fiscal year shall be reduced by one one-hundred-eightieth for each day of that fiscal year for which the school district begins school before the earliest starting date specified in section 279.10, subsection 1. ~~However, this section does not apply to a school district that has received approval from the director of the department of education under section 279.10, subsection 4, to commence classes for regularly established elementary and secondary schools in advance of the starting date established in section 279.10, subsection 1.~~

Sec. ___. Section 279.10, subsection 1, Code 2005, is amended to read as follows:

1. The school year shall begin on the first day of July and each regularly established elementary and secondary school shall begin no sooner than ~~a day during the calendar week in which the first day of September falls~~ August 22 but no later than the first Monday in December. ~~However, if the first day of September falls on a Sunday, school may begin on a day during the calendar week which immediately precedes the first day of September.~~ School shall continue for at least one hundred eighty days, except as provided in subsection 3, and may be maintained during the entire calendar year. However, if the board of directors of a district extends the school calendar because inclement weather caused the district to temporarily close school during the regular school calendar, the district may excuse a graduating senior who has met district or school requirements for graduation from attendance during the extended school

39 calendar. A school corporation may begin employment
40 of personnel for in-service training and development
41 purposes before the date to begin elementary and
42 secondary school.
43 Sec. ___. Section 279.10, subsection 4, Code 2005,
44 is amended by striking the subsection."
45 2. Title page, by striking line 1 and inserting
46 the following: "An Act relating to requirements for
47 school districts and support for school districts from
48 the department of education, including changing the
49 school start date and eliminating authorization for a
50 school district to request approval for an earlier

Page 2

1 start date,".
2 3. By renumbering as necessary.

JOHN PUTNEY

S–3054

1 Amend Senate File 360 as follows:
2 1. By striking page 35, line 27 through page 36,
3 line 6, and inserting the following:
4 "Sec. ___. NEW SECTION. 522B.17A INJUNCTIVE
5 RELIEF.
6 1. An association with at least twenty-five
7 insurance producer members may bring an action in
8 district court to enjoin a person from selling,
9 soliciting, or negotiating insurance in violation of
10 section 522B.2. However, before bringing an action in
11 district court to enjoin a person pursuant to this
12 section, an association shall file a complaint with
13 the insurance division alleging that the person is
14 selling, soliciting, or negotiating insurance in
15 violation of section 522B.2.
16 2. If the division makes a determination to
17 proceed administratively against the person for a
18 violation of section 522B.2, the complainant shall not
19 bring an action in district court against the person
20 pursuant to this section based upon the allegations
21 contained in the complaint filed with the division.
22 3. If the division does not make a determination
23 to proceed administratively against the person for a
24 violation of section 522B.2, the division shall issue,
25 on or before ninety days from the date of filing of
26 the complaint, a release to the complainant that
27 permits the complainant to bring an action in district
28 court pursuant to this section.
29 4. The filing of a complaint with the division
30 pursuant to this section tolls the statute of

31 limitations pursuant to section 614.1 as to the
32 alleged violation for a period of one hundred twenty
33 days from the date of filing the complaint.
34 5. Any action brought in district court by a
35 complainant against a person pursuant to this section,
36 based upon the allegations contained in the complaint
37 filed with the division, shall be brought within one
38 year after the ninety-day period following the filing
39 of the complaint with the division, or the date of the
40 issuance of a release by the division, whichever is
41 earlier.
42 6. If the court finds that the person is in
43 violation of section 522B.2 and enjoins the person
44 from selling, soliciting, or negotiating insurance in
45 violation of that section, the court's findings of
46 fact and law, and the judgment and decree, when final,
47 shall be admissible in any proceeding initiated
48 pursuant to section 522B.17 by the commissioner
49 against the person enjoined and the person enjoined
50 shall be precluded from contesting in that proceeding

Page 2

1 the court's determination that the person sold,
2 solicited, or negotiated insurance in violation of
3 section 522B.2."
4 2. By renumbering as necessary.

MICHAEL E. GRONSTAL

S–3055

1 Amend Senate File 354 as follows:
2 1. Page 1, line 3, by inserting after the word
3 "shall" the following: "study and".
4 2. Page 1, line 5, by striking the words
5 "employers with less than twenty-six employees" and
6 inserting the following: "small employers".
7 3. Page 1, line 7, by inserting after the word
8 "employees." the following: "For purposes of this
9 section, "small employer" means the same as defined in
10 section 513B.2."
11 4. Page 1, by striking lines 9 through 14, and
12 inserting the following: "offer health insurance to
13 their employees. For the purposes of implementing the
14 pilot projects, the division of insurance may waive
15 current statutory and regulatory requirements
16 applicable to small group health insurance coverage
17 pursuant to chapter 513B, and benefit mandates under
18 chapters 509, 514, 514B, and 514C. The division may
19 consider rate incentives for lifestyle changes and

disease management programs, or other related options as determined by the division. In".

JERRY BEHN
STEVE WARNSTADT

S–3056

Amend Senate File 358 as follows:

1. Page 1, by inserting before line 1 the following:

"Section 1. Section 570.1, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. A lien in farm products as provided in this section becomes effective when a tenant signs a lease or becomes bound by a lease of the leased premises.

Sec. 2. Section 570.1, subsections 3 and 4, Code 2005, are amended to read as follows:

3. A financing statement filed to perfect a lien in the farm products under this section must include a statement that it is filed for the purpose of perfecting a landlord's lien. ~~Notwithstanding section 554.9515, such financing statement shall continue to be effective until a termination statement is filed.~~

4. a. If the parties to a lease remain the same, and subject to the provisions of article 9 of chapter 554, including but not limited to section 554.9515, a financing statement filed for the purpose of perfecting a landlord's lien shall continue to be effective. The effectiveness of the financing statement shall not be affected by an extension or renewal of the lease, or an amendment to the lease, so long as the extension, renewal, or amendment does not materially alter the extent of the lien.

b. Within twenty days after a landlord who has filed a financing statement for the purpose of perfecting a landlord's lien receives a written demand, authenticated as provided in article 9 of chapter 554, from a tenant, the landlord shall file a termination statement, if the lien in the farm products has expired or if the tenant is no longer in possession of the leased premises and has performed all obligations under the lease."

2. Title page, line 2, by inserting before the word "termination" the following: "effectiveness, perfection, and".

3. By renumbering as necessary.

BRAD ZAUN
KEITH A. KREIMAN

S–3057

Amend Senate File 245 as follows:

1. Page 2, by inserting after line 6 the following:

"Sec. ___. EDUCATIONAL DATA DEFINITIONS WORKING GROUP.

1. FINDINGS. The general assembly finds that individuals whose educational endeavors end without the receipt of a high school diploma have a much higher rate of unemployment and are much more likely to need welfare or other forms of government assistance. The economic implications of students' failure to earn at a minimum a high school diploma are staggering, and increasingly so as our economy becomes more dependent on the service and information industries. To understand the current state of educational achievement and future likelihood of success for Iowa's students, it is vital that state and local school district data on graduation rates be collectively understood and accurate.

2. The department of education shall coordinate a working group to develop clear, accurate, meaningful, and unambiguous definitions for the key data areas relating to, but not limited to, attrition, completion, and attendance rates, which school districts shall use in compiling state and local report cards. The working group shall determine the baseline data necessary to report on these terms and shall develop a strategy to contact school districts to ensure that the school districts are applying the definitions and consistently submitting data in accordance with the definitions. The working group shall consist of the following members:

a. Two senators appointed by the president of the senate after consultation with the majority leader and the minority leader of the senate.

b. Two representatives appointed by the speaker of the house after consultation with the minority leader of the house.

c. Members representing minority populations.

d. A member representing the largest school district in Iowa.

e. A member representing a school district with an enrollment of more than one thousand one hundred ninety-nine students but not more than four thousand seven hundred fifty students.

f. A member representing a school district with an enrollment of one thousand one hundred ninety-nine students or less.

g. Other members representing the education community as needed.

Page 2

1 3. The working group shall submit its findings and
2 recommendations to the department of education and the
3 chairpersons and members of the committees on
4 education in the senate and the house of
5 representatives not later than January 15, 2006."
6 2. Title page, line 4, by striking the words "and
7 requiring" and inserting the following: "requiring".
8 3. Title page, line 5, by inserting after the
9 word "annually" the following: ", and providing for
10 the coordination of an educational data definitions
11 working group."
12 4. By renumbering, redesignating, and correcting
13 internal references as necessary.

MICHAEL CONNOLLY
BOB BRUNKHORST
JACK HATCH
BRAD ZAUN
CHARLES W. LARSON, JR.

S–3058

1 Amend Senate File 360 as follows:
2 1. Page 1, by inserting before line 1, the
3 following:
4 "Section 1. NEW SECTION. 249J.1 DEFINITIONS.
5 As used in this chapter, unless the context
6 otherwise requires:
7 1. "Certified long-term care insurance policy"
8 means a long-term care insurance contract that is
9 issued by an insurer or other person who complies with
10 section 249J.4.
11 2. "Long-term care facility" means a facility
12 licensed under chapter 135C or an assisted living
13 program certified under chapter 231C.
14 3. "Long-term care insurance" means long-term care
15 insurance as defined in section 514G.4 and regulated
16 in section 514G.7.
17 4. "Qualified long-term care services" means
18 qualified long-term care services as defined in
19 section 7702B(c) of the Internal Revenue Code.
20 Sec. 2. NEW SECTION. 249J.2 IOWA LONG-TERM CARE
21 ASSET DISREGARD INCENTIVE PROGRAM — ESTABLISHMENT AND
22 ADMINISTRATION.
23 1. The Iowa long-term care asset disregard
24 incentive program is established to do all of the
25 following:
26 a. Provide incentives for individuals to insure
27 against the costs of providing for their long-term
28 care needs.

29 b. Provide a mechanism for individuals to qualify
30 for coverage of the costs of their long-term care
31 needs under the medical assistance program without
32 first being required to substantially exhaust all
33 their resources.
34 c. Assist in developing methods for increasing
35 access to and the affordability of long-term care
36 insurance.
37 d. Alleviate the financial burden on the state's
38 medical assistance program by encouraging the pursuit
39 of private initiatives.
40 2. The insurance division of the department of
41 commerce shall administer the program in cooperation
42 with the division responsible for medical services
43 within the department of human services. Each agency
44 shall take appropriate action to maintain the waiver
45 granted by the centers for Medicare and Medicaid
46 services of the United States department of health and
47 human services under 42 U.S.C. § 1396 relating to
48 providing medical assistance under chapter 249A, in
49 effect prior to the effective date of this Act.
50 Sec. 3. NEW SECTION. 249J.3 ELIGIBILITY.

Page 2

1 An individual who is the beneficiary of a certified
2 long-term care insurance policy approved by the
3 insurance division may be eligible for assistance
4 under the medical assistance program using the asset
5 disregard provisions pursuant to section 249J.5.
6 Sec. 4. NEW SECTION. 249J.4 INSURER
7 REQUIREMENTS.
8 1. An insurer or other person who wishes to issue
9 a certified long-term care insurance policy meeting
10 the requirements of this chapter shall, at a minimum,
11 offer to each policyholder or prospective policyholder
12 a policy that provides both of the following:
13 a. Facility coverage, including but not limited to
14 long-term care facility coverage.
15 b. Nonfacility coverage, including but not limited
16 to home and community-based care coverage.
17 2. An insurer or other person who complies with
18 subsection 1 may also elect to offer a certified long-
19 term care insurance policy that provides only facility
20 coverage.
21 Sec. 5. NEW SECTION. 249J.5 ASSET DISREGARD
22 ADJUSTMENT.
23 1. As used in this section, "asset disregard"
24 means a one dollar increase in the amount of assets an
25 individual who is the beneficiary of a certified long-
26 term care insurance policy and meets the requirements
27 of section 249J.3 may retain under section 249A.35 for

28 each one dollar of benefit paid out under the
29 individual's certified long-term care insurance policy
30 for qualified long-term care services if the policy
31 meets all of the following criteria:
32 a. If purchased prior to January 1, 2005, provides
33 benefits in an amount equal to at least seventy
34 thousand dollars as computed on January 1, 2005.
35 b. If purchased on or after January 1, 2005,
36 provides benefits in an amount equal to at least
37 seventy thousand dollars as computed on January 1,
38 2005, compounded annually by at least five percent, or
39 an amount equal to at least the minimum face amount
40 specified by the commissioner of insurance pursuant to
41 subsection 3, whichever amount is greater.
42 c. Includes a provision under which the total
43 amount of the benefit increases by at least five
44 percent, compounded annually.
45 2. When the division responsible for medical
46 services within the department of human services
47 determines whether an individual is eligible for
48 medical assistance under chapter 249A, the division
49 shall make an asset disregard adjustment for any
50 individual who meets the requirements of section

Page 3

1 249J.3. The asset disregard shall be available after
2 benefits of the certified long-term care insurance
3 policy have been applied to the cost of qualified
4 long-term care services as required under this
5 chapter.
6 3. Beginning September 1, 2006, or one year after
7 the effective date of this Act, whichever is later,
8 the commissioner of insurance shall issue a bulletin
9 annually on that date, declaring the minimum face
10 amount for policies to qualify for the Iowa long-term
11 care asset disregard incentive program for the
12 following calendar year. In making this
13 determination, the commissioner shall consult with the
14 division responsible for collecting data on average
15 nursing home costs in Iowa. Additionally, in making
16 this determination, the commissioner shall consider
17 the current average daily cost for three years of
18 nursing home care and other relevant information.
19 Sec. 6. NEW SECTION. 249J.6 APPLICATION OF ASSET
20 DISREGARD TO DETERMINATION OF INDIVIDUAL'S ASSETS.
21 A public program administered by the state that
22 provides long-term care services and bases eligibility
23 upon the amount of the individual's assets shall apply
24 the asset disregard under section 249J.5 in
25 determining the amount of the individual's assets.

26 Sec. 7. NEW SECTION. 249J.7 PRIOR PROGRAM —
27 DISCONTINUATION OF PROGRAM.
28 1. If the Iowa long-term care asset disregard
29 incentive program is discontinued, an individual who
30 is covered by a certified long-term care insurance
31 policy prior to the date the program is discontinued
32 is eligible to continue to receive an asset disregard
33 as defined under section 249J.5.
34 2. An individual who is covered by a long-term
35 care insurance policy under the long-term care asset
36 preservation program established pursuant to chapter
37 249G, Code 2005, on or before the effective date of
38 this Act, is eligible to continue to receive the asset
39 adjustment as defined under that chapter.
40 3. The insurance division, in cooperation with the
41 department of human services, shall adopt rules to
42 provide an asset disregard to individuals who are
43 covered by a long-term care insurance policy prior to
44 the effective date of this Act, consistent with the
45 Iowa long-term care asset disregard incentive program.
46 Sec. 8. NEW SECTION. 249J.8 RECIPROCAL
47 AGREEMENTS TO EXTEND ASSET DISREGARD.
48 The division responsible for medical services
49 within the department of human services may enter into
50 reciprocal agreements with other states to extend the

Page 4

1 asset disregard under section 249J.5 to Iowa residents
2 who had purchased or were covered by certified long-
3 term care insurance policies in other states.
4 Sec. 9. NEW SECTION. 249J.9 RULES.
5 The department of human services and the insurance
6 division of the department of commerce shall adopt
7 rules pursuant to chapter 17A as necessary to
8 administer this chapter. The insurance division shall
9 consult with representatives of the insurance industry
10 in adopting such rules. This delegation of rulemaking
11 authority shall be construed narrowly.
12 Sec. 10. NEW SECTION. 249A.35 PURCHASE OF
13 CERTIFIED LONG-TERM CARE INSURANCE POLICY —
14 COMPUTATION UNDER MEDICAL ASSISTANCE PROGRAM.
15 A computation for the purposes of determining
16 eligibility under this chapter concerning an
17 individual who is the beneficiary of a certified long-
18 term care insurance policy under chapter 249J shall
19 include consideration of the asset disregard provided
20 in section 249J.5."
21 2. Page 36, by inserting after line 17, the
22 following:
23 "Sec. ___. Chapter 249G, Code 2005, is repealed.

24 Sec. ___. MEDICAID STATE PLAN WAIVERS — IOWA
25 LONG-TERM CARE ASSET DISREGARD INCENTIVE PROGRAM.
26 1. The department of human services shall amend
27 the medical assistance state plan to provide that all
28 amounts paid for qualified long-term care services
29 under a certified long-term care insurance policy
30 pursuant to chapter 249J, as enacted in this Act,
31 shall be considered in determining the amount of the
32 asset disregard.
33 2. The department of human services shall seek
34 approval of a state plan amendment or make application
35 to the United States department of health and human
36 services for any waivers necessary to implement
37 chapter 249J, as enacted in this Act."
38 3. Page 36, by inserting after line 30, the
39 following:
40 "Sec. ___. CONTINGENT EFFECTIVE DATE — IOWA LONG-
41 TERM CARE ASSET DISREGARD INCENTIVE PROGRAM.
42 1. The sections of this Act enacting chapter 249J
43 and section 249A.35, repealing chapter 249G, and
44 directing the department of human services to seek
45 Medicaid state plan amendments and waivers from the
46 federal government shall not take effect until both of
47 the following conditions are met:
48 a. Funding is specifically appropriated to the
49 insurance division of the department of commerce for
50 the purpose of the Iowa long-term care asset disregard

Page 5

1 incentive program pursuant to chapter 249J as enacted
2 in this Act. The insurance division shall notify the
3 Code editor if such appropriation is made.
4 b. All Medicaid state plan amendments and waivers
5 necessary to implement chapter 249J, as enacted in
6 this Act, are approved by the United States department
7 of health and human services. The department of human
8 services shall notify the Code editor if such approval
9 is received.
10 2. If the requirements of subsection 1 are met,
11 the program shall begin no sooner than six months
12 following the date that both requirements are met."
13 4. Title page, line 2, by inserting after the
14 word "concerning" the following: "a long-term care
15 asset disregard incentive program,".
16 5. Title page, line 12, by striking the words
17 "applicable and" and inserting the following:
18 "applicable,".
19 6. Title page, line 13, by inserting after the
20 word "dates" the following: ", and providing a

21 contingent effective date".
22 7. By renumbering as necessary.

RON WIECK

S–3059

1 Amend Senate File 364 as follows:
2 1. Page 16, line 25, by striking the words
3 "return carrier" and inserting the following:
4 "affidavit".
5 2. Page 17, line 3, by striking the word
6 "envelope" and inserting the following: "envelopes".
7 3. Page 18, line 2, by striking the word
8 "insufficient," and inserting the following:
9 "insufficient by the special precinct election
10 board,".
11 4. Page 18, line 7, by striking the words "return
12 carrier" and inserting the following: "affidavit".

JEFF DANIELSON

S–3060

1 Amend Senate File 366 as follows:
2 1. Page 1, line 4, by striking the words "filing
3 of the order for an evaluation" and inserting the
4 following: "~~filing of the order for an evaluation~~
5 arrival of the person at a psychiatric facility for
6 the performance of the evaluation".
7 2. Page 1, by striking lines 8 through 11 and
8 inserting the following: "decides to rely. Pending
9 the hearing, no".

MAGGIE TINSMAN

S–3061

1 Amend Senate File 283 as follows:
2 1. Page 10, by inserting after line 15 the
3 following:
4 "Sec. ___. NEW SECTION. 80F.1 OFFICER RIGHTS
5 DURING AN INVESTIGATION OF THE OFFICER.
6 1. As used in this section, unless the context
7 otherwise requires:
8 a. "Complaint" means a formal written complaint
9 signed by a complainant detailing the complainant's
10 allegation against an officer or a description of an
11 incident involving an officer.
12 b. "Formal investigation" means an investigative
13 process ordered by a commanding officer to determine
14 the merits of a complaint, if the complaint may lead

15 to filing criminal charges, dismissal of an officer
16 from the officer's duties, suspension of an officer's
17 duties, or any other disciplinary action against an
18 officer.
19 c. "Informal inquiry" means a meeting by
20 supervisory or command personnel over an officer who
21 is the subject of the complaint to determine if a
22 formal investigation should be commenced.
23 d. "Interrogation" means the questioning of an
24 officer through a formal investigative process. The
25 term does not include questioning which is part of an
26 informal inquiry where no disciplinary action will be
27 taken.
28 e. "Officer" means a correctional officer, jailer
29 as defined in section 708.3A, a peace officer as
30 defined in section 801.4, or a fire fighter.
31 f. "Statement" means an officer's formal written
32 response to a complaint.
33 2. Upon submission of a complaint against or
34 involving an officer, the officer shall be given a
35 copy of the complaint. An officer is not required to
36 submit a statement responding to allegations against
37 or involving the officer until a complaint has been
38 submitted in accordance with this section.
39 3. An officer shall not be required to submit to a
40 polygraph examination during a formal investigation or
41 informal inquiry. An officer shall not be disciplined
42 for refusing to submit to such a test, and notes or
43 records shall not be kept or entered anywhere of an
44 officer's refusal to submit to a polygraph
45 examination. Such a refusal shall not be admissible
46 at any subsequent hearing, trial, or judicial or
47 administrative proceeding.
48 4. An officer who is the subject of a formal
49 investigation or informal inquiry has the right to
50 have an attorney of the officer's choosing present

Page 2

1 during the investigative process. The officer shall
2 be notified of any meeting or interrogation regarding
3 the complaint at least forty-eight hours prior to any
4 such meeting or interrogation. The officer shall also
5 be notified at least forty-eight hours prior to such
6 meeting or interrogation of any applicable rules or
7 regulations relating to the meeting or interrogation,
8 or laws allegedly violated.
9 5. An officer who is the subject of a formal
10 investigation or informal inquiry shall not be
11 threatened or subjected to offensive language in any
12 manner.
13 6. An interrogation may be recorded by mechanized

14 means by the officer or the investigator or both. The
15 officer's refusal to be interrogated may also be
16 recorded. A copy of any recording shall be provided
17 to the officer within twenty-four hours of any written
18 request for a copy.
19 7. Upon written request, an officer shall also be
20 given copies of witness statements and the
21 investigating agency's investigative report.
22 8. Any interrogation shall be conducted at the
23 investigating agency's facility or at a place and time
24 of mutual agreement with the officer being
25 interrogated.
26 9. The officer being interrogated shall be
27 interrogated while not on duty and shall be
28 compensated as if on overtime status.
29 10. An officer's photograph shall not be released
30 to the public by the officer's agency or governmental
31 entity prior to obtaining the officer's written
32 permission.
33 11. An officer shall not be discharged, threatened
34 with discharge, or disciplined for exercising the
35 officer's rights enumerated in this section.
36 12. The rights enumerated in this section are in
37 addition to rights and privileges established under
38 any collective bargaining agreement or applicable law.
39 13. If an officer's superior officer or the
40 investigative agency violates any terms of this
41 section while conducting a formal investigation, the
42 officer shall not be discharged or otherwise
43 disciplined and any information obtained by the
44 investigative agency shall be excluded from evidence
45 in any subsequent hearing, trial, or judicial or
46 administrative proceeding.
47 14. An officer subjected to a formal investigation
48 for an alleged criminal act shall be afforded all
49 constitutional rights afforded to any private citizen
50 under investigation for a criminal act."

Page 3

1 2. Title page, line 1, by inserting after the word "to"
2 the following: "the rights of certain law enforcement
3 occupations, correctional officers, and fire fighters,
4 and to".

MICHAEL E. GRONSTAL
ROBERT E. DVORSKY
HERMAN C. QUIRMBACH
THOMAS G. COURTNEY
BRIAN SCHOENJAHN
FRANK B. WOOD
JOE BOLKCOM

GENE FRAISE
DICK L. DEARDEN
TOM RIELLY
TOM HANCOCK
JOE M. SENG
WALLY E. HORN
STEVE WARNSTADT
JEFF DANIELSON
JACK HATCH
AMANDA RAGAN
KEITH A. KREIMAN
DARYL BEALL
ROGER STEWART
MICHAEL CONNOLLY
MATT McCOY
DENNIS H. BLACK
JOHN P. KIBBIE
WILLIAM A. DOTZLER, JR.,

S–3062

Amend the amendment, S–3050, to Senate File 360, as follows:

1. Page 1, line 8, by striking the words "~~attached to the policy when~~" and inserting the following: "attached to the policy when <u>issued or shall be</u>".

RON WIECK

S–3063

Amend House File 591, as amended, passed, and reprinted by the House, as follows:

1. Page 2, by inserting after line 18 the following:

"Sec. ___. <u>NEW SECTION</u>. 321.197 PEACE CORPS SERVICE EXCEPTION.

1. The effective date of a valid driver's license issued in this state, held by a person at the beginning of the person's period of service as a volunteer in the federal peace corps program established in 22 U.S.C. § 2501–2523, notwithstanding the expiration of the license according to its terms, shall be extended without fee until six months following the date of the person's termination of service as a volunteer in the peace corps, provided the person is not suffering from physical disabilities which impair the person's competency as an operator and provided further that the licensee shall furnish a description of service document upon demand of any peace officer. However, a person entitled to the

21 benefits of this section who is charged with operating
22 a motor vehicle without a driver's license shall not
23 be convicted if the person produces in court, within a
24 reasonable time, a valid driver's license previously
25 issued to that person along with the person's
26 description of service document.
27 2. The department is authorized to renew any
28 driver's license falling within the provisions and
29 limitations of subsection 1 without examination, upon
30 application and payment of fee made within six months
31 following the person's termination of service as a
32 peace corps volunteer.
33 3. A person whose period of license validity is
34 extended under this section may file an application in
35 accordance with rules adopted by the department to
36 have the person's record of issuance of a driver's
37 license retained in the department's record system
38 during the period for which the driver's license
39 remains valid. If the record of issuance of the
40 person's driver's license has been removed from the
41 department's records, the department shall reenter the
42 person's record of driver's license issuance upon
43 request of the person if the request is accompanied by
44 the person's description of service document.
45 4. As used in this section, "description of
46 service document" means the official written statement
47 issued by the peace corps, or an official copy of the
48 statement, which describes a person's peace corps
49 service and includes the dates of such service. The
50 department may, in its discretion, accept other

Page 2

1 evidence of a person's dates of service provided by
2 the peace corps office of return volunteer services in
3 lieu of the description of service document."
4 2. Title page, line 3, by inserting after the
5 word "restrictions," the following: "driver's license
6 renewal,".
7 3. By renumbering as necessary.

MATT McCOY

S–3064

1 Amend Senate File 259 as follows:
2 1. Page 1, line 3, by striking the words "and
3 grain".

TOM RIELLY

S–3065

Amend House File 275, as passed by the House, as follows:

1. Page 1, by striking lines 10 through 14, and inserting the following: "~~two hundred dollars and the suspension of the person's motor vehicle operating privileges for a period not to exceed one year~~ by a scheduled fine under section 805.8C, subsection 7. The court may,".

2. Page 1, line 29, by striking the word "two" and inserting the following: "five".

COMMITTEE ON JUDICIARY
KEITH A. KREIMAN, Co-chair
DAVID MILLER, Co-chair

S–3066

Amend House File 683, as passed by the House, as follows:

1. Page 1, by inserting after line 16 the following:

"Sec. ___. Section 600A.2, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 10A. "Indigent" means a person has an income level at or below one hundred percent of the United States poverty level as defined by the most recently revised poverty income guidelines published by the United States department of health and human services, unless the court determines that the person is able to pay for the cost of an attorney in the pending case. In making the determination of a person's ability to pay for the cost of an attorney, the court shall consider the person's income and the availability of any assets subject to execution, including but not limited to cash, stocks, bonds, and any other property which may be applied to the satisfaction of judgments, and the nature and complexity of the case.

Sec. ___. Section 600A.6, subsection 3, Code 2005, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. A statement that the person against whom a proceeding for termination of parental rights is brought shall have the right to counsel pursuant to section 600A.6A.

Sec. ___. NEW SECTION. 600A.6A RIGHT TO AND APPOINTMENT OF COUNSEL.

1. Upon the filing of a petition for termination of parental rights under this chapter, the parent identified in the petition shall have the right to counsel in connection with all subsequent hearings and

34 proceedings.
35 2. If the parent against whom the petition is
36 filed desires but is financially unable to employ
37 counsel, the court, following an in-court colloquy,
38 shall appoint counsel for the person if all of the
39 following criteria are met:
40 a. The person requests appointment of counsel.
41 b. The person is indigent.
42 c. The court determines both of the following:
43 (1) The person, because of lack of skill or
44 education, would have difficulty in presenting the
45 person's version of the facts in dispute, particularly
46 where the presentation of the facts requires the
47 examination or cross-examination of witnesses or the
48 presentation of complex documentary evidence.
49 (2) The person has a colorable defense to the
50 termination of parental rights, or there are

Page 2

1 substantial reasons that make termination of parental
2 rights inappropriate.
3 Sec. ___. NEW SECTION. 600A.6B PAYMENT OF
4 ATTORNEY FEES.
5 1. A person filing a petition for termination of
6 parental rights under this chapter or the person on
7 whose behalf the petition is filed shall be
8 responsible for the payment of reasonable attorney
9 fees for counsel appointed pursuant to section 600A.6A
10 unless the court determines that the person filing the
11 petition or the person on whose behalf the petition is
12 filed is indigent.
13 2. If the person filing the petition or the person
14 on whose behalf the petition is filed is indigent, the
15 appointed attorney shall be paid reasonable attorney
16 fees by the county as determined by the court pursuant
17 to section 602.1302.
18 Sec. ___. Section 602.1302, subsection 4, Code
19 2005, is amended to read as follows:
20 4. The judicial branch shall reimburse counties
21 for ~~the costs of witness and mileage fees and for~~
22 attorney fees paid pursuant to section ~~232.141,~~
23 ~~subsection 1~~ 600A.6B."
24 2. Page 4, line 20, by striking the words
25 "enactment, and applies" and inserting the following:
26 "enactment. The sections of this Act amending chapter
27 600A and section 602.1302, apply retroactively to May
28 12, 2004, and the remaining sections of this Act
29 apply".
30 3. Title page, line 2, by inserting after the

word "indigent" the following: "person during a termination of parental rights proceeding or an indigent".

COMMITTEE ON JUDICIARY
KEITH A. KREIMAN, Co-chair
DAVID MILLER, Co-chair

S–3067

Amend Senate File 378 as follows:

1. Page 4, by inserting after line 33, the following:

"Sec. ___. Section 85.38, subsection 2, unnumbered paragraph 2, Code 2005, is amended to read as follows:

If an employer denies liability under this chapter, chapter 85A, or chapter 85B, for payment for any medical services received <u>or weekly compensation requested</u> by an employee ~~with a disability~~, and the employee is a beneficiary under either an individual or group plan for nonoccupational illness, injury, or disability, the nonoccupational plan shall not deny payment ~~for the medical services received~~ <u>of benefits under the plan</u> on the basis that the employer's liability ~~for the medical services~~ under this chapter, chapter 85A, or chapter 85B is unresolved.

Sec. ___. Section 85.71, Code 2005, is amended by adding the following new subsection:

<u>NEW SUBSECTION</u>. 5. The employer has a place of business in Iowa, and the employee is working under a contract of hire which provides that the employee's workers' compensation claims be governed by Iowa law."

2. Page 5, line 2, by inserting after the word "provided" the following: "<u>to the workers' compensation commissioner</u>".

3. Page 9, line 11, by inserting after the word "<u>encumbrance.</u>" the following: "<u>However, the insurance commissioner shall be reimbursed from the security for all costs and fees incurred by the insurance commissioner in resolving disputes involving the security.</u>"

4. By striking page 9, line 16, through page 10, line 21.

5. By renumbering as necessary.

LARRY McKIBBEN

S–3068

Amend Senate File 356 as follows:

1. By striking page 1, line 1, through page 4, line 22, and inserting the following:

"Section 1. Section 10A.104, subsection 9, Code 2005, is amended to read as follows:

9. Administer and enforce this chapter, and chapters 99B, 135B, 135C, 135H, and 135J~~, 137C, 137D, and 137F~~.

Sec. 2. Section 123.3, subsection 15, Code 2005, is amended to read as follows:

15. "Hotel" or "motel" means premises licensed by the Iowa department of ~~inspections and appeals~~ public health under chapter 137C and regularly or seasonally kept open in a bona fide manner for the lodging of transient guests, and with twenty or more sleeping rooms.

Sec. 3. Section 135.11, subsection 17, Code 2005, is amended to read as follows:

17. Administer chapters 125, 136A, 136C, 137C, 137D, 137F, 139A, 142, 142A, 144, ~~and~~ 147A, and 196.

Sec. 4. Section 137C.2, subsections 2 and 3, Code 2005, are amended to read as follows:

2. "Director" means the director of ~~the department of inspections and appeals~~ public health or the director's designee.

3. "Department" means the Iowa department of ~~inspections and appeals~~ public health.

Sec. 5. Section 137D.1, subsection 2, Code 2005, is amended to read as follows:

2. "Department" means the Iowa department of ~~inspections and appeals~~ public health.

Sec. 6. Section 137D.2, subsection 1, Code 2005, is amended to read as follows:

1. A person shall not open or operate a home food establishment until a license has been obtained from the Iowa department of ~~inspections and appeals~~ public health. The department shall collect a fee of twenty-five dollars for a license. After collection, the fees shall be deposited in the general fund of the state. A license shall expire one year from date of issue. A license is renewable.

Sec. 7. Section 137F.1, subsections 3 and 4, Code 2005, are amended to read as follows:

3. "Department" means the Iowa department of ~~inspections and appeals~~ public health.

4. "Director" means the director of ~~the department of inspections and appeals~~ public health or the director's designee.

Sec. 8. Section 196.1, subsection 3, Code 2005, is amended to read as follows:

3. "Department" means the Iowa department of ~~inspections and appeals, as established in section~~

~~10A.102~~ public health.

Sec. 9. Section 331.756, subsection 32, Code 2005, is amended to read as follows:

32. Assist the Iowa department of ~~inspections and appeals~~ public health in the enforcement of the Iowa food code and the Iowa hotel sanitation code as provided in sections 137F.19 and 137C.30.

Sec. 10. CODES, RULES, AGREEMENTS, AND APPROPRIATIONS TRANSFER.

1. The following codes and standards adopted by the director of the department of inspections and appeals under section 137F.2, Code 2005, shall remain in effect until modified or rescinded by the director of public health:

a. Hotel sanitation code adopted under chapter 137C, Code 2005.

b. Home food establishment standards adopted under chapter 137D, Code 2005.

c. Food code adopted under chapter 137F, Code 2005.

d. Egg handler standards adopted under chapter 196, Code 2005.

2. The administrative rules adopted by the department of inspections and appeals under chapters 137C, 137D, 137F, and 196, Code 2005, shall remain in effect until modified or rescinded by the Iowa department of public health.

3. Effective July 1, 2005, an agreement entered into under chapter 137C or 137F, Code 2005, between the director of the department of inspections and appeals and a municipal corporation for the municipal corporation to license, inspect, and enforce chapter 137C or 137F within the municipal corporation's jurisdiction shall be deemed to be an agreement with the director of public health and shall remain in effect until expiration of the agreement or the agreement is modified or rescinded by the parties to the agreement.

4. Effective July 1, 2005, the Iowa department of public health shall assume the departmental duties outlined in the codes, standards, and administrative rules adopted under chapters 137C, 137D, 137F, and 196 in place of the department of inspections and appeals.

5. Appropriations made from the general fund of the state for the fiscal year beginning July 1, 2005, and ending June 30, 2006, to the department of inspections and appeals for administration and enforcement of chapters 137C, 137D, 137F, and 196

Page 3

1 shall be transferred to the Iowa department of public
2 health.
3 Sec. 11. TRANSITION OF EMPLOYEES. Effective July
4 1, 2005, all employees of the department of
5 inspections and appeals performing functions related
6 to chapters 137C, 137D, 137F, and 196, as of June 30,
7 2005, shall become employees of the Iowa department of
8 public health without loss of classification, pay, or
9 benefits."
10 2. Title page, by striking lines 1 through 5 and
11 inserting the following: "An Act providing for the
12 Iowa department of public health to administer the
13 hotel sanitation code, regulation of home food
14 establishments, Iowa food code, and regulation of egg
15 handlers in place of the department of inspections and
16 appeals."

AMANDA RAGAN

S–3069

1 Amend House File 770, as passed by the House, as
2 follows:
3 1. Page 1, by inserting after line 4 the
4 following:
5 "Sec. ___. Section 10A.104, subsection 15, Code
6 2005, is amended by striking the subsection."
7 2. Page 2, by inserting after line 7 the
8 following:
9 "Sec. ___. Section 147.88, Code 2005, is amended
10 to read as follows:
11 147.88 INSPECTIONS.
12 The department of inspections and appeals may
13 perform inspections as required by this subtitle,
14 except for the board of medical examiners, the board
15 of pharmacy examiners, the board of nursing, ~~and~~ the
16 board of dental examiners, the board of barber
17 examiners, and the board of cosmetology arts and
18 sciences examiners. The department of inspections and
19 appeals shall employ personnel related to the
20 inspection functions.
21 Sec. ___. Section 157.7, unnumbered paragraph 1,
22 Code 2005, is amended to read as follows:
23 The department ~~of inspections and appeals~~ shall
24 employ personnel pursuant to chapter 8A, subchapter
25 IV, to perform duties related to inspection functions
26 under this chapter. The department ~~of inspections and~~
27 ~~appeals~~ shall, when possible, integrate inspection
28 efforts under this chapter with inspections conducted
29 under chapter 158.

30 Sec. ___. Section 158.6, unnumbered paragraph 1,
31 Code 2005, is amended to read as follows:
32 The department ~~of inspections and appeals~~ shall
33 employ personnel pursuant to chapter 8A, subchapter
34 IV, to perform duties related to inspection functions
35 under this chapter. The department ~~of inspections and~~
36 ~~appeals~~ shall, when possible, integrate inspection
37 efforts under this chapter with inspections conducted
38 under chapter 157."
39 3. Page 2, lines 21 and 22, by striking the words
40 and figures "under section 137F.2, Code 2005,".
41 4. Page 2, line 32, by inserting after the figure
42 "137F," the following: "157, 158,".
43 5. Page 3, line 12, by inserting after the figure
44 "137F," the following: "157, 158,".
45 6. Page 3, line 17, by inserting after the figure
46 "137F," the following: "157, 158,".
47 7. Page 3, by inserting after line 19 the
48 following:
49 "Sec. ___. REVIEW OF FEES. The Iowa department of
50 public health may perform a review of the license and

Page 2

1 examination fees charged by the department under
2 chapters 137C, 137D, 137F, 157, 158, and 196."
3 8. Page 3, line 22, by inserting after the figure
4 "137F," the following: "157, 158,".
5 9. Title page, by striking line 3 and inserting
6 the following: "establishments, Iowa food code,
7 regulation of egg handlers, and inspection of
8 cosmetology and barbering licensees".

AMANDA RAGAN

S–3070

1 Amend Senate File 340 as follows:
2 1. Page 1, line 6, by inserting after the word
3 "tickets" the following: "issued pursuant to section
4 321.236, subsection 1, paragraph "a",".
5 2. Page 1, line 20, by striking the words "or
6 clerk of the district court" and inserting the
7 following: "~~or clerk of the district court~~".
8 3. Page 1, lines 28 and 29, by striking the words
9 "or clerk of the district court" and inserting the
10 following: "~~or clerk of the district court~~".
11 4. Page 2, line 2, by striking the word
12 "paragraph" and inserting the following: "paragraphs".
13 5. Page 2, line 13, by striking the figure "2006"
14 and inserting the following: "2007".
15 6. Page 2, by inserting after line 14, the

16 following:
17 "NEW PARAGRAPH. e. Cities that enter into chapter
18 28E agreements for the collection of delinquent
19 parking fines in conjunction with renewal of motor
20 vehicle registrations pursuant to section 321.40 shall
21 be responsible for computer programming costs incurred
22 by the department to accommodate the collection and
23 dissemination of delinquent parking ticket information
24 to county treasurers, with each such city paying a per
25 capita share of the costs as provided in this
26 paragraph. The department's programming costs shall
27 be paid by the first city to enter into such an
28 agreement. Thereafter, cities that enter into such
29 agreements on or before June 30, 2010, shall pay a pro
30 rata share of the department's programming costs on or
31 before September 30, 2010, to the city which first
32 paid the costs, based on the respective populations of
33 each city as of the last decennial census."
34 7. Page 2, line 17, by striking the words "Enter
35 into" and inserting the following: "Pursuant to".
36 8. Page 2, line 18, by striking the words "for
37 the collection of" and inserting the following: ",
38 collect".
39 9. Page 2, line 20, by inserting after the word
40 "registrations" the following: "pursuant to section
41 321.40".
42 10. Page 2, by striking lines 31 and 32 and
43 inserting the following: "enter into a chapter 28E
44 agreement for the collection of delinquent parking
45 fines by a county treasurer pursuant to section 321.40
46 at".
47 11. Page 3, line 5, by striking the figure "2006"
48 and inserting the following: "2007".
49 12. By renumbering as necessary.

DICK L. DEARDEN

S–3071

1 Amend House File 642, as passed by the House, as
2 follows:
3 1. Page 1, by inserting after line 17, the
4 following:
5 "___. This subsection is repealed on July 1,
6 2007."
7 2. Page 1, line 18, by inserting after the figure
8 "11B." the following: "a."
9 3. Page 1, by inserting after line 20, the
10 following:
11 "b. This subsection is repealed on July 1, 2007."

4. Page 2, by inserting after line 5, the following:

"___. This section is repealed on July 1, 2007."

5. Page 2, by inserting after line 5, the following:

"Sec. ___. STUDY COMMITTEE.

1. The legislative council shall establish a study committee to investigate issues relating to the production of those crops which derive from genetically modified agricultural seeds and those crops which derive from agricultural seeds which are not genetically modified. The study committee shall consider policies which preserve the interests of agricultural producers who grow, harvest, store, and market crops which derive from both types of agricultural seeds in a manner that protects their respective business decisions, enhances economic opportunities, and promotes their relationships with neighboring agricultural producers.

2. The study committee shall include at least four members of the general assembly and representatives of interested organizations as appointed by the legislative council, which shall include the department of agriculture and land stewardship, the Iowa state association of counties, the agribusiness association of Iowa, the Iowa biotechnology association, the Iowa farm bureau federation, and the Iowa farmers union. The study committee shall also include a member of the organic advisory council as established in section 190C.2, a plant scientist employed by Iowa state university, and a person regulated under Code chapter 199.

3. The study committee shall submit an interim report to the general assembly by January 10, 2006, and a final report to the general assembly, including recommendations and any legislative proposals, by January 10, 2007."

6. Title page, line 2, by inserting after the word "legislation" the following: ", and requesting

Page 2

the establishment of a legislative study committee".

7. By renumbering as necessary.

WILLIAM A. DOTZLER, JR.
DARYL BEALL
BOB BRUNKHORST

S–3072

HOUSE AMENDMENT TO
SENATE FILE 330

Amend Senate File 330 as follows:

1. Page 39, line 28, by striking the word "subsection" and inserting the following: "subsections".

2. Page 39, by inserting after line 30, the following:

"NEW SUBSECTION. 10. The court shall include a developmentally appropriate parenting time plan in all decrees and custody orders. A developmentally appropriate parenting time plan shall take into consideration the child's age, developmental needs, personal characteristics which may include temperament and activity level, and other circumstances which may affect the scheduling of parenting time."

3. By renumbering as necessary.

S–3073

HOUSE AMENDMENT TO
SENATE FILE 74

Amend Senate File 74, as passed by the Senate, as follows:

1. Page 1, line 1, by striking the figure "535D.1", and inserting the following: "547A.1".

2. Page 1, line 4, by inserting after the figure "527.2" the following: ", and "insurer" means an insurer organized under Title XIII, subtitle 1, or similar laws of any other state or the United States".

3. Page 1, line 5, by striking the figure "535D.2", and inserting the following: "547A.2".

4. Page 1, line 7, by inserting after the word "institution" the following: "or insurer".

5. Page 1, line 9, by inserting after the word "institution" the following: "or insurer".

6. Page 1, line 13, by inserting after the word "institution" the following: "or insurer".

7. Page 1, line 16, by inserting after the word "institution" the following: "or insurer".

8. Page 1, line 17, by inserting after the word "use." the following: "The state agency with regulatory authority over the financial institution or insurer may also bring an action to enjoin the misleading or deceptive use prohibited in subsection 1."

9. Title page, by inserting after the word "institutions" the following: "and insurers".

10. By renumbering, relettering, or redesignating and correcting internal references as necessary.

S–3074

Amend Senate File 325 as follows:

1. Page 1, by striking lines 1 through 17.

2. Page 1, by striking lines 20 through 30 and inserting the following:

"Notwithstanding any other provision of the Code to the contrary, and subject to rules prescribed by the supreme court, if the clerk of the district court sends a mailing or notice to a person or party and the mailing or notice is returned by the postal service to the clerk of the district court as undeliverable, the clerk is not required to send a repeat or subsequent mailing or notice unless the clerk receives an updated mailing address."

3. Page 2, by inserting after line 35 the following:

"Sec. ___. ADOPTION OF COURT RULE RELATED TO TRIBAL COURTS. The general assembly acknowledges that contact and interaction between the Iowa court system and federally recognized tribal courts are ever increasing and the general assembly urges the Iowa supreme court to consider developing and prescribing a rule that recognizes the tribal court system and enforces tribal court orders, judgments, and decrees."

4. Page 2, by inserting after line 35 the following:

"Sec. ___. EFFECTIVE DATE. This section of this Act creating new section 602.8102A, being deemed of immediate importance, takes effect upon enactment."

5. Title page, by striking lines 2 and 3 and inserting the following: "branch, including sending notices and reports, and providing an effective date."

6. By renumbering as necessary.

COMMITTEE ON APPROPRIATIONS
JEFF ANGELO, Co-chair
ROBERT E. DVORSKY, Co-chair

S–3075

HOUSE AMENDMENT TO
SENATE FILE 246

Amend Senate File 246 as follows:

1. By striking everything after the enacting clause and inserting the following:

"Section 1. Section 907.13, subsection 2, Code 2005, is amended to read as follows:

2. The defendant's plan of community service, the comments of the defendant's probation officer, and the comments of the representative of the judicial district department of correctional services responsible for the unpaid community service program, shall be submitted promptly to the court. The court shall promptly enter an order approving the plan or modifying it. Compliance with the plan of community service as approved or modified by the court shall be a condition of the defendant's probation. The court thereafter may modify the plan at any time upon the defendant's request, upon the request of the judicial district department of correctional services, or upon the court's own motion. As an option for modification of a plan, the court may allow a defendant to complete some part or all of the defendant's community service obligation through the donation of property to a ~~charitable organization other than a governmental subdivision~~ statewide nonprofit legal aid organization. A donation of property to a ~~charitable organization~~ statewide nonprofit legal aid organization offered in satisfaction of some part or all of a community service obligation under this subsection is not a deductible contribution for the purposes of federal or state income taxes.

Sec. 2. Section 910.1, subsection 4, Code 2005, is amended to read as follows:

4. "Restitution" means payment of pecuniary damages to a victim in an amount and in the manner provided by the offender's plan of restitution. "Restitution" also includes fines, penalties, and surcharges, the contribution of funds to ~~a local anticrime organization which provided assistance to law enforcement in an offender's case,~~ a statewide nonprofit legal aid organization, the payment of crime victim compensation program reimbursements, payment of restitution to public agencies pursuant to section 321J.2, subsection 9, paragraph "b", court costs including correctional fees approved pursuant to section 356.7, court-appointed attorney fees ordered pursuant to section 815.9, including the expense of a public defender, and the performance of a public service by an offender in an amount set by the court when the offender cannot reasonably pay all or part of the court costs including correctional fees approved

pursuant to section 356.7, or court-appointed attorney fees ordered pursuant to section 815.9, including the expense of a public defender.

Sec. 3. Section 910.2, Code 2005, is amended to

read as follows:

910.2 RESTITUTION OR COMMUNITY SERVICE TO BE ORDERED BY SENTENCING COURT.

In all criminal cases in which there is a plea of guilty, verdict of guilty, or special verdict upon which a judgment of conviction is rendered, the sentencing court shall order that restitution be made by each offender to the victims of the offender's criminal activities, to the clerk of court for fines, penalties, surcharges, and, to the extent that the offender is reasonably able to pay, for crime victim assistance reimbursement, restitution to public agencies pursuant to section 321J.2, subsection 9, paragraph "b", court costs including correctional fees approved pursuant to section 356.7, court-appointed attorney fees ordered pursuant to section 815.9, including the expense of a public defender, when applicable, or contribution to a ~~local anticrime organization~~ statewide nonprofit legal aid organization. However, victims shall be paid in full before fines, penalties, and surcharges, crime victim compensation program reimbursement, public agencies, court costs including correctional fees approved pursuant to section 356.7, court-appointed attorney fees ordered pursuant to section 815.9, including the expenses of a public defender, or contributions to a ~~local anticrime organization~~ statewide nonprofit legal aid organization are paid. In structuring a plan of restitution, the court shall provide for payments in the following order of priority: victim, fines, penalties, and surcharges, crime victim compensation program reimbursement, public agencies, court costs including correctional fees approved pursuant to section 356.7, court-appointed attorney fees ordered pursuant to section 815.9, including the expense of a public defender, and contribution to a ~~local anticrime organization~~ statewide nonprofit legal aid organization.

When the offender is not reasonably able to pay all or a part of the crime victim compensation program reimbursement, public agency restitution, court costs including correctional fees approved pursuant to section 356.7, court-appointed attorney fees ordered pursuant to section 815.9, including the expense of a public defender, or contribution to a ~~local anticrime organization~~ statewide nonprofit legal aid

organization, the court may require the offender in lieu of that portion of the crime victim compensation program reimbursement, public agency restitution,

4 court costs including correctional fees approved
5 pursuant to section 356.7, court-appointed attorney
6 fees ordered pursuant to section 815.9, including the
7 expense of a public defender, or contribution to a
8 ~~local anticrime organization~~ statewide nonprofit legal
9 aid organization for which the offender is not
10 reasonably able to pay, to perform a needed public
11 service for a governmental agency or for a private
12 nonprofit agency which provides a service to the
13 youth, elderly, or poor of the community. When
14 community service is ordered, the court shall set a
15 specific number of hours of service to be performed by
16 the offender which, for payment of court-appointed
17 attorney fees ordered pursuant to section 815.9,
18 including the expenses of a public defender, shall be
19 approximately equivalent in value to those costs. The
20 judicial district department of correctional services
21 shall provide for the assignment of the offender to a
22 public agency or private nonprofit agency to perform
23 the required service."
24 2. Title page, by striking lines 1 through 3, and
25 inserting the following: "An Act relating to a
26 contribution to a statewide nonprofit legal aid
27 organization in a criminal proceeding."

S–3076

HOUSE AMENDMENT TO
SENATE FILE 379

1 Amend Senate File 379, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 6, line 12, by striking the word
4 "decedent" and inserting the following: "decedent,".
5 2. Page 6, line 13, by striking the word
6 "intestacy" and inserting the following: "intestacy,".
7 3. Page 10, by striking line 15 and inserting the
8 following: "be reinstated unless otherwise revoked by
9 the testator, except".
10 4. By renumbering as necessary.

S–3077

1 Amend Senate File 378 as follows:
2 1. Page 4, by inserting after line 33, the
3 following:
4 "Sec. ___. Section 85.38, subsection 2, unnumbered
5 paragraph 2, Code 2005, is amended to read as follows:
6 If an employer denies liability under this chapter,
7 chapter 85A, or chapter 85B, for payment for any
8 medical services received or weekly compensation
9 requested by an employee ~~with a disability~~, and the

employee is a beneficiary under either an individual or group plan for nonoccupational illness, injury, or disability, the nonoccupational plan shall not deny payment for the medical services received or for benefits under the plan on the basis that the employer's liability ~~for the medical services~~ under this chapter, chapter 85A, or chapter 85B is unresolved.

Sec. ___. Section 85.71, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 5. The employer has a place of business in Iowa, and the employee is working under a contract of hire which provides that the employee's workers' compensation claims be governed by Iowa law."

2. Page 5, line 2, by inserting after the word "provided" the following: "to the workers' compensation commissioner".

3. Page 9, line 11, by inserting after the word "encumbrance." the following: "However, the insurance commissioner shall be reimbursed from the security for all costs and fees incurred by the insurance commissioner in resolving disputes involving the security."

4. By striking page 9, line 16, through page 10, line 21.

5. By renumbering as necessary.

LARRY McKIBBEN

S–3078

Amend the amendment, S–3074, to Senate File 325 as follows:

1. Page 1, lines 21 and 22, by striking the words "a rule that recognizes" and inserting the following: "rules that recognize".

2. Page 1, line 26, by striking the word "This" and inserting the following: "The".

3. Page 1, line 27, by striking the words "creating new" and inserting the following: "enacting".

JEFF ANGELO
ROBERT E. DVORSKY

S–3079

Amend Senate File 390 as follows:

1. Page 1, by striking lines 3 and 4 and inserting the following:

"422.11J ~~WIND ENERGY PRODUCTION~~ TAX ~~CREDIT~~ CREDITS FOR WIND ENERGY PRODUCTION AND RENEWABLE ENERGY."

2. Page 1, by striking lines 7 and 8 and inserting the following: "~~a wind energy production~~ tax ~~credit~~ credits for wind energy production allowed under chapter 476B and for renewable energy allowed under chapter 476C."

3. Page 1, by striking lines 12 and 13 and inserting the following: "by ~~a wind energy production~~ tax ~~credit~~ credits for wind energy production allowed under chapter 476B and for renewable energy allowed under chapter 476C."

4. Page 1, by striking lines 17 and 18 and inserting the following: "by ~~a wind energy production~~ tax ~~credit~~ credits for wind energy production allowed under chapter 476B and for renewable energy allowed under chapter 476C."

5. Page 1, line 21, by striking the words "purchaser of renewable energy" and inserting the following: "person in possession of a renewable energy tax credit certificate issued pursuant to chapter 476C".

6. Page 1, by striking lines 23 through 26 and inserting the following: "tax imposed and paid upon purchases made by the applicant."

7. By striking page 1, line 29 through page 2, line 5, and inserting the following:

"(1) On forms furnished by the department and filed by January 31 after the end of the calendar year in which the tax credit certificate is to be applied, the applicant shall report to the department the total amount of sales and use tax paid during the reporting period on purchases made by the applicant.

(2) The applicant shall separately list the amounts of sales and use tax paid during the reporting period.

(3) If required by the department, the applicant shall prove that the person making the sales".

8. Page 2, by striking lines 10 and 11 and inserting the following:

"(4) The applicant shall provide the tax credit certificates issued pursuant to".

9. Page 2, line 16, by striking the words "purchaser of renewable energy" and inserting the following: "applicant".

10. Page 2, by striking lines 21 through 25 and inserting the following:

Page 2

"432.12E ~~WIND ENERGY PRODUCTION~~ TAX ~~CREDIT~~ CREDITS FOR WIND ENERGY PRODUCTION AND RENEWABLE ENERGY.

The taxes imposed under this chapter shall be reduced by ~~a wind energy production~~ tax ~~credit~~ credits

for wind energy production allowed under chapter 476B and for renewable energy allowed under chapter 476C."

11. Page 2, by striking lines 26 through 29.

12. Page 2, line 32, by inserting after the word "person" the following: "in possession of a renewable energy tax credit certificate issued pursuant to chapter 476C".

13. Page 4, line 25, by striking the word "five" and inserting the following: "two and one-half".

14. Page 5, line 2, by striking the words "for commercial purposes".

15. Page 5, line 20, by inserting after the word "fuel," the following: "methane gas or other biogas used to generate electricity,".

16. Page 5, line 30, by inserting after the word "A" the following: "producer or".

17. Page 5, line 34, by inserting after the word "purpose," the following: "or four dollars and fifty cents per million British thermal units of methane gas or other biogas used to generate electricity,".

18. Page 6, line 3, by striking the word "purchase".

19. Page 6, line 5, by inserting after the word "purpose," the following: "British thermal unit of methane gas or other biogas used to generate electricity,".

20. Page 6, line 28, by inserting after the word "fuel," the following: "methane or other biogas,".

21. Page 6, line 29, by inserting after the word "purpose" the following: "which shall designate either the producer or purchaser of renewable energy as eligible to apply for the renewable energy tax credit".

22. Page 6, line 35, by striking the words "fifteen working" and inserting the following: "thirty".

23. Page 7, line 3, by striking the words "fifteen working" and inserting the following: "thirty".

24. Page 7, line 6, by striking the words "fifteen working" and inserting the following: "thirty".

25. Page 7, line 8, by inserting after the word "final." the following: "If the application is incomplete, the board may grant an extension of time for the provision of additional information."

Page 3

26. Page 7, by inserting after line 21 the following:

"5. An owner meeting the requirements of section

476C.1, subsection 6, paragraph "b" shall not be an owner of more than two eligible renewable energy facilities."

27. Page 7, line 24, by inserting after the word "A" the following: "producer or".

28. Page 7, line 25, by striking the word "department" and inserting the following: "board".

29. Page 7, line 25, by striking the word "purchase".

30. Page 7, line 26, by striking the word "department" and inserting the following: "board".

31. Page 7, line 28, by striking the word "department" and inserting the following: "board".

32. Page 7, line 33, by inserting after the word "fuel," the following: "methane or other biogas,".

33. Page 7, line 35, by inserting after the word "facility" the following: "which shall designate either the producer or purchaser of renewable energy as eligible to apply for the renewable energy tax credit".

34. Page 8, line 1, by striking the word "energy" and inserting the following: "electricity, heat for a commercial purpose, methane gas or other biogas, or hydrogen fuel".

35. Page 8, by striking lines 3 and 4 and inserting the following: "to the purchaser of renewable energy."

36. Page 8, line 5, by striking the word "department" and inserting the following: "board".

37. Page 8, line 6, by inserting after the figure "2." the following: "The board shall notify the department of the amount of kilowatt-hours, British thermal units of heat for a commercial purpose, British thermal units of methane gas or other biogas used to generate electricity, or standard cubic feet of hydrogen fuel generated and purchased from an eligible renewable energy facility."

38. Page 8, line 6, by striking the word "determine" and inserting the following: "calculate".

39. Page 8, by striking lines 9 through 13 and inserting the following: "in writing of its refusal to do so. An applicant whose application is denied may".

40. Page 8, line 14, by striking the words "fifteen working" and inserting the following: "sixty".

41. Page 8, line 18, by striking the word

Page 4

"purchaser's" and inserting the following: "person's".
42. Page 8, by striking lines 20 through 22 and inserting the following: "may be used, the type of tax to which the tax credits shall be applied, and any other information required by the".
43. Page 8, line 23, by inserting after the word "department." the following: "The tax credit certificate shall only list one type of tax to which the amount of the tax credit may be applied."
44. Page 8, line 28, by inserting after the word "beneficiaries," the following: "for the taxes imposed under chapter 422, division II or III,".
45. Page 8, by striking line 29 and inserting the following: "credit certificate shall be".
46. Page 8, line 31, by striking the word "purchaser" and inserting the following: "applicant".
47. Page 8, by striking lines 32 through 34 and inserting the following: "of such entity. The applicant shall, in the application made".
48. Page 9, line 2, by inserting after the word "beneficiary." the following: "If the tax credit application is filed by a partnership, limited liability company, S corporation, estate, trust, or other reporting entity, all of whose income is taxed directly to its equity holders or beneficiaries for the taxes imposed under chapter 422, division V, or under chapter 423, 432, or 437A, the tax credit certificate shall be issued directly to the partnership, limited liability company, S corporation, estate, trust, or other reporting entity."
49. Page 9, by inserting after line 6 the following:
"6. The department shall not issue a tax credit certificate to any person who has received a tax credit pursuant to chapter 476B.
7. Once a tax credit certificate is issued pursuant to this section, the tax credit may only be claimed against the type of tax reflected on the certificate."
50. Page 9, line 9, by inserting after the word "A" the following: "producer or".
51. Page 9, lines 12 and 13, by striking the words "to a purchaser".
52. Page 9, line 14, by inserting after the word "fuel," the following: "methane gas or other biogas used to generate electricity,".
53. Page 9, by striking line 16 and inserting the following: "facility for which a tax credit is issued under".
54. Page 9, line 22, by striking the word

Page 5

"purchase".

55. Page 9, by striking lines 25 through 29 and inserting the following: "However, for purposes of this transfer provision, a decision between a producer and purchaser of renewable energy regarding who claims the tax credit issued pursuant to this chapter shall not be considered a transfer and must be set forth in the application for the tax credit pursuant to section 476C.4. Within thirty days of transfer, the".

56. Page 10, line 11, by inserting after the word "issued." the following: "The replacement tax credit certificate may reflect a different type of tax than the type of tax noted on the original tax credit certificate."

57. Page 10, by striking line 14 and inserting the following: "II, III, and V, and chapter 432 for".

58. Page 10, line 16, by inserting after the word "credit." the following: "The transferee may claim a refund under chapter 423 or 437A for any tax year within the time period set forth in section 423.47 or 437A.14 for which the original transferor could have claimed the refund."

59. Page 10, line 21, by striking the word "purchase".

60. Page 10, line 25, by inserting after the figure "4" the following: ", or if used against taxes imposed under chapter 437A, the taxpayer shall comply with section 437A.17B".

61. Page 10, line 35, by striking the words "future years; however," and inserting the following: "the following seven tax years or until the credit is depleted, whichever is earlier. If the tax credit is applied against the taxes imposed under chapter 423 or 437A, any credit in excess of the taxpayer's tax liability is carried over and can be filed with the refund claim for the following seven tax years or until depleted, whichever is earlier. However,".

62. Page 11, by striking line 17.

63. By renumbering as necessary.

DAVID MILLER
JOE BOLKCOM

S–3080

Amend House File 742, as amended, passed, and reprinted by the House, as follows:

1. Page 1, line 19, by striking the figure "1999" and inserting the following: "2001".

FRANK B. WOOD

S–3081

Amend Senate File 360 as follows:

1. Page 16, by striking lines 13 through 32 and inserting the following: "<u>the administrator may by rule require financial responsibility standards.</u>"

2. By renumbering as necessary.

MICHAEL E. GRONSTAL

S–3082

Amend House File 617, as passed by the House, as follows:

1. Page 1, line 10, by inserting after the word "department" the following: ", in consultation with assisted living services providers,".

COMMITTEE ON HUMAN RESOURCES
AMANDA RAGAN, Co-chair
JAMES A. SEYMOUR, Co-chair

S–3083

Amend House File 440, as passed by the House, as follows:

1. By striking everything after the enacting clause and inserting the following:

"Section 1. <u>NEW SECTION</u>. 714.7D RETAIL MOTOR FUEL THEFT — MINIMUM PENALTIES.

A person who is convicted of a simple misdemeanor under section 714.2, subsection 5, for theft of motor fuel from a retail dealer, as defined in section 214A.1, is subject to the following, as applicable:

1. For a first offense, a fine of not less than two hundred dollars.

2. For a second or subsequent offense, a fine of not less than three hundred dollars and confinement in the county jail for a minimum of two days."

2. Title page, by striking lines 1 and 2 and inserting the following: "An Act relating to the penalty".

HERMAN C. QUIRMBACH

S–3084

Amend Senate File 349 as follows:

1. Page 1, by inserting after line 8 the following:

"Sec. ___. EFFECTIVE DATE. This Act takes effect

on July 1, 2007."

2. Title page, line 3, by inserting after the word "penalty" the following: "and an effective date".

3. By renumbering as necessary.

JAMES A. SEYMOUR

S–3085

Amend House File 742, as amended, passed, and reprinted by the House, as follows:

1. Page 1, by inserting after line 23 the following:

"Sec. ___. Section 257.17, Code 2005, is amended to read as follows:

257.17 AID REDUCTION FOR EARLY SCHOOL STARTS.

State aid payments made pursuant to section 257.16 for a fiscal year shall be reduced by one one-hundred-eightieth for each day of that fiscal year for which the school district begins school before the earliest starting date specified in section 279.10, subsection 1. ~~However, this section does not apply to a school district that has received approval from the director of the department of education under section 279.10, subsection 4, to commence classes for regularly established elementary and secondary schools in advance of the starting date established in section 279.10, subsection 1.~~

Sec. ___. Section 279.10, subsection 1, Code 2005, is amended to read as follows:

1. The school year shall begin on the first day of July and each regularly established elementary and secondary school shall begin no sooner than ~~a day during the calendar week in which the first day of September falls~~ August 22 but no later than the first Monday in December. ~~However, if the first day of September falls on a Sunday, school may begin on a day during the calendar week which immediately precedes the first day of September.~~ School shall continue for at least one hundred eighty days, except as provided in subsection 3, and may be maintained during the entire calendar year. However, if the board of directors of a district extends the school calendar because inclement weather caused the district to temporarily close school during the regular school calendar, the district may excuse a graduating senior who has met district or school requirements for graduation from attendance during the extended school calendar. A school corporation may begin employment of personnel for in-service training and development purposes before the date to begin elementary and

43 secondary school.
44 Sec. ___. Section 279.10, subsection 4, Code 2005,
45 is amended by striking the subsection."
46 2. Title page, by striking lines 1 and 2 and
47 inserting the following: "An Act relating to
48 requirements and support for school districts,
49 including changing the school start date, eliminating
50 authorization for a school district to request

Page 2

1 approval for an earlier start date, changing the
2 reporting requirements for the Iowa early intervention
3 block grant program, extending the".
4 3. By renumbering as necessary.

JOHN PUTNEY

S–3086

1 Amend House File 645, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by striking lines 28 through 30 and
4 inserting the following: "promotional materials. A
5 lottery, game".
6 2. Page 1, by inserting after line 35 the
7 following:
8 "___. A commercial organization shall not conduct
9 a promotional activity that involves the sale of pull-
10 tab tickets or instant tickets, as defined in section
11 99G.3, coupons, or tokens that are not authorized by
12 the Iowa lottery authority and that may represent a
13 chance to win a cash prize to be paid on the premises
14 where the chance to win such prize was obtained. This
15 subsection shall not be construed to prohibit a
16 commercial organization from giving away pull-tab
17 tickets, instant tickets, coupons, or tokens free of
18 charge as part of a promotional activity, provided
19 that the other provisions of this section are complied
20 with. For purposes of this subsection, "cash" means
21 United States currency."
22 3. By renumbering, redesignating, and correcting
23 internal references as necessary.

COMMITTEE ON STATE GOVERNMENT
WALLY E. HORN, Co-chair
LARRY McKIBBEN, Co-chair

S–3087

Amend Senate File 220 as follows:

1. Page 1, by inserting before line 1 the following:

"Section 1. Section 257.17, Code 2005, is amended to read as follows:

257.17 AID REDUCTION FOR EARLY SCHOOL STARTS.

State aid payments made pursuant to section 257.16 for a fiscal year shall be reduced by one one-hundred-eightieth for each day of that fiscal year for which the school district begins school before the earliest starting date specified in section 279.10, subsection 1. ~~However, this section does not apply to a school district that has received approval from the director of the department of education under section 279.10, subsection 4, to commence classes for regularly established elementary and secondary schools in advance of the starting date established in section 279.10, subsection 1.~~

Sec. 2. Section 279.10, subsection 1, Code 2005, is amended to read as follows:

1. The school year shall begin on the first day of July and each regularly established elementary and secondary school shall begin no sooner than ~~a day during the calendar week in which the first day of September falls~~ August 22 but no later than the first Monday in December. ~~However, if the first day of September falls on a Sunday, school may begin on a day during the calendar week which immediately precedes the first day of September.~~ School shall continue for at least one hundred eighty days, except as provided in subsection 3, and may be maintained during the entire calendar year. However, if the board of directors of a district extends the school calendar because inclement weather caused the district to temporarily close school during the regular school calendar, the district may excuse a graduating senior who has met district or school requirements for graduation from attendance during the extended school calendar. A school corporation may begin employment of personnel for in-service training and development purposes before the date to begin elementary and secondary school.

Sec. 3. Section 279.10, subsection 4, Code 2005, is amended by striking the subsection."

2. Page 1, line 28, by striking the words "This Act is" and inserting the following: "The sections of this Act amending section 298.3 are".

3. Title page, by striking line 1 and inserting the following: "An Act relating to requirements and support for school districts, including changing the

Page 2

1 school start date, eliminating authorization for a
2 school district to request approval for an earlier
3 start date, and providing for matters related to the
4 expansion of the authorized uses of physical plant
5 and".
6 4. By renumbering as necessary.

JOHN PUTNEY

S–3088

1 Amend House File 253, as passed by the House, as
2 follows:
3 1. Page 2, by striking lines 11 through 30 and
4 inserting the following:
5 "Sec. ___. Section 68B.22, subsection 4, paragraph
6 r, Code 2005, is amended to read as follows:
7 r. Gifts of food, beverage, and entertainment
8 received by public officials or public employees at a
9 ~~reception~~ function where every member of the general
10 assembly has been invited to attend, when the
11 ~~reception~~ function takes place during a regular
12 session of the general assembly. A sponsor of a
13 ~~reception~~ function under this paragraph shall file a
14 report disclosing the total amount expended, including
15 in-kind expenditures, on food, beverage, and
16 entertainment for the ~~reception~~ function. The report
17 shall be filed with the person or persons designated
18 by the secretary of the senate~~,~~ and the chief clerk of
19 the house~~, and the board~~ within five business days
20 following the date of the ~~reception~~ function. The
21 person or persons designated by the secretary of the
22 senate and the chief clerk of the house shall forward
23 a copy of each report to the board."
24 2. By renumbering as necessary.

COMMITTEE ON STATE GOVERNMENT
WALLY E. HORN, Co-chair
LARRY McKIBBEN, Co-chair

S–3089

1 Amend Senate File 341 as follows:
2 1. Page 1, line 33, by striking the words "—
3 PRELIMINARY ACTIVITIES".
4 2. Page 2, by striking lines 5 through 15, and
5 inserting the following:
6 "2. The area agencies on aging shall expand
7 information, assistance, and educational services and
8 shall provide screening, assessment, and case

management services to consumers.

3. The department of human services, the department of elder affairs, the Iowa department of public health, and the area agencies on aging shall submit a plan to the governor and the general assembly no later than October 1, 2005, specifying effective and efficient methods to coordinate the medical assistance program waiver for frail elders program with the screening, assessment, and case management services provided by the area agencies on aging.

Sec. ___. APPROPRIATION — ELDER AFFAIRS — LONG-TERM LIVING. There is appropriated from the general fund of the state to the department of elder affairs for the fiscal year beginning July 1, 2005, and ending June 30, 2006, the following amount, or so much thereof as is necessary, for the purpose designated:

For use by the area agencies on aging to expand information, assistance, and educational services to consumers:

..... $ 500,000"

3. Title page, line 3, by inserting after the word "system" the following: ", and providing an appropriation".

4. By renumbering as necessary.

MICHAEL CONNOLLY

S–3090

Amend Senate File 394 as follows:

1. Page 1, line 3, by striking the words "~~commission~~ department" and inserting the following: "Iowa commission".

2. Page 1, line 8, by inserting before the word "department" the following: "Iowa".

3. Page 2, by striking lines 5 through 12 and inserting the following:

"In order to fulfill any eligibility requirements under Iowa law pertaining to veteran status, a veteran described in section 35.1, subsection 2, paragraph "b", subparagraph (6) or (7), shall submit the veteran's retirement points accounting statement issued by the armed forces of the United States, the state adjutant general, or the adjutant general of any other state, to confirm that the person has completed twenty years of service with the reserve forces or the national guard."

4. By striking page 3, line 34, through page 4, line 2.

5. Page 4, line 3, by striking the words and figures "subsection 2, Code 2005, is" and inserting the following: "subsections 2 and 3, Code 2005, are".

6. Page 4, by inserting after line 7 the following:

"3. Prescribe the duties of an executive director ~~and other employees as the commission shall deem necessary to carry out the duties of the commission~~."

7. Page 4, line 8, by striking the figures "3, 4,".

8. Page 4, by striking lines 17 through 19.

9. Page 5, line 30, by inserting after the word "cemetery." the following: "Notwithstanding section 8.33, any moneys in the account for a state veterans cemetery shall not revert and, notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the fund shall be credited to the account."

10. By striking page 5, line 32, through page 6, line 27, and inserting the following:

"Sec. ___. Section 35A.8, subsections 1 and 3, Code 2005, are amended to read as follows:

1. The governor shall appoint an executive director, subject to confirmation by the senate, who shall serve at the pleasure of the governor. The executive director is responsible for administering the duties of the department and the commission other than those related to the Iowa veterans home.

3. Except for the employment duties and responsibilities assigned to the commandant for the

Page 2

Iowa veterans home, the executive director shall employ such personnel as are necessary for the performance of the duties and responsibilities assigned to the department and the commission. All employees shall be selected on a basis of fitness for the work to be performed with due regard to training and experience and shall be subject to the provisions of chapter 8A, subchapter IV."

11. Page 6, line 30, by striking the word "~~executive~~" and inserting the following: "executive".

12. Page 6, line 35, by striking the word "~~executive~~" and inserting the following: "executive".

13. By striking page 7, line 4, through page 8, line 1.

14. Page 8, by inserting before line 2, the following:

"Sec. ___. Section 35B.5, Code 2005, is amended to read as follows:

35B.5 COMPENSATION.

A member of the commission shall receive twenty-five dollars or a greater amount as established by the board of supervisors for each month during which the

23 member attends one or more commission meetings and
24 shall be reimbursed for mileage the same as a member
25 of the board of supervisors. Compensation and mileage
26 shall be paid out of the appropriation authorized in
27 section 35B.14."
28 15. Page 8, line 20, by striking the words "STATE
29 COMMISSION" and inserting the following: "~~STATE~~
30 ~~COMMISSION~~ IOWA DEPARTMENT OF VETERANS AFFAIRS".
31 16. By striking page 9, line 5, through page 12,
32 line 6.
33 17. Page 12, by striking lines 9 and 10, and
34 inserting the following:
35 "3. "Commission" means the commission of veterans
36 affairs established in section 35A.2.
37 Sec. ___. Section 36.1, Code 2005, is amended by
38 adding the following new subsection:
39 NEW SUBSECTION. 3A. "Department" means the
40 department of veterans affairs established in section
41 35A.4."
42 18. Page 14, by striking lines 3 through 13, and
43 inserting the following:
44 "Sec. ___. NEW SECTION. 135.20 HEPATITIS C
45 AWARENESS PROGRAM — VETERANS — VACCINATIONS.
46 1. The department shall establish and administer a
47 hepatitis C awareness program. The goal of the
48 program shall be to distribute information to veterans
49 regarding the higher incidence of hepatitis C exposure
50 and infection among veterans, the dangers presented by

Page 3

1 the disease, and contacts for additional information
2 and referrals. For purposes of this section,
3 "veteran" means an individual meeting the definition
4 contained in section 35.1.
5 2. The information to be distributed shall be
6 determined by the department by rule, in consultation
7 with the commission of veterans affairs. The
8 information shall, at a minimum, contain statements
9 indicating that:
10 a. The federal department of veterans affairs
11 estimates a hepatitis C infection rate in veterans
12 more than three times higher than for the general
13 population.
14 b. The infection rate for Vietnam veterans is
15 estimated to be even higher than for other veterans
16 groups.
17 c. The disease is caused by a bloodborne virus
18 readily transmitted during combat and combat-related
19 emergency medical treatment.
20 d. Many veterans currently carrying the virus were
21 infected prior to the development of medical screening

tests.

e. The hepatitis C virus often resolves into a chronic infection without symptoms for ten to thirty years before signs of resultant liver disease appear.

f. This unusually long latency period makes it difficult to connect current symptoms with an infection that may have actually been contracted during military service decades ago.

The information shall also present treatment options and shall specify a procedure to be followed for veterans desiring a medical consultation for screening and treatment purposes. The department shall cooperate with the state commission of veterans affairs regarding distribution of the information to the veterans home, the county commissions of veteran affairs, veterans hospitals, and other appropriate points of distribution."

19. Page 18, by striking lines 8 through 22, and inserting the following:

"Sec. ___. Section 483A.24, subsection 13, Code 2005, is amended to read as follows:

13. Upon payment of the fee of thirty dollars for a lifetime hunting and fishing combined license, the department shall issue a hunting and fishing combined license to a resident of Iowa who ~~is a veteran, as defined in section 35.1,~~ served in the armed forces of the United States for a minimum aggregate of ninety days of active federal service and who was disabled or was a prisoner of war during that veteran's military

Page 4

service. The department shall prepare an application to be used by a person requesting a hunting and fishing combined license under this subsection. The ~~commission~~ department of veterans affairs shall assis the department in verifying the status or claims of applicants under this subsection. As used in this subsection, "disabled" means entitled to compensation under the United States Code, Title 38, ch. 11."

20. Page 19, by inserting after line 13, the following:

"Sec. ___. 2003 Iowa Acts, chapter 179, section 21, subsections 2 and 5, as enacted by 2005 Iowa Acts, Senate File 75, section 1, are amended to read as follows:

2. Of the funds appropriated in this section, $10,000 is transferred to the ~~Iowa~~ department of ~~public health~~ human services for allocation to community mental health centers to provide counseling services to persons, whether or not employed by the state, who are members of the national guard or

21 reservists and who are assigned to active duty service
22 in the armed forces of the United States and to the
23 persons' family members. The sessions shall be
24 provided on a first come, first served basis and shall
25 be limited to three visits per family.
26 5. The remainder of the funds appropriated in this
27 section are transferred to the Iowa finance authority
28 to be used for a home ownership assistance program for
29 persons who are eligible members of the armed forces
30 of the United States. In the event an eligible member
31 is deceased, the surviving spouse of the eligible
32 member shall be eligible for a loan under the program,
33 subject to the surviving spouse meeting the program's
34 eligibility requirements other than the military
35 service requirement. For the purposes of this
36 subsection, "eligible member of the armed forces of
37 the United States" means a resident of this state who
38 is <u>or was</u> a member of the national guard, reserve, or
39 regular component of the armed forces of the United
40 States who has served at least ninety days of active
41 duty service during the period beginning September 11,
42 2001, and ending June 30, 2006.
43 Sec. ___. VETERANS HEPATITIS C AWARENESS PROGRAM
44 REPORT. The Iowa department of public health shall
45 submit a report to the members of the general assembly
46 by January 1, 2007, regarding the development and
47 distribution of the information required by the
48 section of this Act enacting section 135.20 and any
49 resulting impact."
50 21. Page 19, by inserting after line 18 the

Page 5

1 following:
2 "Sec. ___. RETROACTIVE APPLICABILITY. The section
3 of this Act amending 2003 Iowa Acts, chapter 179, is
4 retroactively applicable to May 17, 2004."
5 22. Title page, line 2, by striking the word
6 "and" and inserting the following: "providing for the
7 compensation of members of a county commission of
8 veteran affairs, providing for the issuance of
9 combined hunting and fishing licenses to certain
10 veterans, establishing a hepatitis C awareness program
11 for veterans, concerning funds in an account for a
12 state veterans cemetery,".
13 23. Title page, line 6, by inserting after the
14 word "guard" the following: ", concerning military
15 pay differential,".
16 24. Title page, line 6, by inserting after the
17 word "date" the following: "and a retroactive

applicability date".

25. By renumbering and correcting internal references as necessary.

JOHN P. KIBBIE
CHARLES W. LARSON, JR.
STEVE WARNSTADT
LARRY McKIBBEN

S–3091

Amend House File 275, as passed by the House, as follows:

1. Page 1, by striking lines 3 through 20 and inserting the following:

"3. a. A person who is under legal age, other than a licensee or permittee, who violates this section regarding the purchase of or attempt to purchase alcoholic liquor, wine, or beer, or possessing or having control of alcoholic liquor, wine, or beer, commits ~~a~~ the following:

(1) A simple misdemeanor punishable ~~by a fine of one hundred dollars for the first offense~~ as a scheduled violation under section 805.8C, subsection 7.

(2) A second ~~or subsequent~~ offense shall be a simple misdemeanor punishable by a fine of ~~two~~ five hundred dollars ~~and the suspension of the person's motor vehicle operating privileges for a period not to exceed one year~~. In addition to any other applicable penalty, the person in violation of this section shall choose between either completing a substance abuse evaluation or the suspension of the person's motor vehicle operating privileges for a period not to exceed one year.

(3) A third or subsequent offense shall be a simple misdemeanor punishable by a fine of five hundred dollars and the suspension of the person's motor vehicle operating privileges for a period not to exceed one year.

b. The court may, in its discretion, order the person who is under legal age to perform community service work under section 909.3A, of an equivalent value to the fine imposed under this section. ~~However, if~~

c. If the person who commits ~~the~~ a violation of this section is under the age of eighteen, the matter shall be disposed of in the manner provided in chapter 232."

2. Page 1, by striking lines 24 through 29 and inserting the following: "UNDER LEGAL AGE. For first

41 offense violations of section 123.47, subsection 3,
42 the scheduled fine is two hundred dollars."

KEITH A. KREIMAN

S–3092

1 Amend House File 808, as passed by the House, as
2 follows:
3 1. Page 1, line 10, by striking the figure "1."
4 2. Page 1, line 15, by striking the figure
5 "18,047,299" and inserting the following:
6 "17,213,319".
7 3. Page 1, line 16, by striking the figure
8 "417.12" and inserting the following: "412.52".
9 4. By striking page 1, line 17, through page 2,
10 line 15.
11 5. Page 2, by inserting after line 17, the
12 following:
13 "Sec. ___. SENIOR FARMERS MARKET NUTRITION
14 PROGRAM. There is appropriated from the general fund
15 of the state to the department of agriculture and land
16 stewardship for the fiscal year beginning July 1,
17 2005, and ending June 30, 2006, the following amount,
18 or so much thereof as is necessary, to be used for the
19 purposes designated:
20 For purposes of administering a senior farmers
21 market nutrition program, including salaries, support,
22 maintenance, miscellaneous purposes, and for not more
23 than the following full-time equivalent positions:
24 ..... $ 77,000
25 ..... FTEs 1.00
26 Sec. ___. CHRONIC WASTING DISEASE. There is
27 appropriated from the general fund of the state to the
28 department of agriculture and land stewardship for the
29 fiscal year beginning July 1, 2005, and ending June
30 30, 2006, the following amount, or so much thereof as
31 is necessary, to be used for the purposes designated:
32 For purposes of administering a chronic wasting
33 disease control program for the control of chronic
34 wasting disease which threatens farm deer as provided
35 in chapter 170, including salaries, support,
36 maintenance, miscellaneous purposes, and for not more
37 than the following full-time equivalent positions:
38 ..... $ 100,000
39 ..... FTEs 1.60
40 The program may include procedures for the
41 inspection and testing of farm deer, responses to
42 reported cases of chronic wasting disease, and methods
43 to ensure that owners of farm deer may engage in the
44 movement and sale of farm deer.
45 Sec. ___. HOMELAND SECURITY. There is

46 appropriated from the general fund of the state to the
47 department of agriculture and land stewardship for the
48 fiscal year beginning July 1, 2005, and ending June
49 30, 2006, the following amount, or so much thereof as
50 is necessary, to be used for the purposes designated:

Page 2

1 For purposes of administering programs which
2 provide for homeland security and emergency
3 management, including programs which are necessary to
4 prevent or control a serious threat to the production
5 and processing of agricultural commodities, and
6 including salaries, support, maintenance,
7 miscellaneous purposes, and for not more than the
8 following full-time equivalent positions:
9 ..... $ 79,004
10 ..... FTEs 1.00
11 The department may use the moneys appropriated in
12 this section to preserve and protect the public
13 health, public safety, or the state's economy caused
14 by the transmission of disease among livestock as
15 defined in section 717.1 or agricultural animals as
16 defined in section 717A.1. The department shall
17 cooperate with the homeland security and emergency
18 management division of the department of public
19 defense in the administration of emergency planning
20 matters which involve agriculture."
21 6. Page 3, line 33, by striking the figure "1."
22 7. Page 4, line 3, by striking the figure
23 "16,390,463" and inserting the following:
24 "16,968,439".
25 8. Page 4, by striking lines 5 through 16.
26 9. By renumbering as necessary.

COMMITTEE ON APPROPRIATIONS
JEFF ANGELO, Co-chair
ROBERT E. DVORSKY, Co-chair

S–3093

1 Amend House File 809, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 11, by inserting after line 4 the
4 following:
5 "Sec. 500. 2004 Iowa Acts, chapter 1175, section
6 50, is amended by adding the following new subsection:
7 NEW SUBSECTION. 5. For sole source grant costs
8 associated with the hosting of the national special
9 olympics in Iowa by a special olympics nonprofit
10 entity, in addition to the amount appropriated for
11 this purpose in 2004 Iowa Acts, chapter 1175, section

288, subsection 6, paragraph "b":
..... $ 500,000
Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purpose designated until the close of the fiscal year that begins July 1, 2006."

2. Page 12, by inserting after line 8 the following:
"Sec. ___. EFFECTIVE DATE. Section 500 of this Act amending 2004 Iowa Acts, chapter 1175, section 50, being deemed of immediate importance, takes effect upon enactment."

3. Title page, line 4, by striking the words "and related matters" and inserting the following: ", related matters, and providing an effective date".

4. By renumbering as necessary.

COMMITTEE ON APPROPRIATIONS
JEFF ANGELO, Co-chair
ROBERT E. DVORSKY, Co-chair

S–3094

Amend House File 810, as amended, passed, and reprinted by the House, as follows:

1. Page 1, by inserting after line 11 the following:
"In addition to the amount appropriated in this subsection, the department is authorized to expend an additional amount not to exceed $359,560 for the purposes designated in this subsection. Such amount shall be expended from general fund moneys deposited in revolving funds under the control of the department that were appropriated to the department pursuant to 2004 Iowa Acts, chapter 1175, section 2. The department shall develop a plan for repayment to the general fund of the total amount appropriated to the department for start-up funding for revolving funds under the control of the department pursuant to 2004 Iowa Acts, chapter 1175, section 2. Any amount expended pursuant to this paragraph shall be considered a repayment amount to the general fund and shall reduce the total amount to be repaid to the general fund under the plan developed by the department. The department shall submit the plan for repayment to the department of management for approval. Upon review and approval by the department of management, the department of administrative services shall submit the plan to the general assembly for its review."

2. Page 2, by striking lines 13 through 15 and inserting the following: "consistent with the requirements of chapter 8A."

3. Page 10, by striking line 14 and inserting the following:

"..... $ 1,564,755"

4. Page 10, by striking lines 32 and 33 and inserting the following:

"..... $ 2,356,836
..... FTEs 113.25

Of the funds appropriated in this subsection, $80,000 and 1.00 FTE shall be used for the operation, expansion, and maintenance of the direct care worker registry."

5. Page 17, by striking lines 17 through 34.

6. Page 18, by inserting after line 15 the following:

"Sec. ___. 2004 Iowa Acts, chapter 1175, section 12, subsection 4, is amended to read as follows:

4. NATIONAL GOVERNORS ASSOCIATION

For payment of Iowa's membership in the national governors association:

..... $ ~~64,393~~

Page 2

364,393

Of the funds appropriated in this subsection, $300,000 is allocated for security-related costs and other expenses associated with the national governors association national meeting. Notwithstanding section 8.33, the moneys allocated for the meeting that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year."

7. By renumbering as necessary.

COMMITTEE ON APPROPRIATIONS
JEFF ANGELO, Co-chair
ROBERT E. DVORSKY, Co-chair

S–3095

Amend House File 739, as passed by the House, as follows:

1. Page 1, line 26, by striking the words "a pilot program" and inserting the following: "pilot programs".

2. Page 1, line 28, by striking the words "that shall" and inserting the following: "that may".

3. Page 1, line 32, by striking the word

"nineteen".

4. Page 1, line 34, by striking the word "Nine" and inserting the following: "Seven".

5. Page 2, by striking line 1.

6. Page 2, line 10, by striking the words "a member" and inserting the following: "the chairperson".

7. Page 2, by striking lines 11 and 12 and inserting the following: "education or the chairperson's designee."

8. By striking page 2, line 13, through page 3, line 2 and inserting the following:

"b. Ex officio, nonvoting members as follows:

(1) The members of the state board of education technology advisory committee."

9. Page 4, line 13, by striking the word "program" and inserting the following: "programs".

10. Page 4, by striking lines 17 through 19 and inserting the following:

"2. Develop an accurate assessment of the current".

11. Page 4, by striking lines 33 through 35 and inserting the following: "state levels."

12. Page 5, lines 1 and 2, by striking the words "and the recommended appropriations".

13. Page 5, line 6, by striking the word "PROGRAM" and inserting the following: "PROGRAMS".

14. Page 5, line 9, by striking the word "program" and inserting the following: "programs".

15. Page 5, line 11, by striking the word "program" and inserting the following: "programs".

16. Page 5, line 14, by striking the word "shall" and inserting the following: "may".

17. Page 5, line 16, by inserting after the word "possibilities;" the following: "provide for development of individual education plans for students;".

18. Page 5, line 19, by striking the words "of the" and inserting the following: "for each".

19. Page 5, line 21, by striking the words "commit state funds toward" and inserting the following: "consider".

Page 2

20. Page 5, line 27, by striking the words "program, the" and inserting the following: "programs, each".

21. Page 5, line 33, by striking the word "The" and inserting the following: "Each".

22. Page 6, by striking lines 2 and 3 and inserting the following: "achievement should include

identification of the".

23. Page 6, by inserting after line 33 the following:

"Sec. ___. NEW SECTION. 280A.5 FUTURE REPEAL. This chapter is repealed effective July 1, 2011."

24. Page 6, by inserting after line 33 the following:

"Sec. ___. CONTINGENT EFFECTIVENESS. The sections of this Act creating new Code chapter 280A take effect only if the general assembly appropriates funds for the fiscal year beginning July 1, 2005, in an amount sufficient to implement the provisions of Code chapter 280A, if enacted."

25. Title page, line 2, by striking the word "program" and inserting the following: "programs".

26. Title page, line 4, by inserting after the word "clearinghouse" the following: ", and providing for contingent effectiveness".

27. By renumbering, redesignating, and correcting internal references as necessary.

COMMITTEE ON EDUCATION
MICHAEL CONNOLLY, Co-chair
PAUL McKINLEY, Co-chair

S–3096

HOUSE AMENDMENT TO
SENATE FILE 206

Amend Senate File 206, as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, by striking lines 1 through 14.

2. Page 1, by striking lines 15 through 19.

3. Page 2, lines 18 and 19, by striking the words "deer herd population management, including".

4. Page 2, line 27, by striking the words "deer herd population management, including".

5. Page 3, line 32, by striking the words "purpose of deer herd population management" and inserting the following: "help us stop hunger program".

6. Page 4, by striking lines 11 through 17 and inserting the following: "information pursuant to this section. Information collected by the commission pursuant to the deer harvest reporting system from a deer hunter who takes a deer shall be limited to the following:

a. The county where the deer was taken.

b. The season during which the deer was taken.

c. The sex of the deer taken.

d. The age of the deer taken.

23 e. The type of weapon used.
24 f. The hunting license number of the hunter.
25 g. The number of days the hunter hunted.
26 h. The total number of deer taken by the hunter.
27 2. The deer harvest reporting system established
28 by the commission shall utilize and is limited to
29 utilizing one or more of the following methods of
30 reporting deer taken by hunters:
31 a. A toll-free telephone number.
32 b. A postcard.
33 c. Reporting at an electronic licensing location.
34 d. Electronic internet communication."
35 7. Page 4, line 23, by striking the word "ten"
36 and inserting the following: "two".
37 8. Page 4, by striking lines 29 through 31.
38 9. Page 6, by inserting after line 21, the
39 following:
40 "Sec. ___. Section 483A.24, subsection 2, Code
41 2005, is amended by adding the following new
42 paragraph:
43 NEW PARAGRAPH. f. A deer hunting license or wild
44 turkey hunting license issued pursuant to this
45 subsection shall be attested by the signature of the
46 person to whom the license is issued and shall contain
47 a statement in substantially the following form:
48 By signing this license I certify that I qualify as
49 an owner or tenant under Iowa Code section 483A.24.
50 A person who makes a false attestation as described

Page 2

1 in this paragraph is guilty of a simple misdemeanor.
2 In addition, the person's hunting license shall be
3 revoked and the person shall not be issued a hunting
4 license for a period of one year."
5 10. Page 6, by striking lines 22 through 29 and
6 inserting the following:
7 "Sec. ___. NEW SECTION. 483A.24B SPECIAL DEER
8 HUNTS.
9 1. The commission may establish a special season
10 deer hunt for antlerless deer in those counties where
11 paid antlerless only deer hunting licenses remain
12 available for issuance.
13 2. Antlerless deer may be taken by shotgun,
14 muzzleloading rifle, muzzleloading pistol, handgun, or
15 bow during the special season as provided by the
16 commission by rule.
17 3. Prior to December 15, a resident may obtain up
18 to three paid antlerless only deer hunting licenses
19 for the special season regardless of how many paid or
20 free gun or bow deer hunting licenses the person may
21 have already obtained. Beginning December 15, a

22 resident or nonresident may purchase an unlimited
23 number of antlerless only deer hunting licenses for
24 the special season. Notwithstanding section 483A.1,
25 the fee for an antlerless only deer hunting license
26 issued pursuant to this section shall be ten dollars
27 for residents.
28 4. All antlerless deer hunting licenses issued
29 pursuant to this section shall be included in the
30 quotas established by the commission by rule for each
31 county and shall be available in each county only
32 until the quota established by the commission for that
33 county is filled.
34 5. The daily bag and possession limit during the
35 special season is one deer per license. The tagging
36 requirements are the same as for the regular gun
37 season.
38 6. A person who receives a license pursuant to
39 this section shall be otherwise qualified to hunt deer
40 in this state and shall have a hunting license and pay
41 the wildlife habitat fee.
42 7. A person violating a provision of this section
43 or a rule adopted pursuant to this section is guilty
44 of a simple misdemeanor punishable as a scheduled
45 violation as provided in section 483A.42."
46 11. By renumbering, relettering, or redesignating
47 and correcting internal references as necessary.

S–3097

1 Amend House File 614, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 6, line 2, by inserting after the word
4 "chapter." the following: "Nothing in this chapter
5 shall limit the rights of providers of wire and
6 electronic communications under 18 U.S.C. § 2511."

COMMITTEE ON COMMERCE
JERRY BEHN, Co-chair
STEVE WARNSTADT, Co-chair

S–3098

1 Amend House File 587, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 11, by striking lines 19 and 20, and
4 inserting the following:
5 "d. A person, other than a person authorized to
6 prescribe prescription drugs under state and federal
7 law, shall not alter the prescription of a
8 participant."
9 2. Page 15, by inserting after line 22, the
10 following:

"Sec. ___. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment."

3. Title page, lines 1 and 2, by striking the words "and providing penalties" and inserting the following: ", providing penalties, and providing an effective date".

4. By renumbering as necessary.

COMMITTEE ON HUMAN RESOURCES
AMANDA RAGAN, Co-chair
JAMES A. SEYMOUR, Co-chair

S–3099

Amend House File 710, as amended, passed, and reprinted by the House, as follows:

1. Page 5, line 31, by inserting after the word "marshal." the following: "The rules adopted for the special classification by the state fire marshal regarding second floor occupancy shall be adopted in consultation with the department of elder affairs and shall take into consideration the mobility of the tenants."

COMMITTEE ON HUMAN RESOURCES
AMANDA RAGAN, Co-chair
JAMES A. SEYMOUR, Co-chair

S–3100

Amend House File 789, as amended, passed, and reprinted by the House, as follows:

1. Page 1, line 32, by inserting after the word "injury." the following: "For the purposes of this section, the designation of lead agency authorizes the department to perform or oversee the performance of those functions specified in subsection 6, paragraphs "a" through "c"."

2. Page 13, line 34, by striking the word "known" and inserting the following: "disclosed".

3. By renumbering, relettering, or redesignating and correcting internal references as necessary.

COMMITTEE ON HUMAN RESOURCES
AMANDA RAGAN, Co-chair
JAMES A. SEYMOUR, Co-chair

S–3101

Amend House File 585, as amended, passed, and reprinted by the House, as follows:

1. Page 11, by striking lines 24 and 25, and

4 inserting the following:
5 "d. A person, other than a person authorized to
6 prescribe prescription drugs under state and federal
7 law, shall not alter the prescription of a tenant."
8 2. Page 12, by inserting after line 22, the
9 following:
10 "Sec. ___. EFFECTIVE DATE. This Act, being deemed
11 of immediate importance, takes effect upon enactment."
12 3. Title page, by striking line 2, and inserting
13 the following: "providing penalties, and providing an
14 effective date."
15 4. By renumbering as necessary.

COMMITTEE ON HUMAN RESOURCES
AMANDA RAGAN, Co-chair
JAMES A. SEYMOUR, Co-chair

S–3102

1 Amend House File 740, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 12, by inserting after line 16 the
4 following:
5 "Sec. ___. EDUCATIONAL STANDARDS FOR PHYSICAL
6 EDUCATION REVIEW. The department of education shall
7 convene a task force including representatives of the
8 Iowa association for health, physical education,
9 recreation and dance; the American alliance for
10 health, physical education, recreation and dance; the
11 Iowa heart association; and the university of northern
12 Iowa college of health, physical education, and
13 leisure services to review the educational standards
14 for physical education set forth in Code section
15 256.11. In reviewing these standards, the department
16 shall consider the current level of health and
17 physical fitness prevalent among students, and shall
18 develop recommendations for exposing students to the
19 greatest variety of physical activities, to instill
20 knowledge of the importance of good physical fitness
21 to general health and a desire for lifelong physical
22 activity, and to reduce the level of obesity in Iowa's
23 student population. The department shall submit its
24 findings and recommendations to the governor and the
25 general assembly by December 31, 2005."
26 2. Title page 1, line 21, by inserting after the
27 word "requirements," the following: "providing for an
28 educational standards for physical education review,".
29 3. By renumbering as necessary.

FRANK B. WOOD

S–3103

Amend House File 682, as passed by the House, as follows:

1. Page 1, by inserting before line 1 the following:

"Sec. ___. Section 602.8108, subsection 3, Code 2005, is amended to read as follows:

3. The clerk of the district court shall remit to the state court administrator, not later than the fifteenth day of each month, ninety-five percent of all moneys collected from the criminal penalty surcharge provided in section 911.1 during the preceding calendar month. The clerk shall remit the remainder to the county treasurer of the county that was the plaintiff in the action or to the city that was the plaintiff in the action. Of the amount received from the clerk, the state court administrator shall allocate ~~eighteen~~ seventeen percent to be deposited in the victim compensation fund established in section 915.94, and ~~eighty-two~~ eighty-three percent to be deposited in the general fund.

Sec. ___. Section 602.8108, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 9. A criminalistics laboratory fund is created as a separate fund in the state treasury under the control of the department of public safety. The fund shall consist of appropriations made to the fund and transfers of interest, and earnings. All moneys in the fund are appropriated to the department of public safety for use by the department in criminalistics laboratory equipment purchasing, maintenance, depreciation, and training. Any balance in the fund on June 30 of any fiscal year shall not revert to any other fund of the state but shall remain available for the purposes described in this subsection."

2. Page 1, by striking lines 5 through 7 and inserting the following: "sentence are deferred by the court and whereby a civil penalty may be assessed by the court as provided in section 907.14 upon the entry of a deferred judgment. The court retains the".

3. Page 1, line 15, by striking the word "shall" and inserting the following: "may".

4. Page 1, line 33, by striking the word "shall" and inserting the following: "may".

5. By striking page 1, line 34, through page 2, line 1, and inserting the following: "of at least one hundred dollars but not exceeding one thousand dollars."

6. Page 2, by inserting after line 5 the following:

Page 2

"Sec. ___. Section 911.1, subsection 1, Code 2005, is amended to read as follows:

1. A criminal penalty surcharge shall be levied against law violators as provided in this section. When a court imposes a fine or forfeiture for a violation of state law, or a city or county ordinance, except an ordinance regulating the parking of motor vehicles, the court or the clerk of the district court shall assess an additional penalty in the form of a criminal penalty surcharge equal to ~~thirty~~ thirty-two percent of the fine or forfeiture imposed."

7. Title page, lines 1 and 2, by striking the words "upon the entry of a deferred judgment" and inserting the following: "and criminal penalty surcharge, and creating a criminalistics laboratory fund".

8. By renumbering, relettering, or redesignating and correcting internal references as necessary.

COMMITTEE ON JUDICIARY
KEITH A. KREIMAN, Co-chair
DAVID MILLER, Co-chair

S–3104

Amend House File 712, as amended, passed, and reprinted by the House, as follows:

1. Page 1, line 28, by inserting after the word "occurs." the following: "However, if a vacancy to be filled under this paragraph would result in an appointment period of more than one year, the board shall not proceed under this paragraph."

COMMITTEE ON LOCAL GOVERNMENT
HERMAN C. QUIRMBACH, Co-chair
DOUG SHULL, Co-chair

S–3105

Amend House File 729, as amended, passed, and reprinted by the House, as follows:

1. Page 1, by inserting after line 2 the following:

"Section 1. Section 97B.1A, Code 2005, is amended by adding the following new subsections:

NEW SUBSECTION. 10A. "Final average salary" means as follows:

a. For a member whose first date of service is before July 1, 2005, the member's three-year average covered wage.

b. For a member whose first date of service is on or after July 1, 2005, the member's five-year average covered wage.

NEW SUBSECTION. 10B. "First date of service" means the later of the following, if applicable:

a. The date a person first enters service if no refund of contributions for service on that date is made.

b. The date an inactive nonvested member first reenters service if no refund of contributions for service on that date is made.

NEW SUBSECTION. 11A. a. "Five-year average covered wage" means, for a member who retires prior to July 1, 2008, a member's covered wages averaged for the highest five years of the member's service, except as otherwise provided in this subsection. The highest five years of a member's covered wages shall be determined using calendar years. However, if a member's final quarter of a year of employment does not occur at the end of a calendar year, the system may determine the wages for the fifth year by computing the average quarter of all quarters from the member's highest calendar year of covered wages not being used in the selection of the four highest years and using the computed average quarter for each quarter in the fifth year in which no wages have been reported in combination with the final quarter or quarters of the member's service to create a full year. However, the system shall not use the member's final quarter of wages if using that quarter would reduce the member's five-year average covered wage. Notwithstanding any other provision of this paragraph to the contrary, a member's wages for the fifth year as computed by this paragraph shall not exceed, by more than three percent, the member's highest actual calendar year of covered wages.

b. "Five-year average covered wage" means, for a member who retires on or after July 1, 2008, the greater of the member's covered wages averaged for a

Page 2

member's highest twenty consecutive quarters of service or the member's covered wages averaged for a member's highest five calendar years of service. The system shall adopt rules to implement this paragraph in accordance with the requirements of this chapter and the federal Internal Revenue Code."

2. Page 1, by striking lines 14 through 32 and inserting the following:

"2. For purposes of this section, unless the context otherwise requires:

11 a. "Applicable employee percentage" means the
12 percentage rate equal to three and seventy-five
13 hundredths percent plus the total additional employee
14 percentage plus fifty percent of the total adjusted
15 percentage.
16 b. "Applicable employer percentage" means the
17 percentage rate equal to five and seventy-five
18 hundredths percent plus fifty percent of the total
19 adjusted percentage.
20 c. "Total additional employee percentage" means as
21 follows:
22 (1) For the fiscal period beginning July 1, 2005,
23 through June 30, 2013, the total additional employee
24 percentage for a fiscal year shall be the total
25 additional employee percentage for the prior fiscal
26 year plus, only if the total comparison percentage is
27 greater than the total of the applicable employee
28 percentage for the prior fiscal year and the
29 applicable employer percentage for the prior fiscal
30 year, one-half percentage point. The maximum total
31 additional employee percentage shall be two percentage
32 points.
33 (2) For each fiscal year beginning on or after
34 July 1, 2014, the total additional employee percentage
35 shall be the total additional employee percentage for
36 the prior fiscal year.
37 d. "Total adjusted percentage" means as follows:
38 (1) For the fiscal period beginning July 1, 2009,
39 through June 30, 2013, the total adjusted percentage
40 for a fiscal year shall be the total adjusted
41 percentage for the prior fiscal year plus, only if the
42 total additional employee percentage for the prior
43 fiscal year was two percentage points and the total
44 comparison percentage is greater than the total of the
45 applicable employee percentage for the prior fiscal
46 year and the applicable employer percentage for the
47 prior fiscal year, one-half percentage point.
48 (2) For each fiscal year beginning on or after
49 July 1, 2013, the total adjusted percentage shall be
50 the lesser of the percentage rate, whether positive or

Page 3

1 negative, equal to the total required percentage, as
2 defined in paragraph "f", for that fiscal year minus
3 eleven and one-half percent or the total adjusted
4 percentage for the fiscal year beginning July 1,
5 2013."
6 3. Page 1, line 33, by striking the words "d."
7 and inserting the following: "e.".
8 4. Page 2, by inserting after line 2, the
9 following:

10 "f. "Total required percentage" for a fiscal year
11 means the percentage rate equal to the total of eleven
12 and one-half percent and the total adjusted percentage
13 for the prior fiscal year unless any of the following
14 applies:
15 (1) If the system determines, based upon the most
16 recent actuarial valuation of the retirement system,
17 that the total required percentage for the prior
18 fiscal year is insufficient to amortize the unfunded
19 actuarial liability of the retirement system within
20 thirty years, the total required percentage for the
21 next fiscal year shall be the lesser, as determined by
22 the system's actuary, of the percentage rate needed to
23 amortize the unfunded actuarial liability of the
24 retirement system in thirty years or a percentage rate
25 equal to one percentage point greater than the total
26 required percentage for the prior fiscal year.
27 (2) If the system determines, based upon the most
28 recent actuarial valuation of the retirement system,
29 that the total required percentage for the prior
30 fiscal year is sufficient to amortize the unfunded
31 actuarial liability of the retirement system within
32 ten years or less, the total required percentage for
33 the next fiscal year shall be the greater, as
34 determined by the system, of the following:
35 (a) One percentage point less than the total
36 required percentage for the prior fiscal year.
37 (b) The percentage rate equal to the normal cost
38 rate as certified by the system's actuary plus that
39 percentage necessary, but in no event less than
40 seventy-five hundredths of one percent, to amortize
41 any unfunded actuarial liability of the retirement
42 system within twenty years.
43 The total required percentage as provided by this
44 paragraph "f" for a particular fiscal year shall be
45 determined by the system, by rule, following a
46 determination by the system's actuary as to the total
47 required percentage for that fiscal year based upon
48 the most recent actuarial valuation of the retirement
49 system by the system's actuary.
50 Sec. ___. Section 97B.45, subsection 4, Code 2005,

1 is amended to read as follows:
2 4. ~~The~~ For a member whose first date of service is
3 before July 1, 2005, the first of any month in which
4 the member is at least fifty-five years of age and for
5 which the sum of the number of years of membership
6 service and prior service and the member's age in
7 years as of the member's last birthday equals or
8 exceeds eighty-eight.

Sec. ___. Section 97B.47, Code 2005, is amended to read as follows:

97B.47 EARLY RETIREMENT DATE.

1. ~~A member's~~ The early retirement date of a member whose first date of service is before July 1, 2005, shall be the first of the month in which a member attains the age of fifty-five years or the first of any month after attaining the age of fifty-five years prior to the member's normal retirement date, provided such date shall be after the last day of service.

2. The early retirement date of a member whose first date of service is on or after July 1, 2005, shall be the first of the month in which the member attains the age of sixty-two years or the first of any month after attaining the age of sixty-two years prior to the member's normal retirement date, provided such date shall be after the last day of service.

Sec. ___. Section 97B.49A, subsection 3, Code 2005, is amended to read as follows:

3. CALCULATION OF MONTHLY ALLOWANCE. For each active or inactive vested member retiring on or after July 1, 1994, with four or more complete years of service, a monthly benefit shall be computed which is equal to one-twelfth of an amount equal to the applicable percentage of the ~~three-year average covered wage~~ member's final average salary multiplied by a fraction of years of service. However, if benefits under this section commence on an early retirement date, the amount of the benefit shall be reduced in accordance with section 97B.50.

Sec. ___. Section 97B.49B, subsections 2, 3, and 4, Code 2005, are amended to read as follows:

2. CALCULATION OF MONTHLY ALLOWANCE. Notwithstanding other provisions of this chapter, a member who is or has been employed in a protection occupation who retires on or after July 1, 1994, and at the time of retirement is at least fifty-five years of age may elect to receive, in lieu of the receipt of any benefits as calculated pursuant to section 97B.49A or 97B.49D, a monthly retirement allowance equal to one-twelfth of an amount equal to the applicable

percentage of the ~~three-year average covered wage~~ member's final average salary as a member who has been employed in a protection occupation multiplied by a fraction of years of service, with benefits payable during the member's lifetime.

3. ~~ADDITIONAL~~ CONTRIBUTIONS.

a. Annually, the system shall actuarially

determine the cost of the ~~additional~~ benefits provided for members covered under this section as a percentage of the covered wages of the employees covered by this section. ~~Sixty~~ Notwithstanding any provision of section 97B.11 to the contrary, sixty percent of the cost shall be paid by the employers of employees covered under this section and forty percent of the cost shall be paid by the employees. The employer and employee contributions required under this paragraph ~~are in addition to the~~ shall be treated as contributions paid under sections 97B.11 and 97B.11A.

b. (1) For the fiscal year commencing July 1, 1988, and each succeeding fiscal year, there is appropriated from the state fish and game protection fund to the system the amount necessary to pay the employer share of the cost of the ~~additional~~ benefits provided to employees covered under subsection 1, paragraph "e", subparagraph (1).

(2) Annually, during each fiscal year commencing with the fiscal year beginning July 1, 1988, each applicable city shall pay to the system the amount necessary to pay the employer share of the cost of the ~~additional~~ benefits provided to employees of that city covered under subsection 1, paragraph "e", subparagraphs (2) and (4).

(3) For the fiscal year commencing July 1, 1988, and each succeeding fiscal year, the department of corrections shall pay to the system from funds appropriated to the Iowa department of corrections, the amount necessary to pay the employer share of the cost of the ~~additional~~ benefits provided to employees covered under subsection 1, paragraph "e", subparagraph (3).

(4) For the fiscal year commencing July 1, 1990, and each succeeding fiscal year, the state department of transportation shall pay to the system, from funds appropriated to the state department of transportation from the road use tax fund and the primary road fund, the amount necessary to pay the employer share of the cost of the ~~additional~~ benefits provided to employees covered under subsection 1, paragraph "e", subparagraph (5).

(5) For the fiscal year commencing July 1, 1992,

and each succeeding fiscal year, the department of public safety shall pay to the system from funds appropriated to the department of public safety, the amount necessary to pay the employer share of the cost of the ~~additional~~ benefits provided to a fire prevention inspector peace officer pursuant to

7 subsection 1, paragraph "e", subparagraph (6).
8 (6) For the fiscal year commencing July 1, 1994,
9 and each succeeding fiscal year through the fiscal
10 year ending June 30, 1998, each judicial district
11 department of correctional services shall pay to the
12 system from funds appropriated to that judicial
13 district department of correctional services, the
14 amount necessary to pay the employer share of the cost
15 of the ~~additional~~ benefits provided to employees of a
16 judicial district department of correctional services
17 who are employed as a probation officer III or a
18 parole officer III.
19 (7) For the fiscal year commencing July 1, 2004,
20 and each succeeding fiscal year, there is appropriated
21 from the general fund of the state to the system, from
22 funds not otherwise appropriated, an amount necessary
23 to pay the employer share of the cost of the
24 ~~additional~~ benefits provided to airport fire fighters
25 under this section.
26 4. Notwithstanding any provision of this chapter
27 to the contrary, the ~~three-year average covered wage~~
28 member's final average salary for a member retiring
29 under this section whose years of eligible service
30 equals or exceeds twenty-two years of eligible service
31 for that member shall be determined by calculating the
32 member's eligible combined wage for each year of
33 eligible service. For purposes of this subsection,
34 "eligible combined wage" means the wages earned by the
35 member for each quarter year period from eligible
36 service and from covered employment that is not
37 eligible service if at least seventy-five percent of
38 the wages earned was from eligible service.
39 Sec. ___. Section 97B.49C, subsection 2,
40 paragraphs a and b, Code 2005, are amended to read as
41 follows:
42 a. Notwithstanding other provisions of this
43 chapter, a member who retires from employment as a
44 sheriff, deputy sheriff, or airport fire fighter on or
45 after July 1, 1994, and before July 1, 2004, and at
46 the time of retirement is at least fifty-five years of
47 age may elect to receive, in lieu of the receipt of
48 any benefits as calculated pursuant to section 97B.49A
49 or 97B.49D, a monthly retirement allowance equal to
50 one-twelfth of an amount equal to the applicable

Page 7

1 percentage of the ~~three-year average covered wage~~
2 member's final average salary as a member who has been
3 employed in eligible service multiplied by a fraction
4 of years of service, with benefits payable during the
5 member's lifetime.

b. Notwithstanding other provisions of this chapter, a member who retires from employment as a sheriff or deputy sheriff on or after July 1, 2004, and at the time of retirement is either at least fifty-five years of age or is at least the applicable early retirement age with at least twenty-two years of eligible service may elect to receive, in lieu of the receipt of any benefits as calculated pursuant to section 97B.49A or 97B.49D, a monthly retirement allowance equal to one-twelfth of an amount equal to the applicable percentage of the ~~three-year average covered wage~~ member's final average salary as a member who has been employed in eligible service multiplied by a fraction of years of service, with benefits payable during the member's lifetime."

5. Page 2, by inserting after line 14 the following:

"Sec. ___. Section 97B.49C, subsection 4, Code 2005, is amended to read as follows:

4. Notwithstanding any provision of this chapter to the contrary, the ~~three year average covered wage~~ member's final average salary for a member retiring under this section whose years of eligible service equals or exceeds twenty-two years of eligible service for that member shall be determined by calculating the member's eligible combined wage for each quarter year of eligible service. For purposes of this subsection, "eligible combined wage" means the wages earned by the member for each quarter year period from eligible service and from covered employment that is not eligible service if at least seventy-five percent of the wages earned was from eligible service.

Sec. ___. Section 97B.49D, subsection 1, paragraphs a, b, and c, Code 2005, are amended to read as follows:

a. One-twelfth of an amount equal to the applicable percentage of the member's ~~three year average covered wage~~ final average salary multiplied by a fraction of years of service. The fraction of years of service for purposes of this paragraph shall be the actual years of service, not to exceed thirty, for which regular service contributions were made, divided by thirty. However, any otherwise applicable age reduction for early retirement shall apply to the calculation under this paragraph.

Page 8

b. One-twelfth of an amount equal to the applicable percentage of the member's ~~three year average covered wage~~ final average salary multiplied by a fraction of years of service. The fraction of

years of service for purposes of this paragraph shall be the actual years of service, not to exceed the applicable years of service for the member as defined in section 97B.49B, earned in a position described in section 97B.49B, for which special service contributions were made, divided by the applicable years of service for the member as defined in section 97B.49B. In calculating the fractions of years of service under the paragraph, a member shall not receive special service credit for years of service for which the member and the member's employer did not make the required special service contributions to the system.

c. One-twelfth of an amount equal to the applicable percentage of the member's ~~three-year average covered wage~~ final average salary multiplied by a fraction of years of service. The fraction of years of service for purposes of this paragraph shall be the actual years of service, not to exceed twenty-two, earned in a position described in section 97B.49C, for which special service contributions were made, divided by twenty-two. In calculating the fractions of years of service under this paragraph, a member shall not receive special service credit for years of service for which the member and the member's employer did not make the required special service contributions to the system.

Sec. ___. Section 97B.50, subsection 1, paragraph a, Code 2005, is amended to read as follows:

a. For a member ~~who is less than sixty-two years of age~~ whose first date of service is before July 1, 2005, by twenty-five hundredths of one percent per month for each month that the early retirement date precedes the normal retirement date.

Sec. ___. Section 97B.50, subsection 1, paragraph b, Code 2005, is amended by striking the paragraph and inserting in lieu thereof the following:

b. For a member whose first date of service is on or after July 1, 2005, by the actuarial cost to the system for each month that the early retirement date precedes the normal retirement date.

Sec. ___. Section 97B.50A, subsection 1, paragraph c, Code 2005, is amended to read as follows:

c. "Reemployment comparison amount" means an amount equal to the current covered wages of an active special service member at the same position on the

salary scale within the rank or position the member held at the time the member received a disability retirement allowance pursuant to this section. If the

rank or position held by the member at the time of retirement pursuant to this section is abolished, the amount shall be computed by the system as though the rank or position had not been abolished and salary increases had been granted on the same basis as granted to other ranks or positions by the former employer of the member. The reemployment comparison amount shall not be less than the ~~three-year average covered wage~~ final average salary of the member, based on all regular and special service covered under this chapter.

Sec. ___. Section 97B.50A, subsection 2, paragraph d, Code 2005, is amended to read as follows:

d. Upon retirement for an in-service disability as provided by this subsection, a member shall have the option to receive a monthly in-service disability retirement allowance calculated under this subsection or a monthly retirement allowance as provided in section 97B.49A, 97B.49B, 97B.49C, 97B.49D, or 97B.49G, as applicable, that the member would receive if the member had attained fifty-five years of age. The monthly in-service disability allowance calculated under this subsection shall consist of an allowance equal to one-twelfth of sixty percent of the member's ~~three-year average covered wage~~ final average salary or its actuarial equivalent as provided under section 97B.51.

Sec. ___. Section 97B.50A, subsection 3, paragraph c, Code 2005, is amended to read as follows:

c. Upon retirement for an ordinary disability as provided by this subsection, a member shall receive the greater of a monthly ordinary disability retirement allowance calculated under this subsection or a monthly retirement allowance as provided in section 97B.49A, 97B.49B, 97B.49C, 97B.49D, or 97B.49G, as applicable. The monthly ordinary disability allowance calculated under this subsection shall consist of an allowance equal to one-twelfth of fifty percent of the member's ~~three-year average covered wage~~ final average salary or its actuarial equivalent as provided under section 97B.51.

Sec. ___. Section 97B.53, subsection 2, Code 2005, is amended to read as follows:

2. If a vested member's employment is terminated prior to the member's retirement, other than by death, the member may receive a monthly retirement allowance commencing on the first day of the month in which the

member attains the age of sixty-five years, if the member is then alive, or, if the member so elects in

accordance with section 97B.47, commencing on the ~~first day of the month in which the member attains the age of fifty-five~~ member's early retirement date or any month thereafter prior to the date the member attains the age of sixty-five years, and continuing on the first day of each month thereafter during the member's lifetime, provided the member does not receive prior to the date the member's retirement allowance is to commence a refund of moneys in the member's account as provided under any of the provisions of this chapter. The amount of each such monthly retirement allowance shall be determined as provided in either sections 97B.49A through 97B.49G, or in section 97B.50, whichever is applicable."

6. Page 3, by inserting after line 23 the following:

"Sec. ___. FAVORABLE EXPERIENCE DIVIDEND RESERVE ACCOUNT — TRANSFER OF MONEYS. Notwithstanding any provision of chapter 97B to the contrary, the Iowa public employees' retirement system shall have the authority to transfer a portion of the moneys in the favorable experience dividend reserve account created in section 97B.49F to the retirement fund created in section 97B.7.

Sec. ___. IPERS BENEFIT ENHANCEMENTS — DELAYED EFFECTIVE DATE. Notwithstanding any provision of law to the contrary, if any benefit enhancements are enacted during the fiscal period beginning July 1, 2005, through June 30, 2013, for members of the Iowa public employees' retirement system (IPERS), the benefit enhancements shall become effective the latter of July 1, 2014, or the July 1 following the most recent actuarial valuation of the retirement system in which the IPERS actuary certifies that the funded status of IPERS is at least one hundred percent. For purposes of this section, benefit enhancements are retirement benefits provided to members of IPERS which the IPERS actuary determines will increase IPERS' normal cost rate."

7. Title page, line 2, by inserting after the word "system" the following: "and including an effective date provision".

8. By renumbering, redesignating, and correcting internal references as necessary.

COMMITTEE ON STATE GOVERNMENT
WALLY E. HORN, Co-chair
LARRY McKIBBEN, Co-chair

S–3106

Amend House File 646, as amended, passed, and reprinted by the House, as follows:

1. Page 2, by inserting after line 5 the following:

"Sec. ___. Section 99B.7, subsection 1, paragraph d, unnumbered paragraphs 1 and 2, Code 2005, are amended to read as follows:

Cash prizes shall not be awarded in games other than bingo and raffles. The value of a prize shall not exceed ten thousand dollars and merchandise prizes shall not be repurchased. If a prize consists of more than one item, unit, or part, the aggregate value of all items, units, or parts shall not exceed ten thousand dollars. However, one raffle may be conducted per calendar year at which real property or one or more merchandise prizes having a combined value of more than ten thousand dollars may be awarded or ~~a~~ cash ~~prize~~ prizes of up to a total of two hundred thousand dollars may be awarded.

If a raffle licensee holds a statewide raffle license, the licensee may hold not more than eight raffles per calendar year at which real property or one or more merchandise prizes having a combined value of more than ten thousand dollars may be awarded or ~~a~~ cash ~~prize~~ prizes of up to a total of two hundred thousand dollars may be awarded. Each such raffle held under a statewide license shall be held in a separate county."

2. Page 5, by inserting after line 3 the following:

"Sec. ___. EFFECTIVE DATE. The section of this Act amending section 99B.7, subsection 1, paragraph "d", being deemed of immediate importance, takes effect upon enactment."

3. Title page, line 2, by striking the words "at fairs".

4. Title page, line 8, by inserting after the word "appeals" the following: ", and providing an effective date".

5. By renumbering as necessary.

COMMITTEE ON STATE GOVERNMENT
WALLY E. HORN, Co-chair
LARRY McKIBBEN, Co-chair

S–3107

Amend House File 777, as amended, passed, and reprinted by the House, as follows:

1. Page 2, by inserting after line 5 the

following:
"5. For purposes of this section, "potentially infected person" includes a care provider as defined in section 139A.2."

KEITH A. KREIMAN
TOM HANCOCK
DAVE MULDER
PAT WARD

S–3108

Amend House File 826, as passed by the House, as follows:
1. Page 1, by striking lines 5 through 9, and inserting the following: "access, divided, multilaned highways including the national system of interstate highways is sixty-five miles per hour. The department may".

GENE FRAISE
DOUG SHULL
DICK L. DEARDEN
MARK ZIEMAN
JAMES F. HAHN
THOMAS G. COURTNEY
TOM HANCOCK
KEITH A. KREIMAN
MICHAEL CONNOLLY
ROGER STEWART
JOE BOLKCOM
HERMAN C. QUIRMBACH
DENNIS H. BLACK

S–3109

Amend House File 716, as amended, passed, and reprinted by the House, as follows:
1. Page 3, line 19, by inserting after the figure "29A.3A" the following: "subject to the terms of joint services agreements executed pursuant to chapter 28E".

TOM HANCOCK
FRANK B. WOOD
DAVE MULDER

S–3110

Amend House File 826, as passed by the House, as follows:
1. Page 2, line 19, by inserting after the figure

"7A," the following: "the courthouse security fund pursuant to section 602.8108, subsection 7B,".

2. Page 2, line 32, by inserting after the figure "7A," the following: "to the courthouse security fund ' pursuant to section 602.8108, subsection 7B,".

3. Page 4, line 3, by inserting after the figure "7A," the following: "7B,".

4. Page 4, lines 15 and 16, by striking the words "seven million" and inserting the following: "six million five hundred thousand".

5. Page 4, by inserting after line 28, the following:

"Sec. ___. Section 602.8108, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 7B. A courthouse security fund is established as a separate fund in the state treasury. The state court administrator shall allocate five hundred thousand dollars of the moneys received annually under subsection 2 to be deposited in the fund. The moneys in the fund shall be distributed by the treasurer of state to each county based on the county's population in proportion to the total population of the state, to be used by the county for costs related to courthouse security, including but not limited to equipment purchasing and maintenance, depreciation, personnel costs, and training. For purposes of this subsection, "population" means as defined in section 4.1."

6. By renumbering as necessary.

JOE BOLKCOM

S–3111

Amend House File 717, as passed by the House, as follows:

1. Page 1, by inserting before line 1, the following:

"Section 1. Section 321.232, subsection 4, Code 2005, is amended to read as follows:

4. For the purposes of this section "radar jamming device" means any mechanism designed or ~~used to transmit radio waves in the electromagnetic wave spectrum~~ intended for use to interfere with ~~the reception of those emitted from~~ a device used by peace officers of this state to measure the speed of motor vehicles on the highways of this state ~~and which is not designed for two-way transmission and cannot transmit in plain language~~."

2. Title page, line 1, by striking the word "ownership,".

3. Title page, line 2, by inserting after the

word “devices” the following: “and radar jamming devices”.

4. By renumbering as necessary.

JOHN PUTNEY

S–3112

Amend the amendment, S–3066, to House File 683, as passed by the House, as follows:

1. Page 1, by inserting before line 3 the following:

“ ___. Page 1, by striking line 1.”

2. Page 2, by striking lines 18 through 23 and inserting the following:

“ ___. Page 1, by inserting before line 17 the following:

“Sec. ___. Section 602.1302, subsections 3 and 4, Code 2005, are amended to read as follows:

3. A revolving fund is created in the state treasury for the payment of jury and witness fees, attorney fees, mileage, and costs related to summoning jurors by the judicial branch. The judicial branch shall deposit any reimbursements to the state for the payment of jury and witness fees and mileage in the revolving fund. Notwithstanding section 8.33, unencumbered and unobligated receipts in the revolving fund at the end of a fiscal year do not revert to the general fund of the state. The judicial branch shall on or before February 1 file a financial accounting of the moneys in the revolving fund with the legislative services agency. The accounting shall include an estimate of disbursements from the revolving fund for the remainder of the fiscal year and for the next fiscal year.

4. The judicial branch shall reimburse counties for the costs of witness and mileage fees and for attorney fees paid pursuant to section ~~232.141, subsection 1~~ 600A.6B from the revolving fund established in subsection 3.””

3. By renumbering as necessary.

KEITH A. KREIMAN

S–3113

Amend House File 745, as passed by the House, as follows:

1. By striking everything after the enacting clause and inserting the following:

“Section 1. Section 714.1, subsection 2, Code 2005, is amended to read as follows:

2. Misappropriates property which the person has in trust, or property of another which the person has in the person's possession or control, whether such possession or control is lawful or unlawful, by using or disposing of it in a manner which is inconsistent with or a denial of the trust or of the owner's rights in such property, or conceals found property, or appropriates such property to the person's own use, when the owner of such property is known to the person.

a. Failure by a bailee or lessee of personal property to return the property within seventy-two hours after a time specified in a written agreement of lease or bailment shall be evidence of misappropriation.

b. If a time is not specified in the written agreement of lease or bailment for the expiration or termination of the lease or bailment or for the return of the personal property, failure by a lessee or bailee to return the property within five days after proper notice to the lessee or bailee shall be evidence of misappropriation. For the purposes of this paragraph, "proper notice" means a written notice of the expiration or termination of the lease or bailment agreement sent to the lessee or bailee by certified or restricted certified mail at the address of the lessee or bailee specified in the agreement. The notice shall be considered effective on the date of the mailing of the notice regardless of whether or not the lessee or bailee signs a receipt for the notice."

KEITH A. KREIMAN
BRAD ZAUN

S–3114

HOUSE AMENDMENT TO
SENATE FILE 325

Amend Senate File 325, as amended, passed, and reprinted by the Senate, as follows:

1. By striking page 1, line 1, through page 2, line 25, and inserting the following:

"Section 1. NEW SECTION. 602.8102A NOTICES RETURNED FOR UNKNOWN ADDRESS — RESENDING.

Notwithstanding any other provision of the Code to the contrary, and subject to rules prescribed by the supreme court, if the clerk of the district court sends a mailing or notice to a person or party and the mailing or notice is returned by the postal service to the clerk of the district court as undeliverable, the

clerk is not required to send a repeat or subsequent mailing or notice unless the clerk receives an updated mailing address.

Sec. 2. Section 602.8105, subsection 2, Code 2005, is amended to read as follows:

2. The clerk of the district court shall collect the following fees for miscellaneous services:

a. For filing, entering, and endorsing a mechanic's lien, twenty dollars, and if a suit is brought, the fee is taxable as other costs in the action.

b. For filing and entering an agricultural supply dealer's lien and any other statutory lien, twenty dollars.

c. For a certificate and seal, ten dollars. However, there shall be no charge for a certificate and seal to an application to procure a pension, bounty, or back pay for a member of the armed services or other person.

d. For certifying a change in title of real estate, twenty dollars.

e. For filing a praecipe to issue execution under chapter 626, twenty-five dollars.

f. For filing a praecipe to issue execution under chapter 654, fifty dollars.

g. For filing a confession of judgment under chapter 676, fifty dollars if the judgment is five thousand dollars or less, and one hundred dollars if the judgment exceeds five thousand dollars.

~~e.~~ h. Other fees provided by law.

Sec. 3. Section 901.4, Code 2005, is amended to read as follows:

901.4 PRESENTENCE INVESTIGATION REPORT CONFIDENTIAL — DISTRIBUTION.

The presentence investigation report is confidential and the court shall provide safeguards to ensure its confidentiality, including but not limited to sealing the report, which may be opened only by

further court order. At least three days prior to the date set for sentencing, the court shall ~~serve~~ send a copy of all of the presentence investigation report ~~upon~~ by ordinary or electronic mail, to the defendant's attorney and the attorney for the state, and the report shall remain confidential except upon court order. However, the court may conceal the identity of the person who provided confidential information. The report of a medical examination or psychological or psychiatric evaluation shall be made available to the attorney for the state and to the

12 defendant upon request. The reports are part of the
13 record but shall be sealed and opened only on order of
14 the court. If the defendant is committed to the
15 custody of the Iowa department of corrections and is
16 not a class "A" felon, a copy of the presentence
17 investigation report shall be forwarded by ordinary or
18 electronic mail to the director with the order of
19 commitment by the clerk of the district court and to
20 the board of parole at the time of commitment.
21 Pursuant to section 904.602, the presentence
22 investigation report may also be released by ordinary
23 or electronic mail by the department of corrections or
24 a judicial district department of correctional
25 services to another jurisdiction for the purpose of
26 providing interstate probation and parole compact or
27 interstate compact for adult offender supervision
28 services or evaluations, or to a substance abuse or
29 mental health services provider when referring a
30 defendant for services. The defendant or the
31 defendant's attorney may file with the presentence
32 investigation report, a denial or refutation of the
33 allegations, or both, contained in the report. The
34 denial or refutation shall be included in the report.
35 If the person is sentenced for an offense which
36 requires registration under chapter 692A, the court
37 shall release the report by ordinary or electronic
38 mail to the department.
39 Sec. 4. STUDY OF COURT RULE RELATED TO TRIBAL
40 COURTS. The general assembly acknowledges that
41 contact and interaction between the Iowa court system
42 and federally recognized tribal courts are ever
43 increasing and the general assembly urges the Iowa
44 supreme court to consider developing and prescribing
45 rules that recognize the tribal court system and
46 enforce tribal court orders, judgments, and decrees."
47 2. Title page, by striking lines 2 and 3 and
48 inserting the following: "branch, including sending
49 notices, and providing for fees."

S–3115

HOUSE AMENDMENT TO
SENATE FILE 340

1 Amend Senate File 340, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 12, by inserting after the word
4 "violation" the following: "or if the citation has
5 been dismissed as against the owner of the vehicle
6 pursuant to section 321.484".
7 2. Page 3, by inserting after line 16, the
8 following:

"Sec. ___. Section 321.484, unnumbered paragraph 2, Code 2005, is amended to read as follows:

The owner of a vehicle shall not be held responsible for a violation of a provision regulating the stopping, standing, or parking of a vehicle, whether the provision is contained in this chapter, or chapter 321L, or an ordinance or other regulation or rule, if the owner establishes that at the time of the violation the vehicle was in the custody of an identified person other than the owner pursuant to a lease as defined in chapter 321F or pursuant to a rental agreement as defined in section 516D.3. The furnishing to the county attorney where the charge is pending of a copy of the lease prescribed by section 321F.6 or rental agreement that was in effect for the vehicle at the time of the alleged violation shall be prima facie evidence that the vehicle was in the custody of an identified person other than the owner within the meaning of this paragraph. Upon receipt of such evidence, the appropriate authority shall dismiss as against the owner of the vehicle any citation issued for a violation within the meaning of this paragraph that occurred while the vehicle was in the custody of the identified person."

3. Title page, line 3, by inserting after the word "penalties" the following: ", and providing an effective date".

4. By renumbering as necessary.

S–3116

Amend House File 712, as amended, passed, and reprinted by the House, as follows:

1. Page 1, by inserting before line 1, the following:

"Section 1. Section 69.14A, subsection 1, paragraph a, unnumbered paragraph 2, Code 2005, is amended to read as follows:

However, if within ~~fourteen~~ twenty-one days after publication of the notice or within ~~fourteen~~ twenty-one days after the appointment is made, a petition is filed with the county auditor requesting a special election to fill the vacancy, the appointment is temporary and a special election shall be called as provided in paragraph "b". The petition shall meet the requirements of section 331.306, except that in counties where supervisors are elected under plan "three", the number of signatures calculated according to the formula in section 331.306 shall be divided by the number of supervisor districts in the county."

2. Page 1, by inserting after line 4, the following:

"Sec. ___. Section 69.14A, subsection 2, paragraph a, unnumbered paragraph 2, Code 2005, is amended to read as follows:

However, if within ~~fourteen~~ twenty-one days after publication of the notice or within ~~fourteen~~ twenty-one days after the appointment is made, a petition is filed with the county auditor requesting a special election to fill the vacancy, the appointment is temporary and a special election shall be called as provided in paragraph "b". The petition shall meet the requirements of section 331.306."

3. Page 2, line 7, by striking the word "fourteen" and inserting the following: "twenty-one".

4. Page 2, line 8, by striking the word "fourteen" and inserting the following: "twenty-one".

5. Title page, line 1, by inserting after the word "Act" the following: "relating to vacancies in county elective offices by changing the deadline for filing a petition for a special election and by".

6. By renumbering as necessary.

TOM RIELLY

S–3117

HOUSE AMENDMENT TO
SENATE FILE 365

Amend Senate File 365, as passed by the Senate, as follows:

1. Page 1, line 5, by striking the word and figures "July 1, ~~2005~~ 2006" and inserting the following: "~~July 1, 2005~~ March 1, 2006".

S–3118

Amend House File 374, as amended, passed, and reprinted by the House, as follows:

1. By striking everything after the enacting clause and inserting the following:

"Section 1. Section 7E.5, subsection 1, paragraph v, Code 2005, is amended to read as follows:

v. The department of veterans affairs. However, the commission of veterans affairs~~, which has~~ created in section 35A.2 shall have primary responsibility for state veterans affairs.

Sec. 2. Section 35.1, subsection 1, Code 2005, is amended to read as follows:

1. ~~"Commission"~~ "Department" means the ~~commission~~ Iowa department of veterans affairs created in section ~~35A.2~~ 35A.4.

Sec. 3. Section 35.1, subsection 2, paragraph b,

17 subparagraphs (1) and (2), Code 2005, are amended to
18 read as follows:
19 (1) Former members of the reserve forces of the
20 United States who served at least twenty years in the
21 reserve forces ~~after January 28, 1973,~~ and who were
22 discharged under honorable conditions. However, a
23 member of the reserve forces of the United States who
24 completed a minimum aggregate of ninety days of active
25 federal service, other than training, and was
26 discharged under honorable conditions, or was retired
27 under Title X of the United States Code shall be
28 included as a veteran.
29 (2) Former members of the Iowa national guard who
30 served at least twenty years in the Iowa national
31 guard ~~after January 28, 1973,~~ and who were discharged
32 under honorable conditions. However, a member of the
33 Iowa national guard who was activated for federal
34 duty, other than training, for a minimum aggregate of
35 ninety days, and was discharged under honorable
36 conditions or was retired under Title X of the United
37 States Code shall be included as a veteran.
38 Sec. 4. Section 35.1, subsection 2, paragraph b,
39 Code 2005, is amended by adding the following new
40 subparagraphs:
41 NEW SUBPARAGRAPH. (6) Members of the reserve
42 forces of the United States who have served at least
43 twenty years in the reserve forces and who continue to
44 serve in the reserve forces.
45 NEW SUBPARAGRAPH. (7) Members of the Iowa
46 national guard who have served at least twenty years
47 in the Iowa national guard and who continue to serve
48 in the Iowa national guard.
49 Sec. 5. NEW SECTION. 35.2 PROOF OF VETERAN
50 STATUS FOR CERTAIN VETERANS.

Page 2

1 In order to fulfill any eligibility requirements
2 under Iowa law pertaining to veteran status, a veteran
3 described in section 35.1, subsection 2, paragraph
4 "b", subparagraph (6) or (7), shall submit the
5 veteran's retirement points accounting statement
6 issued by the armed forces of the United States, the
7 state adjutant general, or the adjutant general of any
8 other state, to confirm that the person has completed
9 twenty years of service with the reserve forces or the
10 national guard.
11 Sec. 6. Section 35.8, Code 2005, is amended to
12 read as follows:
13 35.8 WAR ORPHANS EDUCATIONAL AID FUND.
14 A war orphans educational aid fund is created as a
15 separate fund in the state treasury under the control

of the ~~commission~~ department of veterans affairs. Any money appropriated for the purpose of aiding in the education of orphaned children of veterans, as defined in section 35.1, shall be deposited in the war orphans educational aid fund.

Sec. 7. Section 35.9, unnumbered paragraph 1, Code 2005, is amended to read as follows:

The ~~commission~~ department of veterans affairs may expend not more than six hundred dollars per year for any one child who has lived in the state of Iowa for two years preceding application for aid, and who is the child of a person who died during active federal military service while serving in the armed forces or during active federal military service in the Iowa national guard or other military component of the United States, to defray the expenses of tuition, matriculation, laboratory and similar fees, books and supplies, board, lodging, and any other reasonably necessary expense for the child or children incident to attendance in this state at an educational or training institution of college grade, or in a business or vocational training school with standards approved by the ~~commission~~ department of veterans affairs.

Sec. 8. Section 35.10, Code 2005, is amended to read as follows:

35.10 ELIGIBILITY AND PAYMENT OF AID.

Eligibility for aid shall be determined upon application to the ~~commission~~ department of veterans affairs, whose decision is final. The eligibility of eligible applicants shall be certified by the ~~commission~~ department of veterans affairs to the director of the department of administrative services, and all amounts that are or become due to an individual or a training institution under this

Page 3

chapter shall be paid to the individual or institution by the director of the department of administrative services upon receipt by the director of certification by the president or governing board of the educational or training institution as to accuracy of charges made, and as to the attendance of the individual at the educational or training institution. The ~~commission~~ department of veterans affairs may pay over the annual sum of four hundred dollars to the educational or training institution in a lump sum, or in installments as the circumstances warrant, upon receiving from the institution such written undertaking as the ~~commission~~ department may require to assure the use of funds for the child for the

15 authorized purposes and for no other purpose. A
16 person is not eligible for the benefits of this
17 chapter until the person has graduated from a high
18 school or educational institution offering a course of
19 training equivalent to high school training.
20 Sec. 9. Section 35A.1, Code 2005, is amended by
21 adding the following new subsection:
22 NEW SUBSECTION. 3A. "Department" means the Iowa
23 department of veterans affairs established in section
24 35A.4.
25 Sec. 10. Section 35A.3, subsections 2 and 3, Code
26 2005, are amended to read as follows:
27 2. Adopt rules pursuant to chapter 17A and
28 establish policy for the management and operation of
29 the department and the commission.
30 3. Prescribe the duties of an executive director
31 ~~and other employees as the commission shall deem~~
32 ~~necessary to carry out the duties of the commission~~.
33 Sec. 11. Section 35A.3, subsections 5, 6, 7, 8, 9,
34 10, 11, 12, and 14, Code 2005, are amended by striking
35 the subsections.
36 Sec. 12. NEW SECTION. 35A.4 DEPARTMENT
37 ESTABLISHED.
38 There is established an Iowa department of veterans
39 affairs which shall consist of a commission, an
40 executive director, and any additional personnel as
41 employed by the executive director.
42 Sec. 13. NEW SECTION. 35A.5 DUTIES OF THE
43 DEPARTMENT.
44 The department shall do all of the following:
45 1. Maintain information and data concerning the
46 military service records of Iowa veterans.
47 2. Assist county veteran affairs commissions
48 established pursuant to chapter 35B. The department
49 shall provide to county commissions suggested uniform
50 benefits and administrative procedures for carrying

Page 4

1 out the functions and duties of the county
2 commissions.
3 3. Permanently maintain the records including
4 certified records of bonus applications for awards
5 paid from the war orphans educational fund under
6 chapter 35.
7 4. Collect and maintain information concerning
8 veterans affairs.
9 5. Conduct two service schools each year for the
10 Iowa association of county commissioners and executive
11 directors.
12 6. Assist the United States veterans
13 administration, the Iowa veterans home, funeral

14 directors, and federally chartered veterans service
15 organizations in providing information concerning
16 veterans service records and veterans affairs data.
17 7. Maintain alphabetically a permanent registry of
18 the graves of all persons who served in the military
19 or naval forces of the United States in time of war
20 and whose mortal remains rest in Iowa.
21 8. Provide training to executive directors of
22 county commissions of veteran affairs pursuant to
23 section 35B.6. The commission may adopt rules in
24 accordance with chapter 17A to provide for training of
25 county veteran affairs executive directors.
26 9. Establish and operate a state veterans cemetery
27 and make application to the government of the United
28 States or any subdivision, agency, or instrumentality
29 thereof, for funds for the purpose of establishing
30 such a cemetery. The state may enter into agreements
31 with any subdivision of the state for assistance in
32 operating the cemetery. The state shall own the land
33 on which the cemetery is located. The department
34 shall have the authority to accept federal grant
35 funds, funding from state subdivisions, donations from
36 private sources, and federal "plot allowance"
37 payments. All such funds shall be deposited into an
38 account dedicated to the establishment, operation, and
39 maintenance of a veterans cemetery and these funds
40 shall be expended only for those purposes. The
41 department through the director shall have the
42 authority to accept suitable cemetery land, in
43 accordance with federal veterans cemetery grant
44 guidelines, from the federal government, state
45 government, state subdivisions, private sources, and
46 any other source wishing to transfer land for use as a
47 veterans cemetery. Notwithstanding section 8.33, any
48 moneys in the account for a state veterans cemetery
49 shall not revert and, notwithstanding section 12C.7,
50 subsection 2, interest or earnings on moneys deposited

Page 5

1 in the fund shall be credited to the account.
2 10. Carry out the policies of the department.
3 Sec. 14. Section 35A.8, subsections 1 and 3, Code
4 2005, are amended to read as follows:
5 1. The governor shall appoint an executive
6 director, subject to confirmation by the senate, who
7 shall serve at the pleasure of the governor. The
8 executive director is responsible for administering
9 the duties of the <u>department and the</u> commission other
10 than those related to the Iowa veterans home.
11 3. Except for the employment duties and
12 responsibilities assigned to the commandant for the

13 Iowa veterans home, the executive director shall
14 employ such personnel as are necessary for the
15 performance of the duties and responsibilities
16 assigned to the department and the commission. All
17 employees shall be selected on a basis of fitness for
18 the work to be performed with due regard to training
19 and experience and shall be subject to the provisions
20 of chapter 8A, subchapter IV.
21 Sec. 15. Section 35A.9, subsections 1 and 2, Code
22 2005, are amended to read as follows:
23 1. The executive director, commandant, and
24 employees of the ~~commission~~ department and the Iowa
25 veterans home are entitled to receive, in addition to
26 salary, reimbursement for actual expenses incurred
27 while engaged in the performance of official duties.
28 2. All out-of-state travel by commissioners, the
29 executive director, the commandant, or employees of
30 the ~~commission~~ department or the Iowa veterans home
31 shall be approved by the chairperson of the
32 commission.
33 Sec. 16. Section 35B.5, Code 2005, is amended to
34 read as follows:
35 35B.5 COMPENSATION.
36 A member of the commission shall receive twenty-
37 five dollars or a greater amount as established by the
38 board of supervisors for each month during which the
39 member attends one or more commission meetings and
40 shall be reimbursed for mileage the same as a member
41 of the board of supervisors. Compensation and mileage
42 shall be paid out of the appropriation authorized in
43 section 35B.14.
44 Sec. 17. Section 35B.6, subsection 1, paragraph b,
45 Code 2005, is amended to read as follows:
46 b. Upon the employment of an executive director,
47 the executive director shall complete a course of
48 initial training provided by the ~~commission~~ department
49 of veterans affairs pursuant to section ~~35A.3~~ 35A.5.
50 If an executive director is not appointed, a

Page 6

1 commissioner or a clerical assistant shall complete
2 the course of training. The ~~commission~~ department
3 shall issue the executive director, commissioner, or
4 clerical assistant a certificate of training after
5 completion of the initial training course. To
6 maintain annual certification, the executive director,
7 commissioner, or clerical assistant shall attend one
8 ~~commission~~ department training course each year.
9 Failure to maintain certification may be cause for
10 removal from office. The expenses of training shall
11 be paid from the appropriation authorized in section

35B.14.

Sec. 18. Section 35B.11, Code 2005, is amended to read as follows:

35B.11 DATA FURNISHED ~~STATE COMMISSION~~ IOWA DEPARTMENT OF VETERANS AFFAIRS.

The commission of veteran affairs of each county shall provide information to the ~~state commission~~ department of veterans affairs as the ~~state commission~~ department may request.

Sec. 19. Section 35B.19, Code 2005, is amended to read as follows:

35B.19 BURIAL RECORDS.

The county commission of veteran affairs shall be charged with securing the information requested by the ~~commission~~ department of veterans affairs of every person having a military service record and buried in that county. Such information shall be secured from the undertaker in charge of the burial and shall be transmitted by the undertaker to the commission of veteran affairs of the county where burial is made. This information shall be recorded alphabetically and by description of location in the cemetery where the veteran is buried. This recording shall conform to the directives of the ~~state commission~~ department of veterans affairs and shall be kept in a book by the county commission.

Sec. 20. Section 36.1, subsection 3, Code 2005, is amended to read as follows:

3. "Commission" means the commission of veterans affairs established in section 35A.2.

Sec. 21. Section 36.1, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. "Department" means the department of veterans affairs established in section 35A.4.

Sec. 22. Section 36.2, Code 2005, is amended to read as follows:

36.2 CHEMICAL EXPOSURE REPORT TO ~~COMMISSION~~ DEPARTMENT.

Page 7

A licensed physician, as defined in section 135.1, subsection 4, who treats a veteran the physician believes may have been exposed to chemicals while serving in the armed forces of the United States shall submit a report indicating that information to the ~~commission~~ department at the request of the veteran pursuant to section 36.3.

Sec. 23. Section 36.3, Code 2005, is amended to read as follows:

36.3 DUTIES OF THE ~~COMMISSION~~ DEPARTMENT.

11 The ~~commission~~ department shall:
12 1. Provide the forms for the reports required in
13 section 36.2. The report form shall require the
14 doctor to provide all of the following:
15 a. Symptoms of the veteran which may be related to
16 exposure to chemicals.
17 b. Diagnosis of the veteran.
18 c. Methods of treatment prescribed.
19 2. Annually compile and evaluate the information
20 submitted in the reports pursuant to subsection 1, in
21 consultation and cooperation with a certified medical
22 toxicologist selected by the ~~commission~~ department.
23 The ~~commission~~ department shall submit the report to
24 the governor, the general assembly, and the United
25 States veterans' administration. The report shall
26 include current research data on the effects of
27 exposure to chemicals, statistical information
28 received from individual physicians' reports, and
29 statistical information from the epidemiological
30 investigations pursuant to subsection 3.
31 3. Conduct epidemiological investigations of
32 veterans who have cancer or other medical problems or
33 who have children born with birth defects associated
34 with exposure to chemicals, in consultation and
35 cooperation with a certified medical toxicologist
36 selected by the ~~commission~~ department. The ~~commission~~
37 department shall obtain consent from a veteran before
38 conducting the investigations.
39 The ~~commission~~ department shall cooperate with
40 local and state agencies during the course of an
41 investigation.
42 Sec. 24. Section 36.4, unnumbered paragraph 1,
43 Code 2005, is amended to read as follows:
44 The ~~commission~~ department shall not identify a
45 veteran consenting to the epidemiological
46 investigations pursuant to section 36.3, subsection 3,
47 unless the veteran consents to the release of
48 identity. The statistical information compiled by the
49 ~~commission~~ department pursuant to section 36.3 is a
50 public record.

Page 8

1 Sec. 25. Section 36.6, unnumbered paragraph 1,
2 Code 2005, is amended to read as follows:
3 The ~~commission~~ department and appropriate medical
4 facilities at the state university of Iowa under the
5 control of the state board of regents shall institute
6 a cooperative program to:
7 Sec. 26. Section 36.7, Code 2005, is amended to
8 read as follows:
9 36.7 FEDERAL PROGRAM.

10 If the ~~commission~~ department or the general
11 assembly determines that an agency of the federal
12 government or the state of Iowa is providing the
13 referral and genetic services pursuant to section
14 36.6, the ~~commission~~ department or the general
15 assembly by specific action may discontinue all or
16 part of the services and requirements in this chapter.
17 Sec. 27. NEW SECTION. 135.20 HEPATITIS C
18 AWARENESS PROGRAM — VETERANS — VACCINATIONS.
19 1. The department shall establish and administer a
20 hepatitis C awareness program. The goal of the
21 program shall be to distribute information to veterans
22 regarding the higher incidence of hepatitis C exposure
23 and infection among veterans, the dangers presented by
24 the disease, and contacts for additional information
25 and referrals. For purposes of this section,
26 "veteran" means an individual meeting the definition
27 contained in section 35.1.
28 2. The information to be distributed shall be
29 determined by the department by rule, in consultation
30 with the commission of veterans affairs. The
31 information shall, at a minimum, contain statements
32 indicating that:
33 a. The federal department of veterans affairs
34 estimates a hepatitis C infection rate in veterans
35 more than three times higher than for the general
36 population.
37 b. The infection rate for Vietnam veterans is
38 estimated to be even higher than for other veterans
39 groups.
40 c. The disease is caused by a bloodborne virus
41 readily transmitted during combat and combat-related
42 emergency medical treatment.
43 d. Many veterans currently carrying the virus were
44 infected prior to the development of medical screening
45 tests.
46 e. The hepatitis C virus often resolves into a
47 chronic infection without symptoms for ten to thirty
48 years before signs of resultant liver disease appear.
49 f. This unusually long latency period makes it
50 difficult to connect current symptoms with an

Page 9

1 infection that may have actually been contracted
2 during military service decades ago.
3 The information shall also present treatment
4 options and shall specify a procedure to be followed
5 for veterans desiring a medical consultation for
6 screening and treatment purposes. The department
7 shall cooperate with the state commission of veterans
8 affairs regarding distribution of the information to

9 the veterans home, the county commissions of veteran
10 affairs, veterans hospitals, and other appropriate
11 points of distribution.
12 Sec. 28. Section 135C.31A, Code 2005, is amended
13 to read as follows:
14 135C.31A ASSESSMENT OF RESIDENTS — PROGRAM
15 ELIGIBILITY.
16 Beginning July 1, 2003, a health care facility
17 receiving reimbursement through the medical assistance
18 program under chapter 249A shall assist the Iowa
19 ~~commission~~ department of veterans affairs in
20 identifying, upon admission of a resident, the
21 resident's eligibility for benefits through the
22 federal department of veterans affairs. The health
23 care facility shall also assist the Iowa ~~commission~~
24 department of veterans affairs in determining such
25 eligibility for residents residing in the facility on
26 July 1, 2003. The department of inspections and
27 appeals, in cooperation with the department of human
28 services, shall adopt rules to administer this
29 section, including a provision that ensures that if a
30 resident is eligible for benefits through the federal
31 department of veterans affairs or other third-party
32 payor, the payor of last resort for reimbursement to
33 the health care facility is the medical assistance
34 program. This section shall not apply to the
35 admission of an individual to a state mental health
36 institute for acute psychiatric care or to the
37 admission of an individual to the Iowa veterans home.
38 Sec. 29. Section 256.9, subsection 48, Code 2005,
39 is amended to read as follows:
40 48. Develop and administer, with the cooperation
41 of the ~~commission~~ department of veterans affairs, a
42 program which shall be known as operation recognition.
43 The purpose of the program is to award high school
44 diplomas to veterans of World War I, World War II, and
45 the Korean and Vietnam conflicts who left high school
46 prior to graduation to enter United States military
47 service. The department of education and the
48 ~~commission~~ department of veterans affairs shall
49 jointly develop an application procedure, distribute
50 applications, and publicize the program to school

Page 10

1 districts, accredited nonpublic schools, county
2 commissions of veteran affairs, veterans
3 organizations, and state, regional, and local media.
4 All honorably discharged veterans who are residents or
5 former residents of the state; who served at any time
6 between April 6, 1917, and November 11, 1918, at any
7 time between September 16, 1940, and December 31,

8 1946, at any time between June 25, 1950, and January
9 31, 1955, or at any time between February 28, 1961,
10 and May 5, 1975, all dates inclusive; and who did not
11 return to school and complete their education after
12 the war or conflict shall be eligible to receive a
13 diploma. Diplomas may be issued posthumously. Upon
14 approval of an application, the department shall issue
15 an honorary high school diploma for an eligible
16 veteran. The diploma shall indicate the veteran's
17 school of attendance. The department of education and
18 the ~~commission~~ department of veterans affairs shall
19 work together to provide school districts, schools,
20 communities, and county commissions of veteran affairs
21 with information about hosting a diploma ceremony on
22 or around Veterans Day. The diploma shall be mailed
23 to the veteran or, if the veteran is deceased, to the
24 veteran's family.
25 Sec. 30. Section 303.2, subsection 2, paragraph k,
26 Code 2005, is amended to read as follows:
27 k. Administer, preserve, and interpret the battle
28 flag collection assembled by the state in consultation
29 and coordination with the ~~commission~~ department of
30 veterans affairs and the department of administrative
31 services. A portion of the battle flag collection
32 shall be on display at the state capitol and the state
33 historical building at all times, unless on loan
34 approved by the department of cultural affairs.
35 Sec. 31. Section 331.608, subsection 6, paragraph
36 e, Code 2005, is amended to read as follows:
37 e. When otherwise required by a department or
38 agency of the federal or state government or a
39 political subdivision. The recorder shall make these
40 records available to the ~~commission~~ department of
41 veterans affairs. The ~~commission~~ department of
42 veterans affairs and its employees shall be subject to
43 the same state and federal confidentiality
44 restrictions and requirements that are imposed on the
45 recorder.
46 Sec. 32. Section 426A.13, unnumbered paragraphs 1
47 through 3, Code 2005, are amended to read as follows:
48 A person named in section 426A.11, who is a
49 resident of and domiciled in the state of Iowa, shall
50 receive a reduction equal to the exemption, to be made

Page 11

1 from any property owned by the person or owned by a
2 family farm corporation of which the person is a
3 shareholder and who occupies the property and so
4 designated by proceeding as provided in the section.
5 To be eligible to receive the exemption the person
6 claiming it shall have recorded in the office of the

7 county recorder of the county in which is located the
8 property designated for the exemption, evidence of
9 property ownership by that person or the family farm
10 corporation of which the person is a shareholder and
11 the military certificate of satisfactory service,
12 order transferring to inactive status, reserve,
13 retirement, order of separation from service,
14 honorable discharge or a copy of any of these
15 documents of the person claiming or through whom is
16 claimed the exemption. In the case of a person
17 claiming the exemption for currently serving in the
18 reserve forces of the United States or the Iowa
19 national guard, the person shall file the statement
20 required by section 35.2.
21 The person shall file with the appropriate assessor
22 on forms obtained from the assessor the claim for
23 exemption for the year for which the person is first
24 claiming the exemption. The claim shall be filed not
25 later than July 1 of the year for which the person is
26 claiming the exemption. The claim shall set out the
27 fact that the person is a resident of and domiciled in
28 the state of Iowa, and a person within the terms of
29 section 426A.11, and shall give the volume and page on
30 which the certificate of satisfactory service, order
31 of separation, retirement, furlough to reserve,
32 inactive status, or honorable discharge or certified
33 copy thereof is recorded in the office of the county
34 recorder, and may include the designation of the
35 property from which the exemption is to be made, and
36 shall further state that the claimant is the equitable
37 or legal owner of the property designated or if the
38 property is owned by a family farm corporation, that
39 the person is a shareholder of that corporation and
40 that the person occupies the property. In the case of
41 a person claiming the exemption for currently serving
42 in the reserve forces of the United States or the Iowa
43 national guard, the person shall file the statement
44 required by section 35.2.
45 Upon the filing and allowance of the claim, the
46 claim shall be allowed to that person for successive
47 years without further filing. However, in the case of
48 a person currently serving in the reserve forces of
49 the United States or the Iowa national guard, such
50 person shall file each year to be eligible to obtain

Page 12

1 the exemption. Provided, that notwithstanding the
2 filing or having on file a claim for exemption, the
3 person or person's spouse is the legal or equitable
4 owner of the property on July 1 of the year for which
5 the claim is allowed. When the property is sold or

transferred or the person wishes to designate different property for the exemption, a person who wishes to receive the exemption shall refile for the exemption. A person who sells or transfers property which is designated for the exemption or the personal representative of a deceased person who owned such property shall provide written notice to the assessor that the property is no longer legally or equitably owned by the former claimant.

Sec. 33. Section 483A.24, subsection 13, Code 2005, is amended to read as follows:

13. Upon payment of the fee of thirty dollars for a lifetime hunting and fishing combined license, the department shall issue a hunting and fishing combined license to a resident of Iowa who ~~is a veteran, as defined in section 35.1,~~ served in the armed forces of the United States for a minimum aggregate of ninety days of active federal service and who was disabled or was a prisoner of war during that veteran's military service. The department shall prepare an application to be used by a person requesting a hunting and fishing combined license under this subsection. The ~~commission~~ department of veterans affairs shall assist the department in verifying the status or claims of applicants under this subsection. As used in this subsection, "disabled" means entitled to compensation under the United States Code, Title 38, ch. 11.

Sec. 34. Section 669.2, subsection 4, unnumbered paragraph 1, Code 2005, is amended to read as follows:

"Employee of the state" includes any one or more officers, agents, or employees of the state or any state agency, including members of the general assembly, and persons acting on behalf of the state or any state agency in any official capacity, temporarily or permanently in the service of the state of Iowa, whether with or without compensation, but does not include a contractor doing business with the state. Professional personnel, including physicians, osteopathic physicians and surgeons, osteopathic physicians, optometrists, dentists, nurses, physician assistants, and other medical personnel, who render services to patients or inmates of state institutions under the jurisdiction of the department of human services or the Iowa department of corrections, and employees of the ~~commission~~ department of veterans

affairs, are to be considered employees of the state, whether the personnel are employed on a full-time basis or render services on a part-time basis on a fee schedule or other arrangement. Criminal defendants

while performing unpaid community service ordered by the district court, board of parole, or judicial district department of correctional services, or an inmate providing services pursuant to a chapter 28E agreement entered into pursuant to section 904.703, and persons supervising those inmates under and according to the terms of the chapter 28E agreement, are to be considered employees of the state.

Sec. 35. 2003 Iowa Acts, chapter 179, section 21, subsections 2 and 5, as enacted by 2005 Iowa Acts, Senate File 75, section 1, are amended to read as follows:

2. Of the funds appropriated in this section, $10,000 is transferred to the ~~Iowa~~ department of ~~public health~~ human services for allocation to community mental health centers to provide counseling services to persons, whether or not employed by the state, who are members of the national guard or reservists and who are assigned to active duty service in the armed forces of the United States and to the persons' family members. The sessions shall be provided on a first come, first served basis and shall be limited to three visits per family.

5. The remainder of the funds appropriated in this section are transferred to the Iowa finance authority to be used for a home ownership assistance program for persons who are eligible members of the armed forces of the United States. In the event an eligible member is deceased, the surviving spouse of the eligible member shall be eligible for a loan under the program, subject to the surviving spouse meeting the program's eligibility requirements other than the military service requirement. For the purposes of this subsection, "eligible member of the armed forces of the United States" means a resident of this state who is or was a member of the national guard, reserve, or regular component of the armed forces of the United States who has served at least ninety days of active duty service during the period beginning September 11, 2001, and ending June 30, 2006.

Sec. 36. VETERANS HEPATITIS C AWARENESS PROGRAM REPORT. The Iowa department of public health shall submit a report to the members of the general assembly by January 1, 2007, regarding the development and distribution of the information required by the section of this Act enacting section 135.20 and any

resulting impact.

Sec. 37. STATE FUNDING. The military service tax credits and exemptions provided pursuant to this Act

4 shall be funded pursuant to chapter 426A and section
5 25B.7, subsection 2.
6 Sec. 38. EFFECTIVE DATE. This Act, being deemed
7 of immediate importance, takes effect upon enactment.
8 Sec. 39. RETROACTIVE APPLICABILITY. The section
9 of this Act amending 2003 Iowa Acts, chapter 179, is
10 retroactively applicable to May 17, 2004."
11 2. Title page, line 1, by inserting after the
12 words "veterans by" the following: "providing for the
13 establishment of a department of veterans affairs,
14 extending certain veterans' benefits and the military
15 service tax credit and exemption to certain members of
16 the reserve forces of the United States and the Iowa
17 national guard,".
18 3. Title page, line 6, by inserting after the
19 word "cemetery," the following: "concerning military
20 pay differential,".
21 4. Title page, line 6, by inserting after the
22 word "date" the following: "and a retroactive
23 applicability date".

STEVE WARNSTADT
JOHN P. KIBBIE
CHARLES W. LARSON, JR.
LARRY McKIBBEN

S–3119

1 Amend House File 748, as passed by the House, as
2 follows:
3 1. Page 1, line 13, by striking the words "five
4 hundred" and inserting the following: "two hundred
5 fifty".

MICHAEL CONNOLLY

S–3120

1 Amend House File 710, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 16, by striking lines 11 and 12, and
4 inserting the following:
5 "d. A person, other than a person authorized to
6 prescribe prescription drugs under state and federal
7 law, shall not alter the prescription of a tenant."

MAGGIE TINSMAN

S–3121

Amend House File 826, as passed by the House, as follows:

1. Page 1, by striking lines 5 through 9, and inserting the following: "access, divided, multilaned highways including the national system of interstate highways is sixty-five miles per hour. The department may".

2. Page 6, by inserting after line 1 the following:

"Sec. ___. Section 321.285, subsection 6, paragraph a, as enacted in this Act, is amended to read as follows:

a. Notwithstanding any other speed restrictions, the speed limit for all vehicular traffic on fully controlled-access, divided, multilaned highways ~~including the national system of interstate highways~~ is sixty-five miles per hour. <u>However, the speed limit for all vehicular traffic on highways that are part of the interstate road system, as defined in section 306.3, is seventy miles per hour.</u> The department may establish a speed limit of sixty-five miles per hour on certain divided, multilaned highways not otherwise described in this paragraph.

Sec. ___. EFFECTIVE DATE. The section of this Act amending section 321.285, subsection 6, paragraph "a", as enacted in this Act, takes effect July 1, 2006."

3. Title page, line 4, by inserting after the word "appropriations" the following: "and providing an effective date".

4. By renumbering as necessary.

DARYL BEALL

S–3122

Amend House File 826, as passed by the House, as follows:

1. Page 1, by inserting after line 30 the following:

"Sec. ___. Section 321.555, subsection 2, Code 2005, is amended to read as follows:

2. Six or more of any separate and distinct offenses within a two-year period in the operation of a motor vehicle, which are required to be reported to the department by section 321.491 or chapter 321C, except equipment violations, parking violations as defined in section 321.210, violations of registration laws, violations of sections 321.445 and 321.446, operating a vehicle with an expired license or permit, failure to appear, weights and measures violations and

speeding violations of less than fifteen miles per hour over the legal speed limit in speed zones with a legal speed limit of sixty-five miles per hour or less."

2. By renumbering as necessary.

HERMAN C. QUIRMBACH

S–3123

Amend House File 809, as amended, passed, and reprinted by the House, as follows:

1. Page 4, by inserting after line 10 the following:

"e. The department shall not charge a nonprofit, public entity a fee for placement of informational materials in a welcome center."

BOB BRUNKHORST
PAT WARD
PAUL McKINLEY

S–3124

Amend House File 646, as amended, passed, and reprinted by the House, as follows:

1. Page 3, line 24, by inserting after the word "licensee." the following: "In addition, a person whose license is revoked under this section who is a person for which a class "A", class "B", class "C", or class "D" liquor control license has been issued pursuant to chapter 123 shall have the person's liquor control license suspended for a period of fourteen days in the same manner as provided in section 123.50, subsection 3, paragraph "a". In addition, a person whose license is revoked under this section who is a person for which only a class "B" or class "C" beer permit has been issued pursuant to chapter 123 shall have the person's class "B" or class "C" beer permit suspended and that person's sales tax permit suspended for a period of fourteen days in the same manner as provided in section 123.50, subsection 3, paragraph "a"."

MATT McCOY

S–3125

Amend House File 616, as passed by the House, as follows:

1. Page 3, line 8, by striking the words "shall manage" and inserting the following: "has authority

over".

2. Page 3, line 9, by inserting after the word "pool" the following: "and shall manage the pool".

3. Page 3, line 17, by inserting after the word "expenditure" the following: "as directed by the project's governance board".

KEITH A. KREIMAN
MAGGIE TINSMAN

S–3126

Amend House File 753, as amended, passed, and reprinted by the House, as follows:

1. Page 1, line 22, by inserting after the word "child." the following: "In addition to the requirements of this paragraph, information shall be provided to a child's foster parent as required by section 237.5B."

2. Page 2, line 5, by inserting after the word "information." the following: "In addition to the requirements of this subsection, information shall be provided to a child's foster parent as required by section 237.5B."

3. Page 2, line 22, by inserting after the word "information." the following: "In addition to the requirements of this subsection, information shall be provided to a child's foster parent as required by section 237.5B."

4. Page 3, line 7, by inserting after the word "information." the following: "In addition to the requirements of this subsection, information shall be provided to a child's foster parent as required by section 237.5B."

5. Page 3, line 26, by inserting after the word "information." the following: "In addition to the requirements of this section, information shall be provided to a child's foster parent as required by section 237.5B."

6. Page 3, by inserting after line 26 the following:

"Sec. ___. NEW SECTION. 237.5B FOSTER PARENT BILL OF RIGHTS.

1. This section shall be known and may be cited as the "Foster Parent Bill of Rights".

2. Each individual licensed to provide child foster care as a foster parent has the rights enumerated in this section, including but not limited to all of the following:

a. To be treated with dignity, respect, and consideration as a professional member of the child welfare team.

41 b. To be notified of and to be given appropriate
42 education and continuing education and training to
43 develop and enhance foster parenting skills.
44 c. To be informed about ways to contact the
45 department or the child-placing agency responsible for
46 the child's placement in order to receive information
47 and assistance to access supportive services for any
48 child in the foster parent's care.
49 d. To receive timely financial reimbursement for
50 providing foster care services.

Page 2

1 e. To be notified of any costs or expenses for
2 which the foster parent may be eligible for
3 reimbursement.
4 f. To be provided a clear, written, and timely
5 explanation of the individual treatment and service
6 plan concerning the child in the foster parent's care.
7 g. To receive, at any time during which a child is
8 placed with the foster parent, additional or necessary
9 information that is relevant to the care of the child.
10 h. To be notified of scheduled review meetings,
11 permanency planning meetings, and special staffing
12 meetings concerning the foster child in order to
13 actively participate in the case planning and
14 decision-making process regarding the child.
15 i. To provide input concerning the plan of
16 services for the child and to have that input be given
17 full consideration in the same manner as information
18 presented by any other professional on the child
19 welfare team for the child.
20 j. To receive information concerning the number of
21 times a foster child has been moved to different
22 placements and the reasons why, and the names and
23 telephone numbers of previous foster parents if the
24 previous foster parents have authorized release of
25 that information.
26 k. To communicate with other professionals who
27 work with the foster child within the context of the
28 child welfare team including, but not limited to,
29 therapists, physicians, and teachers.
30 l. To be given, in a timely and consistent manner,
31 any information regarding the child and the child's
32 family that is pertinent to the care and needs of the
33 child and to the completion of a permanency plan for
34 the child.
35 m. To be given reasonable notice of any change in
36 or addition to the services provided to the child
37 pursuant to the child's individual treatment and
38 service plan.
39 n. To be given written notice of both of the

40 following:
41 (1) The existence of any plans to terminate the
42 placement of the child with the foster parent.
43 (2) The reasons for the termination of the
44 placement.
45 o. To be notified by the department in a timely
46 and complete manner of all court hearings, including
47 notice of the date and time of any court hearing, the
48 name of the judge or hearing officer hearing the case,
49 the location of the hearing, and the court docket
50 number of the case.

Page 3

1 p. To be informed of decisions made concerning the
2 child by the court, the department, or the child-
3 placing agency responsible for the child's placement.
4 q. To be considered as a preferred placement
5 option when a foster child who was formerly placed
6 with the foster parent is to reenter foster care at
7 the same level and type of care, if that placement is
8 consistent with the best interest of the child and
9 other children in the foster parent's home.
10 r. To be provided a fair, timely, and impartial
11 investigation of complaints concerning the foster
12 parent.
13 s. To be provided the opportunity to request and
14 receive a fair and impartial hearing regarding
15 decisions that affect retention or placement of
16 children in the individual's home.
17 t. To be allowed the right to exercise parental
18 substitute authority.
19 u. To have timely access to the department's and
20 child-placing agency's appeals process and the right
21 to be free from acts of harassment and retaliation by
22 any other party when exercising the right to appeal.
23 v. To file a grievance and be informed of the
24 process for filing a grievance.
25 3. The department and any child-placing agency
26 under contract with the department is responsible for
27 implementing this section.
28 4. This section shall not be construed to create a
29 private right of action or claim on the part of any
30 individual, the department, or an agency."
31 7. Title page, line 1, by inserting after the
32 word "Act" the following: "relating to requirements
33 involving children removed from the children's homes
34 by".
35 8. Title page, line 3, by inserting after the
36 word "child" the following: "and establishing a

37 foster parent bill of rights".
38 9. By renumbering as necessary.

KEITH A. KREIMAN

S–3127

1 Amend the amendment, S–3118, to House File 374, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 11, by striking lines 17 through 19, and
5 inserting the following: "claiming the exemption as a
6 veteran described in section 35.1, subsection 2,
7 paragraph "b", subparagraph (6) or (7), the person
8 shall file the statement".
9 2. Page 11, by striking lines 41 through 43, and
10 inserting the following: "a person claiming the
11 exemption as a veteran described in section 35.1,
12 subsection 2, paragraph "b", subparagraph (6) or (7),
13 the person shall file the statement".
14 3. Page 11, by striking lines 48 and 49, and
15 inserting the following: "a person claiming the
16 exemption as a veteran described in section 35.1,
17 subsection 2, paragraph "b", subparagraph (6) or (7),
18 such".

STEVE WARNSTADT

S–3128

1 Amend House File 787, as passed by the House, as
2 follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Section 1. Section 135L.3, Code 2005, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 4. The court shall report to the
8 Iowa department of public health, on an annual basis,
9 the number of each of the following actions by the
10 court:
11 a. The number of waivers of the notification
12 requirement granted by the court.
13 b. The number of waivers of the notification
14 requirement denied by the court."
15 2. Page 1, line 23, by striking the words "or a
16 county attorney's office".
17 3. Page 2, line 17, by striking the words "or a
18 county attorney's office".
19 4. Page 2, lines 24 and 25, by striking the words
20 "or a county attorney's office".
21 5. By renumbering as necessary.

DAVID JOHNSON

S–3129

Amend the amendment, S–3105, to House File 729, as amended, passed, and reprinted by the House, as follows:

1. By striking page 1, line 3, through page 2, line 6.
2. By striking page 3, line 50, through page 4, line 39.
3. By striking page 4, line 40, through page 5, line 5, and inserting the following:

"Sec. ___. Section 97B.49B, subsection 3, Code 2005, is amended to read as follows:"

4. By striking page 6, line 26, through page 10, line 16.
5. Page 10, by striking lines 19 through 26.
6. By renumbering as necessary.

MARK ZIEMAN

S–3130

HOUSE AMENDMENT TO
SENATE FILE 350

Amend Senate File 350, as passed by the Senate, as follows:

1. Page 1, by inserting before line 1, the following:

"Section 1. Section 252B.9, subsection 1, paragraph d, subparagraph (2), Code 2005, is amended to read as follows:

(2) Certain records held by public utilities ~~and~~, cable, or other television companies, cellular telephone companies, and internet service providers with respect to individuals who owe or are owed support, or against or with respect to whom a support obligation is sought, consisting of the names and addresses of such individuals and the names and addresses of the employers of such individuals, as appearing in customer records. If the records are maintained in automated databases, the unit shall be provided with automated access."

2. Page 2, by inserting after line 30 the following:

"Sec. ___. NEW SECTION. 252B.25 CONTEMPT — COMBINING ACTIONS.

Notwithstanding any provision of law to the contrary, if an obligor has been ordered to provide support in more than one order, the unit may bring a single action for contempt to enforce the multiple orders. The unit shall file the action in the

district court of a county where at least one of the support orders was entered or registered. For the purposes of this section, the district court where the unit files the action shall have jurisdiction and authority over all other support orders for the obligor entered or registered by a court of this state and affected under this section. In such case, the unit shall also file a document with the clerk of court in each county affected specifying the county where the action under this section was filed and the disposition of the action.

Sec. ___. NEW SECTION. 252B.26 SERVICE OF PROCESS.

Notwithstanding any provision of law to the contrary, the unit may serve a petition, notice, or rule to show cause under chapter 252A, 252C, 252F, 252H, 252K, 598, or 665 as specified in each chapter, or by certified mail. Return acknowledgement is required to prove service by certified mail, rules of civil procedure 1.303(5) and 1.308(5) shall not apply, and the return acknowledgment shall be filed with the clerk of court.

Sec. ___. Section 252D.3, Code 2005, is amended to

read as follows:

252D.3 NOTICE OF INCOME WITHHOLDING.

All orders for support entered on or after July 1, 1984, shall notify the person ordered to pay support of the mandatory withholding of income required under section 252D.1. ~~However, for orders for support entered before July 1, 1984, the clerk of the district court, the child support recovery unit, or the person entitled by the order to receive the support payments, shall notify each person ordered to pay support under such orders of the mandatory withholding of income required under section 252D.1. The notice shall be sent by certified mail to the person's last known address or the person shall be personally served with the notice in the manner provided for service of an original notice at least fifteen days prior to the ordering of income withholding under section 252D.1. A person ordered to pay support may waive the right to receive the notice at any time.~~ However, this subchapter is sufficient notice of implementation of mandatory withholding of income under section 252D.1 without any further notice.

Sec. ___. Section 252D.10, Code 2005, is amended to read as follows:

252D.10 NOTICE OF IMMEDIATE INCOME WITHHOLDING.

~~The notice requirements of section 252D.3 do not~~

~~apply to this subchapter.~~ An order for support entered after November 1, 1990, shall contain the notice of immediate income withholding. However, this subchapter is sufficient notice for implementation of immediate income withholding without any further notice.

Sec. ___. Section 252D.16, subsection 1, paragraph b, Code 2005, is amended to read as follows:

b. A sole payment or lump sum as provided in section 252D.18C, including but not limited to payment from an estate including inheritance, or payment for personal injury or property damage.

Sec. ___. Section 252D.24, subsection 2, Code 2005, is amended by striking the subsection.

Sec. ___. Section 252I.3, Code 2005, is amended to read as follows:

252I.3 INITIAL NOTICE TO OBLIGOR.

~~The unit may proceed under this chapter only if notice has been provided to the obligor in one of the following manners:~~

~~1. The obligor is provided notice of the provisions of this chapter in the court order establishing the support obligation.~~ The unit or district court may include language in any new or

Page 3

modified support order issued on or after July 1, 1994, notifying the obligor that the obligor is subject to the provisions of this chapter. However, this chapter is sufficient notice for implementation of administrative levy provisions without further notice of the provisions of this chapter.

~~2. The unit may send a notice by regular mail to the last known address of the obligor, notifying the obligor that the obligor is subject to the provisions of this chapter, with proof of service completed according to rule of civil procedure 1.442.~~

Sec. ___. Section 252I.5, subsection 1, Code 2005, is amended to read as follows:

1. If an obligor is subject to this chapter under section 252I.2, the unit may initiate an administrative action to levy against the accounts of the obligor. ~~If notice has previously been provided pursuant to section 252I.3, further notice is not required.~~

Sec. ___. Section 252J.3, unnumbered paragraph 1, Code 2005, is amended to read as follows:

The unit shall proceed in accordance with this chapter only if the unit sends a notice ~~is served on~~ to the individual ~~in accordance with rule of civil procedure 1.305 or notice is sent by certified mail~~

26 ~~addressed to the individual's last known address and~~
27 ~~served upon any person who may accept service under~~
28 ~~rule of civil procedure 1.305. Return acknowledgment~~
29 ~~is required to prove service by certified~~ by regular
30 mail to the last known address of the individual. The
31 notice shall include all of the following:
32 Sec. ___. Section 252J.3, subsections 4 and 5,
33 Code 2005, are amended to read as follows:
34 4. A statement that if, within twenty days of
35 ~~service~~ mailing of the notice ~~on~~ to the individual,
36 the individual fails to contact the unit to schedule a
37 conference, the unit shall issue a certificate of
38 noncompliance, bearing the individual's name, social
39 security number and unit case number, to any
40 appropriate licensing authority, certifying that the
41 obligor is not in compliance with a support order or
42 an individual has not complied with a subpoena or
43 warrant.
44 5. A statement that in order to stay the issuance
45 of a certificate of noncompliance the request for a
46 conference shall be in writing and shall be received
47 by the unit within twenty days of ~~service~~ mailing of
48 the notice ~~on~~ to the individual.
49 Sec. ___. Section 252J.4, subsections 1, 2, and 6,
50 Code 2005, are amended to read as follows:

Page 4

1 1. The individual may schedule a conference with
2 the unit following ~~service~~ mailing of the notice
3 pursuant to section 252J.3, or at any time after
4 service of notice of suspension, revocation, denial of
5 issuance, or nonrenewal of a license from a licensing
6 authority, to challenge the unit's actions under this
7 chapter.
8 2. The request for a conference shall be made to
9 the unit, in writing, and, if requested after ~~service~~
10 mailing of ~~a~~ the notice pursuant to section 252J.3,
11 shall be received by the unit within twenty days
12 following ~~service~~ mailing of the notice.
13 6. If the individual does not timely request a
14 conference or does not comply with a subpoena or
15 warrant or if the obligor does not pay the total
16 amount of delinquent support owed within twenty days
17 of ~~service~~ mailing of the notice pursuant to section
18 252J.3, the unit shall issue a certificate of
19 noncompliance.
20 Sec. ___. Section 252J.6, subsection 1, unnumbered
21 paragraph 1, Code 2005, is amended to read as follows:
22 If an obligor is not in compliance with a support
23 order or the individual is not in compliance with a
24 subpoena or warrant pursuant to section 252J.2, the

25 unit ~~notifies~~ mails a notice to the individual
26 pursuant to section 252J.3, and the individual
27 requests a conference pursuant to section 252J.4, the
28 unit shall issue a written decision if any of the
29 following conditions exists:
30 Sec. ___. Section 600.16A, subsection 5, Code
31 2005, is amended to read as follows:
32 5. Notwithstanding subsection 2, a termination of
33 parental rights order issued pursuant to this chapter,
34 section 600A.9 may, or any other chapter shall be
35 disclosed to the child support recovery unit, upon
36 request, without court order.
37 Sec. ___. NULLIFICATION OF RULES. The following
38 rules are nullified:
39 1. 441 IAC 98.22.
40 2. 441 IAC 98.23.
41 3. 441 IAC 98.33.
42 4. 441 IAC 98.92."
43 3. Page 2, by inserting after line 30, the
44 following:
45 "Sec. ___. Section 252D.17, subsection 8, Code
46 2005, is amended to read as follows:
47 8. If the payor knowingly fails to withhold income
48 or to pay the amounts withheld to the collection
49 services center or the clerk of court in accordance
50 with the provisions of the order, the notice of the

Page 5

1 order, or the notification of payors of income
2 provisions established in section 252B.13A, the payor
3 commits a simple misdemeanor for a first offense and
4 is liable for the accumulated amount which should have
5 been withheld, together with costs, interest, and
6 reasonable attorney fees related to the collection of
7 the amounts due from the payor. For each subsequent
8 offense prescribed under this subsection, the payor
9 commits a serious misdemeanor and is liable for the
10 accumulated amount which should have been withheld,
11 together with costs, interest, and reasonable attorney
12 fees related to the collection of the amounts due from
13 the payor."
14 4. Page 2, by inserting after line 30, the
15 following:
16 "Sec. ___. Section 598.22A, subsection 1,
17 unnumbered paragraph 1, Code 2005, is amended to read
18 as follows:
19 For payment made pursuant to an order, the clerk of
20 the district court or collection services center shall
21 record a satisfaction as a credit on the official
22 support payment record if its validity is confirmed by
23 the court upon submission of an affidavit by the

24 person entitled to receive the payment <u>or upon</u>
25 <u>submission of documentation of the financial</u>
26 <u>instrument used in the payment of the support by the</u>
27 <u>person ordered to pay support</u>, after notice is given
28 to all parties."
29 5. Title page, line 1, by inserting after the
30 word "to" the following: "child support recovery
31 including access to information for the purposes of
32 recovery and".
33 6. Title page, line 1, by inserting after the
34 word "to" the following: "child support including
35 provisions relating to failure to withhold income or
36 to pay the amounts withheld and to".
37 7. Title page, line 1, by inserting after the
38 word "obligation" the following: "and the
39 satisfaction of support payments".
40 8. Title page, line 1, by inserting after the
41 word "obligation" the following: "and nullifying
42 related administrative rules".
43 9. Title page, line 1, by inserting after the
44 word "obligation" the following: "and providing
45 penalties".
46 10. By renumbering, relettering, or redesignating
47 and correcting internal references as necessary.

S–3131

1 Amend House File 787, as passed by the House, as
2 follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Section 1. Section 135L.3, Code 2005, is amended
6 by adding the following new subsection:
7 <u>NEW SUBSECTION</u>. 4. The court shall report to the
8 Iowa department of public health, on an annual basis,
9 the number of each of the following actions by the
10 court:
11 a. The number of waivers of the notification
12 requirement granted by the court.
13 b. The number of waivers of the notification
14 requirement denied by the court."
15 2. By renumbering as necessary.

DAVID JOHNSON

S–3132

1 Amend House File 712, as amended, passed and
2 reprinted by the House as follows:
3 1. Page 2, by inserting after line 13 the
4 following:
5 "Sec. ___. This Act, being deemed of immediate

importance, takes effect upon enactment."

2. Title, line 2, by inserting after the word "officers" the following: ", and providing an effective date".

JOHN P. KIBBIE

S–3133

Amend House File 423, as passed by the House, as follows:

1. Page 1, by inserting after line 33 the following:

"Sec. ___. Section 279.10, subsection 1, Code 2005, is amended to read as follows:

1. ~~The~~ Except as provided in section 282.18, subsection 18, the school year shall begin on the first day of July and each regularly established elementary and secondary school shall begin no sooner than a day during the calendar week in which the first day of September falls but no later than the first Monday in December. However, if the first day of September falls on a Sunday, school may begin on a day during the calendar week which immediately precedes the first day of September. School shall continue for at least one hundred eighty days, except as provided in subsection 3, and may be maintained during the entire calendar year. However, if the board of directors of a district extends the school calendar because inclement weather caused the district to temporarily close school during the regular school calendar, the district may excuse a graduating senior who has met district or school requirements for graduation from attendance during the extended school calendar. A school corporation may begin employment of personnel for in-service training and development purposes before the date to begin elementary and secondary school."

2. Page 3, by inserting after line 2 the following:

"Sec. ___. Section 282.18, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 18. It is the intent of the general assembly to provide students participating in open enrollment under subsection 13 with the opportunity to fully participate in interscholastic athletic competitions if the students are eligible to participate under subsection 13. In order to provide eligible students with this opportunity, the school start date for a school district that is a sending or receiving district as provided in this section shall begin on the first day of July and each regularly

44 established elementary and secondary school in the
45 district shall begin no sooner than August 22, but no
46 later than the first Monday in December. The
47 provisions of section 279.10, subsection 4, shall not
48 apply to a school district subject to the start date
49 set forth in this subsection."
50 3. Title page, line 2, by inserting after the

Page 2

1 word "levels" the following: "and changing the school
2 start date for school districts whose students are
3 participating in interscholastic sports and open
4 enrollment".
5 4. By renumbering as necessary.

JOHN PUTNEY

S–3134

1 Amend Senate File 402 as follows:
2 1. Page 1, line 8, by inserting after the word
3 "due." the following: "The city shall send a notice
4 of the late payment fee to such owner by first class
5 mail to the owner's personal or business mailing
6 address. The late payment fee and the interest shall
7 not accrue if such owner files an appeal with either
8 the city, if the city has established an appeals
9 procedure, or the district court."
10 2. Page 1, line 11, by inserting after the word
11 "tax." the following: "However, before a lien is
12 filed, the city shall send a notice of intent to file
13 a lien to the owner of housing by first class mail to
14 such owner's personal or business mailing address."
15 3. Page 1, line 19, by inserting after the word
16 "due." the following: "The city shall send a notice
17 of the late payment penalty to such owner by first
18 class mail to the owner's personal or business mailing
19 address. The late payment penalty and the interest
20 shall not accrue if such owner files an appeal with
21 either the city, if the city has established an
22 appeals procedure, or the district court."
23 4. Page 1, line 22, by inserting after the word
24 "tax." the following: "However, before a lien is
25 filed, the city shall send a notice of intent to file
26 a lien to the owner of housing by first class mail to
27 such owner's personal or business mailing address."

HERMAN C. QUIRMBACH

S–3135

1 Amend House File 787, as passed by the House, as
2 follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Section 1. Section 135L.3, Code 2005, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 4. The court shall report to the
8 Iowa department of public health, on an annual basis,
9 the number of each of the following actions by the
10 court:
11 a. The number of waivers of the notification
12 requirement granted by the court.
13 b. The number of waivers of the notification
14 requirement denied by the court."
15 2. Page 3, by inserting after line 7, the
16 following:
17 "Sec. ___. NEW SECTION. 144.29B REPORT BY COURT
18 OF ACTIONS RELATING TO WAIVER REQUIREMENT.
19 The department shall collect the information
20 reported annually by the courts pursuant to section
21 135L.3 and shall incorporate the information collected
22 into the termination of pregnancy reporting activities
23 subject to the provisions of section 144.29A."
24 3. By renumbering as necessary.

DAVID JOHNSON

S–3136

1 Amend House File 740, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 12, by inserting after line 16 the
4 following:
5 "Sec. ___. EDUCATIONAL STANDARDS FOR PHYSICAL
6 EDUCATION REVIEW. The department of education shall
7 convene a task force including representatives of the
8 Iowa association for health, physical education,
9 recreation and dance; the Iowa heart association; the
10 university of northern Iowa school of health, physical
11 education, and leisure services; and Iowa state
12 university to review the educational standards for
13 physical education for grades one through twelve. In
14 reviewing these standards, the task force shall
15 consider the current level of health and physical
16 fitness prevalent among students, and shall develop
17 recommendations for exposing students to the greatest
18 variety of physical activities, to instill knowledge
19 of the importance of good physical fitness to general
20 health and a desire for lifelong physical activity,
21 and to reduce the level of obesity in Iowa's student

population. The task force shall submit its findings and recommendations to the governor and the general assembly by December 31, 2005."

2. Title page 1, line 21, by inserting after the word "requirements," the following: "providing for an educational standards for physical education review,".

3. By renumbering as necessary.

FRANK B. WOOD

S–3137

Amend House File 740, as amended, passed, and reprinted by the House, as follows:

1. Page 1, line 32, by striking the word "Prepare" and inserting the following: "By January 15, 2006, and by January 15 of each succeeding fiscal year through January 15, 2011, prepare".

2. Page 2, line 3, by inserting after the word "gap." the following: "The information shall include disaggregate achievement information for subgroups district-by-district, including subgroups based on migrant status, English language proficiency, gender, racial and ethnic background, and free or reduced-price lunch eligibility; and shall include the total number of minority students enrolled in each grade reported and the number of minority students who are not proficient or not performing at grade level."

3. Page 8, line 28, by inserting after the word ""cause"" the following: "; or a situation in which the child's participation or failure to participate in open enrollment would have a positive or negative educational impact on the child".

JEFF ANGELO

S–3138

Amend House File 740, as amended, passed, and reprinted by the House, as follows:

1. Page 2, by inserting after line 3, the following:

"Sec. ___. Section 256.11, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 9. Each accredited nonpublic school or school district shall have an articulated media program for grades kindergarten through twelve."

2. Title page 1, line 4, by inserting after the word "report," the following: "including articulated media programs in the educational standards,".

MICHAEL CONNOLLY

S–3139

Amend House File 740, as amended, passed, and reprinted by the House, as follows:

1. Page 10, by inserting after line 24 the following:

"Sec. ___. Section 301.1, subsection 2, Code 2005, is amended to read as follows:

2. Textbooks adopted and purchased by a school district shall, to the extent funds are appropriated by the general assembly, be made available to pupils attending accredited nonpublic schools upon request of the pupil or the pupil's parent under comparable terms as made available to pupils attending public schools. If the general assembly appropriates moneys for purposes of making textbooks available to accredited nonpublic school pupils, the department of education shall ascertain the amount available to a school district for the purchase of nonsectarian, nonreligious textbooks for pupils attending accredited nonpublic schools. The amount shall be in the proportion that the basic enrollment of a participating accredited nonpublic school bears to the sum of the basic enrollments of all participating accredited nonpublic schools in the state for the budget year. For purposes of this section, a "participating accredited nonpublic school" means an accredited nonpublic school that submits a written request on behalf of the school's pupils in accordance with this subsection, and that certifies its actual enrollment to the department of education by October 1, annually. By October 15, annually, the department of education shall certify to the director of the department of administrative services the annual amount to be paid to each school district, and the director of the department of administrative services shall draw warrants payable to school districts in accordance with this subsection. For purposes of this subsection, an accredited nonpublic school's enrollment count shall include only students who are residents of Iowa. The costs of providing textbooks to accredited nonpublic school pupils as provided in this subsection shall not be included in the computation of district cost under chapter 257, but shall be shown in the budget as an expense from miscellaneous income. Textbook expenditures made in accordance with this subsection shall be kept on file in the school district. <u>Textbooks made available by a school district to pupils attending accredited nonpublic schools in accordance with this subsection are not to be the property of the school district.</u>"

2. Title page 1, line 21, by inserting after the

Page 2

1 word "requirements," the following: "establishing
2 that textbooks made available to accredited nonpublic
3 school pupils are not school district property,".
4 3. By renumbering as necessary.

NANCY J. BOETTGER
DAVE MULDER

S–3140

1 Amend House File 748, as passed by the House, as
2 follows:
3 1. Page 1, by inserting after line 30 the
4 following:
5 "Sec. ___. Section 422.7, Code 2005, is amended by
6 adding the following new subsection:
7 NEW SUBSECTION. 32A. a. Subtract contributions
8 made by the taxpayer as a participant in a qualified
9 tuition program, as defined in section 529(b) of the
10 Internal Revenue Code, established by one or more
11 eligible educational institutions. The maximum amount
12 that may be subtracted under this paragraph equals the
13 maximum amount that is deductible under section 12D.3,
14 subsection 1, paragraph "a", for contributions made to
15 the Iowa educational savings plan trust minus any
16 amount subtracted pursuant to subsection 32, paragraph
17 "a", of this section.
18 b. Add the amount of cash refunds or withdrawals
19 refunded to the taxpayer as a participant in a
20 qualified tuition program that is not used to satisfy
21 qualified higher education expenses, as defined in
22 section 529(e) of the Internal Revenue Code, to the
23 extent previously deducted under paragraph "a".
24 Sec. ___. EFFECTIVE AND RETROACTIVE DATE. The
25 section of this Act amending section 422.7, being
26 deemed of immediate importance, takes effect upon
27 enactment and applies retroactively to January 1,
28 2005, for tax years beginning on or after that date."
29 2. Title page, by striking lines 1 and 2 and
30 inserting the following: "An Act concerning certain
31 qualified tuition program contributions by providing
32 for state employee payroll deductions and providing an
33 individual income tax deduction for certain tuition
34 programs, and including effective and retroactive
35 applicability date provisions."
36 3. By renumbering as necessary.

BOB BRUNKHORST

S–3141

Amend the House amendment, S–3072, to Senate File 330, as passed by the Senate, as follows:

1. Page 1, by striking lines 2 through 14, and inserting the following:

"___. Page 39, by inserting after line 26 the following:

"Sec. ___. Section 598.41, subsection 5, paragraph a, Code 2005, is amended to read as follows:

a. If joint legal custody is awarded to both parents, the court may award joint physical care to both joint custodial parents upon the request of either parent. Prior to ruling on the request for the award of joint physical care, the court may require the parents to submit, either individually or jointly, a proposed joint physical care parenting plan. A proposed joint physical care parenting plan shall address how the parents will make decisions affecting the child, how the parents will provide a home for the child, how the child's time will be divided between the parents and how each parent will facilitate the child's time with the other parent, arrangements in addition to court-ordered child support for the child's expenses, how the parents will resolve major changes or disagreements affecting the child including changes that arise due to the child's age and developmental needs, and any other issues the court may require. If the court denies the request for joint physical care, the determination shall be accompanied by specific findings of fact and conclusions of law that the awarding of joint physical care is not in the best interest of the child.""

2. By renumbering as necessary.

KEITH A. KREIMAN

S–3142

Amend House File 740, as amended, passed, and reprinted by the House, as follows:

1. Page 2, by inserting after line 3 the following:

"Sec. ___. Section 257.17, Code 2005, is amended to read as follows:

257.17 AID REDUCTION FOR EARLY SCHOOL STARTS.

State aid payments made pursuant to section 257.16 for a fiscal year shall be reduced by one one-hundred-eightieth for each day of that fiscal year for which the school district begins school before the earliest starting date specified in section 279.10, subsection 1. ~~However, this section does not apply to~~

~~a school district that has received approval from the director of the department of education under section 279.10, subsection 4, to commence classes for regularly established elementary and secondary schools in advance of the starting date established in section 279.10, subsection 1.~~"

2. Page 4, by inserting after line 3, the following:

"Sec. ___. Section 279.10, subsection 1, Code 2005, is amended to read as follows:

1. The school year shall begin on the first day of July and each regularly established elementary and secondary school shall begin no sooner than ~~a day during the calendar week in which the first day of September falls~~ August 22 but no later than the first Monday in December. ~~However, if the first day of September falls on a Sunday, school may begin on a day during the calendar week which immediately precedes the first day of September.~~ School shall continue for at least one hundred eighty days, except as provided in subsection 3, and may be maintained during the entire calendar year. However, if the board of directors of a district extends the school calendar because inclement weather caused the district to temporarily close school during the regular school calendar, the district may excuse a graduating senior who has met district or school requirements for graduation from attendance during the extended school calendar. A school corporation may begin employment of personnel for in-service training and development purposes before the date to begin elementary and secondary school.

Sec. ___. Section 279.10, subsection 4, Code 2005, is amended by striking the subsection."

3. Title page 1, line 4, by inserting after the word "report," the following: "providing for changes relating to the school start date,".

Page 2

4. By renumbering as necessary.

JOHN PUTNEY

S–3143

Amend House File 253, as passed by the House, as follows:

1. Page 4, by inserting after line 10 the following:

"Sec. ___. Section 68B.38, subsection 1, Code 2005, is amended to read as follows:

1. a. On or before ~~July~~ January 31 of each year, a lobbyist's client shall file with the general assembly or board a report that contains information on all salaries, fees, retainers, and reimbursement of expenses paid or anticipated to be paid by the lobbyist's client to the lobbyist for lobbying purposes during the preceding ~~twelve calendar months, concluding on June 30 of each year~~ calendar year.

b. The report filed on or before January 31, 2006, shall include information for the time period commencing on July 1, 2004, and ending on December 31, 2005. This paragraph is repealed July 1, 2006."

2. By renumbering as necessary.

DOUG SHULL

S–3144

Amend House File 538, as amended, passed, and reprinted by the House, as follows:

1. Page 2, by striking lines 12 through 19, and inserting the following:

"b. The waiver request shall provide for appropriately addressing the needs of children described in paragraph "a" by implementing any of the following options: using a wraparound services approach, renegotiating the medical assistance program contract provisions for behavioral health services, or applying another approach for appropriately meeting the children's needs.

c. If federal approval of the waiver request is not received, the department shall submit options to the governor and general assembly to meet the needs of such children through a state-funded program."

JACK HATCH
KEITH A. KREIMAN
MAGGIE TINSMAN

S–3145

Amend House File 729, as amended, passed, and reprinted by the House, as follows:

1. Page 1, by striking lines 14 through 32 and inserting the following:

"2. For purposes of this section, unless the context otherwise requires:

a. "Applicable employee percentage" means the percentage rate equal to three and seventy-five hundredths percent plus the total additional employee percentage plus fifty percent of the total adjusted percentage.

12 b. "Applicable employer percentage" means the
13 percentage rate equal to five and seventy-five
14 hundredths percent plus fifty percent of the total
15 adjusted percentage.
16 c. "Total additional employee percentage" means as
17 follows:
18 (1) For the fiscal period beginning July 1, 2005,
19 through June 30, 2013, the total additional employee
20 percentage for a fiscal year shall be the total
21 additional employee percentage for the prior fiscal
22 year plus, only if the total comparison percentage is
23 greater than the total of the applicable employee
24 percentage for the prior fiscal year and the
25 applicable employer percentage for the prior fiscal
26 year, one-half percentage point. The maximum total
27 additional employee percentage shall be two percentage
28 points.
29 (2) For each fiscal year beginning on or after
30 July 1, 2014, the total additional employee percentage
31 shall be the total additional employee percentage for
32 the prior fiscal year.
33 d. "Total adjusted percentage" means as follows:
34 (1) For the fiscal period beginning July 1, 2009,
35 through June 30, 2013, the total adjusted percentage
36 for a fiscal year shall be the total adjusted
37 percentage for the prior fiscal year plus, only if the
38 total additional employee percentage for the prior
39 fiscal year was two percentage points and the total
40 comparison percentage is greater than the total of the
41 applicable employee percentage for the prior fiscal
42 year and the applicable employer percentage for the
43 prior fiscal year, one-half percentage point.
44 (2) For each fiscal year beginning on or after
45 July 1, 2013, the total adjusted percentage shall be
46 the lesser of the percentage rate, whether positive or
47 negative, equal to the total required percentage, as
48 defined in paragraph "f", for that fiscal year minus
49 eleven and one-half percent or the total adjusted
50 percentage for the fiscal year beginning July 1,

Page 2

1 2013."
2 2. Page 1, line 33, by striking the word "d." and
3 inserting the following: "e."
4 3. Page 2, by inserting after line 2, the
5 following:
6 "f. "Total required percentage" for a fiscal year
7 means the percentage rate equal to the total of eleven
8 and one-half percent and the total adjusted percentage
9 for the prior fiscal year unless any of the following
10 applies:

11 (1) If the system determines, based upon the most
12 recent actuarial valuation of the retirement system,
13 that the total required percentage for the prior
14 fiscal year is insufficient to amortize the unfunded
15 actuarial liability of the retirement system within
16 thirty years, the total required percentage for the
17 next fiscal year shall be the lesser, as determined by
18 the system's actuary, of the percentage rate needed to
19 amortize the unfunded actuarial liability of the
20 retirement system in thirty years or a percentage rate
21 equal to one percentage point greater than the total
22 required percentage for the prior fiscal year.
23 (2) If the system determines, based upon the most
24 recent actuarial valuation of the retirement system,
25 that the total required percentage for the prior
26 fiscal year is sufficient to amortize the unfunded
27 actuarial liability of the retirement system within
28 ten years or less, the total required percentage for
29 the next fiscal year shall be the greater, as
30 determined by the system, of the following:
31 (a) One percentage point less than the total
32 required percentage for the prior fiscal year.
33 (b) The percentage rate equal to the normal cost
34 rate as certified by the system's actuary plus that
35 percentage necessary, but in no event less than
36 seventy-five hundredths of one percent, to amortize
37 any unfunded actuarial liability of the retirement
38 system within twenty years.
39 The total required percentage as provided by this
40 paragraph "f" for a particular fiscal year shall be
41 determined by the system, by rule, following a
42 determination by the system's actuary as to the total
43 required percentage for that fiscal year based upon
44 the most recent actuarial valuation of the retirement
45 system by the system's actuary.
46 Sec. ___. Section 97B.49B, subsection 3, Code
47 2005, is amended to read as follows:
48 3. ~~ADDITIONAL~~ CONTRIBUTIONS.
49 a. Annually, the system shall actuarially
50 determine the cost of the ~~additional~~ benefits provided

Page 3

1 for members covered under this section as a percentage
2 of the covered wages of the employees covered by this
3 section. ~~Sixty~~ Notwithstanding any provision of
4 section 97B.11 to the contrary, sixty percent of the
5 cost shall be paid by the employers of employees
6 covered under this section and forty percent of the
7 cost shall be paid by the employees. The employer and
8 employee contributions required under this paragraph
9 ~~are in addition to the~~ shall be treated as

contributions paid under sections 97B.11 and 97B.11A.

b. (1) For the fiscal year commencing July 1, 1988, and each succeeding fiscal year, there is appropriated from the state fish and game protection fund to the system the amount necessary to pay the employer share of the cost of the ~~additional~~ benefits provided to employees covered under subsection 1, paragraph "e", subparagraph (1).

(2) Annually, during each fiscal year commencing with the fiscal year beginning July 1, 1988, each applicable city shall pay to the system the amount necessary to pay the employer share of the cost of the ~~additional~~ benefits provided to employees of that city covered under subsection 1, paragraph "e", subparagraphs (2) and (4).

(3) For the fiscal year commencing July 1, 1988, and each succeeding fiscal year, the department of corrections shall pay to the system from funds appropriated to the Iowa department of corrections, the amount necessary to pay the employer share of the cost of the ~~additional~~ benefits provided to employees covered under subsection 1, paragraph "e", subparagraph (3).

(4) For the fiscal year commencing July 1, 1990, and each succeeding fiscal year, the state department of transportation shall pay to the system, from funds appropriated to the state department of transportation from the road use tax fund and the primary road fund, the amount necessary to pay the employer share of the cost of the ~~additional~~ benefits provided to employees covered under subsection 1, paragraph "e", subparagraph (5).

(5) For the fiscal year commencing July 1, 1992, and each succeeding fiscal year, the department of public safety shall pay to the system from funds appropriated to the department of public safety, the amount necessary to pay the employer share of the cost of the ~~additional~~ benefits provided to a fire prevention inspector peace officer pursuant to subsection 1, paragraph "e", subparagraph (6).

(6) For the fiscal year commencing July 1, 1994,

and each succeeding fiscal year through the fiscal year ending June 30, 1998, each judicial district department of correctional services shall pay to the system from funds appropriated to that judicial district department of correctional services, the amount necessary to pay the employer share of the cost of the ~~additional~~ benefits provided to employees of a judicial district department of correctional services

9 who are employed as a probation officer III or a
10 parole officer III.
11 (7) For the fiscal year commencing July 1, 2004,
12 and each succeeding fiscal year, there is appropriated
13 from the general fund of the state to the system, from
14 funds not otherwise appropriated, an amount necessary
15 to pay the employer share of the cost of the
16 ~~additional~~ benefits provided to airport fire fighters
17 under this section."
18 4. Page 3, by inserting after line 23 the
19 following:
20 Sec. ___. IPERS BENEFIT ENHANCEMENTS — DELAYED
21 EFFECTIVE DATE. Notwithstanding any provision of law
22 to the contrary, if any benefit enhancements are
23 enacted during the fiscal period beginning July 1,
24 2005, through June 30, 2013, for members of the Iowa
25 public employees' retirement system (IPERS), the
26 benefit enhancements shall become effective the latter
27 of July 1, 2014, or the July 1 following the most
28 recent actuarial valuation of the retirement system in
29 which the IPERS actuary certifies that the funded
30 status of IPERS is at least one hundred percent. For
31 purposes of this section, benefit enhancements are
32 retirement benefits provided to members of IPERS which
33 the IPERS actuary determines will increase IPERS'
34 normal cost rate."
35 5. Title page, line 2, by inserting after the
36 word "system" the following: "and including an
37 effective date provision".
38 6. By renumbering, redesignating, and correcting
39 internal references as necessary.

MARK ZIEMAN

S–3146

HOUSE AMENDMENT TO
SENATE FILE 57

1 Amend Senate File 57, as passed by the Senate, as
2 follows:
3 1. Page 2, by inserting before line 10, the
4 following:
5 "Sec. ___. Section 414.25, Code 2005, is amended
6 to read as follows:
7 414.25 TRANSITIONAL PROVISIONS.
8 Of the two additional members which may be
9 appointed to increase a five-member board of
10 adjustment to a seven-member board after January 1,
11 1980, one member shall be appointed to an initial term
12 of five years and one member shall be appointed to an
13 initial term of four years. The terms of office of

14 members of a board of adjustment serving unexpired
15 terms of office on <u>or after</u> January 1, 1980, shall
16 expire according to their original appointments."
17 2. Page 2, line 19, by inserting after the word
18 "on" the following: "or after".
19 3. Page 2, line 27, by inserting after the word
20 "on" the following: "or after".
21 4. By renumbering as necessary.

S–3147

1 Amend Senate Concurrent Resolution 11 as follows:
2 1. Page 2, line 13, by striking the figure "2005"
3 and inserting the following: "2006".

MAGGIE TINSMAN

S–3148

1 Amend Senate File 392 as follows:
2 1. Page 1, by striking lines 4 through 6 and
3 inserting the following: "partnership, S corporation,
4 or limited liability company using low-income housing
5 tax credits authorized under section 42 of the
6 Internal Revenue Code to assist in the financing of
7 the housing development, the name of any partner if
8 the business is a partnership, a shareholder if the
9 business is an S corporation, or a member if the
10 business is a limited liability company and the amount
11 designated as allowed under subsection 8."
12 2. Page 1, by striking lines 9 through 11 and
13 inserting the following:
14 "a. An eligible housing business may claim a tax
15 credit up to a maximum of ten".
16 3. By striking page 1, line 34, through page 2,
17 line 1, and inserting the following: "limited
18 liability company, or estate or trust <u>except as</u>
19 <u>allowed for under subsection 8 when low-income housing</u>
20 <u>tax credits authorized under section 42 of the</u>
21 <u>Internal Revenue Code are used to assist in the</u>
22 <u>financing of the housing development</u>."
23 4. Page 2, by striking lines 16 through 18 and
24 inserting the following: "eligible housing business
25 <u>except when low-income housing tax credits authorized</u>
26 <u>under section 42 of the Internal Revenue Code are used</u>
27 <u>to assist in the financing of the housing development</u>
28 <u>in which case the tax credit certificate may be issued</u>
29 <u>to a partner if the business is a partnership, a</u>
30 <u>shareholder if the business is an S corporation, or a</u>
31 <u>member if the business is a limited liability company</u>
32 <u>in the amounts designated by the eligible partnership,</u>
33 <u>S corporation, or limited liability company</u>. An

34 eligible housing business or the designated partner if
35 the business is a partnership, designated shareholder
36 if the business is an S corporation, or designated
37 member if the business is a limited liability company,
38 or transferee shall".
39 5. Page 3, by striking lines 15 through 24.
40 6. Page 3, by striking lines 33 through 35 and
41 inserting the following: "company, S corporation,
42 estate, or trust except when low-income housing tax
43 credits authorized under section 42 of the Internal
44 Revenue Code are used to assist in the financing of
45 the housing development in which case the tax credit
46 certificate may be issued to a partner if the business
47 is a partnership, a shareholder if the business is an
48 S corporation, or a member if the business is a
49 limited liability company in the amounts designated by
50 the eligible partnership, S corporation, or limited

Page 2

1 liability company."
2 7. By renumbering as necessary.

MICHAEL CONNOLLY

S–3149

1 Amend House File 740, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, by inserting after line 3 the
4 following:
5 "Sec. ___. NEW SECTION. 256.24 VALUE-ADDED
6 ASSESSMENT SYSTEM.
7 1. A value-added assessment system shall be
8 established by the department to provide for
9 multivariate longitudinal analysis of annual student
10 test scores to determine the influence of a school
11 district's educational program on student academic
12 growth and to guide school district improvement
13 efforts. The department shall select a value-added
14 assessment system provider through a request for
15 proposals process. The system provider selected by
16 the department shall offer a value-added assessment
17 system to calculate annually the academic growth of
18 each student enrolled in grade levels three through
19 eleven and tested in accordance with this section, and
20 shall, at a minimum, meet all of the following
21 criteria:
22 a. Use a mixed-model statistical analysis that has
23 the ability to use all achievement test data for each
24 student, including the data for students with missing
25 test scores, that does not adjust downward

26 expectations for student progress based on race,
27 poverty, or gender, and that will provide the best
28 linear unbiased predictions of school or other
29 educational entity effects to minimize the impact of
30 fortuitous accumulation of random errors.
31 b. Have the ability to work with test data from a
32 variety of sources, including data that are not
33 vertically scaled, and to provide support for school
34 districts utilizing the system.
35 c. Have the capacity to receive and report results
36 electronically and provide support for districts
37 utilizing the system.
38 d. Have the ability to create for each school
39 district a chart that reports grade-equivalent scores
40 for grades three through eight and gains between
41 consecutive pairs of grades for each attendance center
42 and that provides for a district-wide study of grade-
43 equivalent scores.
44 2. Annually, each school district that administers
45 the Iowa test of basic skills or the Iowa test of
46 educational development shall, within thirty days of
47 receiving the test scores from the American college
48 testing program, inc., submit the test scores for each
49 attendance center within the school district and each
50 grade level tested, from grades three through eleven,

Page 2

1 to the system provider selected pursuant to subsection
2 1. School districts may submit additional assessment
3 data for analysis and inclusion in reports provided to
4 school districts pursuant to subsection 3, to the
5 extent that the assessment meets the criteria for
6 valid academic progress interpretation specified by
7 the system provider.
8 3. The system provider shall provide analysis to
9 school districts submitting test scores pursuant to
10 subsection 2, and to the department of education. The
11 analysis shall include, but not be limited to,
12 attendance-center-level test results for the Iowa test
13 of basic skills in the areas of reading and
14 mathematics and other core academic areas when
15 possible. The analysis shall also include, but not be
16 limited to, the number of students tested, the number
17 of test results used to compute the averages, the
18 average standard score, the corresponding grade
19 equivalent score, the average stanine score for the
20 group, the normal curve equivalent of average standard
21 scores, and percentile ranks based on student norms,
22 as well as measures of student progress. The system
23 provider shall create a chart for each school district
24 in accordance with the criteria set forth in
25 subsection 1, paragraphs “a” through “d”.

26 4. Each school district shall have complete access
27 to and full utilization of its own value-added
28 assessment reports and charts generated by the system
29 provider at the student level for the purpose of
30 measuring student achievement at different educational
31 entity levels.
32 5. Student academic growth determined pursuant to
33 this section shall not be used in teacher evaluation
34 and shall not be published if individual teacher
35 effects can be surmised.
36 6. Information about student academic growth may
37 be used by the school district, including school board
38 members, administration, and staff, for defining
39 student and district learning goals and professional
40 development related to student learning goals across
41 the school district. A school district may submit its
42 academic growth measures in the annual report
43 submitted pursuant to section 256.7, subsection 21,
44 and may reference in the report state level norms for
45 purposes of demonstrating school district performance.
46 However, unless a school district chooses to submit
47 its academic measures in the annual report submitted
48 pursuant to section 256.7, such measures are not
49 public records for the purposes of chapter 22.
50 7. The department may use student academic

Page 3

1 progress data to determine school improvement and
2 technical assistance needs of school districts, and to
3 identify school districts achieving exceptional gains.
4 Beginning January 15, 2006, and by January 15 of each
5 succeeding year, the department shall submit an annual
6 progress report regarding the use of student academic
7 growth information in the school improvement processes
8 to the house and senate education committees and shall
9 publish the progress report on its internet web site.
10 8. The department is encouraged to advocate that
11 the United States department of education allow
12 reporting of student academic progress as an
13 additional valid measure of school performance, as an
14 alternative for meeting federal safe harbor
15 provisions, and for establishing statewide progress
16 under the federal No Child Left Behind Act of 2001,
17 Pub. L. No. 107-110, and any federal regulations
18 adopted pursuant to the federal Act.
19 2. Title page 1, line 4, by inserting after the
20 word "report," the following: "establishing a value-
21 added assessment system,".
22 3. By renumbering as necessary.

PAUL McKINLEY

S–3150

Amend Senate File 406 as follows:

1. Page 1, line 19, by striking the word "DEFINITIONS" and inserting the following: "DEFINITION".

2. Page 1, by striking lines 20 and 21 and inserting the following: "context otherwise requires, "harassment" and "bullying" shall be construed to mean".

3. Page 1, line 26, by striking the figure "(1)" and inserting the following: "a."

4. Page 1, line 28, by striking the figure "(2)" and inserting the following: "b."

5. Page 1, line 30, by striking the figure "(3)" and inserting the following: "c."

6. Page 1, line 32, by striking the figure "(4)" and inserting the following: "d."

7. By striking page 1, line 35, through page 2, line 5.

MICHAEL CONNOLLY
DAVE MULDER
BRAD ZAUN
THOMAS G. COURTNEY

S–3151

Amend House File 729, as amended, passed, and reprinted by the House, as follows:

1. Page 2, by inserting after line 2, the following:

"Sec. ___. Section 97B.42, Code 2005, is amended by adding the following new unnumbered paragraphs:

<u>NEW UNNUMBERED PARAGRAPH</u>. Notwithstanding any other provision of this section, commencing on the applicable start date, a member who is employed by a school district or area education agency as an elementary or secondary school teacher may elect coverage under the eligible alternative retirement benefits system as provided in section 294.17, in lieu of continuing or commencing contributions to the Iowa public employees' retirement system. However, the employer's and employee's annual contribution in dollars to the eligible alternative retirement benefits system shall equal, but not exceed, the annual contribution in dollars which the employer and employee would contribute if the employee had elected to remain an active member under this chapter, as set forth in section 97B.11. A member who elects coverage under the eligible alternative retirement benefits system as provided by this paragraph may withdraw the

25 member's accumulated contributions effective when
26 coverage under the eligible alternative retirement
27 benefits system commences. A member who is employed
28 by a school district or area education agency as an
29 elementary or secondary school teacher prior to the
30 applicable start date, must file an election for
31 coverage under the eligible alternative retirement
32 benefits system described in section 294.17, with the
33 system and the employing school district or area
34 education agency within eighteen months of the first
35 day on which coverage commences under the eligible
36 alternative retirement benefits system described in
37 section 294.17, or the employee shall remain a member
38 under this chapter and shall not be eligible to elect
39 to participate in the eligible alternative retirement
40 benefits system at a later date. A person hired on or
41 after the applicable start date, by a school district
42 or area education agency as an elementary or secondary
43 school teacher must file an election for coverage
44 under the eligible alternative retirement benefits
45 system with the system and the employing school
46 district or area education agency within sixty days of
47 commencing employment, or the employee shall remain a
48 member under this chapter and shall not be eligible to
49 elect to participate in the eligible alternative
50 retirement benefits system at a later date. The

Page 2

1 system shall cooperate with the state board of
2 education and with applicable school districts and
3 area education agencies to facilitate the
4 implementation of this provision.
5 NEW UNNUMBERED PARAGRAPH. Notwithstanding any
6 other provision of this section, commencing on the
7 applicable start date, a member who is employed by a
8 public hospital may elect coverage under the eligible
9 alternative retirement benefits system as provided in
10 section 347.14 or 392.6, in lieu of continuing or
11 commencing contributions to the Iowa public employees'
12 retirement system. However, the employer's and
13 employee's annual contribution in dollars to the
14 eligible alternative retirement benefits system shall
15 equal, but not exceed, the annual contribution in
16 dollars which the employer and employee would
17 contribute if the employee had elected to remain an
18 active member under this chapter, as set forth in
19 section 97B.11. A member who elects coverage under
20 the eligible alternative retirement benefits system as
21 provided by this paragraph may withdraw the member's
22 accumulated contributions effective when coverage
23 under the eligible alternative retirement benefits

24 system commences. A member who is employed by a
25 public hospital prior to the applicable start date,
26 must file an election for coverage under the eligible
27 alternative retirement benefits system described in
28 section 347.14 or 392.6, with the system and the
29 employing public hospital within eighteen months of
30 the first day on which coverage commences under the
31 eligible alternative retirement benefits system
32 described in section 347.14 or 392.6, or the employee
33 shall remain a member under this chapter and shall not
34 be eligible to elect to participate in the eligible
35 alternative retirement benefits system at a later
36 date. A person hired on or after the applicable start
37 date, by a public hospital must file an election for
38 coverage under the eligible alternative retirement
39 benefits system with the system and the employing
40 public hospital within sixty days of commencing
41 employment, or the employee shall remain a member
42 under this chapter and shall not be eligible to elect
43 to participate in the eligible alternative retirement
44 benefits system at a later date. In addition, an
45 election by a member to participate in an alternative
46 retirement benefits system as provided by this
47 paragraph shall be irrevocable and the member shall
48 not be eligible to elect coverage under this chapter
49 while employed by a public hospital in this state that
50 has made an alternative retirement benefits system

Page 3

1 available. The system shall cooperate with boards of
2 trustees of public hospitals authorized to offer an
3 eligible alternative retirement benefits system to
4 facilitate the implementation of this provision.
5 NEW UNNUMBERED PARAGRAPH. For purposes of this
6 section, the "applicable start date" means the July 1
7 following the most recent actuarial valuation of the
8 retirement system in which the system's actuary
9 certifies that the actuarial valuation of assets of
10 the retirement system equals or exceeds the actuarial
11 valuation of the accrued liabilities of the retirement
12 system."
13 2. Page 2, by inserting after line 21, the
14 following:
15 "Sec. ___. Section 256.7, Code 2005, is amended by
16 adding the following new subsection:
17 NEW SUBSECTION. 26. By the applicable start date
18 as defined in section 97B.42, provide for the
19 establishment of an eligible alternative retirement
20 benefits system for elementary and secondary school
21 teachers employed by a school district or area
22 education agency consistent with the requirements of

23 section 294.17.
24 Sec. ___. NEW SECTION. 294.17 ELIGIBLE
25 ALTERNATIVE PENSION AND ANNUITY RETIREMENT SYSTEM.
26 1. The state board of education shall establish an
27 eligible alternative pension and annuity retirement
28 system, hereafter called the "retirement system",
29 effective on the applicable start date as defined in
30 section 97B.42, for elementary and secondary school
31 teachers employed by a school district or area
32 education agency pursuant to the requirements of this
33 section. The state board of education shall be the
34 plan sponsor of the retirement system and shall file
35 an application for a favorable determination letter
36 for the retirement system with the internal revenue
37 service.
38 2. The state board of education shall select a
39 provider of the retirement system that is a financial
40 institution capable of providing bundled services for
41 the retirement system, including, but not limited to,
42 administration, investment management, employee
43 education, and recordkeeping. In selecting a
44 provider, the state board of education shall place
45 primary emphasis on the reasonableness of services in
46 relation to cost, the ability and experience of the
47 provider in providing bundled retirement services to
48 the educational community, the financial stability of
49 the provider, and the ability of the provider to
50 provide services as required by this section.

Page 4

1 3. To be an eligible alternative retirement
2 benefits system, the retirement system shall meet the
3 following requirements:
4 a. The retirement system shall be an employer-
5 sponsored defined contribution plan requiring
6 mandatory employer contributions that meet the
7 requirements of section 401(a) of the Internal Revenue
8 Code.
9 b. The employer's and employee's annual
10 contribution in dollars under an eligible alternative
11 retirement benefits system described in this section
12 shall equal, but not exceed, the annual contribution
13 in dollars which the employer and employee would
14 contribute if the employee had elected to remain an
15 active member pursuant to the Iowa public employees'
16 retirement system, as set forth in section 97B.11.
17 Contributions under the retirement system shall be
18 treated in the same manner as contributions under the
19 Iowa public employees' retirement system are treated
20 pursuant to section 97B.11A.
21 c. Employer and employee contributions under the

22 retirement system shall be fully vested immediately.
23 d. Upon termination of employment as an elementary
24 or secondary school teacher employed by a school
25 district or area education agency, the teacher shall
26 be eligible to receive a benefit payable in at least
27 any of the following forms:
28 (1) Payment of all or part of the teacher's
29 account balance in the retirement system in a lump
30 sum.
31 (2) Payment based on the teacher's account balance
32 in the retirement system in monthly, quarterly, or
33 annual installments over a fixed reasonable period of
34 time, not exceeding the life expectancy of the teacher
35 and the teacher's beneficiary, if applicable.
36 (3) Payment based on the teacher's account balance
37 in the form of a single life or joint life and
38 survivorship annuity.
39 4. Persons employed by a school district or area
40 education agency as an elementary or secondary school
41 teacher on or after the applicable start date as
42 defined in section 97B.42, may elect coverage under
43 the retirement system established in this section in
44 lieu of coverage under the Iowa public employees'
45 retirement system, pursuant to the requirements of
46 section 97B.42.
47 Sec. ___. Section 347.14, Code 2005, is amended by
48 adding the following new subsection:
49 NEW SUBSECTION. 17. Provide an eligible
50 alternative retirement benefits system offered through

Page 5

1 the county hospital pursuant to this subsection which
2 is issued by or through an insurance company
3 authorized to issue annuity contracts in this state
4 for persons employed by the county hospital in lieu of
5 coverage under the Iowa public employees' retirement
6 system. For purposes of this subsection, "eligible
7 alternative retirement benefits system" means an
8 employer-sponsored primary pension plan requiring
9 mandatory employer contributions that meets the
10 requirements of section 401(a), 401(k), 403(a), or
11 403(b) of the Internal Revenue Code.
12 Sec. ___. Section 392.6, Code 2005, is amended by
13 adding the following new unnumbered paragraph:
14 NEW UNNUMBERED PARAGRAPH. The board of trustees
15 may provide an eligible alternative retirement
16 benefits system offered through the city hospital
17 pursuant to this paragraph which is issued by or
18 through an insurance company authorized to issue
19 annuity contracts in this state for persons employed
20 by the city hospital in lieu of coverage under the

21 Iowa public employees' retirement system. For
22 purposes of this paragraph, "eligible alternative
23 retirement benefits system" means an employer-
24 sponsored primary pension plan requiring mandatory
25 employer contributions that meets the requirements of
26 section 401(a), 401(k), 403(a), or 403(b) of the
27 Internal Revenue Code."
28 3. By renumbering as necessary.

STEWART E. IVERSON, JR.

S–3152

1 Amend House File 740, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, by inserting after line 3, the
4 following:
5 "Sec. ___. Section 256.11, Code 2005, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 9. Each accredited nonpublic
8 school and school district attendance center shall
9 have an articulated media program for the grades
10 offered by the school or attendance center. Each
11 program shall have a media services specialist
12 licensed under chapter 272 who shall be responsible
13 for supervision of the program."
14 2. Title page 1, line 4, by inserting after the
15 word "report," the following: "including articulated
16 media programs and media specialists in the
17 educational standards,".

MICHAEL CONNOLLY

S–3153

1 Amend the amendment, S–3151, to House File 729, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 3, by striking lines 38 through 44 and
5 inserting the following:
6 "2. The state board of education shall select
7 providers of the retirement system that are insurance
8 companies authorized to issue annuity contracts in
9 this state that are capable of providing bundled
10 services for the retirement system, including, but not
11 limited to, administration, investment management,
12 employee education, and recordkeeping. The state
13 board of education may limit the number of providers
14 offered pursuant to this subsection to no more than
15 six. The selection by the state board of education of
16 a provider of the retirement system pursuant to this
17 subsection shall not constitute an endorsement of the

provider by the state board of education. In selecting providers, the state board of education shall place".

STEWART E. IVERSON, JR.

S–3154

Amend House File 222, as passed by the House, as follows:

1. Page 6, by inserting after line 2, the following:

"Sec. ___. TOWNSHIP STUDY. A study of township government in Iowa shall be conducted by the public policy and administration program in the department of political science at Iowa state university of science and technology. The study shall include a description and analysis of the statutory powers and duties of townships and township officials, an assessment of the advantages and disadvantages of continuing township government as a political subdivision of the state, and identification of alternative assignments of powers and duties of townships and township officials. The public policy and administration program shall produce a study report regarding the findings of the study.

The department of management shall make available any information relating to townships requested by the public policy and administration program in conjunction with the study of township government.

The public policy and administration program shall consult with the Iowa state association of counties, the Iowa league of cities, township trustees, township clerks, fire district representatives, and other relevant parties in conducting the study.

The study report shall be submitted to the general assembly on or before January 15, 2006."

2. Title page, by striking line 1, and inserting the following: "An Act relating to townships by providing for the nonpartisan election of township officers and providing for a township study."

3. By renumbering as necessary.

HERMAN C. QUIRMBACH
BRAD ZAUN
ROGER STEWART
DAVE MULDER
DARYL BEALL
PAT WARD

S–3155

Amend House File 740, as amended, passed, and reprinted by the House, as follows:

1. Page 1, by inserting after line 29 the following:

"Sec. ___. Section 12B.10C, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 10. The state board of regents governed by chapter 262.

Sec. ___. Section 73A.1, subsection 2, Code 2005, is amended to read as follows:

2. "Municipality" as used in this chapter means township, school corporation, and state fair board~~, and state board of regents~~."

2. Page 4, by inserting after line 3 the following:

"Sec. ___. Section 262.9, subsection 7, Code 2005, is amended to read as follows:

7. ~~With the approval of the executive council, acquire~~ Acquire real estate for the proper uses of ~~said~~ institutions under its control, and dispose of real estate belonging to ~~said~~ the institutions when not necessary for their purposes. ~~A~~ The disposal of ~~such~~ real estate shall be made upon such terms, conditions, and consideration as the board may recommend ~~and subject to the approval of the executive council~~. If real estate subject to sale ~~hereunder~~ has been purchased or acquired from appropriated funds, the proceeds of such sale shall be deposited with the treasurer of state and credited to the general fund of the state. There is hereby appropriated from the general fund of the state a sum equal to the proceeds so deposited and credited to the general fund of the state to the state board of regents, which~~, with the prior approval of the executive council,~~ may be used to purchase other real estate and buildings~~,~~ and for the construction and alteration of buildings and other capital improvements. All transfers shall be by state patent in the manner provided by law. The board is also authorized to grant easements for rights-of-way over, across, and under the surface of public lands under its jurisdiction when in the board's judgment such easements are desirable and will benefit the state of Iowa.

Sec. ___. Section 262.9, subsection 15, unnumbered paragraph 2, Code 2005, is amended by striking the unnumbered paragraph.

Sec. ___. Section 262.10, unnumbered paragraph 1, Code 2005, is amended to read as follows:

No sale or purchase of real estate shall be made save upon the order of the board, made at a regular

Page 2

1 meeting, or one called for that purpose, and then in
2 such manner and under such terms as the board may
3 prescribe ~~and only with the approval of the executive~~
4 ~~council~~. No member of the board or any of its
5 committees, offices or agencies nor any officer of any
6 institution, shall be directly or indirectly
7 interested in such purchase or sale.
8 Sec. ___. Section 262.33A, Code 2005, is amended
9 to read as follows:
10 262.33A FIRE AND ENVIRONMENTAL SAFETY — REPORT —
11 EXPENDITURES.
12 It is the intent of the general assembly that each
13 institution of higher education under the control of
14 the state board of regents shall, in consultation with
15 the state fire marshal, identify and correct all
16 critical fire and environmental safety deficiencies.
17 ~~The state fire marshal shall report annually to the~~
18 ~~joint subcommittee on education appropriations. The~~
19 ~~report shall include, but is not limited to, the~~
20 ~~identified deficiencies in fire and environmental~~
21 ~~safety at the institutions, and plans for correction~~
22 ~~of the deficiencies and for compliance with this~~
23 ~~section.~~ Commencing July 1, 1993, each institution
24 under the control of the state board of regents shall
25 expend annually for fire safety and deferred
26 maintenance at least the amount budgeted for these
27 purposes for the fiscal year beginning July 1, 1992,
28 in addition to any moneys appropriated from the
29 general fund for these purposes in succeeding years.
30 Sec. ___. Section 262.34, Code 2005, is amended to
31 read as follows:
32 262.34 IMPROVEMENTS — ADVERTISEMENT FOR BIDS —
33 DISCLOSURES — PAYMENTS.
34 1. When the estimated cost of construction,
35 repairs, or improvement of buildings or grounds under
36 charge of the state board of regents exceeds ~~twenty-~~
37 ~~five~~ one hundred thousand dollars, the board shall
38 advertise for bids for the contemplated improvement or
39 construction and shall let the work to the lowest
40 responsible bidder. However, if in the judgment of
41 the board bids received are not acceptable, the board
42 may reject all bids and proceed with the construction,
43 repair, or improvement by a method as the board may
44 determine. All plans and specifications for repairs
45 or construction, together with bids on the plans or
46 specifications, shall be filed by the board and be
47 open for public inspection. All bids submitted under
48 this section shall be accompanied by a deposit of
49 money, a certified check, or a credit union certified
50 share draft in an amount as the board may prescribe.

Page 3

2. A bidder awarded a contract shall disclose the names of all subcontractors, who will work on the project being bid, within forty-eight hours after the award of the contract. If a subcontractor named by a bidder awarded a contract is replaced, or if the cost of work to be done by a subcontractor is reduced, the bidder shall disclose the name of the new subcontractor or the amount of the reduced cost.

3. Payments made by the board for the construction of public improvements shall be made in accordance with the provisions of chapter 573 except that:

a. Payments may be made without retention until ninety-five percent of the contract amount has been paid. The remaining five percent of the contract amount shall be paid as provided in section 573.14, except that:

(1) At any time after all or any part of the work is substantially completed in accordance with paragraph "c", the contractor may request the release of all or part of the retainage owed. Such request shall be accompanied by a waiver of claim rights under the provisions of chapter 573 from any person, firm, or corporation who has, under contract with the principal contractor or with subcontractors performed labor, or furnished materials, service, or transportation in the construction of that portion of the work for which release of the retainage is requested.

(2) Upon receipt of the request, the board shall release all or part of the unpaid funds. Retainage that is approved as payable shall be paid at the time of the next monthly payment or within thirty days, whichever is sooner. If partial retainage is released pursuant to a contractor's request, no retainage shall be subsequently held based on that portion of the work. If within thirty days of when payment becomes due the board does not release the retainage due, interest shall accrue on the retainage amount due as provided in section 573.14 until that amount is paid.

(3) If at the time of the request for the retainage there are remaining or incomplete minor items, an amount equal to two hundred percent of the value of each remaining or incomplete item, as determined by the board's authorized contract representative, may be withheld until such item or items are completed.

(4) An itemization of the remaining or incomplete items, or the reason that the request for release of the retainage was denied, shall be provided to the contractor in writing within thirty calendar days of

1 the receipt of the request for release of retainage.
2 b. For purposes of this section, "authorized
3 contract representative" means the architect or
4 engineer who is in charge of the project and chosen by
5 the board to represent its interests, or if there is
6 no architect or engineer, then such other contract
7 representative or officer as designated in the
8 contract documents as the party representing the
9 board's interest regarding administration and
10 oversight of the project.
11 c. For purposes of this section, "substantially
12 completed" means the first date on which any of the
13 following occurs:
14 (1) Completion of the project or when the work has
15 been substantially completed in general accordance
16 with the terms and provisions of the contract.
17 (2) The work or the portion designated is
18 sufficiently complete in accordance with the
19 requirements of the contract so the board can occupy
20 or utilize the work for its intended purpose.
21 (3) The project is certified as having been
22 substantially completed by either of the following:
23 (a) The architect or engineer authorized to make
24 such certification.
25 (b) The contracting authority representing the
26 board.
27 4. Each contractor or subcontractor shall withhold
28 retainage, if at all, in the same manner as retainage
29 is withheld from the contractor or subcontractor; and
30 each subcontractor shall pass through all retainage
31 payments to lower tier subcontractors in accordance
32 with the provisions of chapter 573.
33 Sec. ___. Section 262.57, unnumbered paragraph 1,
34 Code 2005, is amended to read as follows:
35 To pay all or any part of the cost of carrying out
36 any project at any institution the board is authorized
37 to borrow money and to issue and sell negotiable bonds
38 or notes and to refund and refinance bonds or notes
39 heretofore issued or as may be hereafter issued for
40 any project or for refunding purposes at a lower rate,
41 the same rate or a higher rate or rates of interest
42 and from time to time as often as the board shall find
43 it to be advisable and necessary so to do. Such bonds
44 or notes may be sold by said board at public sale in
45 the manner prescribed by chapter 75 but if the board
46 shall find it to be advantageous and in the public
47 interest to do so, such bonds or notes may be sold by
48 the board at private sale without published notice of
49 any kind and without regard to the requirements of
50 chapter 75 in such manner and upon such terms as may

Page 5

be prescribed by the resolution authorizing the same~~, but such bonds or notes shall in any event be sold upon terms of not less than par plus accrued interest~~. Bonds or notes issued to refund other bonds or notes heretofore or hereafter issued by the board for residence hall or dormitory purposes at any institution, including dining or other facilities and additions, or heretofore or hereafter issued for refunding purposes, may either be sold in the manner hereinbefore specified and the proceeds thereof applied to the payment of the obligations being refunded, or the refunding bonds or notes may be exchanged for and in payment and discharge of the obligations being refunded, and a finding by the board in the resolution authorizing the issuance of such refunding bonds or notes that the bonds or notes being refunded were issued for a purpose specified in this division and constitute binding obligations of the board shall be conclusive and may be relied upon by any holder of any refunding bond or note issued under the provisions of this division. The refunding bonds or notes may be sold or exchanged in installments at different times or an entire issue or series may be sold or exchanged at one time. Any issue or series of refunding bonds or notes may be exchanged in part or sold in parts in installments at different times or at one time. The refunding bonds or notes may be sold or exchanged at any time on, before, or after the maturity of any of the outstanding notes, bonds or other obligations to be refinanced thereby and may be issued for the purpose of refunding a like or greater principal amount of bonds or notes, except that the principal amount of the refunding bonds or notes may exceed the principal amount of the bonds or notes to be refunded to the extent necessary to pay any premium due on the call of the bonds or notes to be refunded or to fund interest in arrears or about to become due.

Sec. ___. Section 262.78, subsection 6, Code 2005, is amended by striking the subsection.

Sec. ___. Section 262A.5, unnumbered paragraph 1, Code 2005, is amended to read as follows:

The board is authorized to borrow money under this chapter, and the board may issue and sell negotiable bonds to pay all or any part of the cost of carrying out any project at any institution and may refund and refinance bonds issued for any project or for refunding purposes at the same rate or at a higher or lower rate or rates of interest. Bonds issued under the provisions of this chapter shall be sold by said board at public sale on the basis of sealed proposals

Page 6

received pursuant to a notice specifying the time and place of sale and the amount of bonds to be sold which shall be published at least once not less than seven days prior to the date of sale in a newspaper published in the state of Iowa and having a general circulation in said state. The provisions of chapter 75 shall ~~not~~ apply to bonds issued under authority contained in this chapter~~, but such bonds shall be sold upon terms of not less than par plus accrued interest~~ to the extent not in conflict with this chapter. Bonds issued to refund other bonds issued under the provisions of this chapter may either be sold in the manner hereinbefore specified and the proceeds thereof applied to the payment of the obligations being refunded, or the refunding bonds may be exchanged for and in payment and discharge of the obligations being refunded. The refunding bonds may be sold or exchanged in installments at different times or an entire issue or series may be sold or exchanged at one time. Any issue or series of refunding bonds may be exchanged in part or sold in parts in installments at different times or at one time. The refunding bonds may be sold or exchanged at any time on, before, or after the maturity of any of the outstanding bonds or other obligations to be refinanced thereby and may be issued for the purpose of refunding a like or greater principal amount of bonds, except that the principal amount of the refunding bonds may exceed the principal amount of the bonds to be refunded to the extent necessary to pay any premium due on the call of the bonds to be refunded or to fund interest in arrears or which is to become due.

Sec. ___. Section 266.39F, subsection 2, unnumbered paragraph 2, Code 2005, is amended to read as follows:

The provisions of section 262.9, subsection 7, ~~and section 262.10,~~ shall not apply to the sale of any portion of land to be sold in accordance with this section or to the use of the proceeds from the sale of the land."

3. Page 12, by inserting after line 13 the following:

"Sec. ___. Section 573.12, subsection 1, unnumbered paragraph 1, Code 2005, is amended to read as follows:

Payments made under contracts for the construction of public improvements, unless provided otherwise by law, shall be made on the basis of monthly estimates of labor performed and material delivered, as

Page 7

determined by the project architect or engineer. The public corporation shall retain from each monthly payment not more than five percent of that amount which is determined to be due according to the estimate of the architect or engineer. ~~However, institutions governed pursuant to chapter 262 may, on contracts where a bond is required under section 573.2, make payments under this section without retention until ninety-five percent of the contract amount has been paid and the remaining five percent of the contract amount shall be paid as provided under section 573.14.~~

Sec. ___. Section 573.14, unnumbered paragraph 2, Code 2005, is amended to read as follows:

The public corporation shall order payment of any amount due the contractor to be made in accordance with the terms of the contract. Except as provided in section 573.12 for progress payments, failure to make payment pursuant to this section, of any amount due the contractor, within forty days, unless a greater time period not to exceed fifty days is specified in the contract documents, after the work under the contract has been completed and if the work has been accepted and all required materials, certifications, and other documentations required to be submitted by the contractor and specified by the contract have been furnished the awarding public corporation by the contractor, shall cause interest to accrue on the amount unpaid to the benefit of the unpaid party. Interest shall accrue during the period commencing the thirty-first day following the completion of work and satisfaction of the other requirements of this paragraph and ending on the date of payment. The rate of interest shall be determined by the period of time during which interest accrues, and shall be the same as the rate of interest that is in effect under section 12C.6, as of the day interest begins to accrue, for a deposit of public funds for a comparable period of time. <u>However, for institutions governed pursuant to chapter 262, the rate of interest shall be determined by the period of time during which interest accrues, and shall be calculated as the prime rate plus one percent per year as of the day interest begins to accrue.</u> This paragraph does not abridge any of the rights set forth in section 573.16. Except as provided in sections 573.12 and 573.16, interest shall not accrue on funds retained by the public corporation to satisfy the provisions of this section regarding claims on file. This chapter does not apply if the public corporation has entered into a contract with

Page 8

1 the federal government or accepted a federal grant
2 which is governed by federal law or rules that are
3 contrary to the provisions of this chapter. For
4 purposes of this unnumbered paragraph, "prime rate"
5 means the prime rate charged by banks on short-term
6 business loans, as determined by the board of
7 governors of the federal reserve system and published
8 in the federal reserve bulletin."
9 4. Page 12, by striking line 14, and inserting
10 the following:
11 "Sec. ___. Sections 262.64A, 262.67, 262A.3,
12 262A.6A, 263A.11, 265.6, 282.1A, 297.13, and 473.12,
13 Code 2005, are".
14 5. By renumbering as necessary.

JEFF DANIELSON

S–3156

1 Amend Senate File 405 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. Section 544A.16, subsection 7, Code
5 2005, is amended by striking the subsection."
6 2. Page 1, by striking lines 9 through 14 and
7 inserting the following: "including the preparation
8 of documents relating to space planning, finish
9 materials, furnishings, fixtures, and equipment, and
10 the preparation of documents relating to interior
11 construction that does not affect the mechanical or
12 structural systems of a building. "Interior".
13 3. Page 1, by striking lines 18 through 21 and
14 inserting the following: "registered under this
15 chapter."
16 4. Page 2, line 22, by inserting after the word
17 "duties." the following: "The rules shall include
18 provisions addressing conflicts of interest and full
19 disclosure, including sources of compensation."
20 5. Page 3, by striking lines 22 through 27 and
21 inserting the following:
22 "2. Has completed any of the following:
23 a. Four years of interior design education plus
24 two years of full-time work experience in interior
25 design.
26 b. Three years of interior design education plus
27 three years of full-time work experience in interior
28 design.
29 c. Two years of interior design education plus
30 four years of full-time work experience in interior
31 design."

32 6. Page 6, by striking lines 3 through 10 and
33 inserting the following:
34 "1. A person licensed to practice architecture
35 pursuant to the laws of this state.
36 2. A person licensed as a professional engineer
37 pursuant to the laws of this state."
38 7. Page 6, by striking lines 23 through 28.
39 8. By striking page 6, line 32 through page 7,
40 line 8 and inserting the following: "interior
41 designer to a person residing in Iowa who does not
42 meet the examination requirements specified in section
43 544C.5, if the person submits evidence to the board
44 demonstrating both of the following:
45 1. A minimum of two years of interior design
46 education and a combined total of six years of
47 interior design education and experience that is
48 acceptable to the board.
49 2. Successful completion of section 1 of the
50 national council for interior design qualification

Page 2

1 examination relating to life safety codes and barrier-
2 free requirements."
3 9. By renumbering as necessary.

PAT WARD

S–3157

1 Amend the House amendment, S–3130, to Senate File
2 350, as passed by the Senate, as follows:
3 1. Page 1, line 27, by striking the word "The"
4 and inserting the following: "However, if the obligor
5 objects to the consolidation of the actions regarding
6 multiple orders into a single action for contempt, and
7 the court determines that severance of the single
8 action into multiple actions is in the interest of
9 justice, the unit shall bring multiple actions for
10 contempt to enforce the multiple orders. If the
11 single action is brought and the obligor does not
12 object, the".
13 2. Page 1, line 28, by inserting after the word
14 "where" the following: "the obligor resides, or if
15 the obligor does not reside in the state, in the
16 district court of the county where".
17 3. By striking page 4, line 43 through page 5,
18 line 13.
19 4. By renumbering as necessary.

KEITH A. KREIMAN
DAVID MILLER

S–3158

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 683

Amend the Senate amendment, H–1358, to House File 683, as passed by the House as, follows:

1. Page 2, by striking lines 17 and 18 and inserting the following: "fees as determined by the state public defender."

2. Page 2, by inserting after line 18 the following:

"3. The state public defender shall review all the claims submitted under this section and shall have the same authority with regard to the payment of these claims as the state public defender has with regard to claims submitted under chapters 13B and 815, including the authority to adopt rules concerning the review and payment of claims submitted."

3. Page 2, by striking lines 21 and 22 and inserting the following:

"Sec. ___. Section 602.1302, subsection 3, Code 2005, is amended to read as follows:"

4. Page 2, by striking lines 25 and 26 and inserting the following: "mileage, ~~and~~ costs related to summoning jurors by the judicial branch, and attorney fees paid by the state public defender for counsel appointed pursuant to section 600A.6A. The judicial branch".

5. Page 2, line 29, by inserting after the word "fund." the following: "In each calendar quarter the judicial branch shall reimburse the state public defender for attorney fees paid pursuant to section 600A.6B."

6. Page 2, by striking lines 39 through 43.

7. Page 2, by inserting before line 44 the following:

"___. Page 1, line 26, by inserting after the figure "229A," the following: "termination under chapter 600A,".

___. Page 1, line 29, by inserting after the figure "229A," the following: "termination under chapter 600A,".

___. Page 2, line 10, by inserting after the figure "598.23A," the following: "600A.6B,"."

8. Page 2, line 47, by inserting after the figure "602.1302," the following: "and the portions of this Act amending sections 815.10 and 815.11 relating to chapter 600A".

9. Page 2, line 48, by inserting after the word "Act" the following: ", including the portions of

this Act amending sections 815.10 and 815.11 relating to chapter 908,".

S–3159

Amend the amendment, S–3148, to Senate File 392 as follows:

1. Page 1, lines 45 and 46, by striking the words "tax credit certificate may be issued to" and inserting the following: "amount claimed by".

2. Page 1, line 49, by striking the word "in" and inserting the following: "shall be based on".

MICHAEL CONNOLLY

S–3160

Amend Senate File 408 as follows:

1. Page 1, by inserting before line 1 the following:

"Section 1. Section 403A.10, Code 2005, is amended to read as follows:

403A.10 TAX EXEMPTION AND PAYMENTS IN LIEU OF TAXES.

The property acquired or held pursuant to this chapter and located in a city with a population of at least one hundred ten thousand with a public housing authority that does not own or manage housing stock for the purpose of low-rent housing is declared to be public property used exclusively for essential city, or municipal public and governmental purposes and such property is hereby declared to be exempt from all taxes and special assessments of the state or of any state public body. In lieu of taxes on such property a municipality may agree to make payments to the state or a state public body (including itself) as it finds consistent with the maintenance of the low-rent character of housing projects and the achievement of the purposes of this chapter."

2. By renumbering as necessary.

MARY LUNDBY

S–3161

Amend Senate File 398 as follows:

1. Page 2, line 1, by inserting after the words "directors of" the following: "eligible".

2. Page 2, line 25, by striking the word ""before" and inserting the following: "unless the context otherwise requires:

a. "Before".

3. Page 2, by inserting after line 28 the following:

"b. "Eligible school district" means a school district that meets either of the following criteria:

(1) The department of management determines that the school district has an assessed property tax valuation per pupil below the statewide average assessed property tax valuation per pupil.

(2) The department of management determines that the rate of property tax levied by the school district per one thousand dollars of assessed valuation for school funding purposes exceeds the statewide average rate of property tax levied by school districts per one thousand dollars of assessed valuation for school funding purposes."

4. Page 2, line 29, by striking the word "a" and inserting the following: "an eligible".

5. Page 3, line 13, by striking the word "a" and inserting the following: "an eligible".

6. By renumbering as necessary.

STEVE WARNSTADT

S–3162

HOUSE AMENDMENT TO
SENATE FILE 355

Amend Senate File 355, as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, by striking lines 14 through 17.
2. Page 1, by striking lines 20 and 21.
3. Page 1, by striking lines 24 through 30.
4. By renumbering as necessary.

S–3163

Amend House File 740, as amended, passed, and reprinted by the House, as follows:

1. Page 10, by inserting after line 24 the following:

"Sec. ___. NEW SECTION. 321.179 DRIVER EDUCATION — TEACHING PARENT.

1. TEACHING PARENT. As an alternative to the driver education requirements under section 321.178, a teaching parent may instruct a student in a driver education course that meets the requirements of this section and provide evidence that the requirements under this section have been met.

2. DEFINITIONS. For purposes of this section:

a. "Approved course" means driver education curriculum approved by the department pursuant to

16 rules adopted under chapter 17A. An approved course
17 shall, at a minimum, meet the requirements of
18 subsection 3 and be appropriate for teaching-parent-
19 directed driver education and related street or
20 highway instruction. Driver education materials that
21 meet or exceed standards established by the department
22 for an approved course in driver education for a
23 public or private school shall be approved unless
24 otherwise determined by the department. The list of
25 approved courses shall be posted on the department's
26 website.
27 b. "Student" means a person who is at least
28 fourteen but not yet eighteen years of age who is
29 within the custody and control of the teaching parent
30 and who satisfies preliminary licensing requirements
31 of the department.
32 c. "Teaching parent" means a parent, guardian, or
33 legal custodian of a student who is currently
34 providing competent private instruction to the student
35 pursuant to section 299A.2 or 299A.3 and who provided
36 such instruction to the student during the previous
37 year; who has a valid driver's license, other than a
38 motorized bicycle license or a temporary restricted
39 license, that permits unaccompanied driving; and who
40 has maintained a clear driving record for the previous
41 two years. For purposes of this paragraph, "clear
42 driving record" means the individual has not been
43 identified as a candidate for suspension of a driver's
44 license under the habitual offender provisions of this
45 chapter; is not subject to a driver's license
46 suspension, revocation, denial, cancellation,
47 disqualification, or bar; and has no record of a
48 conviction for a moving traffic violation determined
49 to be the cause of a motor vehicle accident.
50 3. COURSE OF INSTRUCTION. An approved course

Page 2

1 administered by a teaching parent shall consist of,
2 but not be limited to, the following:
3 a. Thirty clock hours of classroom instruction.
4 b. Forty hours of street or highway driving while
5 accompanied by the teaching parent, including four
6 hours of driving after sunset and before sunrise.
7 c. Four hours of classroom instruction concerning
8 substance abuse.
9 d. A minimum of twenty minutes of instruction
10 concerning railroad crossing safety.
11 e. Instruction relating to becoming an organ donor
12 under the uniform anatomical gift Act.
13 The content of the course of instruction required
14 under this subsection shall be equivalent to that

15 required under section 321.178. However, reference
16 and study materials, physical classroom requirements,
17 and extra vehicle safety equipment required for
18 instruction under section 321.178 shall not be
19 required for the course of instruction provided under
20 this section.
21 4. COURSE COMPLETION AND CERTIFICATION. Upon
22 application by a student for an intermediate license,
23 the teaching parent shall provide evidence showing the
24 student's completion of an approved course and
25 substantial compliance with the requirements of
26 subsection 3 by affidavit signed by the teaching
27 parent on a form to be provided by the department.
28 The evidence shall include all of the following:
29 a. Documentation that the instructor is a teaching
30 parent as defined in subsection 2.
31 b. Documentation that the student is receiving
32 competent private instruction under section 299A.2 or
33 the name of the school district within which the
34 student is receiving instruction under section 299A.3.
35 c. The name of the approved course completed by
36 the student.
37 d. An affidavit attesting to satisfactory
38 completion of course work and street or highway
39 driving instruction.
40 e. Copies of written tests completed by the
41 student.
42 f. A statement of the number of classroom hours of
43 instruction.
44 g. A log of completed street or highway driving
45 instruction including the dates when the lessons were
46 conducted, the student's and the teaching parent's
47 name and initials noted next to each entry, notes on
48 driving activities including a list of driving
49 deficiencies and improvements, and the duration of the
50 driving time for each session.

Page 3

1 5. INTERMEDIATE LICENSE. Any student who
2 successfully completes an approved course as provided
3 in this section, passes a driving test to be
4 administered by the department, and is otherwise
5 qualified under section 321.180B, subsection 2, shall
6 be eligible for an intermediate license pursuant to
7 section 321.180B. Twenty of the forty hours of street
8 or highway driving instruction required under
9 subsection 3, paragraph "b", may be utilized to
10 satisfy the requirement of section 321.180B,
11 subsection 2.
12 6. FULL LICENSE. A student must comply with
13 section 321.180B, subsection 4, to be eligible for a

14 full driver's license pursuant to section 321.180B.
15 Sec. 2. Section 321.180B, subsection 2, unnumbered
16 paragraph 1, Code 2005, is amended to read as follows:
17 The department may issue an intermediate driver's
18 license to a person sixteen or seventeen years of age
19 who possesses an instruction permit issued under
20 subsection 1 or a comparable instruction permit issued
21 by another state for a minimum of six months
22 immediately preceding application, and who presents an
23 affidavit signed by a parent or guardian on a form to
24 be provided by the department that the permittee has
25 accumulated a total of twenty hours of street or
26 highway driving of which two hours were conducted
27 after sunset and before sunrise and the street or
28 highway driving was with the permittee's parent,
29 guardian, instructor, a person certified by the
30 department, or a person at least twenty-five years of
31 age who had written permission from a parent or
32 guardian to accompany the permittee, and whose driving
33 privileges have not been suspended, revoked, or barred
34 under this chapter or chapter 321J during, and who has
35 been accident and conviction free continuously for,
36 the six-month period immediately preceding the
37 application for an intermediate license. An applicant
38 for an intermediate license must meet the requirements
39 of section 321.186, including satisfactory completion
40 of driver education as required in section 321.178 <u>or</u>
41 <u>321.179</u>, and payment of the required license fee
42 before an intermediate license will be issued. A
43 person issued an intermediate license must limit the
44 number of passengers in the motor vehicle when the
45 intermediate licensee is operating the motor vehicle
46 to the number of passenger safety belts.
47 Sec. 3. Section 321.194, subsection 1, unnumbered
48 paragraph 1, Code 2005, is amended to read as follows:
49 Upon certification of a special need by the school
50 board, superintendent of the applicant's school, or

Page 4

1 principal, if authorized by the superintendent, the
2 department may issue a class C or M driver's license
3 to a person between the ages of fourteen and eighteen
4 years whose driving privileges have not been
5 suspended, revoked, or barred under this chapter or
6 chapter 321J during, and who has not been convicted of
7 a moving traffic violation or involved in a motor
8 vehicle accident for, the six-month period immediately
9 preceding the application for the special minor's
10 license and who has successfully completed an approved
11 driver education course <u>other than a course taught</u>
12 <u>pursuant to section 321.179</u>. However, the completion

13 of a course is not required if the applicant
14 demonstrates to the satisfaction of the department
15 that completion of the course would impose a hardship
16 upon the applicant. The department shall adopt rules
17 defining the term "hardship" and establish procedures
18 for the demonstration and determination of when
19 completion of the course would impose a hardship upon
20 an applicant."
21 2. Title page 1, line 18, by inserting after the
22 word "instruction," the following: "providing for
23 driver education by a parent of a child receiving
24 competent private instruction,".
25 3. By renumbering as necessary.

JAMES F. HAHN
LARRY McKIBBEN
DAVID JOHNSON
NANCY J. BOETTGER
JAMES A. SEYMOUR
DAVE MULDER
HUBERT HOUSER
JOHN PUTNEY

S–3164

1 Amend the amendment, S–3155, to House File 740, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 2, line 37, by striking the words "one
5 hundred" and inserting the following: "fifty".

HERMAN C. QUIRMBACH

S–3165

1 Amend Senate File 408 as follows:
2 1. Page 1, by striking line 4 and inserting the
3 following: "a ~~nonprofit organization~~ housing
4 organization recognized by the internal revenue
5 service as a nonprofit controlled owner of low-rent
6 housing providing low-rent housing for".

STEVE WARNSTADT

S–3166

1 Amend House File 840, 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. FINDINGS. The general assembly finds
6 that a nationally sanctioned automobile racetrack

7 facility in Iowa would result in a substantial
8 economic benefit to the state and would offer
9 thousands of spectators the opportunity to experience
10 and discover Iowa.
11 The general assembly further finds that the
12 development of the racetrack facility and surrounding
13 entertainment complex including a museum would enhance
14 the economic development of the area through an
15 increase in tourism.
16 The general assembly further finds that the rebate
17 of state sales tax collected at the racetrack facility
18 and entertainment complex to assist in the development
19 of such facility and complex would further tourism and
20 is a public purpose for which state funds may be used.
21 The general assembly further finds that the rebate
22 of state sales tax to the racetrack facility should be
23 viewed as a pilot project and considered a potential
24 program to be used as a means to increase tourism into
25 the state.
26 Sec. 2. Section 423.4, Code 2005, is amended by
27 adding the following new subsection:
28 NEW SUBSECTION. 4. a. For purposes of this
29 subsection:
30 (1) "Automobile racetrack facility" means a
31 sanctioned automobile racetrack facility located as
32 part of a racetrack and entertainment complex,
33 including any museum attached to or included in the
34 racetrack facility but excluding any restaurant, and
35 which facility is located, on a maximum of two hundred
36 thirty-two acres, in a city with a population of at
37 least fourteen thousand five hundred but not more than
38 sixteen thousand five hundred residents, which city is
39 located in a county with a population of at least
40 thirty-five thousand but not more than forty thousand
41 residents and where the construction on the racetrack
42 facility commenced not later than one year following
43 the enactment of this Act and the cost of the
44 construction upon completion was at least thirty-five
45 million dollars.
46 (2) "Change of control" means any of the
47 following:
48 (a) Any change in the ownership of the original or
49 any subsequent legal entity that is the owner or
50 operator of the automobile racetrack facility such

Page 2

1 that at least sixty percent of the equity interests in
2 the legal entity cease to be owned by individuals who
3 are residents of Iowa, an Iowa corporation, or
4 combination of both.
5 (b) The original owners of the legal entity that

6 is the owner or operator of the automobile racetrack
7 facility shall collectively cease to own more than
8 fifty percent of the voting equity interests of such
9 legal entity or shall otherwise cease to have
10 effective control of such legal entity.
11 (3) "Iowa corporation" means a corporation
12 incorporated under the laws of Iowa where at least
13 sixty percent of the corporation's equity interests
14 are owned by individuals who are residents of Iowa.
15 (4) "Owner or operator" means a for-profit legal
16 entity where at least sixty percent of its equity
17 interests are owned by individuals who are residents
18 of Iowa, an Iowa corporation, or combination of both
19 and that is the owner or operator of an automobile
20 racetrack facility and is primarily a promoter of
21 motor vehicle races.
22 (5) "Population" means the population based upon
23 the 2000 certified federal census.
24 b. The owner or operator of an automobile
25 racetrack facility may apply to the department for a
26 rebate of sales tax imposed and collected by retailers
27 upon sales of any goods, wares, merchandise, or
28 services furnished to purchasers at the automobile
29 racetrack facility.
30 c. The rebate may be obtained only in the
31 following amounts and manner and only under the
32 following conditions:
33 (1) On forms furnished by the department within
34 the time period provided by the department by rule,
35 which time period shall not be longer than quarterly.
36 (2) The owner or operator shall provide
37 information as deemed necessary by the department.
38 (3) The transactions for which sales tax was
39 collected and the rebate is sought occurred on or
40 after January 1, 2006, but before January 1, 2016.
41 However, not more than twelve million five hundred
42 thousand dollars in total rebates shall be provided
43 pursuant to this subsection.
44 (4) Notwithstanding subparagraph (3), the rebate
45 of sales tax shall cease for transactions occurring on
46 or after the date of the sale or other transfer,
47 whether voluntarily or involuntarily, of the
48 automobile racetrack facility to a party other than
49 the original owner of the facility or upon a change of
50 control of such facility.

Page 3

1 (5) The automobile racetrack facility has not
2 received or shall not receive any grants under the
3 community attraction and tourism program pursuant to
4 chapter 15F, subchapter II, or the vision Iowa program

5 pursuant to chapter 15F, subchapter III.
6 d. To assist the department in determining the
7 amount of the rebate, the owner or operator shall
8 identify to the department retailers located at the
9 automobile racetrack facility who will be collecting
10 sales tax. The department shall verify such identity
11 and ensure that all proper permits have been issued.
12 For purposes of this subsection, advance ticket and
13 admissions sales shall be considered occurring at the
14 automobile racetrack facility regardless of where the
15 transactions actually occur.
16 e. Upon determining that the conditions and
17 requirements of this subsection and the department are
18 met, the department shall issue a warrant to the owner
19 or operator in the amount equal to the amount claimed
20 and verified by the department.
21 f. Only the state sales tax is subject to rebate.
22 Any local option taxes paid and collected shall not be
23 subject to rebate under this subsection.
24 g. This subsection is repealed June 30, 2016, or
25 thirty days following the date on which twelve million
26 five hundred thousand dollars in total rebates have
27 been provided, or thirty days following the date on
28 which rebates cease as provided in paragraph "c",
29 subparagraph (4), whichever is the earliest.
30 Sec. 3. PILOT PROJECT — EVALUATION. The sales
31 tax rebate provided in this Act for the owner or
32 operator of an automobile racetrack facility is viewed
33 as a pilot project to gauge the feasibility of using
34 such an approach to assist large capital projects that
35 have the potential to increase tourism into the state.
36 The department of economic development and the
37 department of revenue shall review and evaluate the
38 pilot project established in this Act and determine
39 the benefits to the state. A report from each
40 department shall be filed with the general assembly no
41 later than January 15, 2008, and shall contain its
42 evaluation and recommendations, especially with regard
43 to the creation of a sales tax rebate program as part
44 of the state's economic development tools. However,
45 the departments may file a joint report if this would
46 prove more beneficial to the general assembly and the
47 evaluation of the pilot project."

BOB BRUNKHORST
ROGER STEWART
STEVE KETTERING
WILLIAM A. DOTZLER, JR.
MARK ZIEMAN
TOM RIELLY

S–3167

1 Amend House File 540, 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. 321.267A TRAFFIC
6 ACCIDENTS INVOLVING CERTIFIED LAW ENFORCEMENT OFFICERS
7 — REPORTS.
8 1. Any traffic accident involving the operation of
9 a motor vehicle by a certified law enforcement officer
10 shall be reported to the department by the officer's
11 employer. The officer's employer shall certify to the
12 department whether or not the accident occurred as the
13 result of legal intervention by the officer, as
14 defined in the American national standards institute
15 D16.1 manual on classification of motor vehicle
16 accidents, 1996 edition.
17 2. Notwithstanding section 321.200, upon receiving
18 a certification pursuant to subsection 1, the
19 department shall not include a notation of the
20 accident described in the certification on the
21 officer's driving record.
22 3. For the purposes of this section, "certified
23 law enforcement officer" means a law enforcement
24 officer who is certified through the Iowa law
25 enforcement academy as provided in section 80B.13,
26 subsection 3, or section 80B.17."

JOHN PUTNEY

S–3168

HOUSE AMENDMENT TO
SENATE FILE 375

1 Amend Senate File 375, as passed by the Senate, as
2 follows:
3 1. Page 1, by striking line 5 and inserting the
4 following: "455L and accept or maintain such other
5 real".
6 2. Page 5, lines 2 and 3, by striking the words
7 "or protecting ecological features associated with
8 real property".
9 3. Page 5, by striking line 16.
10 4. Page 7, by striking lines 13 through 15 and
11 inserting the following:
12 "e. A signature by the grantor, the agency, every
13 holder, and, unless waived".
14 5. Page 9, by striking lines 32 and 33 and
15 inserting the following: "agency:"
16 6. Page 11, line 5, by inserting after the word

"covenant" the following: ", unless the person waived in a signed record the right to consent or a court finds that the person no longer exists or cannot be located or identified with the exercise of reasonable diligence,".

7. Page 12, by striking lines 24 through 26 and inserting the following:

"a. The agency."

8. Page 13, by striking lines 24 and 25 and inserting the following:

"b. The agency or, if".

9. By renumbering as necessary.

S–3169

Amend the amendment, S–3166, to House File 840, as passed by the House, as follows:

1. Page 1, by inserting after line 25 the following:

"The general assembly further finds that the department of economic development has demonstrated its ability to select projects for state assistance which have benefited not only the areas where the projects are located but also the state as a whole. It is thus declared that the department of economic development shall be involved in ascertaining the viability and worthfulness of the racetrack facility for which state funds are to be made available through sales tax rebates."

2. Page 2, by inserting after line 23 the following:

"aa. The owner or operator of an automobile racetrack facility that seeks to receive sales tax rebates pursuant to this subsection shall apply to the department of economic development for approval. Application for approval shall be submitted on forms provided by the department. Before approval shall be given, the department shall make a determination that providing state sales tax rebates to the owners or operators of the automobile racetrack facility will be in the best interest of the state and that the facility will generate additional attraction and tourism opportunities."

3. Page 2, line 25, by inserting after the word "facility" the following: "that has received approval from the department of economic development".

JACK HATCH
KEITH A. KREIMAN

S–3170

Amend the House amendment, S–3096, to Senate File 206, as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, line 3, by striking the figure "14." and inserting the following: "14, and inserting the following:

"Sec. ___. Section 170.1, subsection 4, Code 2005, is amended to read as follows:

4. a. "Farm deer" means an animal belonging to the cervidae family and classified as part of the dama species of the dama genus, commonly referred to as fallow deer; part of the elaphus species of the cervus genus, commonly referred to as red deer or elk; part of the virginianus species of the odocoileus genus, commonly referred to as whitetail; part of the hemionus species of the odocoileus genus, commonly referred to as mule deer; or part of the nippon species of the cervus genus, commonly referred to as sika. ~~However, a farm deer~~

b. "Farm deer" does not include any unmarked free-ranging elk, whitetail, or mule deer. "Farm deer" also does not include preserve whitetail which are kept on a hunting preserve as provided in chapter 484C.

Sec. ___. NEW SECTION. 170.1A APPLICATION OF CHAPTER.

1. A landowner shall not keep whitetail unless the whitetail are kept as farm deer under this chapter or kept as preserve whitetail on a hunting preserve pursuant to chapter 484C.

2. This chapter authorizes the department of agriculture and land stewardship to regulate whitetail kept as farm deer. However, the department of natural resources shall regulate preserve whitetail kept on a hunting preserve pursuant to chapter 484C."

2. Page 1, by striking lines 5 through 12.

3. Page 1, by striking lines 35 and 36, and inserting the following:

"___. Page 4, line 20, by inserting after the word "land" the following: "~~, not necessarily~~".

___. Page 4, by striking lines 23 and 24, and inserting the following:

"(a) Are in tracts of two or more contiguous~~,~~ acres."

4. Page 2, by striking lines 24 through 27, and inserting the following: "the special season."

5. Page 2, by inserting after line 45, the following:

"___. Page 6, by inserting after line 35, the following:

Page 2

1 "Sec. ___. Section 484B.3, Code 2005, is amended
2 to read as follows:
3 484B.3 AUTHORITY OF THE DIRECTOR.
4 1. The director shall develop, administer, and
5 enforce hunting preserve programs and requirements
6 within the state which implement the provisions of
7 this chapter and ~~the~~ rules adopted by the commission
8 pursuant to this chapter.
9 2. The chapter does not apply to keeping farm deer
10 ~~as defined in section 170.1~~ as regulated by the
11 department of agriculture and land stewardship
12 pursuant to chapter 170 or to preserve whitetail kept
13 on a hunting preserve as regulated by the department
14 of natural resources pursuant to chapter 484C.
15 Sec. ___. NEW SECTION. 484C.1 DEFINITIONS.
16 As used in this chapter, unless the context
17 otherwise requires:
18 1. "Commission" means the natural resource
19 commission as created pursuant to section 455A.6.
20 2. "Department" means the department of natural
21 resources as created pursuant to section 455A.2.
22 3. "Documented event" includes but is not limited
23 to the birth, death, harvest, transfer for
24 consideration, or release of preserve whitetail.
25 4. "Fence" means a boundary fence which encloses
26 preserve whitetail within a landowner's property as
27 required to be constructed and maintained pursuant to
28 this chapter.
29 5. "Hunting preserve" means land where a landowner
30 keeps preserve whitetail as part of a business, if the
31 business's purpose is to provide persons with the
32 opportunity to hunt the preserve whitetail.
33 6. "Landowner" means a person who holds an
34 interest in land, including a titleholder.
35 7. "Preserve whitetail" means whitetail kept on a
36 hunting preserve.
37 8. "Whitetail" means an animal belonging to the
38 cervidae family and classified as part of the
39 virginianus species of the odocoileus genus.
40 Sec. ___. NEW SECTION. 484C.2 APPLICATION OF
41 CHAPTER.
42 1. A landowner shall not keep whitetail unless the
43 whitetail are kept as preserve whitetail pursuant to
44 this chapter or as farm deer pursuant to chapter 170.
45 2. This chapter authorizes the department of
46 natural resources to regulate preserve whitetail.
47 However, the department of agriculture and land
48 stewardship shall regulate whitetail kept as farm deer
49 pursuant to chapter 170.
50 Sec. ___. NEW SECTION. 484C.3 RULES.

Page 3

1 The department shall adopt rules pursuant to
2 chapter 17A as necessary to administer this chapter.
3 Sec. ___. NEW SECTION. 484C.4 DEPARTMENTAL
4 PROGRAMS AND REQUIREMENTS.
5 The department shall develop, administer, and
6 enforce hunting preserve programs and requirements,
7 which implement the provisions of this chapter and
8 rules adopted by the department pursuant to section
9 484C.3, regarding fencing, recordkeeping, reporting,
10 and the tagging, transportation, testing, and
11 monitoring for disease of preserve whitetail.
12 Sec. ___. NEW SECTION. 484C.5 MINIMUM ENCLOSED
13 ACREAGE — EXCEPTIONS.
14 A hunting preserve must include at least three
15 hundred twenty contiguous acres which are enclosed by
16 a fence certified pursuant to section 484C.6.
17 However, the hunting preserve may include a fewer
18 number of enclosed acres if any of the following
19 applies:
20 1. The commission grants a waiver for the hunting
21 preserve according to terms and conditions required by
22 the commission. The hunting preserve must include at
23 least one hundred sixty contiguous acres.
24 2. a. The hunting preserve was operated as a
25 business on January 1, 2005.
26 b. If the hunting preserve operated as a business
27 on January 1, 2005, the landowner or the landowner's
28 successor in interest may sell or otherwise transfer
29 ownership of the hunting preserve to another person
30 who may continue to operate the hunting preserve in
31 the same manner as the landowner. However, this
32 paragraph shall not apply if the owner of the hunting
33 preserve or any successor in interest fails to
34 register with the department as provided in section
35 484C.7 for three or more consecutive years.
36 3. a. The hunting preserve was not operated as a
37 business on January 1, 2005, and all of the following
38 apply:
39 (1) The hunting preserve has at least one hundred
40 contiguous acres.
41 (2) The hunting preserve's fence is certified by
42 the department not later than September 1, 2005.
43 b. If the hunting preserve complies with paragraph
44 "a", the landowner or the landowner's successor in
45 interest may sell or otherwise transfer ownership of
46 the hunting preserve to another person who may
47 continue to operate the hunting preserve in the same
48 manner as the landowner. However, this paragraph
49 shall not apply if the owner of the hunting preserve
50 or any successor in interest fails to register with

Page 4

1 the department as provided in section 484C.7 for three
2 or more consecutive years.
3 Sec. ___. NEW SECTION. 484C.6 FENCING —
4 CERTIFICATION.
5 1. A fence required to enclose preserve whitetail
6 under section 484C.5 must be constructed and
7 maintained as prescribed by rules adopted by the
8 department and as certified by the department. The
9 fence shall be constructed and maintained to ensure
10 that the preserve whitetail are kept in the enclosure
11 and all other whitetail are excluded from the
12 enclosure.
13 2. A fence that was certified by the department of
14 agriculture and land stewardship pursuant to chapter
15 170 prior to the effective date of this Act shall be
16 certified by the department of natural resources.
17 3. A fence shall be at least eight feet in height
18 above ground level. The enclosure shall be posted
19 with signs as prescribed by rules adopted by the
20 department.
21 4. The department may require that the fence be
22 inspected and approved by the department prior to
23 certification. The department shall periodically
24 inspect the fence at any reasonable time by
25 appointment or by providing the landowner with at
26 least forty-eight hours' notice.
27 Sec. ___. NEW SECTION. 484C.7 REGISTRATION AND
28 FEE.
29 A landowner who keeps preserve whitetail shall
30 annually register the landowner's hunting preserve
31 with the department by June 30. The landowner shall
32 pay the department a registration fee. The amount of
33 the registration fee shall not exceed three hundred
34 fifty dollars per fiscal year. The fee shall be
35 deposited into the state fish and game protection
36 fund.
37 Sec. ___. NEW SECTION. 484C.8 REQUIREMENTS FOR
38 RELEASING WHITETAIL — PROPERTY INTERESTS.
39 A person shall not release whitetail kept as
40 preserve whitetail onto land unless the landowner
41 complies with all of the following:
42 1. The landowner must notify the department at
43 least thirty days prior to first releasing the
44 preserve whitetail on the land. The notice shall be
45 provided in a manner required by the department. The
46 notice must at least provide all of the following:
47 a. A statement verifying that the fence which
48 encloses the land is certified by the department
49 pursuant to section 484C.6.
50 b. The landowner's name.

Page 5

1 c. The location of the land enclosed by the fence.
2 2. The landowner shall cooperate with the
3 department to remove any whitetail from the enclosed
4 land. However, after the thirtieth day following
5 receipt of the notice, the state shall relinquish its
6 property interest in any remaining whitetail that the
7 landowner and the department were unable to remove
8 from the enclosed land. Any remaining whitetail
9 existing at that time on the enclosed land, and any
10 progeny of the whitetail, shall become preserve
11 whitetail and property of the landowner.
12 3. A hunting preserve may include whitetail which
13 were regulated as farm deer by the department of
14 agriculture and land stewardship pursuant to chapter
15 170 and transported to the hunting preserve. The
16 whitetail shall be considered farm deer until released
17 onto the hunting preserve. Once released onto the
18 hunting preserve, the whitetail and its progeny become
19 preserve whitetail and are subject to regulation by
20 the department of natural resources.
21 Sec. ___. NEW SECTION. 484C.9 DOCUMENTATION —
22 INSPECTIONS.
23 1. The department shall prepare forms for
24 documents, including records and reports, and provide
25 such forms to landowners in order to comply with this
26 section. The department shall provide procedures for
27 the receipt, filing, processing, and return of
28 documents in an electronic format. The department
29 shall provide for the authentication of the documents
30 that may include electronic signatures as provided in
31 chapter 554D. However, this subsection does not
32 require a landowner to complete or receive a document
33 in an electronic format.
34 2. A landowner who operates a hunting preserve
35 shall do all of the following:
36 a. Keep records as required by the department.
37 The records shall be open for inspection at any
38 reasonable time by the department.
39 b. File an annual report with the department on or
40 before June 30. The report shall describe the hunting
41 preserve operations during the preceding twelve
42 months. The original report shall be forwarded to the
43 department and a copy shall be retained in the hunting
44 preserve's file for three years from the date of
45 expiration of the landowner's last registration as
46 provided in section 484C.7.
47 c. Keep a record of a documented event as required
48 by the department. The record of the documented event
49 shall be entered in the annual report required in this
50 section. The record of the documented event shall be

Page 6

1 maintained by the landowner and submitted to the
2 department. The entry of the documented event shall
3 be made within twenty-four hours after its occurrence
4 as prescribed by departmental rule.
5 Sec. ___. NEW SECTION. 484C.10 TAKING PRESERVE
6 WHITETAIL — TRANSPORTATION TAGS.
7 The department shall provide transportation tags to
8 a landowner for use in identifying the carcass of
9 preserve whitetail.
10 1. The tags shall be used to designate all
11 preserve whitetail taken by persons on the hunting
12 preserve. A person taking the preserve whitetail
13 shall tag the preserve whitetail in accordance with
14 the rules adopted by the department.
15 2. The preserve whitetail taken on a hunting
16 preserve shall be tagged prior to being removed from
17 the hunting preserve.
18 3. A tag shall remain attached to the carcass of
19 the dead preserve whitetail until processed for
20 consumption. The person taking the preserve whitetail
21 shall be provided with a bill of sale by the
22 landowner. The bill of sale shall remain in the
23 possession of the person taking the preserve
24 whitetail.
25 4. Preserve whitetail tags issued to a hunting
26 preserve are not transferable.
27 Sec. ___. NEW SECTION. 484C.11 TAKING PRESERVE
28 WHITETAIL — PROCESSING.
29 If preserve whitetail have been taken, the
30 harvested preserve whitetail may be processed by the
31 hunting preserve as prescribed by rules adopted by the
32 department. The rules shall provide for the marking
33 and shipment of meat.
34 Sec. ___. NEW SECTION. 484C.12 HEALTH
35 REQUIREMENTS — CHRONIC WASTING DISEASE.
36 1. Preserve whitetail that are purchased,
37 propagated, confined, released, or sold by a hunting
38 preserve shall be free of diseases considered
39 reportable for wildlife, poultry, or livestock. The
40 department may provide for the quarantine of diseased
41 preserve whitetail that threaten the health of animal
42 populations.
43 2. The landowner, or the landowner's veterinarian,
44 and an epidemiologist designated by the department
45 shall develop a plan for eradicating a reportable
46 disease among the preserved whitetail population. The
47 plan shall be designed to reduce and then eliminate
48 the reportable disease, and to prevent the spread of
49 the disease to other animals. The plan must be
50 developed and signed within sixty days after a

Page 7

1 determination that the preserved whitetail population
2 is affected with the disease. The plan must address
3 population management and adhere to rules adopted by
4 the department. The plan must be formalized as a
5 memorandum of agreement executed by the landowner or
6 landowner's veterinarian and the epidemiologist. The
7 plan must be approved by the department.
8 Sec. ___. NEW SECTION. 484C.13 PENALTIES.
9 1. A person who violates a provision of this
10 chapter or a rule adopted pursuant to this chapter is
11 guilty of a simple misdemeanor.
12 2. A landowner who keeps preserve whitetail and
13 who fails to register with the department as required
14 in section 484C.7 is subject to a civil penalty of not
15 more than two thousand five hundred dollars. The
16 civil penalty shall be deposited in the state fish and
17 game protection fund.
18 3. The department may suspend or revoke a fence
19 certification issued pursuant to section 484C.6 if the
20 department determines that a landowner has done any of
21 the following:
22 a. Provided false information to the department in
23 an application for fence certification pursuant to
24 section 484C.6.
25 b. Failed to provide access to the department for
26 an inspection as provided in this chapter.
27 c. Failed to maintain adequate records or to
28 submit timely reports as provided in section 484C.9.
29 d. Failed to maintain a fence enclosing the land
30 where preserve whitetail are kept as required by this
31 chapter. The department shall not suspend or revoke a
32 certification, if the landowner remedies each item as
33 provided in a notice of deficiency delivered to the
34 landowner by the department. The remedies shall be
35 completed within seven days from receipt of the
36 notice. The notice shall be hand delivered or sent by
37 certified mail."
38 ___. Page 7, by inserting after line 1 the
39 following:
40 "Sec. ___. DEPARTMENT OF AGRICULTURE AND LAND
41 STEWARDSHIP AND DEPARTMENT OF NATURAL RESOURCES —
42 JOINT STUDY AND RECOMMENDATIONS.
43 1. The department of agriculture and land
44 stewardship and the department of natural resources
45 shall conduct a joint study to consider issues
46 relating to keeping of farm deer pursuant to Code
47 chapter 170 and keeping preserve whitetail as part of
48 a hunting preserve pursuant to Code chapter 484C as
49 enacted by this Act. As part of the study, the
50 departments shall consider all of the following:

Page 8

1 a. The fair and effective regulation of farm deer
2 and preserve whitetail by the departments.
3 b. Threats to farm deer, preserve whitetail, and
4 state-owned whitetail caused by potential outbreaks of
5 infectious diseases including but not limited to
6 chronic wasting disease, and methods to cooperate in
7 monitoring and controlling infectious diseases and
8 obtaining federal moneys necessary to provide for the
9 prevention and suppression of infectious diseases.
10 2. The departments shall jointly report the
11 results of the study, including findings and
12 recommendations, to the government oversight
13 committees by November 2005 as required by the
14 committees.
15 Sec. ___. DEPARTMENT OF NATURAL RESOURCES AND
16 HUNTING PRESERVE INDUSTRY — JOINT STUDY AND
17 RECOMMENDATIONS.
18 1. A preserve whitetail committee is established.
19 The committee shall be composed of the following:
20 a. Not more than five persons appointed by the
21 governor who shall be members of the Iowa whitetail
22 deer association.
23 b. Not more than five persons appointed by the
24 director of the department of natural resources who
25 shall be knowledgeable regarding hunting preserves.
26 2. The committee shall develop recommendations for
27 industry standards and guidelines to be used by the
28 natural resource commission when considering the
29 granting of waivers for minimum acreage requirements
30 for hunting preserves as provided in section 484C.5 as
31 enacted in this Act.
32 3. The committee shall submit the recommendations
33 required in this section to the natural resource
34 commission by January 1, 2006.""
35 6. By renumbering as necessary.

DENNIS H. BLACK

S–3171

1 Amend House File 805, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 8, by striking line 32, and inserting the
4 following:
5 "a. For an open feedlot operation submitting an
6 application for a construction permit on or after
7 September 30, 2006, a nutrient management plan as
8 provided in section".
9 2. Page 18, by striking line 15, and inserting
10 the following: "horizontally separated from the

11 outside edge of the berm of the basin. For an area of
12 the basin where there is not a berm, the drainage tile
13 line shall be rerouted at least fifty feet
14 horizontally separated from the edge of the basin."
15 3. Page 18, by striking line 18, and inserting
16 the following: "nonperforated tile line shall be
17 continuous and without connecting joints."
18 4. Page 18, by striking lines 34 and 35, and
19 inserting the following: "lines or other similar
20 system. However the following shall apply:
21 (1) Except as provided in subparagraph (2), an
22 open feedlot operation shall not use a nongravity
23 mechanical system that uses pumping equipment.
24 (2) If the open feedlot operation was constructed
25 before the effective date of this Act, the operation
26 may continue to use its existing nongravity mechanical
27 system that uses pumping equipment or it may construct
28 a new nongravity mechanical system that uses pumping
29 equipment. However, an open feedlot operation that
30 expands the area of its open feedlot on or after April
31 1, 2011, shall not use a nongravity mechanical system
32 that uses pumping equipment."
33 5. By striking page 20, line 27 through page 21,
34 line 4.
35 6. By renumbering as necessary.

GENE FRAISE
DAVID JOHNSON
JOHN P. KIBBIE
HUBERT HOUSER

S–3172

1 Amend Senate File 372 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "DIVISION I
5 OPEN FEEDLOT OPERATIONS
6 SUBCHAPTER I
7 GENERAL PROVISIONS
8 Section 1. NEW SECTION. 459A.101 TITLE.
9 This chapter shall be known and may be cited as the
10 "Animal Agriculture Compliance Act for Open Feedlot
11 Operations".
12 Sec. 2. NEW SECTION. 459A.102 DEFINITIONS.
13 1. "Alternative technology system" or "alternative
14 system" means a system for open feedlot effluent
15 control as provided in section 459A.303.
16 2. "Animal" means the same as defined in section
17 459.102.
18 3. "Animal feeding operation" means the same as
19 defined in section 459.102.

4. "Animal unit" means the same as defined in section 459.102.

5. "Animal unit capacity" means a measurement used to determine the maximum number of animal units that may be maintained as part of an open feedlot operation.

6. "ASTM international" means the American society for testing and materials international.

7. "Commission" means the environmental protection commission created pursuant to section 455A.6.

8. "Department" means the department of natural resources.

9. "Document" means any form required to be processed by the department under this chapter, including but not limited to applications for permits or related materials as provided in section 459A.205, soils and hydrogeologic reports as provided in section 459A.206, construction certifications as provided in section 459A.207, nutrient management plans as provided in section 459A.208, and notices required under this chapter.

10. "Nutrient management plan" or "plan" means a plan which provides for the management of open feedlot effluent, including the application of effluent as provided in section 459A.208.

11. "Open feedlot" means a lot, yard, corral, building, or other area used to house animals in conjunction with an open feedlot operation.

12. "Open feedlot effluent" or "effluent" means a combination of manure, precipitation-induced runoff, or other runoff from an open feedlot before its

Page 2

settleable solids have been removed.

13. "Open feedlot operation" or "operation" means an unroofed or partially roofed animal feeding operation if crop, vegetation, or forage growth or residue cover is not maintained as part of the animal feeding operation during the period that animals are confined in the animal feeding operation.

14. "Open feedlot operation structure" means an open feedlot, settled open feedlot effluent basin, a solids settling facility, or an alternative technology system. "Open feedlot operation structure" does not include a manure storage structure as defined in section 459.102.

15. "Operating permit" means a permit which regulates the operation of an open feedlot operation as issued by the department or the United States environmental protection agency, including as provided in state law or pursuant to the federal Water

19 Pollution Control Act, Title 33, U.S.C., ch. 126, as
20 amended, and 40 C.F.R., pt. 124.
21 16. "Research college" means an accredited public
22 or private college or university, including but not
23 limited to a university under the control of the state
24 board of regents as provided in chapter 262, or a
25 community college under the jurisdiction of a board of
26 directors for a merged area as provided in chapter
27 260C, if the college or university performs research
28 or experimental activities regarding animal
29 agriculture or agronomy.
30 17. "Settled open feedlot effluent" or "settled
31 effluent" means a combination of manure,
32 precipitation-induced runoff, or other runoff
33 originating from an open feedlot after its settleable
34 solids have been removed.
35 18. "Settleable solids" or "solids" means that
36 portion of open feedlot effluent that meets all of the
37 following requirements:
38 a. The solids do not flow perceptibly under
39 pressure.
40 b. The solids are not capable of being transported
41 through a mechanical pumping device designed to move a
42 liquid.
43 c. The constituent molecules of the solids do not
44 flow freely among themselves but do show the tendency
45 to separate under stress.
46 19. "Settled open feedlot effluent basin" or
47 "basin" means an impoundment which is part of an open
48 feedlot operation, if the primary function of the
49 impoundment is to collect and store settled open
50 feedlot effluent.

Page 3

1 20. "Solids settling facility" means a basin,
2 terrace, diversion, or other structure or solids
3 removal method which is part of an open feedlot
4 operation and which is designed and operated to remove
5 settleable solids from open feedlot effluent. A
6 "solids settling facility" does not include a basin,
7 terrace, diversion, or other structure or solids
8 removal method which retains the liquid portion of
9 open feedlot effluent for more than seven consecutive
10 days following a precipitation event.
11 21. "Water of the state" means the same as defined
12 in section 455B.171.
13 22. "Waters of the United States" means the same
14 as defined in 40 C.F.R., pt. 122, § 2, as that section
15 exists on the effective date of this Act.
16 Sec. 3. NEW SECTION. 459A.103 SPECIAL TERMS.
17 For purposes of this chapter, all of the following

18 shall apply:
19 1. a. Two or more open feedlot operations under
20 common ownership or common management are deemed to be
21 a single open feedlot operation if they are adjacent
22 or utilize a common area or system for open feedlot
23 effluent disposal.
24 b. For purposes of determining whether two or more
25 open feedlot operations are adjacent, all of the
26 following shall apply:
27 (1) At least one open feedlot operation structure
28 must be constructed on or after July 17, 2002.
29 (2) An open feedlot operation structure which is
30 part of one open feedlot operation is separated by
31 less than one thousand two hundred fifty feet from an
32 open feedlot operation structure which is part of the
33 other open feedlot operation.
34 c. For purposes of determining whether two or more
35 open feedlot operations are under common ownership, a
36 person must hold an interest in each of the open
37 feedlot operations as any of the following:
38 (1) A sole proprietor.
39 (2) A joint tenant or tenant in common.
40 (3) A holder of a majority equity interest in a
41 business association as defined in section 202B.102,
42 including but not limited to as a shareholder,
43 partner, member, or beneficiary.
44 An interest in the open feedlot operation under
45 subparagraph (2) or (3) which is held directly or
46 indirectly by the person's spouse or dependent child
47 shall be attributed to the person.
48 d. For purposes of determining whether two or more
49 open feedlot operations are under common management, a
50 person must have significant control of the management

Page 4

1 of the day-to-day operations of each of the open
2 feedlot operations. Common management does not
3 include control over a contract livestock facility by
4 a contractor, as defined in section 202.1.
5 2. An open feedlot operation structure is
6 "constructed" when any of the following occurs:
7 a. Excavation commences for a proposed open
8 feedlot operation structure or proposed expansion of
9 an existing open feedlot operation structure.
10 b. Forms for concrete are installed for a proposed
11 open feedlot operation structure or the proposed
12 expansion of an existing open feedlot operation
13 structure.
14 c. Piping for the movement of open feedlot
15 effluent is installed within or between open feedlot
16 operation structures as proposed or proposed to be

17 expanded.
18 3. In calculating the animal unit capacity of an
19 open feedlot operation, the animal unit capacity shall
20 not include the animal unit capacity of any
21 confinement feeding operation building as defined in
22 section 459.102, which is part of the open feedlot
23 operation.
24 4. An open feedlot operation structure is
25 abandoned if the open feedlot operation structure has
26 been razed, removed from the site of an open feedlot
27 operation, filled in with earth, or converted to uses
28 other than an open feedlot operation structure so that
29 it cannot be used as an open feedlot operation
30 structure without significant reconstruction.
31 5. All distances between locations or objects
32 provided in this chapter shall be measured in feet
33 from their closest points.
34 6. The regulation of open feedlot effluent shall
35 be construed as also regulating settled open feedlot
36 effluent and solids.
37 7. "Seasonal high-water table" means the seasonal
38 high-water table as determined by a professional
39 engineer pursuant to the following requirements:
40 a. The seasonal high-water table shall be
41 determined by evaluating soil profile characteristics
42 such as color and mottling from soil corings, soil
43 test pits, or other soil profile evaluation methods,
44 water level data from soil corings or other sources,
45 and other pertinent information.
46 b. If a drainage tile line to artificially lower
47 the seasonal high-water table is installed as required
48 by this section, the level to which the seasonal high-
49 water table will be lowered will be the seasonal high-
50 water table.

Page 5

1 Sec. 4. NEW SECTION. 459A.104 GENERAL AUTHORITY
2 — COMMISSION AND DEPARTMENT — PURPOSE — COMPLIANCE.
3 1. The commission shall establish by rule adopted
4 pursuant to chapter 17A, requirements relating to the
5 construction, including expansion, or operation of
6 open feedlot operations, including related open
7 feedlot operation structures.
8 2. Any provision referring generally to compliance
9 with the requirements of this chapter as applied to
10 open feedlot operations also includes compliance with
11 requirements in rules adopted by the commission
12 pursuant to this section, orders issued by the
13 department as authorized under this chapter, and the
14 terms and conditions applicable to licenses,
15 certifications, permits, or nutrient management plans

16 required under this chapter.
17 3. The purpose of this chapter is to provide
18 requirements relating to the construction, including
19 the expansion, and operation of open feedlot
20 operations, and the control of open feedlot effluent,
21 which shall be construed to supplement applicable
22 provisions of chapter 459. If there is a conflict
23 between the provisions of this chapter and chapter
24 459, the provisions of this chapter shall prevail.
25 Sec. 5. NEW SECTION. 459A.105 EXCEPTION TO
26 REGULATION.
27 1. Except as provided in subsection 2, the
28 requirements of this chapter which regulate open
29 feedlot operations, including rules adopted by the
30 department pursuant to section 459A.104, shall not
31 apply to research activities and experiments performed
32 under the authority and regulations of a research
33 college, if the research activities and experiments
34 relate to an open feedlot operation structure or the
35 disposal or treatment of effluent originating from an
36 open feedlot operation.
37 2. The requirements of section 459A.410, including
38 rules adopted by the department under that section,
39 apply to research activities and experiments performed
40 under the authority and regulations of a research
41 college.
42 SUBCHAPTER II
43 DOCUMENTATION
44 Sec. 6. NEW SECTION. 459A.201 DOCUMENT
45 PROCESSING REQUIREMENTS.
46 1. The department shall adopt and promulgate forms
47 required to be completed in order to comply with this
48 chapter, including forms for documents that the
49 department shall make available on the internet in the
50 same manner as provided in section 459.302.

Page 6

1 2. a. The department shall provide for procedures
2 for the receipt, filing, processing, and return of
3 documents in an electronic format in the same manner
4 as provided in section 459.302. The department shall
5 provide for authentication of the documents that may
6 include electronic signatures as provided in chapter
7 554D.
8 b. The department shall to every extent feasible
9 provide for the processing of documents required under
10 this subchapter using electronic systems in the same
11 manner as required in section 459.302.
12 3. a. The department shall approve or disapprove
13 an application for a construction permit as provided
14 in section 459A.205 within sixty days after receiving

15 the permit application. However, the applicant may
16 deliver a notice requesting a continuance. Upon
17 receipt of a notice, the time required for the
18 department to act upon the application shall be
19 suspended for the period provided in the notice, but
20 for not more than thirty days after the department's
21 receipt of the notice. The applicant may submit more
22 than one notice. However, the department may provide
23 that an application is terminated if no action is
24 required by the department for one year following
25 delivery of the application to the department. The
26 department may also provide for a continuance when it
27 considers the application. The department shall
28 provide notice to the applicant of the continuance.
29 The time required for the department to act upon the
30 application shall be suspended for the period provided
31 in the notice, but for not more than thirty days.
32 However, the department shall not provide for more
33 than one continuance.
34 b. A nutrient management plan as provided in
35 section 459A.208 shall be approved or disapproved as
36 part of a construction permit application pursuant to
37 section 459A.205. If the nutrient management plan is
38 not part of an application for a construction permit,
39 the nutrient management plan shall be approved or
40 disapproved within sixty days from the date that the
41 department receives the nutrient management plan.
42 Sec. 7. NEW SECTION. 459A.205 PERMIT
43 REQUIREMENTS — SETTLED OPEN FEEDLOT EFFLUENT BASINS
44 AND ALTERNATIVE TECHNOLOGY SYSTEMS.
45 1. The department shall approve or disapprove
46 applications for permits for the construction,
47 including the expansion, of settled open feedlot
48 effluent basins and alternative technology systems, as
49 provided in this chapter. The department's decision
50 to approve or disapprove a permit for the construction

Page 7

1 of a basin or alternative system shall be based on
2 whether the application is submitted according to
3 procedures and standards required by this chapter. A
4 person shall not begin construction of a basin or
5 alternative system requiring a permit under this
6 section, unless the department first approves the
7 person's application and issues to the person a
8 construction permit.
9 2. The department shall issue a construction
10 permit upon approval of an application. The
11 department shall approve the application regardless of
12 whether the applicant is required to be issued a
13 construction permit.

14 3. The department shall not approve an application
15 for a construction permit unless the applicant submits
16 all of the following:
17 a. A nutrient management plan as provided in
18 section 459A.208.
19 b. An engineering report, construction plans, and
20 specifications prepared by a licensed professional
21 engineer or the natural resources conservation service
22 of the United States department of agriculture
23 certifying that the construction of the settled open
24 feedlot effluent basin or alternative technology
25 system complies with the construction design standards
26 required in this chapter.
27 4. An open feedlot operation must be issued a
28 construction permit prior to any of the following:
29 a. The construction, including expansion, of a
30 settled open feedlot effluent basin or alternative
31 technology system if the open feedlot operation is
32 required to be issued an operating permit.
33 b. The department has previously issued the open
34 feedlot operation a construction permit and any of the
35 following applies:
36 (1) The animal unit capacity of the open feedlot
37 operation will be increased to more than the animal
38 unit capacity approved by the department in the
39 previous construction permit.
40 (2) The volume of open feedlot effluent stored at
41 the open feedlot operation would be more than the
42 volume approved by the department in the previous
43 construction permit.
44 (3) The open feedlot operation was discontinued
45 for twenty-four months or more and the animal unit
46 capacity would be one thousand animal units or more.
47 5. Prior to submitting an application for a
48 construction permit the applicant may submit a
49 conceptual design and site investigation report to the
50 department for review and comment.

Page 8

1 6. The application for the construction permit
2 shall include all of the following:
3 a. The name of the owner of the open feedlot
4 operation and the name of the open feedlot operation,
5 including a mailing address and telephone number for
6 the owner and the operation.
7 b. The name of the contact person for the open
8 feedlot operation, including the person's mailing
9 address and telephone number.
10 c. The location of the open feedlot operation.
11 d. A statement providing that the application is
12 for any of the following:

13 (1) The construction or expansion of a settled
14 open feedlot effluent basin or alternative technology
15 system for an existing open feedlot operation which is
16 not expanding.
17 (2) The construction or expansion of a settled
18 open feedlot effluent basin or alternative technology
19 system for an existing open feedlot operation which is
20 expanding.
21 (3) The construction of a settled open feedlot
22 effluent basin or alternative technology system for a
23 proposed new open feedlot operation.
24 e. The animal unit capacity for each animal
25 species in the open feedlot operation before and after
26 the proposed construction.
27 f. An engineering report, construction plans, and
28 specifications prepared by a licensed professional
29 engineer or by the United States natural resource
30 conservation service, for the settled open feedlot
31 operation effluent basin or alternative technology
32 system.
33 g. A soils and hydrogeologic report of the site,
34 as required in section 459A.206.
35 h. Information, including but not limited to maps,
36 drawings, and aerial photos that clearly show the
37 location of all of the following:
38 (1) The open feedlot operation and all existing
39 and proposed settled open feedlot effluent basins or
40 alternative technology systems, clean water
41 diversions, and other pertinent features or
42 structures.
43 (2) Any other open feedlot operation under common
44 ownership or common management and located within one
45 thousand two hundred fifty feet of the open feedlot
46 operation.
47 (3) A public water supply system as defined in
48 section 455B.171 or a drinking water well which is
49 located within a distance from the operation as
50 prescribed by rules adopted by the department.

Page 9

1 i. For an open feedlot operation implementing an
2 alternative technology system as provided in section
3 459A.303, the applicant shall submit all of the
4 following:
5 (1) Information showing that the proposed open
6 feedlot operation meets criteria for siting as
7 established by rules adopted by the department.
8 However, if the site does not meet the criteria, the
9 information shall show substantially equivalent
10 alternatives to meeting such criteria.
11 (2) The results of predictive computer modeling

12 for the proposed alternative technology system to
13 determine suitability of the proposed site for the
14 system and to predict performance of the alternative
15 technology system as compared to the use of a settled
16 open feedlot effluent basin.
17 (3) A conceptual design of the proposed
18 alternative technology system, as developed by a
19 licensed engineer.
20 7. a. Except as provided in paragraph "b", a
21 construction permit for an open feedlot operation
22 expires as follows:
23 (1) If construction does not begin within one year
24 after the date the construction permit is issued.
25 (2) If construction is not completed within three
26 years after the date the construction permit is
27 issued.
28 b. If requested, the department may grant an
29 extension of time to begin or complete construction
30 upon a showing of just cause by the construction
31 permit applicant.
32 8. The department may suspend or revoke a
33 construction permit, modify the terms or conditions of
34 a construction permit, or disapprove a request to
35 extend the time to begin or complete construction as
36 provided in this section, if it determines that the
37 operation of the open feedlot operation constitutes a
38 clear, present, and impending danger to public health
39 or the environment.
40 9. This section does not require a person to be
41 issued a permit to construct a settled open feedlot
42 effluent basin or alternative technology system if the
43 basin or system is part of an open feedlot operation
44 which is owned by a research college conducting
45 research activities as provided in section 459A.105.
46 Sec. 8. NEW SECTION. 459A.206 SETTLED OPEN
47 FEEDLOT EFFLUENT BASINS — SOILS AND HYDROGEOLOGIC
48 REPORT.
49 A settled open feedlot effluent basin required to
50 be constructed pursuant to a construction permit

1 issued pursuant to section 459A.205 shall meet design
2 standards as required by a soils and hydrogeologic
3 report.
4 The report shall be submitted with the construction
5 permit application as provided in section 459A.205.
6 The report shall include all of the following:
7 1. A description of the steps to determine the
8 soils and hydrogeologic conditions at the proposed
9 construction site, a description of the geologic units
10 encountered, and a description of the effects of the

11 soil and groundwater elevation and direction of flow
12 on the construction and operation of the basin.
13 2. The subsurface soil classification of the site.
14 A subsurface soil classification shall be based on
15 ASTM international designation D-2487-92 or D-2488-90.
16 3. The results of at least three soil corings
17 reflecting the continuous soil profile taken for each
18 basin. The soil corings shall be taken and used in
19 determining subsurface soil characteristics and
20 groundwater elevation and direction of flow of the
21 proposed site for construction. The soil corings
22 shall be taken as follows:
23 a. By a qualified person ordinarily engaged in the
24 practice of taking soil cores and in performing soil
25 testing.
26 b. At locations that reflect the continuous soil
27 profile conditions existing within the area of the
28 proposed basin, including conditions found near the
29 corners and the deepest point of the proposed basin.
30 The soil corings shall be taken to a minimum depth of
31 ten feet below the bottom elevation of the basin.
32 c. By a method such as hollow stem auger or other
33 method that identifies the continuous soil profile and
34 does not result in the mixing of soil layers.
35 Sec. 9. NEW SECTION. 459A.207 CONSTRUCTION
36 CERTIFICATION.
37 1. The owner of an open feedlot operation who is
38 issued a construction permit for a settled open
39 feedlot effluent basin as provided in section 459A.205
40 after the effective date of this Act shall submit to
41 the department a construction certification from a
42 licensed professional engineer certifying all of the
43 following:
44 a. The basin was constructed in accordance with
45 the design plans submitted to the department as part
46 of an application for a construction permit pursuant
47 to section 459A.205. If the actual construction
48 deviates from the approved design plans, the
49 construction certification shall identify all changes
50 and certify that the changes were consistent with all

1 applicable standards of this section.
2 b. The basin was inspected by the licensed
3 professional engineer after completion of construction
4 and before commencement of operation.
5 2. A written record of an investigation for
6 drainage tile lines, including the findings of the
7 investigation and actions taken to comply with
8 subchapter III, shall be submitted as part of the
9 construction certification.

10 Sec. 10. NEW SECTION. 459A.208 NUTRIENT
11 MANAGEMENT PLAN — REQUIREMENTS.
12 1. The owner of an open feedlot operation which
13 has an animal unit capacity of one thousand animal
14 units or more or which is required to be issued an
15 operating permit shall develop and implement a
16 nutrient management plan meeting the requirements of
17 this section by December 31, 2006.
18 2. Not more than one open feedlot operation shall
19 be covered by a single nutrient management plan.
20 3. A person shall not remove open feedlot effluent
21 from an open feedlot operation structure which is part
22 of an open feedlot operation for which a nutrient
23 management plan is required under this section, unless
24 the department approves a nutrient management plan as
25 required in this section. The department may adopt
26 rules allowing a person to remove open feedlot
27 effluent from an open feedlot operation structure
28 until the nutrient management plan is approved or
29 disapproved by the department according to terms and
30 conditions required by rules adopted by the
31 department.
32 4. The department shall not approve an application
33 for a permit to construct a settled open feedlot
34 effluent basin unless the owner of the open feedlot
35 operation applying for approval submits a nutrient
36 management plan together with the application for the
37 construction permit as provided in section 459A.205.
38 The owner shall also submit proof that the owner has
39 published a notice for public comment as provided in
40 this section. The department shall approve or
41 disapprove the nutrient management plan as provided in
42 section 459A.201. A nutrient management plan using an
43 alternative technology system shall not include
44 requirements for settled effluent that enters the
45 alternative technology system.
46 5. Prior to approving or disapproving a nutrient
47 management plan as required in this section, the
48 department may receive comments exclusively to
49 determine whether the nutrient management plan is
50 submitted according to procedures required by the

1 department and that the nutrient management plan
2 complies with the provisions of this chapter.
3 a. The owner of the open feedlot operation shall
4 publish a notice for public comment in a newspaper
5 having a general circulation in the county where the
6 open feedlot operation is or is proposed to be located
7 and in the county where open feedlot effluent, which
8 originates from the open feedlot operation, may be

9 applied under the terms and conditions of the nutrient
10 management plan.
11 b. The notice for public comment shall include all
12 of the following:
13 (1) The name of the owner of the open feedlot
14 operation submitting the nutrient management plan.
15 (2) The name of the township where the open
16 feedlot operation is or is proposed to be located and
17 the name of the township where open feedlot effluent
18 originating from the open feedlot operation may be
19 applied.
20 (3) The animal unit capacity of the open feedlot
21 operation.
22 (4) The time when and the place where the nutrient
23 management plan may be examined as provided in section
24 22.2.
25 (5) Procedures for providing public comment to the
26 department. The notice shall also include procedures
27 for requesting a public hearing conducted by the
28 department. The department is not required to conduct
29 a public hearing if it does not receive a request for
30 the public hearing within ten days after the first
31 publication of the notice for public comment as
32 provided in this subsection. If such a request is
33 received, the public hearing must be conducted within
34 thirty days after the first date that the notice for
35 public comment was published.
36 (6) A statement that a person may acquire
37 information relevant to making comments under this
38 subsection by accessing the department's internet
39 website. The notice for public comment shall include
40 the address of the department's internet website as
41 required by the department.
42 c. The department shall maintain an internet
43 website where persons may access information relevant
44 to making comments under this subsection. The
45 department may include an electronic version of the
46 nutrient management plan as provided in section
47 459A.201. The department shall include information
48 regarding the time when, the place where, and the
49 manner in which persons may participate in a public
50 hearing as provided in this subsection.

Page 13

1 6. A nutrient management plan must be
2 authenticated by the owner of the animal feeding
3 operation as required by the department in accordance
4 with section 459A.201.
5 7. A nutrient management plan shall include all of
6 the following:
7 a. Restrictions on the application of open feedlot

8 effluent based on all of the following:
9 (1) Calculations necessary to determine the land
10 area required for the application of open feedlot
11 effluent from an open feedlot operation based on
12 nitrogen use levels in order to obtain optimum crop
13 yields according to a crop schedule specified in the
14 nutrient management plan, and according to
15 requirements adopted by the department.
16 (2) A phosphorus index established pursuant to
17 section 459.312.
18 b. Information relating to the application of the
19 open feedlot effluent, including all of the following:
20 (1) Nutrient levels of the open feedlot effluent.
21 (2) Application methods, the timing of the
22 application, and the location of the land where the
23 application occurs.
24 c. If the application is on land other than land
25 owned or rented for crop production by the owner of
26 the open feedlot operation, the plan shall include a
27 copy of each written agreement executed by the owner
28 of the open feedlot operation and the landowner or the
29 person renting the land for crop production where the
30 open feedlot effluent may be applied.
31 d. An estimate of the open feedlot effluent volume
32 or weight produced by the open feedlot operation.
33 e. Information which shows all of the following:
34 (1) There is adequate storage for open feedlot
35 effluent, including procedures to ensure proper
36 operation and maintenance of the storage structures.
37 (2) The proper management of animal mortalities to
38 ensure that animals are not disposed of in an open
39 feedlot operation structure or a treatment system that
40 is not specifically designed to treat animal
41 mortalities.
42 (3) Surface drainage prior to contact with an open
43 feedlot structure is diverted, as appropriate, from
44 the open feedlot operation.
45 (4) Animals kept in the open feedlot operation do
46 not have direct contact with any waters of the United
47 States.
48 (5) Chemicals or other contaminants handled on-
49 site are not disposed of in an open feedlot operation
50 structure or a treatment system that is not

1 specifically designed to treat such chemicals or
2 contaminants.
3 8. If an open feedlot operation uses an
4 alternative technology system as provided in section
5 459A.303, the nutrient management plan is not required
6 to provide for settled effluent that enters the

7 alternative technology system.
8 9. The owner of an open feedlot operation who is
9 required to develop and implement a nutrient
10 management plan shall maintain a current nutrient
11 management plan and maintain records sufficient to
12 demonstrate compliance with the nutrient management
13 plan.
14 SUBCHAPTER III
15 DESIGN STANDARDS AND CONSTRUCTION REQUIREMENTS
16 Sec. 11. NEW SECTION. 459A.301 SETTLED OPEN
17 FEEDLOT EFFLUENT BASINS — CONSTRUCTION DESIGN
18 STANDARDS — RULES.
19 If the department requires that a settled open
20 feedlot effluent basin be constructed according to
21 construction design standards, regardless of whether
22 the department requires the owner to be issued a
23 construction permit under section 459A.205, any
24 construction design standards for the basin shall be
25 established by rules as provided in chapter 17A that
26 exclusively account for special design characteristics
27 of open feedlot operations and related basins,
28 including but not limited to the dilute composition of
29 settled open feedlot effluent as collected and stored
30 in the basins.
31 Sec. 12. NEW SECTION. 459A.302 SETTLED OPEN
32 FEEDLOT EFFLUENT BASINS — CONSTRUCTION REQUIREMENTS.
33 A settled open feedlot effluent basin required to
34 be constructed pursuant to a construction permit
35 issued pursuant to section 459A.205 shall meet all of
36 the following requirements:
37 1. a. Prior to constructing a settled open
38 feedlot effluent basin, the site for the basin shall
39 be investigated for a drainage tile line by the owner
40 of the open feedlot operation. The investigation
41 shall be made by digging a core trench to a depth of
42 at least six feet deep from ground level at the
43 projected center of the berm of the basin. If a
44 drainage tile line is discovered, one of the following
45 solutions shall be implemented:
46 (1) The drainage tile line shall be rerouted
47 around the perimeter of the basin at a distance of
48 least twenty-five feet horizontally separated from the
49 basin.
50 (2) The drainage tile line shall be replaced with

1 a nonperforated tile line under the basin floor. The
2 nonperforated tile line shall not be a drainage tile
3 line. There must be a minimum of three feet between
4 the nonperforated tile line and the basin floor.
5 b. A written record of the investigation shall be

6 submitted as part of the construction certification
7 required under section 459A.207.
8 2. a. The settled open feedlot effluent basin
9 shall be constructed with a minimum separation of two
10 feet between the top of the liner of the basin and the
11 seasonal high-water table.
12 b. If a drainage tile line around the perimeter of
13 the basin is installed a minimum of two feet below the
14 top of the basin liner to artificially lower the
15 seasonal high-water table, the top of the basin's
16 liner may be a maximum of four feet below the seasonal
17 high-water table. The seasonal high-water table may
18 be artificially lowered by gravity flow tile lines, a
19 nongravity mechanical system that uses pumping
20 equipment, or other similar system.
21 3. Drainage tile lines may be installed to
22 artificially lower the seasonal high-water table at a
23 settled open feedlot effluent basin, if all of the
24 following conditions are satisfied:
25 a. A device to allow monitoring of the water in
26 the drainage tile lines and a device to allow shutoff
27 of the flow in the drainage tile lines are installed,
28 if the drainage tile lines do not have a surface
29 outlet accessible on the property where the settled
30 open feedlot effluent basin is located.
31 b. Drainage tile lines are installed horizontally
32 at least twenty-five feet away from the settled open
33 feedlot effluent basin. Drainage tile lines shall be
34 placed in a vertical trench and encased in granular
35 material which extends upward to the level of the
36 seasonal high-water table.
37 4. A settled open feedlot effluent basin shall be
38 constructed with at least four feet between the bottom
39 of the basin and a bedrock formation.
40 5. A settled open feedlot effluent basin
41 constructed on a floodplain or within a floodway of a
42 river or stream shall comply with rules of the
43 department.
44 6. The liner of a settled open feedlot effluent
45 basin shall comply with all of the following:
46 a. The liner shall comply with any of the
47 following permeability standards:
48 (1) The liner shall be constructed to have a
49 percolation rate that shall not exceed one-sixteenth
50 inch per day at the design depth of the basin as

1 determined by percolation tests conducted by the
2 professional engineer. If a clay soil liner is used,
3 the liner shall be constructed with a minimum
4 thickness of twelve inches or the minimum thickness

5 necessary to comply with the percolation rate in this
6 section, whichever is greater.
7 (2) The liner shall be constructed at optimum
8 moisture content not less than ninety-five percent of
9 the maximum density as determined by a standard five-
10 point proctor test performed at the site of the open
11 feedlot operation by a professional engineer. If a
12 clay soil liner is used, the liner shall be
13 constructed with a minimum thickness of twelve inches.
14 b. If a synthetic liner is used, the liner shall
15 be installed to comply with the percolation rate
16 required in this section.
17 7. The owner of an open feedlot operation using a
18 settled open feedlot effluent basin shall inspect the
19 berms of the basin at least semiannually for evidence
20 of erosion. If the inspection reveals erosion which
21 may impact the basin's structural stability or the
22 integrity of the basin's liner, the owner shall repair
23 the berms.
24 Sec. 13. NEW SECTION. 459A.303 ALTERNATIVE
25 TECHNOLOGY SYSTEMS.
26 In lieu of using a settled open feedlot effluent
27 basin as provided in section 459A.302 to meet the open
28 feedlot effluent control requirements of section
29 459A.401, an open feedlot operation may use an
30 alternative technology system for open feedlot
31 effluent control.
32 1. The alternative technology system must provide
33 an equivalent level of open feedlot effluent control
34 as would be achieved by using a settled open feedlot
35 effluent basin.
36 2. The department shall adopt rules establishing
37 requirements for the construction and operation of
38 alternative technology systems.
39 3. The owner of the open feedlot operation shall
40 only use an alternative technology system which
41 includes the installation of a water pollution
42 monitoring system. The owner shall operate the water
43 pollution monitoring system for two years after its
44 installation. If the department requires the owner of
45 the open feedlot operation to be issued an operating
46 permit, the owner shall continue to record amounts of
47 settled open feedlot effluent exiting the alternative
48 technology system after the expiration of the two-year
49 period pursuant to the terms and conditions of the
50 operating permit. If the monitoring does not

1 demonstrate compliance with the requirement of this
2 section, the department may require an additional
3 monitoring period.

SUBCHAPTER IV
OPEN FEEDLOT EFFLUENT CONTROL

Sec. 14. NEW SECTION. 459A.401 OPEN FEEDLOT EFFLUENT CONTROL METHODS.

An open feedlot operation shall provide for the management of open feedlot effluent by using an open feedlot effluent control method as follows:

1. All settleable solids from open feedlot effluent shall be removed prior to discharge into the waters of the state.

a. The settleable solids shall be removed by use of a solids settling facility. The construction of a solids settling facility is not required where existing site conditions provide for removal of settleable solids prior to discharge into the waters of the state.

b. The removal of settleable solids shall be deemed to have occurred when the velocity of flow of the open feedlot effluent has been reduced to less than point five feet per second for a minimum of five minutes. A solids settling facility shall have sufficient capacity to store settled solids between periods of land application and to provide required flow-velocity reduction for open feedlot effluent flow volumes resulting from a precipitation event of less intensity than a ten-year, one-hour frequency event. A solids settling facility which receives open feedlot effluent shall provide a minimum of one square foot of surface area for each eight cubic feet of open feedlot effluent per hour resulting from a ten-year, one-hour frequency precipitation event.

2. This subsection shall apply to an open feedlot operation which is required to be issued an operating permit.

a. An open feedlot operation may discharge open feedlot effluent into any waters of the United States due to a precipitation event, if any of the following apply:

(1) For an open feedlot operation that houses cattle, other than veal cattle, the operation is designed, constructed, operated, and maintained to not discharge open feedlot effluent resulting from a twenty-five-year, twenty-four-hour precipitation event into any waters of the United States.

(2) For an open feedlot operation that houses veal calves, swine, chickens, or turkeys, the operation is designed, constructed, operated, and maintained to not

Page 18

1 discharge open feedlot effluent resulting from a one-
2 hundred-year, twenty-four-hour precipitation event
3 into any waters of the United States.
4 b. If the open feedlot operation is designed,
5 constructed, and operated in accordance with the
6 requirements of an open feedlot effluent control
7 system as provided in rules adopted by the department,
8 the operation shall be deemed to be in compliance with
9 this section, unless a discharge from the operation
10 causes a violation of state water quality standards as
11 provided in chapter 455B, division III.
12 3. The following shall apply to an open feedlot
13 operation which has an animal unit capacity of one
14 thousand animal units or more:
15 a. (1) The open feedlot operation shall not
16 discharge open feedlot effluent from an open feedlot
17 operation structure into any waters of the United
18 States, unless the discharge is pursuant to an
19 operating permit.
20 (2) The open feedlot operation shall not be
21 required to be issued an operating permit if the
22 operation does not discharge open feedlot effluent
23 into any waters of the United States.
24 b. The control of open feedlot effluent
25 originating from the open feedlot operation may be
26 accomplished by the use of a solids settling facility,
27 settled open feedlot effluent basin, alternative
28 technology system, or any other open feedlot effluent
29 control structure or practice approved by the
30 department. The department may require the diversion
31 of surface drainage prior to contact with an open
32 feedlot operation structure. Solids shall be settled
33 from open feedlot effluent before the effluent enters
34 a settled open feedlot effluent basin or alternative
35 technology system.
36 Sec. 15. NEW SECTION. 459A.402 OPEN FEEDLOT
37 EFFLUENT CONTROL — ALTERNATIVE CONTROL PRACTICES.
38 If because of topography or other factors related
39 to the site of an open feedlot operation it is
40 economically or physically impractical to comply with
41 open feedlot effluent control requirements using an
42 open feedlot control method in section 459A.401, the
43 department shall allow the use of other open feedlot
44 effluent control practices if those practices will
45 provide an equivalent level of open feedlot effluent
46 control that would be achieved by using an open
47 feedlot effluent control method pursuant to section
48 459A.401.
49 Sec. 16. NEW SECTION. 459A.410 EFFLUENT
50 APPLICATION REQUIREMENTS.

Page 19

1 Open feedlot effluent shall be applied in a manner
2 which does not cause surface water or groundwater
3 pollution. Application in accordance with the
4 provisions of state law, including this chapter, rules
5 adopted pursuant to the provisions of state law,
6 including this chapter, and guidelines adopted
7 pursuant to this chapter, shall be deemed as
8 compliance with this section.
9 Sec. 17. NEW SECTION. 459A.411 DISCONTINUANCE OF
10 OPERATIONS.
11 The owner of an open feedlot operation who
12 discontinues the use of the operation shall remove all
13 open feedlot effluent from related open feedlot
14 operation structures used to store open feedlot
15 effluent, as soon as practical but not later than six
16 months following the date the open feedlot operation
17 is discontinued.
18 SUBCHAPTER V
19 ENFORCEMENT
20 Sec. 18. NEW SECTION. 459A.501 GENERAL.
21 The department and the attorney general shall
22 enforce the provisions of this chapter in the same
23 manner as provided in chapter 455B, division I, unless
24 otherwise provided in this chapter.
25 Sec. 19. NEW SECTION. 459A.502 VIOLATIONS —
26 CIVIL PENALTY.
27 A person who violates this chapter shall be subject
28 to a civil penalty which shall be established,
29 assessed, and collected in the same manner as provided
30 in section 455B.191. Any civil penalty collected and
31 interest on a civil penalty shall be deposited in the
32 animal agriculture compliance fund created in section
33 459.401. A person shall not be subject to a penalty
34 under this section and a penalty under section 459.603
35 for the same violation.
36 DIVISION II
37 CONFORMING AMENDMENTS
38 Sec. 20. Section 455B.103, subsections 3 and 4,
39 Code 2005, are amended to read as follows:
40 3. Contract, with the approval of the commission,
41 with public agencies of this state to provide all
42 laboratory, scientific field measurement and
43 environmental quality evaluation services necessary to
44 implement the provisions of this chapter, ~~and~~ chapter
45 459, ~~subchapters II and III~~ and chapter 459A. If the
46 director finds that public agencies of this state
47 cannot provide the laboratory, scientific field
48 measurement and environmental evaluation services
49 required by the department, the director may contract,
50 with the approval of the commission, with any other

Page 20

1 public or private persons or agencies for such
2 services or for scientific or technical services
3 required to carry out the programs and services
4 assigned to the department.
5 4. Conduct investigations of complaints received
6 directly or referred by the commission created in
7 section 455A.6 or other investigations deemed
8 necessary. While conducting an investigation, the
9 director may enter at any reasonable time in and upon
10 any private or public property to investigate any
11 actual or possible violation of this chapter, ~~or~~
12 chapter 459, ~~subchapters II and III,~~ chapter 459A, or
13 the rules or standards adopted under this chapter, ~~or~~
14 chapter 459, ~~subchapters II and III~~ or chapter 459A.
15 However, the owner or person in charge shall be
16 notified.
17 Sec. 21. Section 455B.103A, subsection 1,
18 unnumbered paragraph 1, Code 2005, is amended to read
19 as follows:
20 If a permit is required pursuant to this chapter,
21 ~~or~~ chapter 459, or chapter 459A for stormwater
22 discharge or an air contaminant source and a facility
23 to be permitted is representative of a class of
24 facilities which could be described and conditioned by
25 a single permit, the director may issue, modify, deny,
26 or revoke a general permit for all of the following
27 conditions:
28 Sec. 22. Section 455B.103A, subsection 5, Code
29 2005, is amended to read as follows:
30 5. The enforcement provisions of division II of
31 this chapter and chapter 459, subchapter II, apply to
32 general permits for air contaminant sources. The
33 enforcement provisions of division III, part 1, of
34 this chapter, ~~and~~ chapter 459, subchapter III, and
35 chapter 459A apply to general permits for stormwater
36 discharge.
37 Sec. 23. Section 455B.105, subsections 3, 6, and
38 8, Code 2005, are amended to read as follows:
39 3. Adopt, modify, or repeal rules necessary to
40 implement this chapter, ~~and~~ chapter 459, and chapter
41 459A, and the rules deemed necessary for the effective
42 administration of the department. When the commission
43 proposes or adopts rules to implement a specific
44 federal environmental program and the rules impose
45 requirements more restrictive than the federal program
46 being implemented requires, the commission shall
47 identify in its notice of intended action or adopted
48 rule preamble each rule that is more restrictive than
49 the federal program requires and shall state the
50 reasons for proposing or adopting the more restrictive

requirement. In addition, the commission shall include with its reasoning a financial impact statement detailing the general impact upon the affected parties. It is the intent of the general assembly that the commission exercise strict oversight of the operations of the department. The rules shall include departmental policy relating to the disclosure of information on a violation or alleged violation of the rules, standards, permits or orders issued by the department and keeping of confidential information obtained by the department in the administration and enforcement of this chapter, ~~and~~ chapter 459, and chapter 459A. Rules adopted by the executive committee before January 1, 1981, shall remain effective until modified or rescinded by action of the commission.

6. Approve all contracts and agreements under this chapter, ~~and~~ chapter 459, and chapter 459A between the department and other public or private persons or agencies.

8. Hold public hearings, except when the evidence to be received is confidential pursuant to this chapter, chapter 22, ~~or~~ chapter 459, or chapter 459A, necessary to carry out its powers and duties. The commission may issue subpoenas requiring the attendance of witnesses and the production of evidence pertinent to the hearings. A subpoena shall be issued and enforced in the same manner as provided in civil actions.

Sec. 24. Section 455B.105, subsection 11, paragraph a, unnumbered paragraph 1, Code 2005, is amended to read as follows:

Adopt, by rule, procedures and forms necessary to implement the provisions of this chapter, ~~and~~ chapter 459, and chapter 459A relating to permits, conditional permits, and general permits. The commission may also adopt, by rule, a schedule of fees for permit and conditional permit applications and a schedule of fees which may be periodically assessed for administration of permits and conditional permits. In determining the fee schedules, the commission shall consider:

Sec. 25. Section 455B.109, subsection 4, Code 2005, is amended to read as follows:

4. a. ~~All~~ Except as provided in paragraph "b", civil penalties assessed by the department and interest on the penalties shall be deposited in the general fund of the state. ~~However, civil~~

b. The following provisions shall apply to animal feeding operations:

(1) Civil penalties assessed by the department and

Page 22

interest on the civil penalties, arising out of violations involving animal feeding operations under chapter 459, subchapter II, shall be deposited in the animal agriculture compliance fund as created in section 459.401.

(2) Civil penalties assessed by the department and interest on the penalties arising out of violations committed by animal feeding operations under chapter 459, subchapter III, which may be assessed pursuant to section 455B.191 or 459.604, shall also be deposited in the animal agriculture compliance fund.

(3) Civil penalties assessed by the department and interest on the civil penalties, arising out of violations involving open feedlot operations under chapter 459A, shall be deposited in the animal agriculture compliance fund as created in section 459.401.

Sec. 26. Section 455B.111, subsection 1, paragraphs a and b, Code 2005, are amended to read as follows:

a. A person, including the state of Iowa, for violating any provision of this chapter; ~~or~~ chapter 459, subchapters I, II, III, IV, and VI~~,~~; chapter 459A; or a rule adopted pursuant to this chapter; ~~or~~ chapter 459, subchapters I, II, III, IV, and VI; or chapter 459A.

b. The director, the commission, or any official or employee of the department where there is an alleged failure to perform any act or duty under this chapter; ~~or~~ chapter 459, subchapters I, II, III, IV, and VI,; chapter 459A~~:~~ or a rule adopted pursuant to this chapter; ~~or~~ chapter 459, subchapters I, II, III, IV, and VI; or chapter 459A, which is not a discretionary act or duty.

Sec. 27. Section 455B.111, subsection 5, Code 2005, is amended to read as follows:

5. This section does not restrict any right under statutory or common law of a person or class of person to seek enforcement of provisions of this chapter, ~~or~~ chapter 459, subchapters I, II, III, IV, and VI~~,~~; chapter 459A; or a rule adopted pursuant to this chapter; ~~or~~ chapter 459, subchapters I, II, III, IV, and VI~~,~~; or chapter 459A, or seek other relief permitted under the law.

Sec. 28. Section 455B.112, Code 2005, is amended to read as follows:

455B.112 ACTIONS BY ATTORNEY GENERAL.

In addition to the duty to commence legal proceedings at the request of the director or commission under this chapter; ~~or~~ chapter 459,

Page 23

subchapters I, II, III, IV, and VI~~,~~; or chapter 459A the attorney general may institute civil or criminal proceedings, including an action for injunction, to enforce the provisions of this chapter; ~~or~~ chapter 459, subchapters I, II, III, IV, and VI~~,~~; or chapter 459A including orders or permits issued or rules adopted under this chapter; ~~or~~ chapter 459, subchapters I, II, III, IV, and VI; or chapter 459A.

Sec. 29. Section 455B.113, subsection 1, Code 2005, is amended to read as follows:

1. The director shall certify laboratories which perform laboratory analyses of samples required to be submitted by the department by this chapter; ~~or~~ chapter 459, subchapters I, II, III, IV, and VI~~,~~; or chapter 459A, or by rules adopted in accordance with this chapter; ~~or~~ chapter 459, subchapters I, II, III, IV, and VI~~,~~; or chapter 459A; or by permits or orders issued under this chapter; ~~or~~ chapter 459, subchapters I, II, III, IV, and VI; or chapter 459A.

Sec. 30. Section 455B.115, Code 2005, is amended to read as follows:

455B.115 ANALYSIS BY CERTIFIED LABORATORY REQUIRED.

Laboratory analysis of samples as required by this chapter; ~~or~~ chapter 459, subchapters I, II, III, IV, and VI~~,~~; or chapter 459A; or by rules adopted, or by permits or orders issued pursuant to this chapter; ~~or~~ chapter 459, subchapters I, II, III, IV, and VI~~,~~; or chapter 459A shall be conducted by a laboratory certified by the director as having the necessary competence, equipment, and capabilities to perform the analysis. Analytical results from laboratories not certificated shall not be accepted by the director.

Sec. 31. Section 455B.179, Code 2005, is amended to read as follows:

455B.179 TRADE SECRETS PROTECTED.

Upon a satisfactory showing by any person to the director that public disclosure of any record, report, permit, permit application, or other document or information or part thereof would divulge methods or processes entitled to protection as a trade secret, any such record, report, permit, permit application, or other document or part thereof other than effluent data and analytical results of monitoring of public water supply systems, shall be accorded confidential treatment. Notwithstanding the provisions of chapter 22, a person in connection with duties or employment by the department shall not make public any information accorded confidential status; however, any such record or other information accorded confidential

Page 24

1 status may be disclosed or transmitted to other
2 officers, employees, or authorized representatives of
3 this state or the United States concerned with
4 carrying out this part of this division; ~~or~~ chapter
5 459, subchapter III, or chapter 459A; or when relevant
6 in any proceeding under this part of this division; ~~or~~
7 chapter 459, subchapter III; or chapter 459A.
8 Sec. 32. Section 455B.182, Code 2005, is amended
9 to read as follows:
10 455B.182 FAILURE CONSTITUTES CONTEMPT.
11 Failure to obey any order issued by the department
12 with reference to a violation of this part of this
13 division; ~~or~~ chapter 459, subchapter III~~.~~; or chapter
14 459A; or any rule promulgated or permit issued
15 pursuant thereto shall constitute prima facie evidence
16 of contempt. In such event the department may certify
17 to the district court of the county in which such
18 alleged disobedience occurred the fact of such
19 failure. The district court after notice, as
20 prescribed by the court, to the parties in interest
21 shall then proceed to hear the matter and if it finds
22 that the order was lawful and reasonable it shall
23 order the party to comply with the order. If the
24 person fails to comply with the court order, that
25 person shall be guilty of contempt and shall be fined
26 not to exceed five hundred dollars for each day that
27 the person fails to comply with the court order. The
28 penalties provided in this section shall be considered
29 as additional to any penalty which may be imposed
30 under the law relative to nuisances or any other
31 statute relating to the pollution of any waters of the
32 state or related to public water supply systems and a
33 conviction under this section shall not be a bar to
34 prosecution under any other penal statute.
35 Sec. 33. Section 455B.185, Code 2005, is amended
36 to read as follows:
37 455B.185 DATA FROM DEPARTMENTS.
38 The commission and the director may request and
39 receive from any department, division, board, bureau,
40 commission, public body, or agency of the state, or of
41 any political subdivision thereof, or from any
42 organization, incorporated or unincorporated, which
43 has for its object the control or use of any of the
44 water resources of the state, such assistance and data
45 as will enable the commission or the director to
46 properly carry out their activities and effectuate the
47 purposes of this part 1 of division III; ~~and~~ chapter
48 459, subchapter III; or chapter 459A. The department
49 shall reimburse such agencies for special expense
50 resulting from expenditures not normally a part of the

Page 25

operating expenses of any such agency.

Sec. 34. Section 459.102, subsection 2, paragraph a, Code 2005, is amended to read as follows:

a. A settled open feedlot effluent basin ~~that collects and stores only precipitation-induced runoff from an open feedlot~~ as defined in section 459A.102.

Sec. 35. Section 459.102, subsections 37, 45, and 46, Code 2005, are amended by striking the subsections.

Sec. 36. Section 459.401, subsection 2, paragraph a, subparagraph (5), Code 2005, is amended to read as follows:

(5) The collection of civil penalties assessed by the department and interest on civil penalties, arising out of violations involving animal feeding operations as provided in sections 459.602, ~~and~~ 459.603, and 459A.502.

Sec. 37. Section 459.309, Code 2005, is repealed.

DIVISION III

AGRICULTURAL PRODUCTION LIENS

Sec. 38. Section 579A.2, subsection 3, paragraph b, Code 2005, is amended to read as follows:

b. The lien terminates one year after the cattle have left the custom cattle feedlot. ~~Section 554.9515 shall not apply to a financing statement perfecting the lien.~~ The lien may be terminated by the custom cattle feedlot operator who files a termination statement as provided in chapter 554, article 9.

Sec. 39. Section 579B.4, subsection 1, paragraph b, Code 2005, is amended to read as follows:

b. For a lien arising out of producing a crop, the lien becomes effective the day that the crop is first planted. In order to perfect the lien, the contract producer must file a financing statement in the office of the secretary of state as provided in section 554.9308. The contract producer must file a financing statement for the crop within forty-five days after the crop is first planted. The lien terminates one year after the crop is no longer under the authority of the contract producer. For purposes of this section, a crop is no longer under the authority of the contract producer when the crop or a warehouse receipt issued by a warehouse operator licensed under chapter 203C for grain from the crop is no longer under the custody or control of the contract producer. ~~Section 554.9515 shall not apply to a financing statement perfecting the lien.~~ The lien may be terminated by the contract producer who files a termination statement as provided in chapter 554, article 9."

Page 26

2. Title page, line 1, by inserting after the words "relating to" the following: "agricultural production including".
3. Title page, line 2, by inserting after the word "operations," the following: "and agricultural production liens,".
4. By renumbering as necessary.

DAVID JOHNSON

S–3173

Amend the amendment, S–3166, to House File 840, as passed by the House, as follows:
1. Page 3, by inserting after line 29 the following:
"Sec. ___. NEW SECTION. 423D.1 SPECIAL ATTRACTION SALES TAX.
1. For purposes of this section, "special attraction" means a project or facility of which the owners or operators are eligible to receive state sales tax rebates pursuant to section 423.4, subsection 4, or any other provision of law.
2. There is imposed a special attraction sales tax on the retail sale of any goods, wares, and merchandise or the furnishing of services at a special attraction. The rate of the tax shall be equal to three percent and shall apply to the sales price of those goods, wares, and merchandise or services that are subject to the state sales tax. The tax shall be imposed in addition to the state sales tax and any local sales and services tax. In computing the tax, the amount of the state and local taxes shall not be included. The special attraction tax shall be separately stated.
3. A special attraction sales tax shall be imposed on the first day of the calendar quarter following the beginning date when sales tax on transactions at a special attraction may be rebated. The special attraction sales tax shall cease to be imposed on the first day of the calendar quarter following the ending date when sales tax on transactions at a special attraction may no longer be rebated.
4. a. The director of revenue shall administer the special attraction sales tax as nearly as possible in conjunction with the administration of state sales tax laws. The director shall provide appropriate forms or provide on the regular state tax forms for reporting the special attraction sales tax liability.
b. All powers and requirements of the director to

39 administer the state sales tax law are applicable to
40 the administration of the special attraction sales tax
41 law, including but not limited to the provisions of
42 section 422.25, subsection 4, sections 422.30, 422.67,
43 and 422.68, section 422.69, subsection 1, sections
44 422.70 to 422.75, section 423.14, subsection 1 and
45 subsection 2, paragraphs "b" through "e", and sections
46 423.15, 423.23, 423.24, 423.25, 423.31 to 423.35,
47 423.37 to 423.42, 423.46, and 423.47.
48 c. Frequency of deposits and quarterly reports of
49 the special attraction sales tax with the department
50 of revenue are governed by the tax provisions in

Page 2

1 section 423.31. Tax collections shall not be included
2 in computation of the total tax to determine frequency
3 of filing under section 423.31.
4 5. All revenues, penalties, and interest collected
5 from the tax imposed pursuant to this section shall be
6 deposited into the community attraction and tourism
7 fund created in section 15F.204."
8 2. Page 3, by inserting after line 47, the
9 following:
10 "___. Title page, line 2, by inserting after the
11 word "facility" the following: "and imposing a
12 special attraction sales tax by the state"."

JACK HATCH
JOE BOLKCOM

S–3174

1 Amend House File 619, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "DIVISION I"
6 2. Page 11, by inserting after line 2 the
7 following:
8 "DIVISION II
9 Sec. ___. Section 13B.4, Code 2005, is amended by
10 adding the following new subsection:
11 NEW SUBSECTION. 6A. The state public defender
12 shall perform all of the following duties with respect
13 to the appointment of counsel for indigent persons in
14 cases in which a sentence of death may be or is to be
15 imposed:
16 a. Provide or contract with attorneys for
17 appointment as lead counsel and cocounsel to provide
18 legal services in cases where a person is charged with
19 murder in the first degree and the state has given

20 notice of intent to seek the death penalty or in cases
21 in which a sentence of death is to be imposed.
22 b. Conduct or sponsor specialized training
23 programs for attorneys representing persons who may be
24 executed.
25 Sec. ___. Section 216A.133, Code 2005, is amended
26 by adding the following new subsection:
27 NEW SUBSECTION. 8. Review the effects of the
28 reinstatement of the death penalty on arrest,
29 prosecution, conviction, and incarceration rates; law
30 enforcement duties and ability to obtain evidence
31 necessary for arrests; court dockets and workload;
32 prison space; recidivism rates of persons charged with
33 crimes of violence against persons; and other aspects
34 of the criminal justice system. Based on the review
35 and other factors deemed relevant, the council shall
36 make findings and develop recommendations resulting
37 from those findings. Commencing January 1, 2007, the
38 council shall report its findings and any related
39 recommendations annually to the governor and to the
40 general assembly.
41 Sec. ___. NEW SECTION. 602.10111A QUALIFICATIONS
42 OF COUNSEL IN DEATH PENALTY CASES.
43 The supreme court shall prescribe rules which
44 establish minimum standards and procedures by which
45 attorneys may become qualified to provide legal
46 services as lead counsel in cases in which a sentence
47 of death may be or is to be imposed.
48 Sec. ___. NEW SECTION. 812A.1 PROCEDURE TO
49 DETERMINE SANITY OF CONDEMNED INMATE.
50 1. At any time prior to execution of an inmate

Page 2

1 under section 902.1, if the director of the department
2 of corrections or the counsel for a person who is
3 under a sentence of execution has cause to believe
4 that the inmate is suffering from such a diseased or
5 deranged condition of the mind as to prevent the
6 defendant from knowing the nature and quality of the
7 act the defendant has been convicted of, or from
8 understanding that trial on the offense has taken
9 place and that execution proceedings are about to take
10 place, or to otherwise cause the defendant to lack the
11 capacity to understand the sentence which has been
12 imposed and to participate in any legal proceedings
13 relating to the sentence, the director or counsel may
14 file a request with the court that issued the warrant
15 for execution for a determination of the inmate's
16 sanity. If the district court determines that there
17 is not sufficient reason to believe that the inmate is
18 insane, the court shall enter an order denying the

19 request and shall state the grounds for denying the
20 request. If the court believes that there is
21 sufficient reason to believe that the inmate is
22 insane, the court shall suspend the execution and
23 conduct a hearing to determine the sanity of the
24 inmate.
25 2. At the hearing, the court shall determine the
26 issue of the inmate's sanity. Prior to the hearing,
27 the court shall appoint two licensed physicians or
28 licensed psychologists, or one licensed physician and
29 one licensed psychologist, who are qualified by
30 training and practice, for purposes of conducting a
31 psychiatric or psychological examination of the
32 inmate. The physicians or psychologists shall examine
33 the inmate and report any findings in writing to the
34 court within ten days after the order of examination
35 is issued. The inmate shall have the right to present
36 evidence and cross-examine any witnesses at the
37 hearing. Any statement made by the inmate during the
38 course of any examination provided for in this
39 section, whether or not the inmate consents to the
40 examination, shall not be admitted into evidence
41 against the inmate in any criminal proceeding for
42 purposes other than a determination of the inmate's
43 sanity.
44 3. If, at the conclusion of a hearing held
45 pursuant to this section, the court determines that
46 the inmate is sane, the court shall enter an order
47 setting a date for the inmate's execution, which shall
48 be carried into effect in the same manner as provided
49 in the original sentence. A copy of the order shall
50 be sent to the director of the department of

Page 3

1 corrections and the governor.
2 4. If, at the conclusion of a hearing held
3 pursuant to this section, the court determines that
4 the inmate is insane, the court shall suspend the
5 execution until further order. At any time after
6 issuance of the order, if the court has sufficient
7 reason to believe that the inmate has become sane, the
8 court shall again determine the sanity of the inmate
9 as provided by this section. Proceedings pursuant to
10 this section may continue to be held at such times as
11 the court orders until it is either determined that
12 the inmate is sane or incurably insane.
13 Sec. ___. NEW SECTION. 814.28 REVIEW OF DEATH
14 SENTENCE.
15 1. In a case in which a sentence of death is
16 imposed, the supreme court shall automatically review
17 the judgment and sentence. The court's review of the

18 case shall be de novo. The case shall not be
19 transferred to the court of appeals.
20 2. A review by the supreme court of a judgment and
21 sentence imposing the punishment of death has priority
22 over all other criminal and other actions pending
23 before the supreme court.
24 3. The supreme court shall review the trial and
25 judgment, and shall separately review the sentencing
26 proceeding. Upon determining that errors did not
27 occur at the trial requiring reversal or modification
28 of the judgment, the supreme court shall proceed to
29 determine if the sentence of death is lawfully
30 imposed. In its review of the sentencing proceeding
31 the supreme court shall determine all of the
32 following:
33 a. Whether the sentence of death was imposed
34 capriciously or under the influence of prejudice or
35 other arbitrary factor.
36 b. Whether the special verdicts returned under
37 section 901.11 are supported by the evidence.
38 c. Whether the sentence of death is excessive or
39 disproportionate to the penalty imposed in similar
40 cases, considering both the crime and the defendant.
41 4. If the supreme court determines that the
42 sentence of death was not lawfully imposed, the court
43 shall set aside the sentence and shall remand the case
44 to the trial court for a second sentencing proceeding
45 to determine if the imposition of death is warranted.
46 5. If the supreme court affirms the judgment and
47 sentence of death, the clerk of the supreme court
48 shall certify the judgment of the supreme court under
49 the seal of the court to the clerk of the trial court.
50 Sec. ___. Section 815.10, Code 2005, is amended by

Page 4

1 adding the following new subsection:
2 NEW SUBSECTION. 1A. If two attorneys have not
3 already been appointed pursuant to section 13B.4 or
4 13B.9, the court shall appoint, for each indigent
5 person who is charged with murder in the first degree
6 and in which a notice of intent to seek the death
7 penalty has been filed, two attorneys who are
8 qualified under section 602.10111A to represent the
9 person in the murder proceedings and in all state
10 legal proceedings which take place from the time the
11 person is indicted or arraigned until the person is
12 sentenced on the charge. In addition, if at any point
13 in federal postconviction proceedings an indigent
14 person is not afforded court-appointed counsel, the
15 state shall provide counsel to the person to present
16 any claims determined meritorious by the federal court

17 if the person is not otherwise represented by legal
18 counsel. Only private attorneys and public defenders
19 who are qualified to provide representation in cases
20 in which the death penalty may be imposed are eligible
21 for appointment or assignment to a case in which the
22 death penalty may be imposed.
23 Sec. ___. NEW SECTION. 901.11 MURDER PROCEEDINGS
24 — REQUEST FOR DEATH PENALTY — PENALTY PROCEEDINGS.
25 1. If a notice of intent to seek the death penalty
26 has been filed, objections to the imposition of the
27 death penalty based upon allegations that a defendant
28 was mentally retarded or mentally ill at the time of
29 the commission of the offense shall be raised within
30 the time provided for the filing of pretrial motions
31 under rule of criminal procedure 2.11, Iowa court
32 rules. The court may, for good cause shown, allow
33 late filing of the motion. Hearing on the motion
34 shall be held prior to trial and the burden of proof
35 shall be on the defendant to prove mental retardation
36 or mental illness by a preponderance of the evidence.
37 However, a rebuttable presumption of mental
38 retardation arises if a defendant has an intelligence
39 quotient of seventy or below. If the court finds that
40 the defendant is mentally retarded, the defendant, if
41 convicted of murder in the first degree, shall not be
42 sentenced to death but shall be sentenced to life
43 imprisonment in the manner provided in section 902.1,
44 subsection 1. A finding by the court that the
45 evidence presented by the defendant at the hearing
46 does not preclude the imposition of the death penalty
47 under this section and section 902.15 shall not
48 preclude the introduction of evidence of mental
49 retardation or mental illness during the penalty
50 proceeding. If the court finds that evidence of

Page 5

1 mental retardation or mental illness does not preclude
2 imposition of the death penalty, evidence of mental
3 retardation or mental illness may be reviewed by the
4 jury in the penalty proceeding and the jury shall not
5 be informed of the finding in the initial proceeding
6 at any time during the penalty proceeding.
7 2. If at the trial on a charge of murder in the
8 first degree, the state intends to request that the
9 death penalty be imposed under section 902.1,
10 subsection 2, the prosecutor shall file a notice of
11 intent to seek the death penalty, listing the factors
12 enumerated under section 902.15 that the state intends
13 to establish in support of imposition of the death
14 penalty, at the time of and as part of the information
15 or indictment filed in the case.

16 3. If a notice of intent to seek the death penalty
17 has been filed, the trial shall be conducted in
18 bifurcated proceedings before the same trier of fact.
19 During the initial proceeding, the jury, or the court,
20 if the defendant waives the right to a jury trial,
21 shall decide only whether the defendant is guilty or
22 not guilty of murder in the first degree.
23 a. If, in the initial proceeding, the court or
24 jury finds the defendant guilty of, or the defendant
25 pleads guilty to, an offense other than murder in the
26 first degree, the court shall sentence the defendant
27 in accordance with the sentencing procedures set forth
28 in rule of criminal procedure 2.23, Iowa court rules,
29 and chapters 901 through 909, which are applicable to
30 the offense.
31 b. If the court or jury finds the defendant guilty
32 of, or the defendant pleads guilty to, murder in the
33 first degree, but the prosecuting attorney waives the
34 death penalty, the court shall sentence the defendant
35 to life imprisonment in accordance with the sentencing
36 procedures set forth in rule of criminal procedure
37 2.23, Iowa court rules, and chapters 901 through 909,
38 which are applicable to convictions of murder in the
39 first degree.
40 c. If the court or jury finds the defendant guilty
41 of murder in the first degree, or a defendant enters a
42 plea of guilty in the initial proceeding, and the
43 prosecuting attorney does not waive imposition of the
44 death penalty, a penalty proceeding shall be held in
45 the manner provided in subsections 4 through 12.
46 4. No sooner than twenty-four hours after a
47 verdict of guilty or a plea of guilty to the charge of
48 murder in the first degree is returned in the initial
49 proceeding, a penalty proceeding shall be held to
50 determine whether the defendant shall be sentenced to

Page 6

1 death or to life imprisonment. The proceeding shall
2 be conducted in the trial court before the trial jury,
3 or the court if the defendant has waived the right to
4 a jury trial or has waived the right for the
5 proceeding to be before the trial jury. Both the
6 state and the defendant shall have the right to
7 present opening statements at the commencement of the
8 penalty proceedings. In the proceeding, evidence
9 relevant to the existence of any aggravating or
10 mitigating circumstances may be presented as follows:
11 a. The state or the defendant may present evidence
12 relevant to any of the factors enumerated in section
13 902.15 and any aggravating circumstances other than
14 juvenile delinquency adjudications for offenses which

15 carry penalties equivalent to the penalties imposed
16 for simple or serious misdemeanors. The state may
17 introduce evidence of the actual harm caused by the
18 commission of the murder including, but not limited
19 to, evidence relating to the life of the victim and
20 the impact of the loss of the victim to the victim's
21 family and society. The state shall be required to
22 prove the existence of one or more of the factors
23 enumerated in section 902.15 beyond a reasonable
24 doubt.
25 b. The defendant may present evidence that the
26 defendant was mentally retarded at the time of the
27 commission of the offense. The burden of proof shall
28 be on the defendant to prove mental retardation by a
29 preponderance of the evidence. However, a rebuttable
30 presumption of mental retardation arises if a
31 defendant has an intelligence quotient of seventy or
32 below.
33 c. The state or the defendant may present evidence
34 relevant to any mitigating circumstances which may
35 exist. Mitigating circumstances may include the
36 following circumstances:
37 (1) The defendant was under the influence of an
38 extreme mental or emotional disturbance insufficient
39 to constitute a defense.
40 (2) The age of the defendant at the time of the
41 murder.
42 (3) The defendant's capacity to appreciate the
43 wrongfulness of the defendant's conduct and to conform
44 that conduct to the requirements of law was
45 significantly impaired as a result of a mental disease
46 or defect or mental retardation, but not to a degree
47 sufficient to constitute a defense.
48 (4) The defendant has no significant history of
49 prior adult criminal activity.
50 (5) The defendant acted under extreme duress or

Page 7

1 under the substantial domination of another person.
2 (6) The defendant did not directly commit the
3 murder and the defendant did not intend to kill or
4 anticipate that lethal force would be used.
5 (7) Any other factor which is relevant to the
6 defendant's character or record or to the
7 circumstances of the offense.
8 d. The state and the defendant or the defendant's
9 counsel shall be permitted to present and cross-
10 examine witnesses and present arguments for or against
11 a sentence of death. The admission of evidence in
12 support of the existence of a factor enumerated in
13 section 902.15 shall be governed by the rules

14 governing admissibility of evidence at a criminal
15 trial. Evidence regarding aggravating and mitigating
16 circumstances shall not be governed by the rules
17 governing admissibility of evidence, except that
18 introduction of evidence secured in violation of the
19 Constitution of the United States or of the
20 Constitution of the State of Iowa shall not be
21 permitted.
22 5. At the conclusion of presentation of evidence
23 in the penalty proceeding, the state and the defendant
24 or the defendant's counsel shall be permitted to make
25 closing arguments, including any rebuttal arguments,
26 in the same manner as in the initial proceeding and
27 the following issues shall be determined by the jury
28 or the court, if there is no jury:
29 a. Whether one or more of the factors enumerated
30 in section 902.15 have been established beyond a
31 reasonable doubt.
32 b. If one or more aggravating circumstances are
33 established, whether the aggravating circumstance or
34 circumstances outweigh any one or more mitigating
35 circumstances.
36 c. Whether the defendant shall be sentenced to
37 death.
38 6. A recommendation for a sentence of death shall
39 not be permitted if the recommendation is based on the
40 race, color, religious beliefs, national origin, or
41 sex of the defendant or any victim. After submission
42 of the issues, but prior to the return of a finding in
43 the penalty proceeding, if the matter is tried before
44 a jury, the court shall instruct the jury that in
45 considering whether a sentence of death is justified,
46 it shall not consider race, color, religious beliefs,
47 national origin, or sex of the defendant or of any
48 victim. The court shall further instruct the jury
49 that it shall not return a sentence of death unless it
50 concludes that such a sentence would be recommended no

Page 8

1 matter what the race, color, religious beliefs,
2 national origin, or sex of the defendant or any victim
3 may be.
4 7. After submission of the issues, but prior to
5 the commencement of the jury deliberations in the
6 penalty proceeding, the court shall instruct the jury
7 that if the defendant is not sentenced to death, the
8 court is required by law to impose a sentence of
9 imprisonment until death without parole. The court
10 shall further instruct the jury that the sentence of
11 imprisonment until death without parole is required by
12 law if the jury fails to reach a unanimous verdict

13 recommending a sentence of death.
14 8. Concurrently with the return of the findings on
15 the issues submitted under subsection 5, the jury, or
16 the court if there is no jury, shall return special
17 verdicts as follows:
18 a. Which factors, as enumerated in section 902.15,
19 have been unanimously found to have been established
20 beyond a reasonable doubt.
21 b. Which aggravating circumstances were
22 established and were considered in reaching the
23 verdict returned on the issue specified in subsection
24 5, paragraph "b".
25 c. Which mitigating circumstances were established
26 and were considered in reaching the verdict returned
27 on the issue specified in subsection 5, paragraph "b".
28 9. If the jury, or the court if there is no jury,
29 returns a unanimous affirmative finding on each of the
30 issues submitted under subsection 5, paragraphs "a",
31 "b", and "c", the court shall enter a judgment of
32 conviction and shall sentence the defendant to death
33 as provided in section 902.1, subsection 2.
34 10. However, if evidence that the defendant was
35 not a major participant in the commission of the
36 murder and that the defendant's conduct did not
37 manifest a reckless indifference to human life is
38 presented to the jury, or the court, if there is no
39 jury, the jury or the court shall also return a
40 special verdict on the issue. If the jury unanimously
41 determines, or the court, if there is no jury, finds
42 that a preponderance of evidence exists that shows
43 that the defendant was not a major participant in the
44 commission of the murder and that the defendant's
45 conduct did not manifest a reckless indifference to
46 human life, the court shall enter a judgment of
47 conviction and shall sentence the defendant to life
48 imprisonment as provided in section 902.1, subsection
49 1, even if the jury or the court returns unanimous
50 affirmative findings on each of the issues submitted

1 under subsection 5.
2 11. If the jury, or the court, if there is no
3 jury, returns a negative finding on any of the issues
4 submitted under subsection 5, paragraphs "a", "b", and
5 "c", the court shall enter a judgment of conviction
6 and shall sentence the defendant to life imprisonment
7 as provided in section 902.1, subsection 1.
8 12. After a verdict has been rendered it shall be
9 recorded on the jury verdict form and shall be read
10 and recorded in open court. The jurors shall be
11 collectively asked by the court whether the verdict

returned is their true and correct verdict. Even though no juror makes any declaration to the contrary, the jury shall, if either party so requests, be polled and each juror shall be separately asked whether the verdict rendered by the jury foreperson is the juror's true and correct verdict. If, upon either the collective or the separate inquiry, any juror denies that the verdict is the juror's verdict, the court shall refuse to accept the verdict. The court may direct inquiry or permit inquiry by counsel to ascertain whether any juror has been subjected to coercion or has become confused during the jury deliberation process. The court may, as appropriate, direct the jury to resume deliberation in the case. If no disagreement on the verdict is expressed by any of the jurors, the court shall discharge the jury.

13. This section shall not apply to a defendant who was under the age of eighteen at the time the offense was committed.

Sec. ___. Section 902.1, Code 2005, is amended to read as follows:

902.1 CLASS "A" FELONY.

1. ~~Upon~~ Except as otherwise provided in subsection 2, upon a plea of guilty, a verdict of guilty, or a special verdict upon which a judgment of conviction of a class "A" felony may be rendered, the court shall enter a judgment of conviction and shall commit the defendant into the custody of the director of the Iowa department of corrections for the rest of the defendant's life. Nothing in the Iowa corrections code pertaining to deferred judgment, deferred sentence, suspended sentence, or reconsideration of sentence applies to a sentence of life imprisonment for a class "A" felony, and a person convicted of a class "A" felony and sentenced to life imprisonment shall not be released on parole unless the governor commutes the sentence to a term of years.

2. Upon return of a plea or verdict of guilty to the offense of murder in the first degree under

section 707.2 and a return of a verdict in favor of a sentence of death in a penalty proceeding conducted as provided in section 901.11, the court shall enter a judgment of conviction and shall commit the defendant into the custody of the director of the Iowa department of corrections. The sentence shall be carried out by the administration of a lethal injection pursuant to rules adopted by the board of corrections. If a defendant, for whom a warrant of execution is issued, is pregnant, the execution shall

11 not take place until after the defendant is no longer
12 pregnant. If a defendant, for whom a warrant of
13 execution is issued, is suffering from such a diseased
14 or deranged condition of the mind as to prevent the
15 defendant from knowing the nature and quality of the
16 act the defendant has been convicted of, or from
17 understanding that trial on the offense has taken
18 place and that execution proceedings are about to take
19 place, or otherwise causes the defendant to lack the
20 capacity to understand the sentence which has been
21 imposed and to participate in any legal proceedings
22 relating to the sentence, the execution shall not take
23 place until after the defendant's capacity is
24 restored. If the director of the department of
25 corrections or the defendant's counsel files a request
26 with the court which issued the warrant of execution,
27 alleging that the defendant suffers from such a
28 diseased or deranged condition, a hearing on the
29 matter shall be held in the manner provided in section
30 812A.1. If a defendant was under the age of eighteen
31 at the time the offense was committed, the defendant
32 shall be sentenced as provided in subsection 1. For
33 the purposes of this section, "lethal injection" means
34 a continuous intravenous injection of a lethal
35 substance sufficient to cause death.
36 Sec. ___. NEW SECTION. 902.15 FIRST DEGREE
37 MURDER — ADDITIONAL FACTORS.
38 A person who commits murder in the first degree,
39 who is not mentally retarded or mentally ill, and who
40 is age eighteen or older at the time the offense is
41 committed, shall be eligible for a sentence of death
42 under section 902.1, subsection 2, if the person also
43 kidnaps and commits sexual abuse against a victim who
44 was a minor.
45 For purposes of this section, "mentally retarded"
46 means significant subaverage general intellectual
47 functioning accompanied by significant deficits or
48 impairments in adaptive functioning manifested in the
49 developmental period, but no later than the age of
50 eighteen years, and accompanied by deficits in

1 adaptive behavior.
2 For purposes of this section, "mentally ill" means
3 the condition of a person who is suffering from a
4 chronic and persistent serious mental disease or
5 disorder and who, by reason of that condition, lacks
6 sufficient judgment to make responsible decisions
7 regarding treatment and is reasonably likely to injure
8 the person's self or others who may come into contact
9 with the person if the person is allowed to remain at

10 liberty without treatment.
11 Sec. ___. NEW SECTION. 902.16 DATA COLLECTION
12 FOR DEATH PENALTY.
13 1. The supreme court shall collect data on all
14 murder charges in which the death penalty is or was
15 not waived, which are filed and processed in the
16 courts in this state. This data may be used by the
17 supreme court to determine whether death sentences
18 imposed are excessive or disproportionate, or under
19 the influence of prejudice as a result of racial
20 discrimination under section 814.28. The court shall
21 make this data available to litigants in death penalty
22 cases.
23 2. Data collected by public officials concerning
24 factors relevant to the imposition of the death
25 sentence shall be made publicly available.
26 Sec. ___. NEW SECTION. 903C.1 EXECUTIONS —
27 REFUSAL TO PERFORM.
28 An employee of the state who may lawfully perform,
29 assist, or participate in the execution of a person
30 pursuant to section 902.1, and rules adopted by the
31 department of corrections, shall not be required to
32 perform, assist, or participate in the execution.
33 State employees who refuse to perform, assist, or
34 participate in the execution of a person shall not be
35 discriminated against in any way, including, but not
36 limited to, employment, promotion, advancement,
37 transfer, licensing, education, training, or the
38 granting of any privileges or appointments because of
39 the refusal to perform, assist, or participate in the
40 execution.
41 Sec. ___. Section 904.105, Code 2005, is amended
42 by adding the following new subsection:
43 NEW SUBSECTION. 9A. Adopt rules pursuant to
44 chapter 17A pertaining to executions of persons
45 convicted of murder in the first degree. Rules
46 adopted shall include, but are not limited to, rules
47 permitting the witnessing of executions by members of
48 the public and the victim's family. Invitations to
49 witness an execution shall at least be extended to the
50 following representatives of the news media:

Page 12

1 a. A representative from a wire service serving
2 Iowa.
3 b. A representative from a broadcasting network
4 serving Iowa.
5 c. A representative from a television station
6 located in Iowa.
7 d. A representative from a radio station located
8 in Iowa.

9 e. A representative from a daily newspaper
10 published in Iowa.
11 f. A representative from a weekly newspaper
12 published in Iowa.
13 g. A representative from the news media from the
14 community in which the condemned person resided, if
15 that community is located in Iowa.
16 Sec. ___. Rules of criminal procedure, Iowa court
17 rules, are amended by adding sections 101 through 104
18 of this Act.
19 Sec. 101. NEW RULE. 2. MURDER IN THE FIRST
20 DEGREE — PROCEDURE.
21 2.___(1) If a notice of intent to seek the death
22 penalty has been filed, objections to the imposition
23 of the death penalty based upon allegations that a
24 defendant was mentally retarded at the time of the
25 commission of the offense shall be raised within the
26 time provided for the filing of pretrial motions under
27 R.Cr.P. 2.11, Iowa court rules. The court may, for
28 good cause shown, allow late filing of the motion.
29 Hearing on the motion shall be held prior to trial and
30 the burden of proof shall be on the defendant to prove
31 mental retardation by a preponderance of the evidence.
32 However, a rebuttable presumption of mental
33 retardation arises if a defendant has an intelligence
34 quotient of seventy or below. A finding of the court
35 that the evidence presented by the defendant at the
36 hearing does not preclude the imposition of the death
37 penalty under this rule and Iowa Code section 902.15
38 shall not preclude the introduction of evidence of
39 mental retardation during the penalty proceeding. If
40 the court finds that the evidence presented by the
41 defendant does not preclude the imposition of the
42 death penalty, evidence of mental retardation may be
43 reviewed by the jury during the penalty proceeding and
44 the jury shall not be informed of the finding in the
45 initial proceeding at any time during the penalty
46 proceeding.
47 2.___(2) Upon a finding or plea that a defendant
48 is guilty of murder in the first degree in an initial
49 proceeding, if a notice of intent to seek the death
50 penalty has been filed and has not been waived, the

Page 13

1 court shall conduct a separate penalty proceeding to
2 determine whether the defendant shall be sentenced to
3 death or to life imprisonment. The penalty proceeding
4 shall be conducted in the trial court before the trial
5 jury, or the court, if there is no jury, no sooner
6 than twenty-four hours after the return of the verdict
7 or plea in the initial proceeding. In the penalty

8 proceeding, additional evidence may be presented as to
9 any factor enumerated in Iowa Code section 902.15 or
10 any aggravating or mitigating circumstance which may
11 exist. Evidence presented which is relevant to the
12 existence of a factor enumerated in Iowa Code section
13 902.15 shall be subject to the rules of evidence.
14 Presentation of evidence which is relevant to the
15 existence of an aggravating or mitigating circumstance
16 shall not be bound by the rules of evidence. This
17 subsection does not authorize the introduction of any
18 evidence secured in violation of the Constitution of
19 the United States or of the Constitution of the State
20 of Iowa. The state and the defendant or the
21 defendant's counsel shall be permitted to cross-
22 examine witnesses and to present arguments for or
23 against a sentence of death.
24 2.___(3) On conclusion of the presentation of the
25 evidence in the penalty proceeding, the state and the
26 defendant or the defendant's counsel shall be
27 permitted to make closing arguments, including any
28 rebuttal arguments, in the same manner as in the
29 initial proceeding and the court shall submit each of
30 the following issues to the jury:
31 a. Whether one or more of the factors enumerated
32 in Iowa Code section 902.15 have been established
33 beyond a reasonable doubt.
34 b. If one or more aggravating circumstances have
35 been established, whether one or more of those
36 circumstances outweigh any one or more mitigating
37 circumstances.
38 c. Whether the defendant shall be sentenced to
39 death.
40 If the case is not tried to a jury, the court shall
41 determine the issues.
42 2.___(4) The state must prove the issue in rule 2.
43 ___(3)(a) beyond a reasonable doubt, and the jury, or
44 the court if there is no jury, shall return a special
45 verdict of "yes" or "no" on each issue.
46 2.___(5) If the case is tried to a jury, the court
47 shall charge the jury that:
48 a. It shall answer any issue "yes" if it agrees
49 unanimously.
50 b. It shall answer any issue "no" if the jurors

Page 14

1 unanimously agree that the answer is "no" or if the
2 jurors do not unanimously agree that the answer is
3 "yes".
4 2.___(6) Concurrently with the return of the
5 special verdicts under rule 2.___(4), the jury, or the
6 court if there is no jury, shall also return special

7 verdicts as follows:
8 a. Which of the factor, or factors, enumerated in
9 Iowa Code section 902.15, has been unanimously found
10 to have been established beyond a reasonable doubt.
11 b. Which aggravating circumstances were
12 established and were considered in reaching the
13 verdict returned on the issue specified in rule
14 2.___(3)(b).
15 c. Which mitigating circumstances were established
16 and were considered in reaching the verdict returned
17 on the issue specified in rule 2.___(3)(b).
18 2.___(7) If the jury, or the court, if there is no
19 jury, returns an affirmative finding on all applicable
20 issues, the court shall sentence the defendant to
21 death. If the jury or the court returns a negative
22 finding on any applicable issue, the court shall
23 sentence the defendant to the custody of the director
24 of the department of corrections for confinement for
25 the rest of the defendant's life.
26 2.___(8) After a verdict has been rendered it
27 shall be recorded on the jury verdict form and shall
28 be read and recorded in open court. The jurors shall
29 be collectively asked by the court whether the verdict
30 returned is their true and correct verdict. Even
31 though no juror makes any declaration to the contrary,
32 the jury shall, if either party so requests, be polled
33 and each juror shall be separately asked whether the
34 verdict rendered by the jury foreperson is the juror's
35 true and correct verdict. If, upon either the
36 collective or the separate inquiry, any juror denies
37 that the verdict is the juror's verdict, the court
38 shall refuse to accept the verdict. The court may
39 direct inquiry or permit inquiry by counsel to
40 ascertain whether any juror has been subjected to
41 coercion or has become confused during the jury
42 deliberation process. The court may, as appropriate,
43 direct the jury to resume deliberation in the case.
44 If no disagreement on the verdict is expressed by any
45 of the jurors, the court shall discharge the jury.
46 2.___(9) Provisions relating to deferred judgment,
47 deferred sentence, suspended sentence, reconsideration
48 of sentence, probation, parole, or work release
49 contained in Iowa Code chapters 901 through 909 do not
50 apply to a conviction of murder in the first degree if

Page 15

1 the defendant is sentenced to death.
2 Sec. 102. NEW RULE. 2.___ AUTOMATIC REVIEW —
3 STAY OF EXECUTION OF JUDGMENT.
4 2.___(1) A judgment of conviction and sentence of
5 death shall be reviewed automatically in the manner

6 provided in Iowa Code section 814.28, and the Iowa
7 supreme court has exclusive jurisdiction of the
8 review.
9 2.___(2) Upon entry of judgment and sentence of
10 death, the trial court shall prepare a complete record
11 and transcript of the action in the manner provided in
12 the rules of criminal procedure and shall docket the
13 record and transcript with the clerk of the supreme
14 court.
15 2.___(3) The execution of judgment of the trial
16 court is stayed as a matter of law from the time of
17 its entry until the judgment of the supreme court is
18 certified to and entered by the trial court. Upon
19 entry of a judgment of the supreme court which affirms
20 the conviction and sentence, the stay of execution of
21 judgment terminates as a matter of law.
22 2.___(4) All court costs required due to the
23 automatic preparation of the record and transcript,
24 docketing with the supreme court, and stay of
25 execution of judgment shall be assessed to the state.
26 Sec. 103. NEW RULE. 2.___ ISSUANCE OF WARRANT.
27 2.___(1) Upon entry by the trial court of the
28 judgment of the supreme court affirming a judgment and
29 sentence of death, a district judge shall within five
30 days of the entry issue a warrant under the seal of
31 the court for the execution of the sentence of death.
32 The warrant shall specifically set forth the offense
33 and the fact of conviction, shall state the judgment
34 and sentence of the court, shall state that the
35 judgment and sentence were affirmed by the supreme
36 court and the date of entry of judgment of the supreme
37 court in the trial court, and shall, subject to the
38 requirements of Iowa Code section 902.1, subsection 2,
39 specify a range of five days for execution of the
40 defendant which shall be not less than fifty nor more
41 than sixty days after the date of entry in the trial
42 court of the judgment of the supreme court affirming
43 the judgment and sentence of death. The warrant shall
44 be directed to the director of the department of
45 corrections commanding the director to cause the
46 warrant to be executed within the dates specified.
47 The trial court shall deliver the warrant to the
48 sheriff of the county in which judgment of conviction
49 was entered and the sheriff shall deliver the warrant
50 to the director of the department of corrections. The

Page 16

1 director of the department of corrections shall
2 acknowledge receipt of the warrant and the defendant,
3 and the sheriff shall return the acknowledgment to the
4 office of the clerk of the trial court from which the

5 warrant was issued.
6 2.___(2) Immediately after issuance of a warrant
7 ordering a sentence of death, the clerk of the trial
8 court issuing the warrant shall transmit by certified
9 mail to the governor a copy of the indictment, the
10 plea, the verdict and special findings, the
11 affirmation of judgment and sentence by the supreme
12 court, and the complete transcript of the trial court.
13 2.___(3) Notwithstanding rule 2.___(1), if a
14 defendant, for whom a warrant of execution is issued,
15 is pregnant, the execution shall not take place until
16 after the defendant is no longer pregnant.
17 Notwithstanding rule 2.___(1), if a defendant, for
18 whom a warrant of execution is issued, is suffering
19 from such a diseased or deranged condition of the mind
20 as to prevent the defendant from knowing the nature
21 and quality of the act the defendant has been
22 convicted of, or from understanding that trial on the
23 offense has taken place and that execution proceedings
24 are about to take place, or to otherwise cause the
25 defendant to lack the capacity to understand the
26 sentence which has been imposed and to participate in
27 any legal proceedings relating to the sentence, the
28 execution shall not take place until after the
29 defendant is no longer suffering from the condition.
30 Sec. 104. NEW RULE. 2.___ EVIDENCE AT PENALTY
31 PROCEEDING WHERE DEATH SENTENCE REQUESTED.
32 2.___(1) At a reasonable time before the
33 commencement of initial proceedings in a first degree
34 murder trial in which a sentence of death has been
35 requested, each party shall file and serve upon the
36 other party the following:
37 a. A list of all aggravating or mitigating
38 circumstances which the party intends to prove during
39 the sentencing proceedings.
40 b. The names of all persons whom the party intends
41 to call as witnesses during the sentencing
42 proceedings.
43 c. Notwithstanding rule 2.14, copies, or for
44 inspection purposes, the location, of all documents,
45 including books, papers, writings, drawings, graphs,
46 charts, photographs, telephone records, and other data
47 compilations from which information can be obtained,
48 or other objects which the party intends to offer into
49 evidence during the sentencing proceedings. If copies
50 are not supplied to opposing counsel, the party shall

1 make the items available for inspection and copying
2 without order of the court.
3 2.___(2) In proceedings to determine whether the

4 sentence shall be death or life imprisonment, evidence
5 may be presented as to any matter which the trial
6 court deems relevant to the sentence, including but
7 not limited to the nature, circumstances, and manner
8 of completion of the murder, and the defendant's
9 character, background, history, and mental and
10 physical condition. The trial court shall admit any
11 relevant admissible evidence respecting any
12 aggravating or mitigating circumstances, if the party
13 has included the circumstance on a list provided
14 pursuant to this rule, or good cause is shown for the
15 failure to do so.
16 Sec. ___. EFFECTIVE DATE — SEVERABILITY.
17 1. This division of this Act takes effect January
18 1, 2006, and applies to offenses committed on or after
19 that date.
20 2. If any provision of this division of this Act
21 or the application thereof to any person is invalid,
22 the invalidity shall not affect the provisions or
23 application of this division of this Act which can be
24 given effect without the invalid provisions or
25 application and to this end, the provisions of this
26 division of this Act are severable."
27 3. Title page, by striking lines 1 through 3 and
28 inserting the following: "An Act relating to criminal
29 practices and procedures, by applying the death
30 penalty for certain class "A" felons, by relating to
31 persons convicted of criminal offenses requiring
32 registration on the sex offender registry or requiring
33 an additional indeterminate sentence, by establishing
34 a".
35 4. Title page, line 5, by inserting after the
36 word "penalties" the following: ", and providing an
37 effective date and for the Act's applicability".
38 5. By renumbering as necessary.

LARRY McKIBBEN
JEFF LAMBERTI
JERRY BEHN
JEFF ANGELO
JAMES A. SEYMOUR
PAUL McKINLEY
JOHN PUTNEY
NANCY J. BOETTGER
RON WIECK
CHARLES W. LARSON, JR.
PAT WARD
BOB BRUNKHORST
STEVE KETTERING
JAMES F. HAHN
HUBERT HOUSER
STEWART E. IVERSON, JR.

S–3175

Amend the amendment, S–3160, to Senate File 408 as follows:

1. Page 1, by striking lines 2 through 22 and inserting the following:

"___. Page 1, by inserting after line 17 the following:

"Sec. ___. Section 427.1, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 21A. Dwelling unit property owned and managed by a nonprofit organization if the nonprofit organization owns and manages more than forty dwelling units that are located in a city with a population of more than one hundred ten thousand which has a public housing authority that does not own or manage housing stock for the purpose of low-rent housing."“

2. By renumbering as necessary.

MARY LUNDBY

S–3176

Amend the amendment, S–3170, to the House Amendment, S–3096, to Senate File 206, as amended, passed, and reprinted by the Senate, as follows:

1. Page 7, line 46, by inserting after the word "of" the following: "whitetail".

2. Page 8, line 1, by inserting after the word "of" the following: "whitetail".

3. Page 8, line 3, by inserting after the word "to" the following: "whitetail".

GENE FRAISE

S–3177

Amend House File 712, as amended, passed, and reprinted by the House, as follows:

1. Page 1, by striking lines 20 and 21, and inserting the following:

"NEW PARAGRAPH. c. If the vacancy occurs in a county with a population of one hundred thousand or less, by appointment by the board of supervisors of a county officer from another county with a population of one hundred thousand or less. The".

JOHN P. KIBBIE

S–3178

Amend Senate File 408 as follows:

1. Page 1, line 3, by inserting after the word "operated" the following: "or controlled".

2. Page 1, line 4, by inserting after the word "organization" the following: ", as recognized by the internal revenue service,".

3. Page 1, line 8, by inserting before the word "original" the following: "borrower's".

4. Page 1, line 9, by inserting before the word "original" the following: "borrower's".

5. Page 1, line 11, by inserting before the word "original" the following: "borrower's".

6. Page 1, line 14, by inserting before the word "original" the following: "borrower's".

STEVE WARNSTADT

S–3179

Amend the amendment, S–3166, to House File 840, as passed by the House, as follows:

1. Page 3, by inserting after line 29 the following:

"Sec. ___. NEW SECTION. 423D.1 REPAYMENT OF REBATE.

1. The owners or operators of the automobile racetrack facility that received a sales tax rebate pursuant to section 423.4, subsection 4, shall repay the amount of the rebate beginning one year from the date that twelve million five hundred thousand dollars was rebated or the date of the repeal of section 423.4, subsection 4, whichever occurred earlier. The repayment per year shall equal ten percent of the state corporate income tax liability of the racetrack facility until the total amount of rebates has been repaid. However, upon change in ownership of the racetrack facility any remaining repayments shall become due and payable. The repayments shall be made by the owners or operators of the facility on a calendar year basis according to rules established by the director of revenue.

2. There is established an economic development revolving loan fund created as a separate fund in the state treasury under the control of the department of economic development. Moneys in the fund shall be used to provide loans by the department for economic development purposes pursuant to existing programs.

3. All revenues received from the repayment of rebates pursuant to subsection 1 shall be deposited into the economic development revolving loan fund."

2. Page 3, by inserting after line 47 the following:
"___. Title page, line 2, by inserting after the word "facility" the following: "and requiring the repayment of any rebates"".

KEITH A. KREIMAN

S–3180

Amend House File 857, as amended, passed, and reprinted by the House, as follows:
1. Page 1, by striking lines 1 through 12.
2. By renumbering as necessary.

COMMITTEE ON WAYS AND MEANS
JOE BOLKCOM, Co-chair
MARK ZIEMAN, Co-chair

S–3181

Amend House File 834, as passed by the House, as follows:
1. Page 2, line 14, by inserting after the word "land." the following: "In a county with a population of more than one thousand, septage shall not be applied to land and shall be disposed of at a wastewater treatment facility."

COMMITTEE ON WAYS AND MEANS
JOE BOLKCOM, Co-chair
MARK ZIEMAN, Co-chair

S–3182

Amend House File 619, as amended, passed, and reprinted by the House, as follows:
1. By striking everything after the enacting clause and inserting the following:

"DIVISION I
DNA PROFILING

Section 1. NEW SECTION. 81.1 DEFINITIONS.
As used in this chapter, unless the context otherwise requires:
1. "DNA" means deoxyribonucleic acid.
2. "DNA databank" means the repository for DNA samples obtained pursuant to section 81.4.
3. "DNA database" means the collection of DNA profiles and DNA records.
4. "DNA profile" means the objective form of the results of DNA analysis performed on a DNA sample. The results of all DNA identification analysis on an

18 individual's DNA sample are also collectively referred
19 to as the DNA profile of an individual.
20 5. "DNA profiling" means the procedure established
21 by the division of criminal investigation, department
22 of public safety, for determining a person's genetic
23 identity.
24 6. "DNA record" means the DNA sample and DNA
25 profile, and other records in the DNA database and DNA
26 data bank used to identify a person.
27 7. "DNA sample" means a biological sample provided
28 by any person required to submit a DNA sample or a DNA
29 sample submitted for any other purpose under section
30 81.4.
31 8. "Person required to submit a DNA sample" means
32 a person convicted, adjudicated delinquent, receiving
33 a deferred judgment, or found not guilty by reason of
34 insanity of an offense requiring DNA profiling
35 pursuant to section 81.2. "Person required to submit
36 a DNA sample" also means a person determined to be a
37 sexually violent predator pursuant to section 229A.7.
38 Sec. 2. NEW SECTION. 81.2 PERSONS REQUIRED TO
39 SUBMIT A DNA SAMPLE.
40 1. A person who receives a deferred judgment for a
41 felony or against whom a judgment or conviction for a
42 felony has been entered shall be required to submit a
43 DNA sample for DNA profiling pursuant to section 81.4.
44 2. A person determined to be a sexually violent
45 predator pursuant to chapter 229A shall be required to
46 submit a DNA sample for DNA profiling pursuant to
47 section 81.4 prior to discharge or placement in a
48 transitional release program.
49 3. A person found not guilty by reason of insanity
50 of an offense that requires DNA profiling shall be

Page 2

1 required to submit a DNA sample for DNA profiling
2 pursuant to section 81.4 as part of the person's
3 treatment management program.
4 4. A juvenile adjudicated delinquent of an offense
5 that requires DNA profiling of an adult offender shall
6 be required to submit a DNA sample for DNA profiling
7 pursuant to section 81.4 as part of the disposition of
8 the juvenile's case.
9 5. An offender placed on probation shall
10 immediately report to the judicial district department
11 of correctional services after sentencing so it can be
12 determined if the offender has been convicted of an
13 offense requiring DNA profiling. If it is determined
14 by the judicial district that DNA profiling is
15 required, the offender shall immediately submit a DNA
16 sample.

17 6. A person required to register as a sex
18 offender.
19 Sec. 3. NEW SECTION. 81.3 ESTABLISHMENT OF DNA
20 DATABASE AND DNA DATABANK.
21 1. A state DNA database and a state DNA databank
22 are established under the control of the division of
23 criminal investigation, department of public safety.
24 The division of criminal investigation shall conduct
25 DNA profiling of a DNA sample submitted in accordance
26 with this section.
27 2. A DNA sample shall be submitted, and the
28 division of criminal investigation shall store and
29 maintain DNA records in the DNA database and DNA
30 databank for persons required to submit a DNA sample.
31 3. A DNA sample may be submitted, and the division
32 of criminal investigation shall store and maintain DNA
33 records in the DNA database and DNA databank for any
34 of the following:
35 a. Crime scene evidence and forensic casework.
36 b. A relative of a missing person.
37 c. An anonymous DNA profile used for forensic
38 validation, forensic protocol development, or quality
39 control purposes, or for the establishment of a
40 population statistics database.
41 4. A fingerprint record of a person required to
42 submit a DNA sample shall also be submitted to the
43 division of criminal investigation with the DNA sample
44 to verify the identity of the person required to
45 submit a DNA sample.
46 Sec. 4. NEW SECTION. 81.4 COLLECTING,
47 SUBMITTING, ANALYZING, IDENTIFYING, AND STORING DNA
48 SAMPLES AND DNA RECORDS.
49 1. The division of criminal investigation shall
50 adopt rules for the collection, submission, analysis,

1 identification, storage, and disposition of DNA
2 records.
3 2. A supervising agency having control, custody,
4 or jurisdiction over a person shall collect a DNA
5 sample from a person required to submit a DNA sample.
6 The supervising agency shall collect a DNA sample,
7 upon admittance to the pertinent institution or
8 facility, of the person required to submit a DNA
9 sample or at a determined date and time set by the
10 supervising agency. If a person required to submit a
11 DNA sample is confined at the time a DNA sample is
12 required, the person shall submit a DNA sample as soon
13 as practicable. If a person required to submit a DNA
14 sample is not confined after the person is required to
15 submit a DNA sample, the supervising agency shall

16 determine the date and time to collect the DNA sample.
17 3. A person required to submit a DNA sample who
18 refuses to submit a DNA sample may be subject to
19 contempt proceedings pursuant to chapter 665 until the
20 DNA sample is submitted.
21 4. The division of criminal investigation shall
22 conduct DNA profiling on a DNA sample or may contract
23 with a private entity to conduct the DNA profiling.
24 Sec. 5. NEW SECTION. 81.5 CIVIL AND CRIMINAL
25 LIABILITY — LIMITATION.
26 A person who collects a DNA sample shall not be
27 civilly or criminally liable for the collection of the
28 DNA sample if the person performs the person's duties
29 in good faith and in a reasonable manner according to
30 generally accepted medical practices or in accordance
31 with the procedures set out in the administrative
32 rules of the department of public safety adopted
33 pursuant to section 81.4.
34 Sec. 6. NEW SECTION. 81.6 CRIMINAL OFFENSE.
35 1. A person who knowingly or intentionally does
36 any of the following commits an aggravated
37 misdemeanor:
38 a. Discloses any part of a DNA record to a person
39 or agency that is not authorized by the division of
40 criminal investigation to have access to the DNA
41 record.
42 b. Uses or obtains a DNA record for a purpose
43 other than what is authorized under this chapter.
44 2. A person who knowingly or intentionally alters
45 or attempts to alter a DNA sample, falsifies the
46 source of a DNA sample, or materially alters a
47 collection container used to collect the DNA sample,
48 commits a class "D" felony.
49 Sec. 7. NEW SECTION. 81.7 CONVICTION OR ARREST
50 NOT INVALIDATED.

Page 4

1 The detention, arrest, or conviction of a person
2 based upon a DNA database match is not invalidated if
3 it is determined that the DNA sample or DNA profile
4 was obtained or placed into the DNA database by
5 mistake or error.
6 Sec. 8. NEW SECTION. 81.8 CONFIDENTIAL RECORDS.
7 1. A DNA record shall be considered a confidential
8 record and disclosure of a DNA record is only
9 authorized pursuant to this section.
10 2. Confidential DNA records under this section may
11 be released to the following agencies for law
12 enforcement identification purposes:
13 a. Any criminal or juvenile justice agency as
14 defined in section 692.1.

15 b. Any criminal or juvenile justice agency in
16 another jurisdiction that meets the definition of a
17 criminal or juvenile justice agency as defined in
18 section 692.1.
19 3. The division of criminal investigation shall
20 share the DNA record information with the appropriate
21 federal agencies for use in a national DNA database.
22 4. A DNA record or other forensic information
23 developed pursuant to this chapter may be released for
24 use in a criminal or juvenile delinquency proceeding
25 in which the state is a party and where the DNA record
26 or forensic information is relevant and material to
27 the subject of the proceeding. Such a record or
28 information may become part of a public transcript or
29 other public recording of such a proceeding.
30 5. A DNA record or other forensic information may
31 be released pursuant to a court order for criminal
32 defense purposes to a defendant, who shall have access
33 to DNA samples and DNA profiles related to the case in
34 which the defendant is charged.
35 Sec. 9. NEW SECTION. 81.9 EXPUNGEMENT OF DNA
36 RECORDS.
37 1. A person whose DNA record has been included in
38 the DNA database or DNA databank established pursuant
39 to section 81.3 may request, in writing to the
40 division of criminal investigation, expungement of the
41 DNA record from the DNA database and DNA databank
42 based upon the person's conviction, adjudication, or
43 civil commitment which caused the submission of the
44 DNA sample being reversed on appeal and the case
45 dismissed. The written request shall contain a
46 certified copy of the final court order reversing the
47 conviction, adjudication, or civil commitment, and a
48 certified copy of the dismissal, and any other
49 information necessary to ascertain the validity of the
50 request.

Page 5

1 2. The division of criminal investigation, upon
2 receipt of a written request that validates reversal
3 on appeal of a person's conviction, adjudication, or
4 commitment, and subsequent dismissal of the case, or
5 upon receipt of a written request by a person who
6 voluntarily submitted a DNA sample under section 81.3,
7 subsection 3, paragraph "b", or upon receipt of a
8 written request by a person who voluntarily submitted
9 a DNA sample pursuant to section 81.3, subsection 3,
10 paragraph "b", shall expunge all of the DNA records
11 and identifiable information of the person in the DNA
12 database and DNA databank. However, if the division
13 of criminal investigation determines that the person

14 is otherwise obligated to submit a DNA sample, the DNA
15 records shall not be expunged. If the division of
16 criminal investigation denies an expungement request,
17 the division shall notify the person requesting the
18 expungement of the decision not to expunge the DNA
19 record and the reason supporting its decision. The
20 division of criminal investigation decision is subject
21 to judicial review pursuant to chapter 17A. The
22 department of public safety shall adopt rules
23 governing the expungement procedure and a review
24 process.
25 3. The division of criminal investigation is not
26 required to expunge or destroy a DNA record pursuant
27 to this section, if expungement or destruction of the
28 DNA record would destroy evidence related to another
29 person.
30 Sec. 10. NEW SECTION. 81.10 DNA PROFILING AFTER
31 CONVICTION.
32 1. A defendant who has been convicted of a felony
33 and who has not been required to submit a DNA sample
34 for DNA profiling may make a motion to the court for
35 an order to require that DNA analysis be performed on
36 evidence collected in the case for which the person
37 stands convicted.
38 2. The motion shall state the following:
39 a. The specific crimes for which the defendant
40 stands convicted in this case.
41 b. The facts of the underlying case, as proven at
42 trial or admitted to during a guilty plea proceeding.
43 c. Whether any of the charges include sexual abuse
44 or involve sexual assault, and if so, whether a sexual
45 assault examination was conducted and evidence
46 preserved, if known.
47 d. Whether identity was at issue or contested by
48 the defendant.
49 e. Whether the defendant offered an alibi, and if
50 so, testimony corroborating the alibi and, from whom.

Page 6

1 f. Whether eyewitness testimony was offered, and
2 if so from whom.
3 g. Whether any issues of police or prosecutor
4 misconduct have been raised in the past or are being
5 raised by the motion.
6 h. The type of inculpatory evidence admitted into
7 evidence at trial or admitted to during a guilty plea
8 proceeding.
9 i. Whether blood testing or other biological
10 evidence testing was conducted previously in
11 connection with the case and, if so, by whom and to
12 the result, if known.

13 j. What biological evidence exists and, if known,
14 the agency or laboratory storing the evidence that the
15 defendant seeks to have tested.
16 k. Why the requested analysis of DNA evidence is
17 material to the issue in the case and not merely
18 cumulative or impeaching.
19 l. Why the DNA evidence would have changed the
20 outcome of the trial or invalidated a guilty plea if
21 DNA profiling had been conducted prior to the
22 conviction.
23 3. A motion filed under this section shall be
24 filed in the county where the defendant was convicted,
25 and notice of the motion shall be served by certified
26 mail upon the county attorney and, if known, upon the
27 state, local agency, or laboratory holding evidence
28 described in subsection 2, paragraph "k". The county
29 attorney shall have sixty days to file an answer to
30 the motion.
31 4. Any DNA profiling of the defendant or other
32 biological evidence testing conducted by the state or
33 by the defendant shall be disclosed and the results of
34 such profiling or testing described in the motion or
35 answer.
36 5. If the evidence requested to be tested was
37 previously subjected to DNA or other biological
38 analysis by either party, the court may order the
39 disclosure of the results of such testing, including
40 laboratory reports, notes, and underlying data, to the
41 court and the parties.
42 6. The court may order a hearing on the motion to
43 determine if evidence should be subjected to DNA
44 analysis.
45 7. The court shall grant the motion if all of the
46 following apply:
47 a. The evidence subject to DNA testing is
48 available and in a condition that will permit
49 analysis.
50 b. A sufficient chain of custody has been

Page 7

1 established for the evidence.
2 c. The identity of the person who committed the
3 crime for which the defendant was convicted was a
4 significant issue in the crime for which the defendant
5 was convicted.
6 d. The evidence subject to DNA analysis is
7 material to, and not merely cumulative or impeaching
8 of, evidence included in the trial record or admitted
9 to at a guilty plea proceeding.
10 e. DNA analysis of the evidence would raise a
11 reasonable probability that the defendant would not

12 have been convicted if DNA profiling had been
13 available at the time of the conviction and had been
14 conducted prior to the conviction.
15 8. Upon the court granting a motion filed pursuant
16 to this section, DNA analysis of evidence shall be
17 conducted within the guidelines generally accepted by
18 the scientific community. The defendant shall provide
19 DNA samples for testing if requested by the state.
20 9. Results of DNA analysis conducted pursuant to
21 this section shall be reported to the parties and to
22 the court and may be provided to the board of parole,
23 department of corrections, and criminal and juvenile
24 justice agencies, as defined in section 692.1, for use
25 in the course of investigations and prosecutions, and
26 for consideration in connection with requests for
27 parole, pardon, reprieve, and commutation. DNA
28 samples obtained pursuant to this section may be
29 included in the DNA databank, and DNA profiles and DNA
30 records developed pursuant to this section may be
31 included in the DNA database.
32 10. A criminal or juvenile justice agency, as
33 defined in section 692.1, shall maintain DNA samples
34 and evidence that could be tested for DNA for a period
35 of three years beyond the limitations for the
36 commencement of criminal actions as set forth in
37 chapter 802. This section does not create a cause of
38 action for damages or a presumption of spoliation in
39 the event evidence is no longer available for testing.
40 11. If the court determines a defendant who files
41 a motion under this section is indigent, the defendant
42 shall be entitled to appointment of counsel as
43 provided in chapter 815.
44 12. If the court determines after DNA analysis
45 ordered pursuant to this section that the results
46 indicate conclusively that the DNA profile of the
47 defendant matches the profile from the analyzed
48 evidence used against the defendant, the court may
49 order the defendant to pay the costs of these
50 proceedings, including costs of all testing, court

Page 8

1 costs, and costs of court-appointed counsel, if any.
2 Sec. 11. Section 229A.7, Code 2005, is amended by
3 adding the following new subsection:
4 NEW SUBSECTION. 5A. If the court or jury
5 determines that the respondent is a sexually violent
6 predator, the court shall order the respondent to
7 submit a DNA sample for DNA profiling pursuant to
8 section 81.4.
9 Sec. 12. Section 232.52, Code 2005, is amended by
10 adding the following new subsection:

11 NEW SUBSECTION. 10. The court shall order a
12 juvenile adjudicated a delinquent for an offense that
13 requires DNA profiling under section 81.2 to submit a
14 DNA sample for DNA profiling pursuant to section 81.4.
15 Sec. 13. Section 669.14, Code 2005, is amended by
16 adding the following new subsection:
17 NEW SUBSECTION. 15. Any claim arising from or
18 related to the collection of a DNA sample for DNA
19 profiling pursuant to section 81.4 or a DNA profiling
20 procedure performed by the division of criminal
21 investigation, department of public safety.
22 Sec. 14. Section 901.5, subsection 8A, Code 2005,
23 is amended to read as follows:
24 8A. a. The court shall order DNA profiling of a
25 defendant convicted of an offense that requires
26 profiling under section ~~13.10~~ 81.2.
27 b. Notwithstanding section ~~13.10~~ 81.2, the court
28 may order the defendant to provide a ~~physical specimen~~
29 DNA sample to be submitted for DNA profiling if
30 appropriate. In determining the appropriateness of
31 ordering DNA profiling, the court shall consider the
32 deterrent effect of DNA profiling, the likelihood of
33 repeated offenses by the defendant, and the
34 seriousness of the offense.
35 Sec. 15. Section 906.4, unnumbered paragraph 3,
36 Code 2005, is amended to read as follows:
37 ~~Notwithstanding section 13.10, the~~ The board may
38 order the defendant to provide a physical specimen to
39 be submitted for DNA profiling as a condition of
40 parole or work release, if ~~appropriate~~ a DNA profile
41 has not been previously conducted pursuant to chapter
42 81. In determining the appropriateness of ordering
43 DNA profiling, the board shall consider the deterrent
44 effect of DNA profiling, the likelihood of repeated
45 offenses by the defendant, and the seriousness of the
46 offense.
47 Sec. 16. 2002 Iowa Acts, chapter 1080, is
48 repealed.
49 Sec. 17. Section 13.10, Code 2005, is repealed.
50 Sec. 18. PERSONS REQUIRED TO SUBMIT A DNA SAMPLE

Page 9

1 PRIOR TO EFFECTIVE DATE OF THIS DIVISION OF THIS ACT.
2 A person convicted, adjudicated a delinquent, civilly
3 committed as a sexually violent predator, or found not
4 guilty by reason of insanity, prior to the effective
5 date of this Act, who would otherwise be required to
6 submit a DNA sample under this Act, and who is under
7 the custody, control, or jurisdiction of a supervising
8 agency, shall submit a DNA sample prior to being
9 released from the supervising agency's custody,

10 control, or jurisdiction.
11 Sec. 19. EFFECTIVE DATE. This division of this
12 Act, being deemed of immediate importance, takes
13 effect upon enactment.
14 DIVISION II
15 SEX OFFENDER REGISTRY AND TREATMENT
16 Sec. 20. Section 321.11, subsection 3, Code 2005,
17 is amended to read as follows:
18 3. Notwithstanding other provisions of this
19 section to the contrary, the department shall not
20 release personal information to a person, other than
21 to an officer or employee of a law enforcement agency,
22 an employee of a federal or state agency or political
23 subdivision in the performance of the employee's
24 official duties, a contract employee of the department
25 of inspections and appeals in the conduct of an
26 investigation, or a licensed private investigation
27 agency or a licensed security service or a licensed
28 employee of either, if the information is requested by
29 the presentation of a registration plate number. In
30 addition, an officer or employee of a law enforcement
31 agency may release the name, address, and telephone
32 number of a motor vehicle registrant to a person
33 requesting the information by the presentation of a
34 registration plate number if the officer or employee
35 of the law enforcement agency believes that the
36 release of the information is necessary in the
37 performance of the officer's or employee's duties.
38 For purposes of this section, "personal information"
39 includes whether the person is on the sex offender
40 registry as provided in chapter 692A.
41 Sec. 21. Section 692A.1, subsection 8, Code 2005,
42 is amended to read as follows:
43 8. "Residence" means the place where a person
44 sleeps, which may include more than one location, and
45 may be mobile or transitory, including a shelter or
46 group home.
47 Sec. 22. Section 692A.2, Code 2005, is amended by
48 adding the following new subsection:
49 NEW SUBSECTION. 1A. If a person is required to
50 register for a period of ten years under subsection 1

1 and the period under subsection 1 has expired, the
2 person shall be required to remain on the registry if
3 the person has been sentenced to a special sentence as
4 required under section 903B.0A or 903B.0B, for a
5 period equal to the term of the special sentence.
6 Sec. 23. NEW SECTION. 692A.2B RESTRICTIONS ON
7 RESIDENCY NEAR CHILD CARE FACILITIES OR SCHOOLS.
8 1. For purposes of this section, "person" means a

9 person who is required to register under this chapter.
10 2. A person shall not reside within one thousand
11 feet of the real property comprising a public or
12 nonpublic elementary or secondary school or a child
13 care facility.
14 3. A person who resides within one thousand feet
15 of the real property comprising a public or nonpublic
16 elementary or secondary school, or a child care
17 facility, commits an aggravated misdemeanor.
18 4. A person residing within one thousand feet of
19 the real property comprising a public or nonpublic
20 elementary or secondary school or a child care
21 facility does not commit a violation of this section
22 if any of the following apply:
23 a. The person is required to serve a sentence at a
24 jail, prison, juvenile facility, or other correctional
25 institution or facility.
26 b. The person is subject to an order of commitment
27 under chapter 229A.
28 c. The person has established a residence prior to
29 July 1, 2005, or a school or child care facility is
30 newly located on or after July 1, 2005.
31 d. The person is a minor or a ward under a
32 guardianship.
33 Sec. 24. Section 692A.4, Code 2005, is amended to
34 read as follows:
35 692A.4 VERIFICATION OF ADDRESS <u>AND TAKING OF</u>
36 <u>PHOTOGRAPH</u>.
37 1. The address of a person required to register
38 under this chapter shall be verified annually as
39 follows:
40 a. On a date which falls within the month in which
41 the person was initially required to register, the
42 department shall mail a verification form to the last
43 reported address of the person. Verification forms
44 shall not be forwarded to the person who is required
45 to register under this chapter if the person no longer
46 resides at the address, but shall be returned to the
47 department.
48 b. The person shall complete and mail the
49 verification to the department within ten days of
50 receipt of the form.

Page 11

1 c. The verification form shall be signed by the
2 person, and state the address at which the person
3 resides. If the person is in the process of changing
4 residences, the person shall state that fact as well
5 as the old and new addresses or places of residence.
6 2. Verification of address for a person who has
7 been convicted of an offense under the laws of this

8 state or of another state which would qualify the
9 person as a sexually violent predator shall be
10 accomplished in the same manner as in subsection 1,
11 except that the verification shall be done every three
12 months at times established by the department.
13 3. A photograph of a person required to register
14 under this chapter shall be updated, at a minimum,
15 annually. When the department mails the address
16 verification notice in subsection 1, the department
17 shall also enclose a form informing the person to
18 annually submit to being photographed by the sheriff
19 of the county of the person's residence within ten
20 days of receipt of the address verification form. The
21 sheriff shall send the updated photograph to the
22 department within ten days of the photograph being
23 taken and the department shall post the updated
24 photograph on the sex offender registry's web page.
25 The sheriff may require the person to submit to being
26 photographed by the sheriff more than once a year by
27 mailing another notice informing the person to submit
28 to being photographed.
29 Sec. 25. NEW SECTION. 692A.4A ELECTRONIC
30 MONITORING.
31 A person required to register under this chapter
32 who is placed on probation, parole, work release,
33 special sentence, or any other type of conditional
34 release, may be supervised by an electronic tracking
35 and monitoring system in addition to any other
36 conditions of supervision.
37 Sec. 26. Section 692A.5, subsection 1, paragraph
38 h, Code 2005, is amended to read as follows:
39 h. Inform the person, if the person's residency is
40 restricted under section 692A.2A, that the person
41 shall not reside within two thousand feet of the real
42 property comprising a public or nonpublic elementary
43 or secondary school, or a child care facility. After
44 June 30, 2005, inform the person, if the person's
45 residency is restricted under section 692A.2B, that
46 the person shall not reside within one thousand feet
47 of the real property comprising a public or nonpublic
48 elementary or secondary school, or a child care
49 facility.
50 Sec. 27. Section 692A.5, subsection 1, Code 2005,

1 is amended by adding the following new paragraph:
2 NEW PARAGRAPH. i. Inform the person that the
3 person must, at a minimum, annually submit to being
4 photographed by the sheriff of the county of the
5 person's residence.
6 Sec. 28. Section 692A.13, subsection 3, Code 2005,

is amended to read as follows:

3. Any member of the public may contact a county sheriff's office or police department to request relevant information from the registry regarding a specific person required to register under this chapter. ~~The request for information shall be in writing, and~~ A person making a request for relevant information may make the request by telephone, in writing, or in person, and the request shall include the name of the person and at least one of the following identifiers pertaining to the person about whom the information is sought:

a. The date of birth of the person.

b. The social security number of the person.

c. The address of the person.

d. The name of the person.

A county sheriff shall not charge a fee relating to a request for relevant information.

Sec. 29. Section 692A.10, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. Notify the state department of transportation of the name of any person required to register, and subsequently notify the state department of transportation of the name of any person no longer required to register.

Sec. 30. Section 692A.13, subsection 5, Code 2005, is amended to read as follows:

5. Relevant information provided to the general public may include the offender's name, address, a photograph, locations frequented by the offender, relevant criminal history information from the registry, and any other relevant information. Relevant information provided to the public shall not include the identity of any victim. For purposes of inclusion in the sex offender registry's web page or dissemination to the general public, a conviction for incest shall be disclosed as either a violation of section 709.4 or 709.8.

Sec. 31. Section 903A.2, subsection 1, paragraph a, Code 2005, is amended to read as follows:

a. Category "A" sentences are those sentences which are not subject to a maximum accumulation of earned time of fifteen percent of the total sentence of confinement under section 902.12. To the extent

provided in subsection 5, category "A" sentences also include life sentences imposed under section 902.1. An inmate of an institution under the control of the department of corrections who is serving a category "A" sentence is eligible for a reduction of sentence

equal to one and two-tenths days for each day the inmate demonstrates good conduct and satisfactorily participates in any program or placement status identified by the director to earn the reduction. The programs include but are not limited to the following:

(1) Employment in the institution.

(2) Iowa state industries.

(3) An employment program established by the director.

(4) A treatment program established by the director.

(5) An inmate educational program approved by the director.

However, an inmate required to participate in a sex offender treatment program shall not be eligible for a reduction of sentence unless the inmate participates in and completes a sex offender treatment program established by the director.

An inmate serving a category "A" sentence is eligible for an additional reduction of sentence of up to three hundred sixty-five days of the full term of the sentence of the inmate for exemplary acts. In accordance with section 903A.4, the director shall by policy identify what constitutes an exemplary act that may warrant an additional reduction of sentence.

DIVISION III

ENHANCED CRIMINAL PENALTIES AND STATUTE OF LIMITATIONS

Sec. 32. Section 709.8, Code 2005, is amended to read as follows:

709.8 LASCIVIOUS ACTS WITH A CHILD.

It is unlawful for any person ~~eighteen~~ sixteen years of age or older to perform any of the following acts with a child with or without the child's consent unless married to each other, for the purpose of arousing or satisfying the sexual desires of either of them:

1. Fondle or touch the pubes or genitals of a child.

2. Permit or cause a child to fondle or touch the person's genitals or pubes.

3. Solicit a child to engage in a sex act or solicit a person to arrange a sex act with a child.

4. Inflict pain or discomfort upon a child or permit a child to inflict pain or discomfort on the

person.

Any person who violates a provision of this section shall, upon conviction, be guilty of a class ~~"D"~~ "C" felony. A person who violates a provision of this

section and who is sentenced to a term of confinement shall also be sentenced to an additional term of parole or work release not to exceed two years. The board of parole shall determine whether the person should be released on parole or placed in a work release program. The sentence of an additional term of parole or work release supervision shall commence immediately upon the expiration of the preceding sentence and shall be under the terms and conditions as set out in chapter 906. Violations of parole or work release shall be subject to the procedures set out in chapter 905 or 908 or rules adopted under those chapters. The sentence of an additional term of parole or work release shall be consecutive to the original term of confinement.

Sec. 33. Section 709.12, unnumbered paragraph 1, Code 2005, is amended to read as follows:

A person eighteen years of age or older is upon conviction guilty of ~~an aggravated misdemeanor~~ a class "D" felony if the person commits any of the following acts with a child, not the person's spouse, with or without the child's consent, for the purpose of arousing or satisfying the sexual desires of either of them:

Sec. 34. Section 802.2, Code 2005, is amended to read as follows:

802.2 SEXUAL ABUSE — FIRST, SECOND, OR THIRD DEGREE.

1. An information or indictment for sexual abuse in the first, second, or third degree committed on or with a person who is under the age of eighteen years shall be found within ten years after the person upon whom the offense is committed attains eighteen years of age, or if the identity of the person against whom the information or indictment is sought is established through the use of a DNA profile, an information or indictment shall be found within three years from the date the identity of the person is identified by the person's DNA profile, whichever is later.

2. An information or indictment for any other sexual abuse in the first, second, or third degree shall be found within ten years after its commission, or if the identity of the person against whom the information or indictment is sought is established through the use of a DNA profile, an information or indictment shall be found within three years from the

date the identity of the person is identified by the person's DNA profile, whichever is later.

3. As used in this section, "identified" means a

4 person's legal name is known and the person has been
5 determined to be the source of the DNA.
6 Sec. 35. Section 901.5, Code 2005, is amended by
7 adding the following new subsection:
8 NEW SUBSECTION. 13. In addition to any other
9 sentence or other penalty imposed against the
10 defendant, the court shall impose a special sentence
11 if required under section 903B.0A or 903B.0B.
12 Sec. 36. NEW SECTION. 902.15 ENHANCED PENALTY —
13 SEXUAL ABUSE OR LASCIVIOUS ACTS WITH A CHILD.
14 1. A person commits a class "A" felony if the
15 person commits a second or subsequent offense
16 involving any combination of the following offenses:
17 a. Sexual abuse in the second degree in violation
18 of section 709.3.
19 b. Sexual abuse in the third degree in violation
20 of section 709.4.
21 c. Lascivious acts with a child in violation of
22 section 709.8, subsection 1 or 2.
23 2. In determining if a violation charged is a
24 second or subsequent offense for purposes of criminal
25 sentencing in this section, each previous violation on
26 which conviction or deferral of judgment was entered
27 prior to the date of the violation charged shall be
28 considered and counted as a separate previous offense,
29 regardless of whether the previous offense occurred
30 before, on, or after the effective date of this Act.
31 Convictions or the equivalent of deferred judgments
32 for violations in any other states under statutes
33 substantially corresponding to the offenses listed in
34 subsection 1 shall be counted as previous offenses.
35 The courts shall judicially notice the statutes of
36 other states which define offenses substantially
37 equivalent to the offenses listed in subsection 1 and
38 can therefore be considered corresponding statutes.
39 Sec. 37. NEW SECTION. 903B.0A SPECIAL SENTENCE
40 — CLASS "B" OR CLASS "C" FELONIES.
41 A person convicted of a class "C" felony or greater
42 offense under chapter 709, or a class "C" felony under
43 section 728.12, shall also be sentenced, in addition
44 to any other punishment provided by law, to a special
45 sentence committing the person into the custody of the
46 director of the Iowa department of corrections for the
47 rest of the person's life, with eligibility for parole
48 as provided in chapter 906. The special sentence
49 imposed under this section shall commence upon
50 completion of the sentence imposed under any

1 applicable criminal sentencing provisions for the
2 underlying criminal offense and the person shall begin

3 the sentence under supervision as if on parole. The
4 person shall be placed on the corrections continuum in
5 chapter 901B, and the terms and conditions of the
6 special sentence, including violations, shall be
7 subject to the same set of procedures set out in
8 chapters 901B, 905, 906, and chapter 908, and rules
9 adopted under those chapters for persons on parole
10 shall not be for a period greater than two years upon
11 any first revocation, and five years upon any second
12 or subsequent revocation. A special sentence shall be
13 considered a category "A" sentence for purposes of
14 calculating earned time under section 903A.2.
15 Sec. 38. NEW SECTION. 903B.0B SPECIAL SENTENCE
16 — CLASS "D" FELONIES OR MISDEMEANORS.
17 A person convicted of a misdemeanor or a class "D"
18 felony offense under chapter 709, section 726.2, or
19 section 728.12 shall also be sentenced, in addition to
20 any other punishment provided by law, to a special
21 sentence committing the person into the custody of the
22 director of the Iowa department of corrections for a
23 period of ten years, with eligibility for parole as
24 provided in chapter 906. The special sentence imposed
25 under this section shall commence upon completion of
26 the sentence imposed under any applicable criminal
27 sentencing provisions for the underlying criminal
28 offense and the person shall begin the sentence under
29 supervision as if on parole. The person shall be
30 placed on the corrections continuum in chapter 901B,
31 and the terms and conditions of the special sentence,
32 including violations, shall be subject to the same set
33 of procedures set out in chapters 901B, 905, 906, and
34 908, and rules adopted under those chapters for
35 persons on parole. The revocation of release shall
36 not be for a period greater than two years upon any
37 first revocation, and five years upon any second or
38 subsequent revocation. A special sentence shall be
39 considered a category "A" sentence for purposes of
40 calculating earned time under section 903A.2.
41 Sec. 39. Section 903B.1, subsection 3, Code 2005,
42 is amended by striking the subsection.
43 Sec. 40. Section 906.15, unnumbered paragraph 1,
44 Code 2005, is amended to read as follows:
45 Unless sooner discharged, a person released on
46 parole shall be discharged when the person's term of
47 parole equals the period of imprisonment specified in
48 the person's sentence, less all time served in
49 confinement. Discharge from parole may be granted
50 prior to such time, when an early discharge is

appropriate. The board shall periodically review all paroles, and when the board determines that any person on parole is able and willing to fulfill the obligations of a law-abiding citizen without further supervision, the board shall discharge the person from parole. A parole officer shall periodically review all paroles assigned to the parole officer, and when the parole officer determines that any person assigned to the officer is able and willing to fulfill the obligations of a law-abiding citizen without further supervision, the officer may discharge the person from parole after notification and approval of the district director and notification of the board of parole. In any event, discharge from parole shall terminate the person's sentence. <u>If a person has been sentenced to a special sentence under section 903B.0A or 903B.0B, the person may be discharged early from the sentence in the same manner as any other person on parole.</u> However, a person convicted of a violation of section 709.3, 709.4, or 709.8 committed on or with a child, or a person serving a sentence under section 902.12, shall not be discharged from parole until the person's term of parole equals the period of imprisonment specified in the person's sentence, less all time served in confinement.

Sec. 41. Section 908.5, Code 2005, is amended to read as follows:

908.5 DISPOSITION.

<u>1.</u> If a violation of parole is established, the administrative parole judge may continue the parole with or without any modification of the conditions of parole. The administrative parole judge may revoke the parole and require the parolee to serve the sentence originally imposed, or may revoke the parole and reinstate the parolee's work release status.

<u>2. If the person is serving a special sentence under chapter 903B, the administrative parole judge may revoke the release. Upon the revocation of release, the person shall not serve the entire length of the special sentence imposed, and the revocation shall be for a period not to exceed two years in a correctional institution upon a first revocation and for a period not to exceed five years in a correctional institution upon a second or subsequent revocation.</u>

<u>3.</u> The order of the administrative parole judge shall contain findings of fact, conclusions of law, and a disposition of the matter.

DIVISION IV

DEATH PENALTY

Page 18

1 Sec. 42. Section 13B.4, Code 2005, is amended by
2 adding the following new subsection:
3 NEW SUBSECTION. 6A. The state public defender
4 shall perform all of the following duties with respect
5 to the appointment of counsel for indigent persons in
6 cases in which a sentence of death may be or is to be
7 imposed:
8 a. Provide or contract with attorneys for
9 appointment as lead counsel and cocounsel to provide
10 legal services in cases where a person is charged with
11 murder in the first degree, kidnapping, and sexual
12 abuse under section 902.15, and the state has given
13 notice of intent to seek the death penalty or in cases
14 in which a sentence of death is to be imposed.
15 b. Conduct or sponsor specialized training
16 programs for attorneys representing persons who may be
17 executed.
18 Sec. 43. Section 216A.133, Code 2005, is amended
19 by adding the following new subsection:
20 NEW SUBSECTION. 8. Review the effects of the
21 reinstatement of the death penalty on arrest,
22 prosecution, conviction, and incarceration rates; law
23 enforcement duties and ability to obtain evidence
24 necessary for arrests; court dockets and workload;
25 prison space; recidivism rates of persons charged with
26 crimes of violence against persons; and other aspects
27 of the criminal justice system. Based on the review
28 and other factors deemed relevant, the council shall
29 make findings and develop recommendations resulting
30 from those findings. Commencing January 1, 2007, the
31 council shall report its findings and any related
32 recommendations annually to the governor and to the
33 general assembly.
34 Sec. 44. NEW SECTION. 602.10111A QUALIFICATIONS
35 OF COUNSEL IN DEATH PENALTY CASES.
36 The supreme court shall prescribe rules which
37 establish minimum standards and procedures by which
38 attorneys may become qualified to provide legal
39 services as lead counsel in cases in which a sentence
40 of death may be or is to be imposed.
41 Sec. 45. NEW SECTION. 812A.1 PROCEDURE TO
42 DETERMINE SANITY OF CONDEMNED INMATE.
43 1. At any time prior to execution of an inmate
44 under section 902.1, if the director of the department
45 of corrections or the counsel for a person who is
46 under a sentence of execution has cause to believe
47 that the inmate is suffering from such a diseased or
48 deranged condition of the mind as to prevent the
49 defendant from knowing the nature and quality of the
50 act the defendant has been convicted of, or from

Page 19

1 understanding that trial on the offense has taken
2 place and that execution proceedings are about to take
3 place, or to otherwise cause the defendant to lack the
4 capacity to understand the sentence which has been
5 imposed and to participate in any legal proceedings
6 relating to the sentence, the director or counsel may
7 file a request with the court that issued the warrant
8 for execution for a determination of the inmate's
9 sanity. If the district court determines that there
10 is not sufficient reason to believe that the inmate is
11 insane, the court shall enter an order denying the
12 request and shall state the grounds for denying the
13 request. If the court believes that there is
14 sufficient reason to believe that the inmate is
15 insane, the court shall suspend the execution and
16 conduct a hearing to determine the sanity of the
17 inmate.
18 2. At the hearing, the court shall determine the
19 issue of the inmate's sanity. Prior to the hearing,
20 the court shall appoint two licensed physicians or
21 licensed psychologists, or one licensed physician and
22 one licensed psychologist, who are qualified by
23 training and practice, for purposes of conducting a
24 psychiatric or psychological examination of the
25 inmate. The physicians or psychologists shall examine
26 the inmate and report any findings in writing to the
27 court within ten days after the order of examination
28 is issued. The inmate shall have the right to present
29 evidence and cross-examine any witnesses at the
30 hearing. Any statement made by the inmate during the
31 course of any examination provided for in this
32 section, whether or not the inmate consents to the
33 examination, shall not be admitted into evidence
34 against the inmate in any criminal proceeding for
35 purposes other than a determination of the inmate's
36 sanity.
37 3. If, at the conclusion of a hearing held
38 pursuant to this section, the court determines that
39 the inmate is sane, the court shall enter an order
40 setting a date for the inmate's execution, which shall
41 be carried into effect in the same manner as provided
42 in the original sentence. A copy of the order shall
43 be sent to the director of the department of
44 corrections and the governor.
45 4. If, at the conclusion of a hearing held
46 pursuant to this section, the court determines that
47 the inmate is insane, the court shall suspend the
48 execution until further order. At any time after
49 issuance of the order, if the court has sufficient
50 reason to believe that the inmate has become sane, the

1 court shall again determine the sanity of the inmate
2 as provided by this section. Proceedings pursuant to
3 this section may continue to be held at such times as
4 the court orders until it is either determined that
5 the inmate is sane or incurably insane.
6 Sec. 46. NEW SECTION. 814.28 REVIEW OF DEATH
7 SENTENCE.
8 1. In a case in which a sentence of death is
9 imposed, the supreme court shall automatically review
10 the judgment and sentence. The court's review of the
11 case shall be de novo. The case shall not be
12 transferred to the court of appeals.
13 2. A review by the supreme court of a judgment and
14 sentence imposing the punishment of death has priority
15 over all other criminal and other actions pending
16 before the supreme court.
17 3. The supreme court shall review the trial and
18 judgment, and shall separately review the sentencing
19 proceeding. Upon determining that errors did not
20 occur at the trial requiring reversal or modification
21 of the judgment, the supreme court shall proceed to
22 determine if the sentence of death is lawfully
23 imposed. In its review of the sentencing proceeding
24 the supreme court shall determine all of the
25 following:
26 a. Whether the sentence of death was imposed
27 capriciously or under the influence of prejudice or
28 other arbitrary factor.
29 b. Whether the special verdicts returned under
30 section 901.11 are supported by the evidence.
31 c. Whether the sentence of death is excessive or
32 disproportionate to the penalty imposed in similar
33 cases, considering both the crime and the defendant.
34 4. If the supreme court determines that the
35 sentence of death was not lawfully imposed, the court
36 shall set aside the sentence and shall remand the case
37 to the trial court for a second sentencing proceeding
38 to determine if the imposition of death is warranted.
39 5. If the supreme court affirms the judgment and
40 sentence of death, the clerk of the supreme court
41 shall certify the judgment of the supreme court under
42 the seal of the court to the clerk of the trial court.
43 Sec. 47. Section 815.10, Code 2005, is amended by
44 adding the following new subsection:
45 NEW SUBSECTION. 1A. If two attorneys have not
46 already been appointed pursuant to section 13B.4 or
47 13B.9, the court shall appoint, for each indigent
48 person who is charged with murder in the first degree
49 and in which a notice of intent to seek the death
50 penalty has been filed, two attorneys who are

Page 21

1 qualified under section 602.10111A to represent the
2 person in the murder proceedings and in all state
3 legal proceedings which take place from the time the
4 person is indicted or arraigned until the person is
5 sentenced on the charge. In addition, if at any point
6 in federal postconviction proceedings an indigent
7 person is not afforded court-appointed counsel, the
8 state shall provide counsel to the person to present
9 any claims determined meritorious by the federal court
10 if the person is not otherwise represented by legal
11 counsel. Only private attorneys and public defenders
12 who are qualified to provide representation in cases
13 in which the death penalty may be imposed are eligible
14 for appointment or assignment to a case in which the
15 death penalty may be imposed.
16 Sec. 48. NEW SECTION. 901.11 MURDER PROCEEDINGS
17 — REQUEST FOR DEATH PENALTY — PENALTY PROCEEDINGS.
18 1. If a notice of intent to seek the death penalty
19 has been filed, objections to the imposition of the
20 death penalty based upon allegations that a defendant
21 was mentally retarded or mentally ill at the time of
22 the commission of the offense shall be raised within
23 the time provided for the filing of pretrial motions
24 under rule of criminal procedure 2.11, Iowa court
25 rules. The court may, for good cause shown, allow
26 late filing of the motion. Hearing on the motion
27 shall be held prior to trial and the burden of proof
28 shall be on the defendant to prove mental retardation
29 or mental illness by a preponderance of the evidence.
30 However, a rebuttable presumption of mental
31 retardation arises if a defendant has an intelligence
32 quotient of seventy or below. If the court finds that
33 the defendant is mentally retarded, the defendant, if
34 convicted of murder in the first degree, shall not be
35 sentenced to death but shall be sentenced to life
36 imprisonment in the manner provided in section 902.1,
37 subsection 1. A finding by the court that the
38 evidence presented by the defendant at the hearing
39 does not preclude the imposition of the death penalty
40 under this section and section 902.15 shall not
41 preclude the introduction of evidence of mental
42 retardation or mental illness during the penalty
43 proceeding. If the court finds that evidence of
44 mental retardation or mental illness does not preclude
45 imposition of the death penalty, evidence of mental
46 retardation or mental illness may be reviewed by the
47 jury in the penalty proceeding and the jury shall not
48 be informed of the finding in the initial proceeding
49 at any time during the penalty proceeding.
50 2. If at the trial on a charge of murder in the

Page 22

first degree, the state intends to request that the death penalty be imposed under section 902.1, subsection 2, the prosecutor shall file a notice of intent to seek the death penalty, listing the additional factors enumerated under section 902.15 that the state intends to establish in support of imposition of the death penalty, at the time of and as part of the information or indictment filed in the case.

3. If a notice of intent to seek the death penalty has been filed, the trial shall be conducted in bifurcated proceedings before the same trier of fact. During the initial proceeding, the jury, or the court, if the defendant waives the right to a jury trial, shall decide only whether the defendant is guilty or not guilty of murder in the first degree, kidnapping, and sexual abuse.

a. If, in the initial proceeding, the court or jury finds the defendant guilty of, or the defendant pleads guilty to, an offense other than murder in the first degree kidnapping, and sexual abuse, the court shall sentence the defendant in accordance with the sentencing procedures set forth in rule of criminal procedure 2.23, Iowa court rules, and chapters 901 through 909, which are applicable to the offense.

b. If the court or jury finds the defendant guilty of, or the defendant pleads guilty to, murder in the first degree, kidnapping, and sexual abuse but the prosecuting attorney waives the death penalty, the court shall sentence the defendant to life imprisonment in accordance with the sentencing procedures set forth in rule of criminal procedure 2.23, Iowa court rules, and chapters 901 through 909, which are applicable to convictions of murder in the first degree, kidnapping, and sexual abuse.

c. If the court or jury finds the defendant guilty of murder in the first degree, kidnapping, and sexual abuse, or a defendant enters a plea of guilty in the initial proceeding, and the prosecuting attorney does not waive imposition of the death penalty, a penalty proceeding shall be held in the manner provided in subsections 4 through 12.

4. No sooner than twenty-four hours after a verdict of guilty or a plea of guilty to the charge of murder in the first degree, kidnapping, and sexual abuse is returned in the initial proceeding, a penalty proceeding shall be held to determine whether the defendant shall be sentenced to death or to life imprisonment. The proceeding shall be conducted in the trial court before the trial jury, or the court if

Page 23

1 the defendant has waived the right to a jury trial or
2 has waived the right for the proceeding to be before
3 the trial jury. Both the state and the defendant
4 shall have the right to present opening statements at
5 the commencement of the penalty proceedings. In the
6 proceeding, evidence relevant to the existence of any
7 aggravating or mitigating circumstances may be
8 presented as follows:
9 a. The state or the defendant may present evidence
10 relevant to the conviction of murder in the first
11 degree and any of the additional factors enumerated in
12 section 902.15 and any aggravating circumstances other
13 than juvenile delinquency adjudications for offenses
14 which carry penalties equivalent to the penalties
15 imposed for simple or serious misdemeanors. The state
16 may introduce evidence of the actual harm caused by
17 the commission of the murder including, but not
18 limited to, evidence relating to the life of the
19 victim and the impact of the loss of the victim to the
20 victim's family and society.
21 b. The defendant may present evidence that the
22 defendant was mentally retarded at the time of the
23 commission of the offense. The burden of proof shall
24 be on the defendant to prove mental retardation by a
25 preponderance of the evidence. However, a rebuttable
26 presumption of mental retardation arises if a
27 defendant has an intelligence quotient of seventy or
28 below.
29 c. The state or the defendant may present evidence
30 relevant to any mitigating circumstances which may
31 exist. Mitigating circumstances may include the
32 following circumstances:
33 (1) The defendant was under the influence of an
34 extreme mental or emotional disturbance insufficient
35 to constitute a defense.
36 (2) The age of the defendant at the time of the
37 murder.
38 (3) The defendant's capacity to appreciate the
39 wrongfulness of the defendant's conduct and to conform
40 that conduct to the requirements of law was
41 significantly impaired as a result of a mental disease
42 or defect or mental retardation, but not to a degree
43 sufficient to constitute a defense.
44 (4) The defendant has no significant history of
45 prior adult criminal activity.
46 (5) The defendant acted under extreme duress or
47 under the substantial domination of another person.
48 (6) The defendant did not directly commit the
49 murder and the defendant did not intend to kill or
50 anticipate that lethal force would be used.

Page 24

1 (7) Any other factor which is relevant to the
2 defendant's character or record or to the
3 circumstances of the offense.
4 d. The state and the defendant or the defendant's
5 counsel shall be permitted to present and cross-
6 examine witnesses and present arguments for or against
7 a sentence of death. Evidence regarding aggravating
8 and mitigating circumstances shall not be governed by
9 the rules governing admissibility of evidence, except
10 that introduction of evidence secured in violation of
11 the Constitution of the United States or of the
12 Constitution of the State of Iowa shall not be
13 permitted.
14 5. At the conclusion of presentation of evidence
15 in the penalty proceeding, the state and the defendant
16 or the defendant's counsel shall be permitted to make
17 closing arguments, including any rebuttal arguments,
18 in the same manner as in the initial proceeding and
19 the following issues shall be determined by the jury
20 or the court, if there is no jury:
21 a. Whether the aggravating circumstance or
22 circumstances outweigh any one or more mitigating
23 circumstances.
24 b. Whether the defendant shall be sentenced to
25 death.
26 6. A recommendation for a sentence of death shall
27 not be permitted if the recommendation is based on the
28 race, color, religious beliefs, national origin, or
29 sex of the defendant or any victim. After submission
30 of the issues, but prior to the return of a finding in
31 the penalty proceeding, if the matter is tried before
32 a jury, the court shall instruct the jury that in
33 considering whether a sentence of death is justified,
34 it shall not consider race, color, religious beliefs,
35 national origin, or sex of the defendant or of any
36 victim. The court shall further instruct the jury
37 that it shall not return a sentence of death unless it
38 concludes that such a sentence would be recommended no
39 matter what the race, color, religious beliefs,
40 national origin, or sex of the defendant or any victim
41 may be.
42 7. After submission of the issues, but prior to
43 the commencement of the jury deliberations in the
44 penalty proceeding, the court shall instruct the jury
45 that if the defendant is not sentenced to death, the
46 court is required by law to impose a sentence of
47 imprisonment until death without parole. The court
48 shall further instruct the jury that the sentence of
49 imprisonment until death without parole is required by
50 law if the jury fails to reach a unanimous verdict

Page 25

1 recommending a sentence of death.
2 8. Concurrently with the return of the findings on
3 the issues submitted under subsection 5, the jury, or
4 the court if there is no jury, shall return special
5 verdicts as follows:
6 a. Which aggravating circumstances were
7 established and were considered in reaching the
8 verdict.
9 b. Which mitigating circumstances were established
10 and were considered in reaching the verdict returned
11 on the issue specified in subsection 5, paragraph "a".
12 9. If the jury, or the court if there is no jury,
13 returns a unanimous affirmative finding on each of the
14 issues submitted under subsection 5, paragraphs "a"
15 and "b", the court shall enter a judgment of
16 conviction and shall sentence the defendant to death
17 as provided in section 902.1, subsection 2.
18 10. However, if evidence that the defendant was
19 not a major participant in the commission of the
20 murder and that the defendant's conduct did not
21 manifest a reckless indifference to human life is
22 presented to the jury, or the court, if there is no
23 jury, the jury or the court shall also return a
24 special verdict on the issue. If the jury unanimously
25 determines, or the court, if there is no jury, finds
26 that a preponderance of evidence exists that shows
27 that the defendant was not a major participant in the
28 commission of the murder and that the defendant's
29 conduct did not manifest a reckless indifference to
30 human life, the court shall enter a judgment of
31 conviction and shall sentence the defendant to life
32 imprisonment as provided in section 902.1, subsection
33 1, even if the jury or the court returns unanimous
34 affirmative findings on each of the issues submitted
35 under subsection 5.
36 11. If the jury, or the court, if there is no
37 jury, returns a negative finding on any of the issues
38 submitted under subsection 5, paragraphs "a" and "b",
39 the court shall enter a judgment of conviction and
40 shall sentence the defendant to life imprisonment as
41 provided in section 902.1, subsection 1.
42 12. After a verdict has been rendered it shall be
43 recorded on the jury verdict form and shall be read
44 and recorded in open court. The jurors shall be
45 collectively asked by the court whether the verdict
46 returned is their true and correct verdict. Even
47 though no juror makes any declaration to the contrary,
48 the jury shall, if either party so requests, be polled
49 and each juror shall be separately asked whether the
50 verdict rendered by the jury foreperson is the juror's

Page 26

true and correct verdict. If, upon either the collective or the separate inquiry, any juror denies that the verdict is the juror's verdict, the court shall refuse to accept the verdict. The court may direct inquiry or permit inquiry by counsel to ascertain whether any juror has been subjected to coercion or has become confused during the jury deliberation process. The court may, as appropriate, direct the jury to resume deliberation in the case. If no disagreement on the verdict is expressed by any of the jurors, the court shall discharge the jury.

13. This section shall not apply to a defendant who was under the age of eighteen at the time the offense was committed.

Sec. 49. Section 902.1, Code 2005, is amended to read as follows:

902.1 CLASS "A" FELONY.

1. ~~Upon~~ Except as otherwise provided in subsection 2, upon a plea of guilty, a verdict of guilty, or a special verdict upon which a judgment of conviction of a class "A" felony may be rendered, the court shall enter a judgment of conviction and shall commit the defendant into the custody of the director of the Iowa department of corrections for the rest of the defendant's life. Nothing in the Iowa corrections code pertaining to deferred judgment, deferred sentence, suspended sentence, or reconsideration of sentence applies to a sentence of life imprisonment for a class "A" felony, and a person convicted of a class "A" felony and sentenced to life imprisonment shall not be released on parole unless the governor commutes the sentence to a term of years.

2. Upon return of a plea or verdict of guilty to the offense of murder in the first degree under section 707.2, kidnapping, and sexual abuse, and a return of a verdict in favor of a sentence of death in a penalty proceeding conducted as provided in section 901.11, the court shall enter a judgment of conviction and shall commit the defendant into the custody of the director of the Iowa department of corrections. The sentence shall be carried out by the administration of a lethal injection pursuant to rules adopted by the board of corrections. If a defendant, for whom a warrant of execution is issued, is pregnant, the execution shall not take place until after the defendant is no longer pregnant. If a defendant, for whom a warrant of execution is issued, is suffering from such a diseased or deranged condition of the mind as to prevent the defendant from knowing the nature and quality of the act the defendant has been

Page 27

1 convicted of, or from understanding that trial on the
2 offense has taken place and that execution proceedings
3 are about to take place, or otherwise causes the
4 defendant to lack the capacity to understand the
5 sentence which has been imposed and to participate in
6 any legal proceedings relating to the sentence, the
7 execution shall not take place until after the
8 defendant's capacity is restored. If the director of
9 the department of corrections or the defendant's
10 counsel files a request with the court which issued
11 the warrant of execution, alleging that the defendant
12 suffers from such a diseased or deranged condition, a
13 hearing on the matter shall be held in the manner
14 provided in section 812A.1. If a defendant was under
15 the age of eighteen at the time the offense was
16 committed, the defendant shall be sentenced as
17 provided in subsection 1. For the purposes of this
18 section, "lethal injection" means a continuous
19 intravenous injection of a lethal substance sufficient
20 to cause death.
21 Sec. 50. NEW SECTION. 902.15 FIRST DEGREE MURDER
22 — ADDITIONAL FACTORS.
23 A person who commits murder in the first degree,
24 who is not mentally retarded or mentally ill, and who
25 is age eighteen or older at the time the offense is
26 committed, shall be eligible for a sentence of death
27 under section 902.1, subsection 2, if the person also
28 kidnaps and commits sexual abuse against the murder
29 victim who was a minor.
30 For purposes of this section, "mentally retarded"
31 means significant subaverage general intellectual
32 functioning accompanied by significant deficits or
33 impairments in adaptive functioning manifested in the
34 developmental period, but no later than the age of
35 eighteen years, and accompanied by deficits in
36 adaptive behavior.
37 For purposes of this section, "mentally ill" means
38 the condition of a person who is suffering from a
39 chronic and persistent serious mental disease or
40 disorder and who, by reason of that condition, lacks
41 sufficient judgment to make responsible decisions
42 regarding treatment and is reasonably likely to injure
43 the person's self or others who may come into contact
44 with the person if the person is allowed to remain at
45 liberty without treatment.
46 Sec. 51. NEW SECTION. 902.16 DATA COLLECTION FOR
47 DEATH PENALTY.
48 1. The supreme court shall collect data on all
49 murder charges in which the death penalty is or was
50 not waived, which are filed and processed in the

Page 28

1 courts in this state. This data may be used by the
2 supreme court to determine whether death sentences
3 imposed are excessive or disproportionate, or under
4 the influence of prejudice as a result of racial
5 discrimination under section 814.28. The court shall
6 make this data available to litigants in death penalty
7 cases.
8 2. Data collected by public officials concerning
9 factors relevant to the imposition of the death
10 sentence shall be made publicly available.
11 Sec. 52. NEW SECTION. 903C.1 EXECUTIONS —
12 REFUSAL TO PERFORM.
13 An employee of the state who may lawfully perform,
14 assist, or participate in the execution of a person
15 pursuant to section 902.1, and rules adopted by the
16 department of corrections, shall not be required to
17 perform, assist, or participate in the execution.
18 State employees who refuse to perform, assist, or
19 participate in the execution of a person shall not be
20 discriminated against in any way, including, but not
21 limited to, employment, promotion, advancement,
22 transfer, licensing, education, training, or the
23 granting of any privileges or appointments because of
24 the refusal to perform, assist, or participate in the
25 execution.
26 Sec. 53. Section 904.105, Code 2005, is amended by
27 adding the following new subsection:
28 NEW SUBSECTION. 9A. Adopt rules pursuant to
29 chapter 17A pertaining to executions of persons
30 convicted of murder in the first degree. Rules
31 adopted shall include, but are not limited to, rules
32 permitting the witnessing of executions by members of
33 the public and the victim's family. Invitations to
34 witness an execution shall at least be extended to the
35 following representatives of the news media:
36 a. A representative from a wire service serving
37 Iowa.
38 b. A representative from a broadcasting network
39 serving Iowa.
40 c. A representative from a television station
41 located in Iowa.
42 d. A representative from a radio station located
43 in Iowa.
44 e. A representative from a daily newspaper
45 published in Iowa.
46 f. A representative from a weekly newspaper
47 published in Iowa.
48 g. A representative from the news media from the
49 community in which the condemned person resided, if
50 that community is located in Iowa.

Page 29

1 Sec. 54. Rules of criminal procedure, Iowa court
2 rules, are amended by adding sections 101 through 104
3 of this Act.
4 Sec. 55. NEW RULE. 2. MURDER IN THE FIRST DEGREE
5 — PROCEDURE.
6 2.___(1) If a notice of intent to seek the death
7 penalty has been filed, objections to the imposition
8 of the death penalty based upon allegations that a
9 defendant was mentally retarded at the time of the
10 commission of the offense shall be raised within the
11 time provided for the filing of pretrial motions under
12 R.Cr.P. 2.11, Iowa court rules. The court may, for
13 good cause shown, allow late filing of the motion.
14 Hearing on the motion shall be held prior to trial and
15 the burden of proof shall be on the defendant to prove
16 mental retardation by a preponderance of the evidence.
17 However, a rebuttable presumption of mental
18 retardation arises if a defendant has an intelligence
19 quotient of seventy or below. A finding of the court
20 that the evidence presented by the defendant at the
21 hearing does not preclude the imposition of the death
22 penalty under this rule and Iowa Code section 902.15
23 shall not preclude the introduction of evidence of
24 mental retardation during the penalty proceeding. If
25 the court finds that the evidence presented by the
26 defendant does not preclude the imposition of the
27 death penalty, evidence of mental retardation may be
28 reviewed by the jury during the penalty proceeding and
29 the jury shall not be informed of the finding in the
30 initial proceeding at any time during the penalty
31 proceeding.
32 2.___(2) Upon a finding or plea that a defendant
33 is guilty of murder in the first degree in an initial
34 proceeding, if a notice of intent to seek the death
35 penalty has been filed and has not been waived, the
36 court shall conduct a separate penalty proceeding to
37 determine whether the defendant shall be sentenced to
38 death or to life imprisonment. The penalty proceeding
39 shall be conducted in the trial court before the trial
40 jury, or the court, if there is no jury, no sooner
41 than twenty-four hours after the return of the verdict
42 or plea in the initial proceeding. In the penalty
43 proceeding, additional evidence may be presented as to
44 the conviction for murder in the first degree and any
45 additional factor enumerated in Iowa Code section
46 902.15 or any aggravating or mitigating circumstance
47 which may exist. Presentation of evidence which is
48 relevant to the existence of an aggravating or
49 mitigating circumstance shall not be bound by the
50 rules of evidence. This subsection does not authorize

Page 30

1 the introduction of any evidence secured in violation
2 of the Constitution of the United States or of the
3 Constitution of the State of Iowa. The state and the
4 defendant or the defendant's counsel shall be
5 permitted to cross-examine witnesses and to present
6 arguments for or against a sentence of death.
7 2.___(3) On conclusion of the presentation of the
8 evidence in the penalty proceeding, the state and the
9 defendant or the defendant's counsel shall be
10 permitted to make closing arguments, including any
11 rebuttal arguments, in the same manner as in the
12 initial proceeding and the court shall submit each of
13 the following issues to the jury:
14 a. Whether one or more of those circumstances
15 outweigh any one or more mitigating circumstances.
16 b. Whether the defendant shall be sentenced to
17 death.
18 If the case is not tried to a jury, the court shall
19 determine the issues.
20 2.___(4) The state must prove the issue in rule 2.
21 ___(3)(a) beyond a reasonable doubt, and the jury, or
22 the court if there is no jury, shall return a special
23 verdict of "yes" or "no" on each issue.
24 2.___(5) If the case is tried to a jury, the court
25 shall charge the jury that:
26 a. It shall answer any issue "yes" if it agrees
27 unanimously.
28 b. It shall answer any issue "no" if the jurors
29 unanimously agree that the answer is "no" or if the
30 jurors do not unanimously agree that the answer is
31 "yes".
32 2.___(6) Concurrently with the return of the
33 special verdicts under rule 2.___(4), the jury, or the
34 court if there is no jury, shall also return special
35 verdicts as follows:
36 a. Which aggravating circumstances were
37 established and were considered in reaching the
38 verdict returned on the issue specified in rule
39 2.___(3)(a).
40 b. Which mitigating circumstances were established
41 and were considered in reaching the verdict returned
42 on the issue specified in rule 2.___(3)(a).
43 2.___(7) If the jury, or the court, if there is no
44 jury, returns an affirmative finding on all applicable
45 issues, the court shall sentence the defendant to
46 death. If the jury or the court returns a negative
47 finding on any applicable issue, the court shall
48 sentence the defendant to the custody of the director
49 of the department of corrections for confinement for
50 the rest of the defendant's life.

Page 31

1 2.___(8) After a verdict has been rendered it
2 shall be recorded on the jury verdict form and shall
3 be read and recorded in open court. The jurors shall
4 be collectively asked by the court whether the verdict
5 returned is their true and correct verdict. Even
6 though no juror makes any declaration to the contrary,
7 the jury shall, if either party so requests, be polled
8 and each juror shall be separately asked whether the
9 verdict rendered by the jury foreperson is the juror's
10 true and correct verdict. If, upon either the
11 collective or the separate inquiry, any juror denies
12 that the verdict is the juror's verdict, the court
13 shall refuse to accept the verdict. The court may
14 direct inquiry or permit inquiry by counsel to
15 ascertain whether any juror has been subjected to
16 coercion or has become confused during the jury
17 deliberation process. The court may, as appropriate,
18 direct the jury to resume deliberation in the case.
19 If no disagreement on the verdict is expressed by any
20 of the jurors, the court shall discharge the jury.
21 2.___(9) Provisions relating to deferred judgment,
22 deferred sentence, suspended sentence, reconsideration
23 of sentence, probation, parole, or work release
24 contained in Iowa Code chapters 901 through 909 do not
25 apply to a conviction of murder in the first degree,
26 kidnapping, and sexual abuse under Iowa Code section
27 902.15 if the defendant is sentenced to death.
28 Sec. 56. NEW RULE. 2.___ AUTOMATIC REVIEW —
29 STAY OF EXECUTION OF JUDGMENT.
30 2.___(1) A judgment of conviction and sentence of
31 death shall be reviewed automatically in the manner
32 provided in Iowa Code section 814.28, and the Iowa
33 supreme court has exclusive jurisdiction of the
34 review.
35 2.___(2) Upon entry of judgment and sentence of
36 death, the trial court shall prepare a complete record
37 and transcript of the action in the manner provided in
38 the rules of criminal procedure and shall docket the
39 record and transcript with the clerk of the supreme
40 court.
41 2.___(3) The execution of judgment of the trial
42 court is stayed as a matter of law from the time of
43 its entry until the judgment of the supreme court is
44 certified to and entered by the trial court. Upon
45 entry of a judgment of the supreme court which affirms
46 the conviction and sentence, the stay of execution of
47 judgment terminates as a matter of law.
48 2.___(4) All court costs required due to the
49 automatic preparation of the record and transcript,
50 docketing with the supreme court, and stay of

Page 32

1 execution of judgment shall be assessed to the state.
2 Sec. 57. NEW RULE. 2.___ ISSUANCE OF WARRANT.
3 2.___(1) Upon entry by the trial court of the
4 judgment of the supreme court affirming a judgment and
5 sentence of death, a district judge shall within five
6 days of the entry issue a warrant under the seal of
7 the court for the execution of the sentence of death.
8 The warrant shall specifically set forth the offense
9 and the fact of conviction, shall state the judgment
10 and sentence of the court, shall state that the
11 judgment and sentence were affirmed by the supreme
12 court and the date of entry of judgment of the supreme
13 court in the trial court, and shall, subject to the
14 requirements of Iowa Code section 902.1, subsection 2,
15 specify a range of five days for execution of the
16 defendant which shall be not less than fifty nor more
17 than sixty days after the date of entry in the trial
18 court of the judgment of the supreme court affirming
19 the judgment and sentence of death. The warrant shall
20 be directed to the director of the department of
21 corrections commanding the director to cause the
22 warrant to be executed within the dates specified.
23 The trial court shall deliver the warrant to the
24 sheriff of the county in which judgment of conviction
25 was entered and the sheriff shall deliver the warrant
26 to the director of the department of corrections. The
27 director of the department of corrections shall
28 acknowledge receipt of the warrant and the defendant,
29 and the sheriff shall return the acknowledgment to the
30 office of the clerk of the trial court from which the
31 warrant was issued.
32 2.___(2) Immediately after issuance of a warrant
33 ordering a sentence of death, the clerk of the trial
34 court issuing the warrant shall transmit by certified
35 mail to the governor a copy of the indictment, the
36 plea, the verdict and special findings, the
37 affirmation of judgment and sentence by the supreme
38 court, and the complete transcript of the trial court.
39 2.___(3) Notwithstanding rule 2.___(1), if a
40 defendant, for whom a warrant of execution is issued,
41 is pregnant, the execution shall not take place until
42 after the defendant is no longer pregnant.
43 Notwithstanding rule 2.___(1), if a defendant, for
44 whom a warrant of execution is issued, is suffering
45 from such a diseased or deranged condition of the mind
46 as to prevent the defendant from knowing the nature
47 and quality of the act the defendant has been
48 convicted of, or from understanding that trial on the
49 offense has taken place and that execution proceedings
50 are about to take place, or to otherwise cause the

Page 33

1 defendant to lack the capacity to understand the
2 sentence which has been imposed and to participate in
3 any legal proceedings relating to the sentence, the
4 execution shall not take place until after the
5 defendant is no longer suffering from the condition.
6 Sec. 58. NEW RULE. 2.___ EVIDENCE AT PENALTY
7 PROCEEDING WHERE DEATH SENTENCE REQUESTED.
8 2.___(1) At a reasonable time before the
9 commencement of initial proceedings in a first degree
10 murder trial in which a sentence of death has been
11 requested, each party shall file and serve upon the
12 other party the following:
13 a. A list of all aggravating or mitigating
14 circumstances which the party intends to prove during
15 the sentencing proceedings.
16 b. The names of all persons whom the party intends
17 to call as witnesses during the sentencing
18 proceedings.
19 c. Notwithstanding rule 2.14, copies, or for
20 inspection purposes, the location, of all documents,
21 including books, papers, writings, drawings, graphs,
22 charts, photographs, telephone records, and other data
23 compilations from which information can be obtained,
24 or other objects which the party intends to offer into
25 evidence during the sentencing proceedings. If copies
26 are not supplied to opposing counsel, the party shall
27 make the items available for inspection and copying
28 without order of the court.
29 2.___(2) In proceedings to determine whether the
30 sentence shall be death or life imprisonment, evidence
31 may be presented as to any matter which the trial
32 court deems relevant to the sentence, including but
33 not limited to the nature, circumstances, and manner
34 of completion of the murder, and the defendant's
35 character, background, history, and mental and
36 physical condition. The trial court shall admit any
37 relevant admissible evidence respecting any
38 aggravating or mitigating circumstances, if the party
39 has included the circumstance on a list provided
40 pursuant to this rule, or good cause is shown for the
41 failure to do so.
42 Sec. 59. EFFECTIVE DATE — SEVERABILITY.
43 1. This division of this Act takes effect January
44 1, 2006, and applies to offenses committed on or after
45 that date.
46 2. If any provision of this division of this Act
47 or the application thereof to any person is invalid,
48 the invalidity shall not affect the provisions or
49 application of this division of this Act which can be
50 given effect without the invalid provisions or

Page 34

1 application and to this end, the provisions of this
2 division of this Act are severable.
3 DIVISION V
4 VICTIM RIGHTS
5 Sec. 60. NEW SECTION. 235D.1 CRIMINAL HISTORY
6 CHECK — APPLICANTS AT DOMESTIC ABUSE OR SEXUAL
7 ASSAULT CENTERS.
8 An applicant for employment at a domestic abuse or
9 sexual assault center shall be subject to a national
10 criminal history check through the federal bureau of
11 investigation. The domestic abuse or sexual assault
12 center shall request the criminal history check and
13 shall provide the applicant's fingerprints to the
14 department of public safety for submission through the
15 state criminal history repository to the federal
16 bureau of investigation. The applicant shall
17 authorize release of the results of the criminal
18 history check to the domestic abuse or sexual assault
19 center. The applicant shall pay the actual cost of
20 the fingerprinting and criminal history check, if any.
21 Unless the criminal history check was completed within
22 the ninety calendar days prior to the date the
23 application is received by the domestic abuse or
24 sexual assault center, the center shall reject and
25 return the application to the applicant. The results
26 of a criminal history check conducted pursuant to this
27 subsection shall not be considered a public record
28 under chapter 22. For purposes of this section,
29 "domestic abuse or sexual assault center" means a
30 facility which is used to house victims of domestic
31 abuse or sexual assault, and is owned, operated, or
32 maintained by a nonprofit organization.
33 Sec. 61. NEW SECTION. 709.22 PREVENTION OF
34 FURTHER SEXUAL ASSAULT — NOTIFICATION OF RIGHTS.
35 If a peace officer has reason to believe that a
36 sexual assault as defined in section 915.40 has
37 occurred, the officer shall use all reasonable means
38 to prevent further violence including but not limited
39 to the following:
40 1. If requested, remaining on the scene of the
41 alleged sexual assault as long as there is a danger to
42 the victim's physical safety without the presence of a
43 peace officer, including but not limited to staying in
44 the dwelling unit, or if unable to remain on the
45 scene, assisting the victim in leaving the residence.
46 2. Assisting a victim in obtaining medical
47 treatment necessitated by the sexual assault,
48 including providing assistance to the victim in
49 obtaining transportation to the emergency room of the
50 nearest hospital.

Page 35

1 3. Providing a victim with immediate and adequate
2 notice of the victim's rights. The notice shall
3 consist of handing the victim a copy of the following
4 statement written in English and Spanish, asking the
5 victim to read the statement, and asking whether the
6 victim understands the rights:
7 "You have the right to ask the court for help with
8 any of the following on a temporary basis:
9 a. Keeping your attacker away from you, your home,
10 and your place of work.
11 b. The right to stay at your home without
12 interference from your attacker.
13 c. The right to seek a no-contact order under
14 section 709.20 or 915.22, if your attacker is arrested
15 for sexual assault.
16 You have the right to register as a victim with the
17 county attorney under section 915.12.
18 You have the right to file a complaint for threats,
19 assaults, or other related crimes.
20 You have the right to seek restitution against your
21 attacker for harm to you or your property.
22 You have the right to apply for victim
23 compensation.
24 You have the right to contact the county attorney
25 or local law enforcement to determine the status of
26 your case.
27 If you are in need of medical treatment, you have
28 the right to request that the officer present assist
29 you in obtaining transportation to the nearest
30 hospital or otherwise assist you.
31 You have the right to a sexual assault examination
32 performed at state expense.
33 If you believe that police protection is needed for
34 your physical safety, you have the right to request
35 that the officer present remain at the scene until you
36 and other affected parties can leave or until safety
37 is otherwise ensured."
38 The notice shall also contain the telephone numbers
39 of shelters, support groups, and crisis lines
40 operating in the area.
41 Sec. 62. Section 915.10, subsections 1 and 2, Code
42 2005, are amended to read as follows:
43 1. "Notification" means mailing by regular mail or
44 providing for hand delivery of appropriate information
45 or papers. However, this notification procedure does
46 not prohibit an office, agency, or department from
47 also providing appropriate information to a registered
48 victim by telephone, electronic mail, or other means.
49 2. "Registered" means having provided the county
50 attorney with the victim's written request for

Page 36

1 registration and current mailing address and telephone
2 number. If an automated victim notification system is
3 implemented pursuant to section 915.10A, "registered"
4 also means having filed a request for registration
5 with the system.
6 Sec. 63. NEW SECTION. 915.10A AUTOMATED VICTIM
7 NOTIFICATION SYSTEM.
8 1. An automated victim notification system may be
9 utilized to assist public officials in informing crime
10 victims or other interested persons as provided in
11 this subchapter and where otherwise specifically
12 provided. The system shall disseminate the
13 information to registered users through telephonic,
14 electronic, or other means of access.
15 2. An office, agency, or department may satisfy a
16 notification obligation to registered victims required
17 by this subchapter through participation in the system
18 to the extent information is available for
19 dissemination through the system. Nothing in this
20 section shall relieve a notification obligation under
21 this subchapter due to the unavailability of
22 information for dissemination through the system.
23 3. Notwithstanding section 232.147, information
24 concerning juveniles charged with a felony offense
25 shall be released to the extent necessary to comply
26 with this section.
27 Sec. 64. Section 915.11, Code 2005, is amended to
28 read as follows:
29 915.11 INITIAL NOTIFICATION BY LAW ENFORCEMENT.
30 A local police department or county sheriff's
31 department shall advise a victim of the right to
32 register with the county attorney, and shall provide a
33 request-for-registration form to each victim. If an
34 automated victim notification system is available
35 pursuant to section 915.10A, a local police department
36 or county sheriff's department shall provide a
37 telephone number and website to each victim to
38 register with the system.
39 Sec. 65. Section 915.12, Code 2005, is amended to
40 read as follows:
41 915.12 REGISTRATION.
42 ~~1. The county attorney shall be the sole registrar~~
43 ~~of victims under this subchapter.~~
44 ~~2.~~ 1. A victim may register by filing a written
45 request-for-registration form with the county
46 attorney. The county attorney shall notify the
47 victims in writing and advise them of their
48 registration and rights under this subchapter.
49 ~~3.~~ The county attorney shall provide a registered
50 victim list to the offices, agencies, and departments

Page 37

1 required to provide information under this subchapter
2 for notification purposes.
3 2. If an automated victim notification system is
4 available pursuant to section 915.10A, a victim or
5 other interested person may register with the system
6 by filing a request for registration through written,
7 telephonic, or electronic means.
8 ~~4.~~ 3. Notwithstanding chapter 22 or any other
9 contrary provision of law, a victim's or other
10 interested person's registration shall be strictly
11 maintained in a separate confidential file or other
12 confidential medium, and shall be available only to
13 the offices, agencies, and departments required to
14 provide information under this subchapter.
15 Sec. 66. Section 915.29, Code 2005, is amended by
16 adding the following new unnumbered paragraph:
17 NEW UNNUMBERED PARAGRAPH. The notification
18 required pursuant to this section may occur through
19 the automated victim notification system referred to
20 in section 915.10A to the extent such information is
21 available for dissemination through the system.
22 Sec. 67. Section 915.45, Code 2005, is amended by
23 adding the following new unnumbered paragraph:
24 NEW UNNUMBERED PARAGRAPH. The notification
25 required pursuant to this section may occur through
26 the automated victim notification system referred to
27 in section 915.10A to the extent such information is
28 available for dissemination through the system.
29 DIVISION VI
30 TASK FORCE
31 Sec. 68. SEX OFFENDER TREATMENT AND SUPERVISION
32 TASK FORCE.
33 1. The division of criminal and juvenile justice
34 planning shall establish a task force to study and
35 make periodic recommendations for treating and
36 supervising sex offenders in correctional institutions
37 and in the community. The task force shall file a
38 report with recommendations with the general assembly
39 by January 15, 2006. The task force shall study the
40 effectiveness of electronic monitoring and the
41 potential effects and costs associated with the
42 special sentence created in this Act. The task force
43 shall study risk assessment models created for sex
44 offenders. The task force shall also review this
45 state's efforts and the efforts of other states to
46 implement treatment programs and make recommendations
47 as to the best treatment options available for sex
48 offenders. The task force shall also develop a plan
49 to integrate state government databases for the
50 purpose of updating addresses of persons on the sex

Page 38

1 offender registry.
2 2. Members of the task force shall include
3 representatives of the following state agencies and
4 organizations:
5 a. One representative of the department of human
6 services.
7 b. One representative of the department of public
8 safety.
9 c. One representative of the Iowa state sheriffs
10 and deputies association.
11 d. One representative of the Iowa county attorneys
12 association.
13 e. One representative of the department of
14 corrections.
15 f. One representative of the board of parole.
16 g. One representative of a judicial district
17 department of correctional services.
18 h. One representative of the department of
19 justice.
20 i. One representative of the state public
21 defender.
22 j. One representative of the Iowa coalition
23 against sexual assault.
24 DIVISION VII
25 STATE MANDATE
26 Sec. 69. IMPLEMENTATION OF ACT. Section 25B.2,
27 subsection 3, shall not apply to this Act."
28 2. Title page, by striking lines 1 through 5 and
29 inserting the following: "An Act relating to criminal
30 sentencing, victim notification, and the sex offender
31 registry, including establishing the death penalty,
32 and establishing a special sentence for certain
33 offenders, requiring DNA testing of certain offenders,
34 requiring sex offender treatment in order to
35 accumulate earned time, establishing a sex offender
36 treatment and supervision task force, providing
37 penalties, and providing an effective date and for the
38 Act's applicability."

LARRY McKIBBEN
JEFF LAMBERTI
JERRY BEHN
JEFF ANGELO
JAMES A. SEYMOUR
PAUL McKINLEY
NANCY J. BOETTGER
RON WIECK
PAT WARD

BOB BRUNKHORST
STEVE KETTERING
JAMES F. HAHN
STEWART E. IVERSON, JR.

S–3183

HOUSE AMENDMENT TO
SENATE FILE 272

Amend Senate File 272, as passed by the Senate, as follows:

1. By striking everything after the enacting clause and inserting the following:

"Section 1. Section 217.3, subsection 4, Code 2005, is amended to read as follows:

4. Approve the budget of the department of human services prior to submission to the governor. Prior to approval of the budget, the council shall publicize and hold a public hearing to provide explanations and hear questions, opinions, and suggestions regarding the budget. Invitations to the hearing shall be extended to the governor, the governor-elect, the director of the department of management, and other persons deemed by the council as integral to the budget process. The budget materials submitted to the governor shall include a review of options for revising the medical assistance program made available by federal action or by actions implemented by other states as identified by the department, the medical assistance advisory council <u>and the executive committee of the medical assistance advisory council</u> created in section ~~249A.4, subsection 8~~ <u>249A.4B</u>, and by county representatives. The review shall address what potential revisions could be made in this state and how the changes would be beneficial to Iowans.

Sec. 2. Section 249A.4, subsection 8, Code 2005, is amended by striking the subsection.

Sec. 3. <u>NEW SECTION</u>. 249A.4B MEDICAL ASSISTANCE ADVISORY COUNCIL.

1. A medical assistance advisory council is created to comply with 42 C.F.R. § 431.12 based on section 1902(a)(4) of the federal Social Security Act and to advise the director about health and medical care services under the medical assistance program. The council shall meet no more than quarterly. The director of public health shall serve as chairperson of the council.

2. The council shall include all of the following members:

a. The president, or the president's representative, of each of the following professional

43 or business entities, or a member of each of the
44 following professional or business entities, selected
45 by the entity:
46 (1) The Iowa medical society.
47 (2) The Iowa osteopathic medical association.
48 (3) The Iowa academy of family physicians.
49 (4) The Iowa chapter of the American academy of
50 pediatrics.

Page 2

1 (5) The Iowa physical therapy association.
2 (6) The Iowa dental association.
3 (7) The Iowa nurses association.
4 (8) The Iowa pharmacy association.
5 (9) The Iowa podiatric medical society.
6 (10) The Iowa optometric association.
7 (11) The Iowa association of community providers.
8 (12) The Iowa psychological association.
9 (13) The Iowa psychiatric society.
10 (14) The Iowa chapter of the national association
11 of social workers.
12 (15) The coalition for family and children's
13 services in Iowa.
14 (16) The Iowa hospital association.
15 (17) The Iowa association of rural health clinics.
16 (18) The Iowa/Nebraska primary care association.
17 (19) Free clinics of Iowa.
18 (20) The opticians' association of Iowa, inc.
19 (21) The Iowa association of hearing health
20 professionals.
21 (22) The Iowa speech and hearing association.
22 (23) The Iowa health care association.
23 (24) The Iowa association of area agencies on
24 aging.
25 (25) AARP.
26 (26) The Iowa caregivers association.
27 (27) The Iowa coalition of home and community-
28 based services for seniors.
29 (28) The Iowa adult day services association.
30 (29) The Iowa association of homes and services
31 for the aging.
32 (30) The Iowa association for home care.
33 (31) The Iowa council of health care centers.
34 (32) The Iowa physician assistant society.
35 (33) The Iowa association of nurse practitioners.
36 (34) The Iowa nurse practitioner society.
37 (35) The Iowa occupational therapy association.
38 (36) The ARC of Iowa, formerly known as the
39 association for retarded citizens of Iowa.
40 (37) The alliance for the mentally ill of Iowa.
41 (38) The Iowa state association of counties.

42 (39) The governor's developmental disabilities
43 council.
44 (40) The Iowa chiropractic society.
45 b. Public representatives which may include
46 members of consumer groups, including recipients of
47 medical assistance or their families, consumer
48 organizations, and others, equal in number to the
49 number of representatives of the professional and
50 business entities specifically represented under

Page 3

1 paragraph "a", appointed by the governor for staggered
2 terms of two years each, none of whom shall be members
3 of, or practitioners of, or have a pecuniary interest
4 in any of the professional or business entities
5 specifically represented under paragraph "a", and a
6 majority of whom shall be current or former recipients
7 of medical assistance or members of the families of
8 current or former recipients.
9 c. The director of public health, or the
10 director's designee.
11 d. The director of the department of elder
12 affairs, or the director's designee.
13 e. The dean of Des Moines university —
14 osteopathic medical center, or the dean's designee.
15 f. The dean of the university of Iowa college of
16 medicine, or the dean's designee.
17 g. The following members of the general assembly,
18 each for a term of two years:
19 (1) Two members of the house of representatives,
20 one appointed by the speaker of the house and one
21 appointed by the minority leader of the house of
22 representatives from their respective parties.
23 (2) One member of the senate from each of the two
24 major political parties, appointed by the president of
25 the senate, after consultation with the majority
26 leader and the minority leader of the senate.
27 3. a. An executive committee of the council is
28 created and shall consist of the following members of
29 the council:
30 (1) Five of the professional or business entity
31 members designated pursuant to subsection 2, paragraph
32 "a", and selected by the members specified under that
33 paragraph.
34 (2) Five of the public members appointed pursuant
35 to subsection 2, paragraph "b", and selected by the
36 members specified under that paragraph. Of the five
37 public members, at least one member shall be a
38 recipient of medical assistance.
39 (3) The director of public health, or the
40 director's designee.

41 b. The executive committee shall meet on a monthly
42 basis. The director of public health shall serve as
43 chairperson of the executive committee.
44 c. Based upon the deliberations of the council and
45 the executive committee, the executive committee shall
46 make recommendations to the director regarding the
47 budget, policy, and administration of the medical
48 assistance program.
49 4. For each council meeting, other than those held
50 during the time the general assembly is in session,

Page 4

1 each legislative member of the council shall be
2 reimbursed for actual travel and other necessary
3 expenses and shall receive a per diem as specified in
4 section 7E.6 for each day in attendance, as shall the
5 members of the council or the executive committee who
6 are recipients or the family members of recipients of
7 medical assistance, regardless of whether the general
8 assembly is in session.
9 5. The department shall provide staff support and
10 independent technical assistance to the council and
11 the executive committee.
12 6. The director shall consider the recommendations
13 offered by the council and the executive committee in
14 the director's preparation of medical assistance
15 budget recommendations to the council on human
16 services pursuant to section 217.3 and in
17 implementation of medical assistance program policies.
18 Sec. 4. Section 249A.34, subsection 1, paragraph
19 h, Code 2005, is amended to read as follows:
20 h. A representative of the medical assistance
21 advisory council executive committee established
22 pursuant to section ~~249A.4, subsection 8~~ 249A.4B."
23 2. By renumbering as necessary.

S–3184

1 Amend the amendment, S–3182, to House File 619, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 9, by striking lines 16 through 40.
5 2. Page 12, by striking line 22.
6 3. Page 12, line 23, by inserting after the words
7 "county sheriff" the following: "or police
8 department".
9 4. Page 12, by striking lines 25 through 31.
10 5. Page 12, by inserting before line 32 the
11 following:
12 "Sec. ___. Section 692A.13, subsection 2,
13 paragraph b, Code 2005, is amended to read as follows:

b. The general public, including public and private agencies, organizations, public places, ~~public and private schools,~~ child care facilities, religious and youth organizations, neighbors, neighborhood associations, community meetings, and employers. Registry information may be distributed to the public through printed materials, visual or audio press releases, radio communications, or through a criminal or juvenile justice agency's web page.

Sec. ___. Section 692A.13, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. When a person required to register under this chapter moves into a school district or moves within a school district, the county sheriff of the county of the person's new residence shall provide relevant information from the sex offender registry to the administrative office of the school district in which the person required to register resides."

6. Page 22, line 21, by striking the word "degree" and inserting the following: "degree,".

7. Page 29, line 2, by striking the word and figures "101 through 104" and inserting the following: "55 through 58".

8. Page 29, by striking line 4 and inserting the following:

"Sec. ___. NEW RULE. 2. DEATH PENALTY".

9. Page 36, line 10, by inserting after the word "victims" the following: ", the victim's family,".

10. Page 37, line 4, by inserting after the word "victim" the following: ", the victim's family,".

11. Page 37, by striking lines 9 and 10 and inserting the following: "contrary provision of law, ~~a victim's~~ the registration of a victim, victim's family, or other interested person shall be strictly".

LARRY McKIBBEN

S–3185

Amend House File 619, as amended, passed, and reprinted by the House, as follows:

1. By striking everything after the enacting clause and inserting the following:

"DIVISION I

DNA PROFILING

Section 1. NEW SECTION. 81.1 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "DNA" means deoxyribonucleic acid.

2. "DNA databank" means the repository for DNA samples obtained pursuant to section 81.4.

13 3. "DNA database" means the collection of DNA
14 profiles and DNA records.
15 4. "DNA profile" means the objective form of the
16 results of DNA analysis performed on a DNA sample.
17 The results of all DNA identification analysis on an
18 individual's DNA sample are also collectively referred
19 to as the DNA profile of an individual.
20 5. "DNA profiling" means the procedure established
21 by the division of criminal investigation, department
22 of public safety, for determining a person's genetic
23 identity.
24 6. "DNA record" means the DNA sample and DNA
25 profile, and other records in the DNA database and DNA
26 data bank used to identify a person.
27 7. "DNA sample" means a biological sample provided
28 by any person required to submit a DNA sample or a DNA
29 sample submitted for any other purpose under section
30 81.4.
31 8. "Person required to submit a DNA sample" means
32 a person convicted, adjudicated delinquent, receiving
33 a deferred judgment, or found not guilty by reason of
34 insanity of an offense requiring DNA profiling
35 pursuant to section 81.2. "Person required to submit
36 a DNA sample" also means a person determined to be a
37 sexually violent predator pursuant to section 229A.7.
38 Sec. 2. NEW SECTION. 81.2 PERSONS REQUIRED TO
39 SUBMIT A DNA SAMPLE.
40 1. A person who receives a deferred judgment for a
41 felony or against whom a judgment or conviction for a
42 felony has been entered shall be required to submit a
43 DNA sample for DNA profiling pursuant to section 81.4.
44 2. A person determined to be a sexually violent
45 predator pursuant to chapter 229A shall be required to
46 submit a DNA sample for DNA profiling pursuant to
47 section 81.4 prior to discharge or placement in a
48 transitional release program.
49 3. A person found not guilty by reason of insanity
50 of an offense that requires DNA profiling shall be

Page 2

1 required to submit a DNA sample for DNA profiling
2 pursuant to section 81.4 as part of the person's
3 treatment management program.
4 4. A juvenile adjudicated delinquent of an offense
5 that requires DNA profiling of an adult offender shall
6 be required to submit a DNA sample for DNA profiling
7 pursuant to section 81.4 as part of the disposition of
8 the juvenile's case.
9 5. An offender placed on probation shall
10 immediately report to the judicial district department
11 of correctional services after sentencing so it can be

12 determined if the offender has been convicted of an
13 offense requiring DNA profiling. If it is determined
14 by the judicial district that DNA profiling is
15 required, the offender shall immediately submit a DNA
16 sample.
17 6. A person required to register as a sex
18 offender.
19 Sec. 3. NEW SECTION. 81.3 ESTABLISHMENT OF DNA
20 DATABASE AND DNA DATABANK.
21 1. A state DNA database and a state DNA databank
22 are established under the control of the division of
23 criminal investigation, department of public safety.
24 The division of criminal investigation shall conduct
25 DNA profiling of a DNA sample submitted in accordance
26 with this section.
27 2. A DNA sample shall be submitted, and the
28 division of criminal investigation shall store and
29 maintain DNA records in the DNA database and DNA
30 databank for persons required to submit a DNA sample.
31 3. A DNA sample may be submitted, and the division
32 of criminal investigation shall store and maintain DNA
33 records in the DNA database and DNA databank for any
34 of the following:
35 a. Crime scene evidence and forensic casework.
36 b. A relative of a missing person.
37 c. An anonymous DNA profile used for forensic
38 validation, forensic protocol development, or quality
39 control purposes, or for the establishment of a
40 population statistics database.
41 4. A fingerprint record of a person required to
42 submit a DNA sample shall also be submitted to the
43 division of criminal investigation with the DNA sample
44 to verify the identity of the person required to
45 submit a DNA sample.
46 Sec. 4. NEW SECTION. 81.4 COLLECTING,
47 SUBMITTING, ANALYZING, IDENTIFYING, AND STORING DNA
48 SAMPLES AND DNA RECORDS.
49 1. The division of criminal investigation shall
50 adopt rules for the collection, submission, analysis,

Page 3

1 identification, storage, and disposition of DNA
2 records.
3 2. A supervising agency having control, custody,
4 or jurisdiction over a person shall collect a DNA
5 sample from a person required to submit a DNA sample.
6 The supervising agency shall collect a DNA sample,
7 upon admittance to the pertinent institution or
8 facility, of the person required to submit a DNA
9 sample or at a determined date and time set by the
10 supervising agency. If a person required to submit a

11 DNA sample is confined at the time a DNA sample is
12 required, the person shall submit a DNA sample as soon
13 as practicable. If a person required to submit a DNA
14 sample is not confined after the person is required to
15 submit a DNA sample, the supervising agency shall
16 determine the date and time to collect the DNA sample.
17 3. A person required to submit a DNA sample who
18 refuses to submit a DNA sample may be subject to
19 contempt proceedings pursuant to chapter 665 until the
20 DNA sample is submitted.
21 4. The division of criminal investigation shall
22 conduct DNA profiling on a DNA sample or may contract
23 with a private entity to conduct the DNA profiling.
24 Sec. 5. NEW SECTION. 81.5 CIVIL AND CRIMINAL
25 LIABILITY — LIMITATION.
26 A person who collects a DNA sample shall not be
27 civilly or criminally liable for the collection of the
28 DNA sample if the person performs the person's duties
29 in good faith and in a reasonable manner according to
30 generally accepted medical practices or in accordance
31 with the procedures set out in the administrative
32 rules of the department of public safety adopted
33 pursuant to section 81.4.
34 Sec. 6. NEW SECTION. 81.6 CRIMINAL OFFENSE.
35 1. A person who knowingly or intentionally does
36 any of the following commits an aggravated
37 misdemeanor:
38 a. Discloses any part of a DNA record to a person
39 or agency that is not authorized by the division of
40 criminal investigation to have access to the DNA
41 record.
42 b. Uses or obtains a DNA record for a purpose
43 other than what is authorized under this chapter.
44 2. A person who knowingly or intentionally alters
45 or attempts to alter a DNA sample, falsifies the
46 source of a DNA sample, or materially alters a
47 collection container used to collect the DNA sample,
48 commits a class "D" felony.
49 Sec. 7. NEW SECTION. 81.7 CONVICTION OR ARREST
50 NOT INVALIDATED.

Page 4

1 The detention, arrest, or conviction of a person
2 based upon a DNA database match is not invalidated if
3 it is determined that the DNA sample or DNA profile
4 was obtained or placed into the DNA database by
5 mistake or error.
6 Sec. 8. NEW SECTION. 81.8 CONFIDENTIAL RECORDS.
7 1. A DNA record shall be considered a confidential
8 record and disclosure of a DNA record is only
9 authorized pursuant to this section.

10 2. Confidential DNA records under this section may
11 be released to the following agencies for law
12 enforcement identification purposes:
13 a. Any criminal or juvenile justice agency as
14 defined in section 692.1.
15 b. Any criminal or juvenile justice agency in
16 another jurisdiction that meets the definition of a
17 criminal or juvenile justice agency as defined in
18 section 692.1.
19 3. The division of criminal investigation shall
20 share the DNA record information with the appropriate
21 federal agencies for use in a national DNA database.
22 4. A DNA record or other forensic information
23 developed pursuant to this chapter may be released for
24 use in a criminal or juvenile delinquency proceeding
25 in which the state is a party and where the DNA record
26 or forensic information is relevant and material to
27 the subject of the proceeding. Such a record or
28 information may become part of a public transcript or
29 other public recording of such a proceeding.
30 5. A DNA record or other forensic information may
31 be released pursuant to a court order for criminal
32 defense purposes to a defendant, who shall have access
33 to DNA samples and DNA profiles related to the case in
34 which the defendant is charged.
35 Sec. 9. NEW SECTION. 81.9 EXPUNGEMENT OF DNA
36 RECORDS.
37 1. A person whose DNA record has been included in
38 the DNA database or DNA databank established pursuant
39 to section 81.3 may request, in writing to the
40 division of criminal investigation, expungement of the
41 DNA record from the DNA database and DNA databank
42 based upon the person's conviction, adjudication, or
43 civil commitment which caused the submission of the
44 DNA sample being reversed on appeal and the case
45 dismissed. The written request shall contain a
46 certified copy of the final court order reversing the
47 conviction, adjudication, or civil commitment, and a
48 certified copy of the dismissal, and any other
49 information necessary to ascertain the validity of the
50 request.

Page 5

1 2. The division of criminal investigation, upon
2 receipt of a written request that validates reversal
3 on appeal of a person's conviction, adjudication, or
4 commitment, and subsequent dismissal of the case, or
5 upon receipt of a written request by a person who
6 voluntarily submitted a DNA sample under section 81.3,
7 subsection 3, paragraph "b", or upon receipt of a
8 written request by a person who voluntarily submitted

9 a DNA sample pursuant to section 81.3, subsection 3,
10 paragraph "b", shall expunge all of the DNA records
11 and identifiable information of the person in the DNA
12 database and DNA databank. However, if the division
13 of criminal investigation determines that the person
14 is otherwise obligated to submit a DNA sample, the DNA
15 records shall not be expunged. If the division of
16 criminal investigation denies an expungement request,
17 the division shall notify the person requesting the
18 expungement of the decision not to expunge the DNA
19 record and the reason supporting its decision. The
20 division of criminal investigation decision is subject
21 to judicial review pursuant to chapter 17A. The
22 department of public safety shall adopt rules
23 governing the expungement procedure and a review
24 process.
25 3. The division of criminal investigation is not
26 required to expunge or destroy a DNA record pursuant
27 to this section, if expungement or destruction of the
28 DNA record would destroy evidence related to another
29 person.
30 Sec. 10. NEW SECTION. 81.10 DNA PROFILING AFTER
31 CONVICTION.
32 1. A defendant who has been convicted of a felony
33 and who has not been required to submit a DNA sample
34 for DNA profiling may make a motion to the court for
35 an order to require that DNA analysis be performed on
36 evidence collected in the case for which the person
37 stands convicted.
38 2. The motion shall state the following:
39 a. The specific crimes for which the defendant
40 stands convicted in this case.
41 b. The facts of the underlying case, as proven at
42 trial or admitted to during a guilty plea proceeding.
43 c. Whether any of the charges include sexual abuse
44 or involve sexual assault, and if so, whether a sexual
45 assault examination was conducted and evidence
46 preserved, if known.
47 d. Whether identity was at issue or contested by
48 the defendant.
49 e. Whether the defendant offered an alibi, and if
50 so, testimony corroborating the alibi and, from whom.

1 f. Whether eyewitness testimony was offered, and
2 if so from whom.
3 g. Whether any issues of police or prosecutor
4 misconduct have been raised in the past or are being
5 raised by the motion.
6 h. The type of inculpatory evidence admitted into
7 evidence at trial or admitted to during a guilty plea

8 proceeding.
9 i. Whether blood testing or other biological
10 evidence testing was conducted previously in
11 connection with the case and, if so, by whom and to
12 the result, if known.
13 j. What biological evidence exists and, if known,
14 the agency or laboratory storing the evidence that the
15 defendant seeks to have tested.
16 k. Why the requested analysis of DNA evidence is
17 material to the issue in the case and not merely
18 cumulative or impeaching.
19 l. Why the DNA evidence would have changed the
20 outcome of the trial or invalidated a guilty plea if
21 DNA profiling had been conducted prior to the
22 conviction.
23 3. A motion filed under this section shall be
24 filed in the county where the defendant was convicted,
25 and notice of the motion shall be served by certified
26 mail upon the county attorney and, if known, upon the
27 state, local agency, or laboratory holding evidence
28 described in subsection 2, paragraph "k". The county
29 attorney shall have sixty days to file an answer to
30 the motion.
31 4. Any DNA profiling of the defendant or other
32 biological evidence testing conducted by the state or
33 by the defendant shall be disclosed and the results of
34 such profiling or testing described in the motion or
35 answer.
36 5. If the evidence requested to be tested was
37 previously subjected to DNA or other biological
38 analysis by either party, the court may order the
39 disclosure of the results of such testing, including
40 laboratory reports, notes, and underlying data, to the
41 court and the parties.
42 6. The court may order a hearing on the motion to
43 determine if evidence should be subjected to DNA
44 analysis.
45 7. The court shall grant the motion if all of the
46 following apply:
47 a. The evidence subject to DNA testing is
48 available and in a condition that will permit
49 analysis.
50 b. A sufficient chain of custody has been

Page 7

1 established for the evidence.
2 c. The identity of the person who committed the
3 crime for which the defendant was convicted was a
4 significant issue in the crime for which the defendant
5 was convicted.
6 d. The evidence subject to DNA analysis is

7 material to, and not merely cumulative or impeaching
8 of, evidence included in the trial record or admitted
9 to at a guilty plea proceeding.
10 e. DNA analysis of the evidence would raise a
11 reasonable probability that the defendant would not
12 have been convicted if DNA profiling had been
13 available at the time of the conviction and had been
14 conducted prior to the conviction.
15 8. Upon the court granting a motion filed pursuant
16 to this section, DNA analysis of evidence shall be
17 conducted within the guidelines generally accepted by
18 the scientific community. The defendant shall provide
19 DNA samples for testing if requested by the state.
20 9. Results of DNA analysis conducted pursuant to
21 this section shall be reported to the parties and to
22 the court and may be provided to the board of parole,
23 department of corrections, and criminal and juvenile
24 justice agencies, as defined in section 692.1, for use
25 in the course of investigations and prosecutions, and
26 for consideration in connection with requests for
27 parole, pardon, reprieve, and commutation. DNA
28 samples obtained pursuant to this section may be
29 included in the DNA databank, and DNA profiles and DNA
30 records developed pursuant to this section may be
31 included in the DNA database.
32 10. A criminal or juvenile justice agency, as
33 defined in section 692.1, shall maintain DNA samples
34 and evidence that could be tested for DNA for a period
35 of three years beyond the limitations for the
36 commencement of criminal actions as set forth in
37 chapter 802. This section does not create a cause of
38 action for damages or a presumption of spoliation in
39 the event evidence is no longer available for testing.
40 11. If the court determines a defendant who files
41 a motion under this section is indigent, the defendant
42 shall be entitled to appointment of counsel as
43 provided in chapter 815.
44 12. If the court determines after DNA analysis
45 ordered pursuant to this section that the results
46 indicate conclusively that the DNA profile of the
47 defendant matches the profile from the analyzed
48 evidence used against the defendant, the court may
49 order the defendant to pay the costs of these
50 proceedings, including costs of all testing, court

Page 8

1 costs, and costs of court-appointed counsel, if any.
2 Sec. 11. Section 229A.7, Code 2005, is amended by
3 adding the following new subsection:
4 NEW SUBSECTION. 5A. If the court or jury
5 determines that the respondent is a sexually violent

6 predator, the court shall order the respondent to
7 submit a DNA sample for DNA profiling pursuant to
8 section 81.4.
9 Sec. 12. Section 232.52, Code 2005, is amended by
10 adding the following new subsection:
11 NEW SUBSECTION. 10. The court shall order a
12 juvenile adjudicated a delinquent for an offense that
13 requires DNA profiling under section 81.2 to submit a
14 DNA sample for DNA profiling pursuant to section 81.4.
15 Sec. 13. Section 669.14, Code 2005, is amended by
16 adding the following new subsection:
17 NEW SUBSECTION. 15. Any claim arising from or
18 related to the collection of a DNA sample for DNA
19 profiling pursuant to section 81.4 or a DNA profiling
20 procedure performed by the division of criminal
21 investigation, department of public safety.
22 Sec. 14. Section 901.5, subsection 8A, Code 2005,
23 is amended to read as follows:
24 8A. a. The court shall order DNA profiling of a
25 defendant convicted of an offense that requires
26 profiling under section ~~13.10~~ 81.2.
27 b. Notwithstanding section ~~13.10~~ 81.2, the court
28 may order the defendant to provide a ~~physical specimen~~
29 DNA sample to be submitted for DNA profiling if
30 appropriate. In determining the appropriateness of
31 ordering DNA profiling, the court shall consider the
32 deterrent effect of DNA profiling, the likelihood of
33 repeated offenses by the defendant, and the
34 seriousness of the offense.
35 Sec. 15. Section 906.4, unnumbered paragraph 3,
36 Code 2005, is amended to read as follows:
37 ~~Notwithstanding section 13.10, the~~ The board may
38 order the defendant to provide a physical specimen to
39 be submitted for DNA profiling as a condition of
40 parole or work release, if ~~appropriate~~ a DNA profile
41 has not been previously conducted pursuant to chapter
42 81. In determining the appropriateness of ordering
43 DNA profiling, the board shall consider the deterrent
44 effect of DNA profiling, the likelihood of repeated
45 offenses by the defendant, and the seriousness of the
46 offense.
47 Sec. 16. 2002 Iowa Acts, chapter 1080, is
48 repealed.
49 Sec. 17. Section 13.10, Code 2005, is repealed.
50 Sec. 18. PERSONS REQUIRED TO SUBMIT A DNA SAMPLE

1 PRIOR TO EFFECTIVE DATE OF THIS DIVISION OF THIS ACT.
2 A person convicted, adjudicated a delinquent, civilly
3 committed as a sexually violent predator, or found not
4 guilty by reason of insanity, prior to the effective

5 date of this Act, who would otherwise be required to
6 submit a DNA sample under this Act, and who is under
7 the custody, control, or jurisdiction of a supervising
8 agency, shall submit a DNA sample prior to being
9 released from the supervising agency's custody,
10 control, or jurisdiction.
11 Sec. 19. EFFECTIVE DATE. This division of this
12 Act, being deemed of immediate importance, takes
13 effect upon enactment.
14 DIVISION II
15 SEX OFFENDER REGISTRY AND TREATMENT
16 Sec. 20. Section 692A.1, subsection 8, Code 2005,
17 is amended to read as follows:
18 8. "Residence" means the place where a person
19 sleeps, which may include more than one location, and
20 may be mobile or transitory, including a shelter or
21 group home.
22 Sec. 21. Section 692A.2, Code 2005, is amended by
23 adding the following new subsection:
24 NEW SUBSECTION. 1A. If a person is required to
25 register for a period of ten years under subsection 1
26 and the period under subsection 1 has expired, the
27 person shall be required to remain on the registry if
28 the person has been sentenced to a special sentence as
29 required under section 903B.0A or 903B.0B, for a
30 period equal to the term of the special sentence.
31 Sec. 22. NEW SECTION. 692A.2B RESTRICTIONS ON
32 RESIDENCY NEAR CHILD CARE FACILITIES OR SCHOOLS.
33 1. For purposes of this section, "person" means a
34 person who is required to register under this chapter.
35 2. A person shall not reside within one thousand
36 feet of the real property comprising a public or
37 nonpublic elementary or secondary school or a child
38 care facility.
39 3. A person who resides within one thousand feet
40 of the real property comprising a public or nonpublic
41 elementary or secondary school, or a child care
42 facility, commits an aggravated misdemeanor.
43 4. A person residing within one thousand feet of
44 the real property comprising a public or nonpublic
45 elementary or secondary school or a child care
46 facility does not commit a violation of this section
47 if any of the following apply:
48 a. The person is required to serve a sentence at a
49 jail, prison, juvenile facility, or other correctional
50 institution or facility.

1 b. The person is subject to an order of commitment
2 under chapter 229A.
3 c. The person has established a residence prior to

July 1, 2005, or a school or child care facility is newly located on or after July 1, 2005.

d. The person is a minor or a ward under a guardianship.

Sec. 23. Section 692A.4, Code 2005, is amended to read as follows:

692A.4 VERIFICATION OF ADDRESS AND TAKING OF PHOTOGRAPH.

1. The address of a person required to register under this chapter shall be verified annually as follows:

a. On a date which falls within the month in which the person was initially required to register, the department shall mail a verification form to the last reported address of the person. Verification forms shall not be forwarded to the person who is required to register under this chapter if the person no longer resides at the address, but shall be returned to the department.

b. The person shall complete and mail the verification to the department within ten days of receipt of the form.

c. The verification form shall be signed by the person, and state the address at which the person resides. If the person is in the process of changing residences, the person shall state that fact as well as the old and new addresses or places of residence.

2. Verification of address for a person who has been convicted of an offense under the laws of this state or of another state which would qualify the person as a sexually violent predator shall be accomplished in the same manner as in subsection 1, except that the verification shall be done every three months at times established by the department.

3. A photograph of a person required to register under this chapter shall be updated, at a minimum, annually. When the department mails the address verification notice in subsection 1, the department shall also enclose a form informing the person to annually submit to being photographed by the sheriff of the county of the person's residence within ten days of receipt of the address verification form. The sheriff shall send the updated photograph to the department within ten days of the photograph being taken and the department shall post the updated photograph on the sex offender registry's web page. The sheriff may require the person to submit to being

photographed by the sheriff more than once a year by mailing another notice informing the person to submit

to being photographed.

Sec. 24. NEW SECTION. 692A.4A ELECTRONIC MONITORING.

A person required to register under this chapter who is placed on probation, parole, work release, special sentence, or any other type of conditional release, may be supervised by an electronic tracking and monitoring system in addition to any other conditions of supervision.

Sec. 25. Section 692A.5, subsection 1, paragraph h, Code 2005, is amended to read as follows:

h. Inform the person, if the person's residency is restricted under section 692A.2A, that the person shall not reside within two thousand feet of the real property comprising a public or nonpublic elementary or secondary school, or a child care facility. After June 30, 2005, inform the person, if the person's residency is restricted under section 692A.2B, that the person shall not reside within one thousand feet of the real property comprising a public or nonpublic elementary or secondary school, or a child care facility.

Sec. 26. Section 692A.5, subsection 1, Code 2005, is amended by adding the following new paragraph:

NEW PARAGRAPH. i. Inform the person that the person must, at a minimum, annually submit to being photographed by the sheriff of the county of the person's residence.

Sec. 27. Section 692A.13, subsection 3, Code 2005, is amended to read as follows:

3. Any member of the public may contact a county sheriff's office or police department to request relevant information from the registry regarding a specific person required to register under this chapter. ~~The request for information shall be in writing, and~~ A person making a request for relevant information may make the request by telephone, in writing, or in person, and the request shall include the name of the person and at least one of the following identifiers pertaining to the person about whom the information is sought:

a. The date of birth of the person.

b. The social security number of the person.

c. The address of the person.

A county sheriff or police department shall not charge a fee relating to a request for relevant information.

Sec. 28. Section 692A.13, subsection 2, paragraph

Page 12

1 b, Code 2005, is amended to read as follows:
2 b. The general public, including public and
3 private agencies, organizations, public places, ~~public~~
4 ~~and private schools,~~ child care facilities, religious
5 and youth organizations, neighbors, neighborhood
6 associations, community meetings, and employers.
7 Registry information may be distributed to the public
8 through printed materials, visual or audio press
9 releases, radio communications, or through a criminal
10 or juvenile justice agency's web page.
11 Sec. 29. Section 692A.13, Code 2005, is amended by
12 adding the following new subsection:
13 NEW SUBSECTION. 2A. When a person required to
14 register under this chapter moves into a school
15 district or moves within a school district, the county
16 sheriff of the county of the person's new residence
17 shall provide relevant information from the sex
18 offender registry to the administrative office of the
19 school district in which the person required to
20 register resides.
21 Sec. 30. Section 692A.13, subsection 5, Code 2005,
22 is amended to read as follows:
23 5. Relevant information provided to the general
24 public may include the offender's name, address, a
25 photograph, locations frequented by the offender,
26 relevant criminal history information from the
27 registry, and any other relevant information.
28 Relevant information provided to the public shall not
29 include the identity of any victim. For purposes of
30 inclusion in the sex offender registry's web page or
31 dissemination to the general public, a conviction for
32 incest shall be disclosed as either a violation of
33 section 709.4 or 709.8.
34 Sec. 31. Section 903A.2, subsection 1, paragraph
35 a, Code 2005, is amended to read as follows:
36 a. Category "A" sentences are those sentences
37 which are not subject to a maximum accumulation of
38 earned time of fifteen percent of the total sentence
39 of confinement under section 902.12. To the extent
40 provided in subsection 5, category "A" sentences also
41 include life sentences imposed under section 902.1.
42 An inmate of an institution under the control of the
43 department of corrections who is serving a category
44 "A" sentence is eligible for a reduction of sentence
45 equal to one and two-tenths days for each day the
46 inmate demonstrates good conduct and satisfactorily
47 participates in any program or placement status
48 identified by the director to earn the reduction. The
49 programs include but are not limited to the following:
50 (1) Employment in the institution.

Page 13

(2) Iowa state industries.
(3) An employment program established by the director.
(4) A treatment program established by the director.
(5) An inmate educational program approved by the director.
However, an inmate required to participate in a sex offender treatment program shall not be eligible for a reduction of sentence unless the inmate participates in and completes a sex offender treatment program established by the director.
An inmate serving a category "A" sentence is eligible for an additional reduction of sentence of up to three hundred sixty-five days of the full term of the sentence of the inmate for exemplary acts. In accordance with section 903A.4, the director shall by policy identify what constitutes an exemplary act that may warrant an additional reduction of sentence.

DIVISION III
ENHANCED CRIMINAL PENALTIES AND
STATUTE OF LIMITATIONS

Sec. 32. Section 709.8, Code 2005, is amended to read as follows:
709.8 LASCIVIOUS ACTS WITH A CHILD.
It is unlawful for any person ~~eighteen~~ sixteen years of age or older to perform any of the following acts with a child with or without the child's consent unless married to each other, for the purpose of arousing or satisfying the sexual desires of either of them:
1. Fondle or touch the pubes or genitals of a child.
2. Permit or cause a child to fondle or touch the person's genitals or pubes.
3. Solicit a child to engage in a sex act or solicit a person to arrange a sex act with a child.
4. Inflict pain or discomfort upon a child or permit a child to inflict pain or discomfort on the person.
Any person who violates a provision of this section involving an act included in subsection 1 or 2 shall, upon conviction, be guilty of a class ~~"D"~~ "C" felony. ~~A person who violates a provision of this section and who is sentenced to a term of confinement shall also be sentenced to an additional term of parole or work release not to exceed two years. The board of parole shall determine whether the person should be released on parole or placed in a work release program. The sentence of an additional term of parole or work~~

Page 14

~~release supervision shall commence immediately upon the expiration of the preceding sentence and shall be under the terms and conditions as set out in chapter 906. Violations of parole or work release shall be subject to the procedures set out in chapter 905 or 908 or rules adopted under those chapters. The sentence of an additional term of parole or work release shall be consecutive to the original term of confinement.~~ Any person who violates a provision of this section involving an act included in subsection 3 or 4 shall, upon conviction, be guilty of a class "D" felony.

Sec. 33. Section 802.2, Code 2005, is amended to read as follows:

802.2 SEXUAL ABUSE — FIRST, SECOND, OR THIRD DEGREE.

1. An information or indictment for sexual abuse in the first, second, or third degree committed on or with a person who is under the age of eighteen years shall be found within ten years after the person upon whom the offense is committed attains eighteen years of age, or if the identity of the person against whom the information or indictment is sought is established through the use of a DNA profile, an information or indictment shall be found within three years from the date the identity of the person is identified by the person's DNA profile, whichever is later.

2. An information or indictment for any other sexual abuse in the first, second, or third degree shall be found within ten years after its commission, or if the identity of the person against whom the information or indictment is sought is established through the use of a DNA profile, an information or indictment shall be found within three years from the date the identity of the person is identified by the person's DNA profile, whichever is later.

3. As used in this section, "identified" means a person's legal name is known and the person has been determined to be the source of the DNA.

Sec. 34. Section 901.5, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 13. In addition to any other sentence or other penalty imposed against the defendant, the court shall impose a special sentence if required under section 903B.0A or 903B.0B.

Sec. 35. NEW SECTION. 902.15 ENHANCED PENALTY — SEXUAL ABUSE OR LASCIVIOUS ACTS WITH A CHILD.

1. A person commits a class "A" felony if the person commits a second or subsequent offense involving any combination of the following offenses:

Page 15

1 a. Sexual abuse in the second degree in violation
2 of section 709.3.
3 b. Sexual abuse in the third degree in violation
4 of section 709.4.
5 c. Lascivious acts with a child in violation of
6 section 709.8, subsection 1 or 2.
7 2. In determining if a violation charged is a
8 second or subsequent offense for purposes of criminal
9 sentencing in this section, each previous violation on
10 which conviction or deferral of judgment was entered
11 prior to the date of the violation charged shall be
12 considered and counted as a separate previous offense,
13 regardless of whether the previous offense occurred
14 before, on, or after the effective date of this Act.
15 Convictions or the equivalent of deferred judgments
16 for violations in any other states under statutes
17 substantially corresponding to the offenses listed in
18 subsection 1 shall be counted as previous offenses.
19 The courts shall judicially notice the statutes of
20 other states which define offenses substantially
21 equivalent to the offenses listed in subsection 1 and
22 can therefore be considered corresponding statutes.
23 Sec. 36. NEW SECTION. 903B.0A SPECIAL SENTENCE
24 — CLASS "B" OR CLASS "C" FELONIES.
25 A person convicted of a class "C" felony or greater
26 offense under chapter 709, or a class "C" felony under
27 section 728.12, shall also be sentenced, in addition
28 to any other punishment provided by law, to a special
29 sentence committing the person into the custody of the
30 director of the Iowa department of corrections for the
31 rest of the person's life, with eligibility for parole
32 as provided in chapter 906. The special sentence
33 imposed under this section shall commence upon
34 completion of the sentence imposed under any
35 applicable criminal sentencing provisions for the
36 underlying criminal offense and the person shall begin
37 the sentence under supervision as if on parole. The
38 person shall be placed on the corrections continuum in
39 chapter 901B, and the terms and conditions of the
40 special sentence, including violations, shall be
41 subject to the same set of procedures set out in
42 chapters 901B, 905, 906, and chapter 908, and rules
43 adopted under those chapters for persons on parole
44 shall not be for a period greater than two years upon
45 any first revocation, and five years upon any second
46 or subsequent revocation. A special sentence shall be
47 considered a category "A" sentence for purposes of
48 calculating earned time under section 903A.2.
49 Sec. 37. NEW SECTION. 903B.0B SPECIAL SENTENCE
50 — CLASS "D" FELONIES OR MISDEMEANORS.

Page 16

1 A person convicted of a misdemeanor or a class "D"
2 felony offense under chapter 709, section 726.2, or
3 section 728.12 shall also be sentenced, in addition to
4 any other punishment provided by law, to a special
5 sentence committing the person into the custody of the
6 director of the Iowa department of corrections for a
7 period of ten years, with eligibility for parole as
8 provided in chapter 906. The special sentence imposed
9 under this section shall commence upon completion of
10 the sentence imposed under any applicable criminal
11 sentencing provisions for the underlying criminal
12 offense and the person shall begin the sentence under
13 supervision as if on parole. The person shall be
14 placed on the corrections continuum in chapter 901B,
15 and the terms and conditions of the special sentence,
16 including violations, shall be subject to the same set
17 of procedures set out in chapters 901B, 905, 906, and
18 908, and rules adopted under those chapters for
19 persons on parole. The revocation of release shall
20 not be for a period greater than two years upon any
21 first revocation, and five years upon any second or
22 subsequent revocation. A special sentence shall be
23 considered a category "A" sentence for purposes of
24 calculating earned time under section 903A.2.
25 Sec. 38. Section 903B.1, subsection 3, Code 2005,
26 is amended by striking the subsection.
27 Sec. 39. Section 906.15, unnumbered paragraph 1,
28 Code 2005, is amended to read as follows:
29 Unless sooner discharged, a person released on
30 parole shall be discharged when the person's term of
31 parole equals the period of imprisonment specified in
32 the person's sentence, less all time served in
33 confinement. Discharge from parole may be granted
34 prior to such time, when an early discharge is
35 appropriate. The board shall periodically review all
36 paroles, and when the board determines that any person
37 on parole is able and willing to fulfill the
38 obligations of a law-abiding citizen without further
39 supervision, the board shall discharge the person from
40 parole. A parole officer shall periodically review
41 all paroles assigned to the parole officer, and when
42 the parole officer determines that any person assigned
43 to the officer is able and willing to fulfill the
44 obligations of a law-abiding citizen without further
45 supervision, the officer may discharge the person from
46 parole after notification and approval of the district
47 director and notification of the board of parole. In
48 any event, discharge from parole shall terminate the
49 person's sentence. <u>If a person has been sentenced to</u>
50 <u>a special sentence under section 903B.0A or 903B.0B,</u>

Page 17

1 the person may be discharged early from the sentence
2 in the same manner as any other person on parole.
3 However, a person convicted of a violation of section
4 709.3, 709.4, or 709.8 committed on or with a child,
5 or a person serving a sentence under section 902.12,
6 shall not be discharged from parole until the person's
7 term of parole equals the period of imprisonment
8 specified in the person's sentence, less all time
9 served in confinement.
10 Sec. 40. Section 908.5, Code 2005, is amended to
11 read as follows:
12 908.5 DISPOSITION.
13 1. If a violation of parole is established, the
14 administrative parole judge may continue the parole
15 with or without any modification of the conditions of
16 parole. The administrative parole judge may revoke
17 the parole and require the parolee to serve the
18 sentence originally imposed, or may revoke the parole
19 and reinstate the parolee's work release status.
20 2. If the person is serving a special sentence
21 under chapter 903B, the administrative parole judge
22 may revoke the release. Upon the revocation of
23 release, the person shall not serve the entire length
24 of the special sentence imposed, and the revocation
25 shall be for a period not to exceed two years in a
26 correctional institution upon a first revocation and
27 for a period not to exceed five years in a
28 correctional institution upon a second or subsequent
29 revocation.
30 3. The order of the administrative parole judge
31 shall contain findings of fact, conclusions of law,
32 and a disposition of the matter.
33 DIVISION IV
34 VICTIM RIGHTS
35 Sec. 41. NEW SECTION. 235D.1 CRIMINAL HISTORY
36 CHECK — APPLICANTS AT DOMESTIC ABUSE OR SEXUAL
37 ASSAULT CENTERS.
38 An applicant for employment at a domestic abuse or
39 sexual assault center shall be subject to a national
40 criminal history check through the federal bureau of
41 investigation. The domestic abuse or sexual assault
42 center shall request the criminal history check and
43 shall provide the applicant's fingerprints to the
44 department of public safety for submission through the
45 state criminal history repository to the federal
46 bureau of investigation. The applicant shall
47 authorize release of the results of the criminal
48 history check to the domestic abuse or sexual assault
49 center. The applicant shall pay the actual cost of
50 the fingerprinting and criminal history check, if any.

Page 18

1 Unless the criminal history check was completed within
2 the ninety calendar days prior to the date the
3 application is received by the domestic abuse or
4 sexual assault center, the center shall reject and
5 return the application to the applicant. The results
6 of a criminal history check conducted pursuant to this
7 subsection shall not be considered a public record
8 under chapter 22. For purposes of this section,
9 "domestic abuse or sexual assault center" means a
10 facility which is used to house victims of domestic
11 abuse or sexual assault, and is owned, operated, or
12 maintained by a nonprofit organization.
13 Sec. 42. NEW SECTION. 709.22 PREVENTION OF
14 FURTHER SEXUAL ASSAULT — NOTIFICATION OF RIGHTS.
15 If a peace officer has reason to believe that a
16 sexual assault as defined in section 915.40 has
17 occurred, the officer shall use all reasonable means
18 to prevent further violence including but not limited
19 to the following:
20 1. If requested, remaining on the scene of the
21 alleged sexual assault as long as there is a danger to
22 the victim's physical safety without the presence of a
23 peace officer, including but not limited to staying in
24 the dwelling unit, or if unable to remain on the
25 scene, assisting the victim in leaving the residence.
26 2. Assisting a victim in obtaining medical
27 treatment necessitated by the sexual assault,
28 including providing assistance to the victim in
29 obtaining transportation to the emergency room of the
30 nearest hospital.
31 3. Providing a victim with immediate and adequate
32 notice of the victim's rights. The notice shall
33 consist of handing the victim a copy of the following
34 statement written in English and Spanish, asking the
35 victim to read the statement, and asking whether the
36 victim understands the rights:
37 "You have the right to ask the court for help with
38 any of the following on a temporary basis:
39 a. Keeping your attacker away from you, your home,
40 and your place of work.
41 b. The right to stay at your home without
42 interference from your attacker.
43 c. The right to seek a no-contact order under
44 section 709.20 or 915.22, if your attacker is arrested
45 for sexual assault.
46 You have the right to register as a victim with the
47 county attorney under section 915.12.
48 You have the right to file a complaint for threats,
49 assaults, or other related crimes.
50 You have the right to seek restitution against your

Page 19

1 attacker for harm to you or your property.
2 You have the right to apply for victim
3 compensation.
4 You have the right to contact the county attorney
5 or local law enforcement to determine the status of
6 your case.
7 If you are in need of medical treatment, you have
8 the right to request that the officer present assist
9 you in obtaining transportation to the nearest
10 hospital or otherwise assist you.
11 You have the right to a sexual assault examination
12 performed at state expense.
13 If you believe that police protection is needed for
14 your physical safety, you have the right to request
15 that the officer present remain at the scene until you
16 and other affected parties can leave or until safety
17 is otherwise ensured."
18 The notice shall also contain the telephone numbers
19 of shelters, support groups, and crisis lines
20 operating in the area.
21 Sec. 43. Section 915.10, subsections 1 and 2, Code
22 2005, are amended to read as follows:
23 1. "Notification" means mailing by regular mail or
24 providing for hand delivery of appropriate information
25 or papers. However, this notification procedure does
26 not prohibit an office, agency, or department from
27 also providing appropriate information to a registered
28 victim by telephone, electronic mail, or other means.
29 2. "Registered" means having provided the county
30 attorney with the victim's written request for
31 registration and current mailing address and telephone
32 number. If an automated victim notification system is
33 implemented pursuant to section 915.10A, "registered"
34 also means having filed a request for registration
35 with the system.
36 Sec. 44. NEW SECTION. 915.10A AUTOMATED VICTIM
37 NOTIFICATION SYSTEM.
38 1. An automated victim notification system may be
39 utilized to assist public officials in informing crime
40 victims, the victim's family, or other interested
41 persons as provided in this subchapter and where
42 otherwise specifically provided. The system shall
43 disseminate the information to registered users
44 through telephonic, electronic, or other means of
45 access.
46 2. An office, agency, or department may satisfy a
47 notification obligation to registered victims required
48 by this subchapter through participation in the system
49 to the extent information is available for
50 dissemination through the system. Nothing in this

Page 20

1 section shall relieve a notification obligation under
2 this subchapter due to the unavailability of
3 information for dissemination through the system.
4 3. Notwithstanding section 232.147, information
5 concerning juveniles charged with a felony offense
6 shall be released to the extent necessary to comply
7 with this section.
8 Sec. 45. Section 915.11, Code 2005, is amended to
9 read as follows:
10 915.11 INITIAL NOTIFICATION BY LAW ENFORCEMENT.
11 A local police department or county sheriff's
12 department shall advise a victim of the right to
13 register with the county attorney, and shall provide a
14 request-for-registration form to each victim. <u>If an</u>
15 <u>automated victim notification system is available</u>
16 <u>pursuant to section 915.10A, a local police department</u>
17 <u>or county sheriff's department shall provide a</u>
18 <u>telephone number and website to each victim to</u>
19 <u>register with the system.</u>
20 Sec. 46. Section 915.12, Code 2005, is amended to
21 read as follows:
22 915.12 REGISTRATION.
23 ~~1. The county attorney shall be the sole registrar~~
24 ~~of victims under this subchapter.~~
25 ~~2.~~ <u>1.</u> A victim may register by filing a written
26 request-for-registration form with the county
27 attorney. The county attorney shall notify the
28 victims in writing and advise them of their
29 registration and rights under this subchapter.
30 ~~3.~~ The county attorney shall provide a registered
31 victim list to the offices, agencies, and departments
32 required to provide information under this subchapter
33 for notification purposes.
34 <u>2. If an automated victim notification system, the</u>
35 <u>victim's family, is available pursuant to section</u>
36 <u>915.10A, a victim, the victim's family, or other</u>
37 <u>interested person may register with the system by</u>
38 <u>filing a request for registration through written,</u>
39 <u>telephonic, or electronic means.</u>
40 ~~4.~~ <u>3.</u> Notwithstanding chapter 22 or any other
41 contrary provision of law, ~~a victim's~~ <u>the</u> registration
42 <u>of a victim, victim's family, or other interested</u>
43 <u>person</u> shall be strictly maintained in a separate
44 confidential file <u>or other confidential medium</u>, and
45 shall be available only to the offices, agencies, and
46 departments required to provide information under this
47 subchapter.
48 Sec. 47. Section 915.29, Code 2005, is amended by
49 adding the following new unnumbered paragraph:
50 <u>NEW UNNUMBERED PARAGRAPH</u>. The notification

Page 21

1 required pursuant to this section may occur through
2 the automated victim notification system referred to
3 in section 915.10A to the extent such information is
4 available for dissemination through the system.
5 Sec. 48. Section 915.45, Code 2005, is amended by
6 adding the following new unnumbered paragraph:
7 NEW UNNUMBERED PARAGRAPH. The notification
8 required pursuant to this section may occur through
9 the automated victim notification system referred to
10 in section 915.10A to the extent such information is
11 available for dissemination through the system.
12 DIVISION V
13 TASK FORCE
14 Sec. 49. SEX OFFENDER TREATMENT AND SUPERVISION
15 TASK FORCE.
16 1. The division of criminal and juvenile justice
17 planning shall establish a task force to study and
18 make periodic recommendations for treating and
19 supervising sex offenders in correctional institutions
20 and in the community. The task force shall file a
21 report with recommendations with the general assembly
22 by January 15, 2006. The task force shall study the
23 effectiveness of electronic monitoring and the
24 potential effects and costs associated with the
25 special sentence created in this Act. The task force
26 shall study risk assessment models created for sex
27 offenders. The task force shall also review this
28 state's efforts and the efforts of other states to
29 implement treatment programs and make recommendations
30 as to the best treatment options available for sex
31 offenders. The task force shall also develop a plan
32 to integrate state government databases for the
33 purpose of updating addresses of persons on the sex
34 offender registry.
35 2. Members of the task force shall include
36 representatives of the following state agencies and
37 organizations:
38 a. One representative of the department of human
39 services.
40 b. One representative of the department of public
41 safety.
42 c. One representative of the Iowa state sheriffs
43 and deputies association.
44 d. One representative of the Iowa county attorneys
45 association.
46 e. One representative of the department of
47 corrections.
48 f. One representative of the board of parole.
49 g. One representative of a judicial district
50 department of correctional services.

Page 22

1 h. One representative of the department of
2 justice.
3 i. One representative of the state public
4 defender.
5 j. One representative of the Iowa coalition
6 against sexual assault.
7 DIVISION VI
8 STATE MANDATE
9 Sec. 50. IMPLEMENTATION OF ACT. Section 25B.2,
10 subsection 3, shall not apply to this Act."
11 2. Title page, by striking lines 1 through 5 and
12 inserting the following: "An Act relating to criminal
13 sentencing, victim notification, and the sex offender
14 registry, including establishing a special sentence
15 for certain offenders, requiring DNA testing of
16 certain offenders, requiring sex offender treatment in
17 order to accumulate earned time, establishing a sex
18 offender treatment and supervision task force,
19 providing penalties, and providing an effective date."

ROBERT E. DVORSKY
CHARLES W. LARSON, JR.
NANCY J. BOETTGER
GENE FRAISE
WALLY E. HORN
KEITH A. KREIMAN
LARRY McKIBBEN
DAVID MILLER

S–3186

1 Amend the amendment, S–3182, to House File 619, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 13, by inserting after line 33 the
5 following:
6 "Sec. ___. Section 232.68, subsection 2, Code
7 2005, is amended by adding the following new
8 paragraph:
9 NEW PARAGRAPH. i. Cohabitation with a person
10 required to register as a sex offender under chapter
11 692A in violation of section 726.6."
12 2. Page 14, by inserting after line 28 the
13 following:
14 "Sec. ___. Section 726.6, subsection 1, Code 2005,
15 is amended by adding the following new paragraph:
16 NEW PARAGRAPH. h. Knowingly cohabits with a
17 person required to register as a sex offender under
18 chapter 692A. However, this paragraph does not apply
19 to a person who is a parent, guardian, or a person

20 having custody or control over a child or a minor who
21 is required to register as a sex offender."
22 3. By renumbering as necessary.

DAVID MILLER
JERRY BEHN

S–3187

1 Amend the amendment, S–3185, to House File 619, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 12, line 20, by inserting after the word
5 "resides" the following: ", and shall also provide
6 relevant information to any private school near the
7 person's new residence".

ROBERT E. DVORSKY

S–3188

1 Amend Senate File 408 as follows:
2 1. Page 1, by inserting after line 17, the
3 following:
4 "Sec. ___. Section 441.21, Code 2005, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 13. Beginning with valuations
7 established on or after January 1, 2007, as used in
8 this section, "residential property" includes all
9 lands and buildings which are primarily used or
10 intended for human habitation, except rental units or
11 apartment buildings where the term of the lease is for
12 thirty-one or fewer days, hotels, motels, nursing
13 homes, and rest homes."
14 2. Page 1, line 23, by inserting before the word
15 "applies" the following: ", unless otherwise provided
16 in this Act,".
17 3. Title page, line 1, by striking the words "the
18 exemption from property taxation of" and inserting the
19 following: "residential property taxation
20 classifications and exemptions, including".
21 4. By renumbering as necessary.

STEWART E. IVERSON, JR.

S–3189

1 Amend House File 835 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. Section 12.30, subsection 1, paragraph
5 a, Code 2005, is amended to read as follows:

a. "Authority" means a department, or public or quasi-public instrumentality of the state including, but not limited to, the authority created under chapter 12E, 16, 16A, 175, 257C, 261A, or 327I, which has the power to issue obligations, except that "authority" does not include the state board of regents or the Iowa finance authority to the extent it acts pursuant to chapter 260C. "Authority" also includes a port authority created under chapter 28J."

2. By renumbering as necessary.

COMMITTEE ON WAYS AND MEANS
JOE BOLKCOM, Co-chair
MARK ZIEMAN, Co-chair

S–3190

Amend House File 833, as amended, passed, and reprinted by the House, as follows:

1. Page 10, by inserting after line 6 the following:

"Sec. ___. Section 155A.3, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 22A. "Logistics provider" means an entity that provides or coordinates warehousing, distribution, or other services on behalf of a manufacturer or other owner of a drug, but does not take title to the drug or have general responsibility to direct its sale or other disposition."

2. Page 11, line 7, by inserting after the word "carrier" the following: "or logistics provider".

3. By renumbering as necessary.

COMMITTEE ON WAYS AND MEANS
JOE BOLKCOM, Co-chair
MARK ZIEMAN, Co-chair

S–3191

Amend the amendment, S–3190, to House File 833, as amended, passed, and reprinted by the House, as follows:

1. Page 1, by striking lines 13 and 14, and inserting the following:

"___. Page 12, line 6, by inserting after the word "centers," the following: "logistics providers,"."

CHARLES W. LARSON, JR.
MATT McCOY

S–3192

Amend House File 862, as amended, passed, and reprinted by the House, as follows:

1. Page 5, line 1, by striking the figure "100,000" and inserting the following: "70,000".

2. Page 5, line 2, by striking the figure "1.00" and inserting the following: "0.50"

3. Page 5, by inserting after line 21, the following:

"The Iowa department of public health shall procure a sole source contract to implement this paragraph "h"."

4. Page 6, by striking lines 18 and 19.

5. Page 6, by inserting before line 20, the following:

"j. For a grant program to provide substance abuse programming for children:

..... $ 800,000

The Iowa department of public health shall utilize a request for proposals process to implement this paragraph "j". A program approved for a grant under paragraph "h" or paragraph "i" shall not be eligible for a grant under this paragraph "j"."

6. Page 8, line 19, by striking the figure "6,800,000" and inserting the following: "7,600,000".

COMMITTEE ON APPROPRIATIONS
JEFF ANGELO, Co-chair
ROBERT E. DVORSKY, Co-chair

S–3193

Amend House File 740, as amended, passed, and reprinted by the House, as follows:

1. Page 8, by striking lines 2 through 10 and inserting the following: "<u>The</u> board of the receiving district shall take action to approve the request if good cause exists. If the request is granted, the board shall transmit a copy of the form to the parent or guardian and the school district of residence within five days after board action. A denial of a request by the board of a receiving district is not subject to appeal."

NANCY J. BOETTGER

S–3194

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 374

Amend the Senate amendment, H–1437, to House File 374, as amended, passed, and reprinted by the House, as follows:

1. Page 3, by striking lines 31 and 32, and inserting the following: "and other employees ~~as the commission shall deem necessary to carry out the duties~~ of the ~~commission~~ department."

2. Page 10, by inserting after line 45, the following:

"Sec. ___. Section 426A.11, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. For purposes of this chapter, unless the context otherwise requires, "veteran" also means a resident of this state who is a former member of the armed forces of the United States and who served for a minimum aggregate of three years and who was discharged under honorable conditions.

Sec. ___. Section 426A.12, Code 2005, is amended to read as follows:

426A.12 EXEMPTIONS TO RELATIVES.

In case any person in the foregoing classifications does not claim the exemption from taxation, it shall be allowed in the name of the person to the same extent on the property of any one of the following persons in the order named:

1. The spouse, or surviving spouse remaining unmarried, of a veteran, as defined in this chapter or in section 35.1, where they are living together or were living together at the time of the death of the veteran.

2. The parent whose spouse is deceased and who remains unmarried, of a veteran, as defined in this chapter or in section 35.1, whether living or deceased, where the parent is, or was at the time of death of the veteran, dependent on the veteran for support.

3. The minor child, or children owning property as tenants in common, of a deceased veteran, as defined in this chapter or in section 35.1.

No more than one tax exemption shall be allowed under this section or section 426A.11 in the name of a veteran, as defined in this chapter or in section 35.1."

3. Page 10, line 47, by striking the word and figure "through 3," and inserting the following: "and 2,".

4. By striking page 11, line 45, through page 12, line 15.

5. Page 14, by striking line 9, and inserting the following:

Page 2

"Sec. ___. APPLICABILITY DATES."

6. Page 14, line 10, by inserting before the word "of" the following:

"1. The section".

7. Page 14, by inserting after line 11, the following:

"2. The sections of this Act relating to military service tax credits and exemptions apply to military service tax credits and exemptions for taxes due and payable for fiscal years beginning on or after July 1, 2005."

8. Page 14, by striking lines 15 through 18, and inserting the following: "modifying the definition of veteran for property taxation and certain other purposes,".

9. Page 14, by striking lines 23 and 24, and inserting the following: "word "date" the following: "and retroactive and other applicability dates"."

10. By renumbering as necessary.

S–3195

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 716

Amend the Senate amendment, H–1359, to House File 716, as amended, passed, and reprinted by the House, as follows:

1. Page 1, by striking lines 4 through 6 and inserting the following: ""29A.3A" the following: "in ' accordance with operational and funding criteria developed with the adjutant general and coordinated with the civil air patrol"."

S–3196

HOUSE AMENDMENT TO
SENATE FILE 245

Amend Senate File 245, as amended, passed, and reprinted by the Senate, as follows:

1. Page 2, line 7, by inserting after the word "STUDENT" the following: "PLAN FOR".

2. Page 2, line 8, by striking the word "ADMISSIONS" and inserting the following: "ADMISSIONS —".

3. Page 2, by inserting after line 8 the following:

"1. For the school year beginning July 1, 2006, and each succeeding school year, the board of directors of each school district shall cooperate with each student enrolled in grade eight to develop for the student a core curriculum plan to guide the student toward the goal of successfully completing, at a minimum, the model core curriculum developed by the state board of education pursuant to section 256.7, subsection 26, by the time the student graduates from high school."

4. Page 2, line 9, by inserting before the word "For" the following: "2."

5. By striking page 2, line 17, through page 3, line 28.

6. Title page, line 4, by inserting after the word "districts" the following: "to develop a core curriculum plan for eighth grade students and".

7. Title page, line 5, by inserting after the word "annually," the following: "and".

8. Title page, by striking lines 7 and 8, and inserting the following: "annually".

9. By renumbering as necessary.

S–3197

HOUSE AMENDMENT TO
SENATE FILE 403

Amend Senate File 403, as passed by the Senate, as follows:

1. Page 1, by striking lines 7 through 11 and inserting the following: "<u>lawful custodian shall not require the physical presence of a person requesting or receiving a copy of a public record and shall fulfill requests for a copy of a public record received in writing, by telephone, or by electronic means. Fulfillment of a request for a copy of a public record may be contingent upon receipt of payment of expenses to be incurred in fulfilling the request and such estimated expenses shall be communicated to the requester upon receipt of the request.</u> The lawful custodian may adopt and".

2. By renumbering as necessary.

S–3198

Amend the amendment, S–3185, to House File 619, as amended, passed, and reprinted by the House, as follows:

1. By striking page 1, line 1, through page 22, line 19, and inserting the following:

"Amend House File 619, as amended, passed, and reprinted by the House, as follows:

___. By striking everything after the enacting clause and inserting the following:

"DIVISION I

DNA PROFILING

Section 1. NEW SECTION. 81.1 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "DNA" means deoxyribonucleic acid.

2. "DNA databank" means the repository for DNA samples obtained pursuant to section 81.4.

3. "DNA database" means the collection of DNA profiles and DNA records.

4. "DNA profile" means the objective form of the results of DNA analysis performed on a DNA sample. The results of all DNA identification analysis on an individual's DNA sample are also collectively referred to as the DNA profile of an individual.

5. "DNA profiling" means the procedure established by the division of criminal investigation, department of public safety, for determining a person's genetic identity.

6. "DNA record" means the DNA sample and DNA profile, and other records in the DNA database and DNA data bank used to identify a person.

7. "DNA sample" means a biological sample provided by any person required to submit a DNA sample or a DNA sample submitted for any other purpose under section 81.4.

8. "Person required to submit a DNA sample" means a person convicted, adjudicated delinquent, receiving a deferred judgment, or found not guilty by reason of insanity of an offense requiring DNA profiling pursuant to section 81.2. "Person required to submit a DNA sample" also means a person determined to be a sexually violent predator pursuant to section 229A.7.

Sec. 2. NEW SECTION. 81.2 PERSONS REQUIRED TO SUBMIT A DNA SAMPLE.

1. A person who receives a deferred judgment for a felony or against whom a judgment or conviction for a felony has been entered shall be required to submit a DNA sample for DNA profiling pursuant to section 81.4.

2. A person determined to be a sexually violent predator pursuant to chapter 229A shall be required to

1 submit a DNA sample for DNA profiling pursuant to
2 section 81.4 prior to discharge or placement in a
3 transitional release program.
4 3. A person found not guilty by reason of insanity
5 of an offense that requires DNA profiling shall be
6 required to submit a DNA sample for DNA profiling
7 pursuant to section 81.4 as part of the person's
8 treatment management program.
9 4. A juvenile adjudicated delinquent of an offense
10 that requires DNA profiling of an adult offender shall
11 be required to submit a DNA sample for DNA profiling
12 pursuant to section 81.4 as part of the disposition of
13 the juvenile's case.
14 5. An offender placed on probation shall
15 immediately report to the judicial district department
16 of correctional services after sentencing so it can be
17 determined if the offender has been convicted of an
18 offense requiring DNA profiling. If it is determined
19 by the judicial district that DNA profiling is
20 required, the offender shall immediately submit a DNA
21 sample.
22 6. A person required to register as a sex
23 offender.
24 Sec. 3. NEW SECTION. 81.3 ESTABLISHMENT OF DNA
25 DATABASE AND DNA DATABANK.
26 1. A state DNA database and a state DNA databank
27 are established under the control of the division of
28 criminal investigation, department of public safety.
29 The division of criminal investigation shall conduct
30 DNA profiling of a DNA sample submitted in accordance
31 with this section.
32 2. A DNA sample shall be submitted, and the
33 division of criminal investigation shall store and
34 maintain DNA records in the DNA database and DNA
35 databank for persons required to submit a DNA sample.
36 3. A DNA sample may be submitted, and the division
37 of criminal investigation shall store and maintain DNA
38 records in the DNA database and DNA databank for any
39 of the following:
40 a. Crime scene evidence and forensic casework.
41 b. A relative of a missing person.
42 c. An anonymous DNA profile used for forensic
43 validation, forensic protocol development, or quality
44 control purposes, or for the establishment of a
45 population statistics database.
46 4. A fingerprint record of a person required to
47 submit a DNA sample shall also be submitted to the
48 division of criminal investigation with the DNA sample
49 to verify the identity of the person required to
50 submit a DNA sample.

Page 3

1 Sec. 4. NEW SECTION. 81.4 COLLECTING,
2 SUBMITTING, ANALYZING, IDENTIFYING, AND STORING DNA
3 SAMPLES AND DNA RECORDS.
4 1. The division of criminal investigation shall
5 adopt rules for the collection, submission, analysis,
6 identification, storage, and disposition of DNA
7 records.
8 2. A supervising agency having control, custody,
9 or jurisdiction over a person shall collect a DNA
10 sample from a person required to submit a DNA sample.
11 The supervising agency shall collect a DNA sample,
12 upon admittance to the pertinent institution or
13 facility, of the person required to submit a DNA
14 sample or at a determined date and time set by the
15 supervising agency. If a person required to submit a
16 DNA sample is confined at the time a DNA sample is
17 required, the person shall submit a DNA sample as soon
18 as practicable. If a person required to submit a DNA
19 sample is not confined after the person is required to
20 submit a DNA sample, the supervising agency shall
21 determine the date and time to collect the DNA sample.
22 3. A person required to submit a DNA sample who
23 refuses to submit a DNA sample may be subject to
24 contempt proceedings pursuant to chapter 665 until the
25 DNA sample is submitted.
26 4. The division of criminal investigation shall
27 conduct DNA profiling on a DNA sample or may contract
28 with a private entity to conduct the DNA profiling.
29 Sec. 5. NEW SECTION. 81.5 CIVIL AND CRIMINAL
30 LIABILITY — LIMITATION.
31 A person who collects a DNA sample shall not be
32 civilly or criminally liable for the collection of the
33 DNA sample if the person performs the person's duties
34 in good faith and in a reasonable manner according to
35 generally accepted medical practices or in accordance
36 with the procedures set out in the administrative
37 rules of the department of public safety adopted
38 pursuant to section 81.4.
39 Sec. 6. NEW SECTION. 81.6 CRIMINAL OFFENSE.
40 1. A person who knowingly or intentionally does
41 any of the following commits an aggravated
42 misdemeanor:
43 a. Discloses any part of a DNA record to a person
44 or agency that is not authorized by the division of
45 criminal investigation to have access to the DNA
46 record.
47 b. Uses or obtains a DNA record for a purpose
48 other than what is authorized under this chapter.
49 2. A person who knowingly or intentionally alters
50 or attempts to alter a DNA sample, falsifies the

Page 4

1 source of a DNA sample, or materially alters a
2 collection container used to collect the DNA sample,
3 commits a class "D" felony.
4 Sec. 7. NEW SECTION. 81.7 CONVICTION OR ARREST
5 NOT INVALIDATED.
6 The detention, arrest, or conviction of a person
7 based upon a DNA database match is not invalidated if
8 it is determined that the DNA sample or DNA profile
9 was obtained or placed into the DNA database by
10 mistake or error.
11 Sec. 8. NEW SECTION. 81.8 CONFIDENTIAL RECORDS.
12 1. A DNA record shall be considered a confidential
13 record and disclosure of a DNA record is only
14 authorized pursuant to this section.
15 2. Confidential DNA records under this section may
16 be released to the following agencies for law
17 enforcement identification purposes:
18 a. Any criminal or juvenile justice agency as
19 defined in section 692.1.
20 b. Any criminal or juvenile justice agency in
21 another jurisdiction that meets the definition of a
22 criminal or juvenile justice agency as defined in
23 section 692.1.
24 3. The division of criminal investigation shall
25 share the DNA record information with the appropriate
26 federal agencies for use in a national DNA database.
27 4. A DNA record or other forensic information
28 developed pursuant to this chapter may be released for
29 use in a criminal or juvenile delinquency proceeding
30 in which the state is a party and where the DNA record
31 or forensic information is relevant and material to
32 the subject of the proceeding. Such a record or
33 information may become part of a public transcript or
34 other public recording of such a proceeding.
35 5. A DNA record or other forensic information may
36 be released pursuant to a court order for criminal
37 defense purposes to a defendant, who shall have access
38 to DNA samples and DNA profiles related to the case in
39 which the defendant is charged.
40 Sec. 9. NEW SECTION. 81.9 EXPUNGEMENT OF DNA
41 RECORDS.
42 1. A person whose DNA record has been included in
43 the DNA database or DNA databank established pursuant
44 to section 81.3 may request, in writing to the
45 division of criminal investigation, expungement of the
46 DNA record from the DNA database and DNA databank
47 based upon the person's conviction, adjudication, or
48 civil commitment which caused the submission of the
49 DNA sample being reversed on appeal and the case
50 dismissed. The written request shall contain a

1 certified copy of the final court order reversing the
2 conviction, adjudication, or civil commitment, and a
3 certified copy of the dismissal, and any other
4 information necessary to ascertain the validity of the
5 request.
6 2. The division of criminal investigation, upon
7 receipt of a written request that validates reversal
8 on appeal of a person's conviction, adjudication, or
9 commitment, and subsequent dismissal of the case, or
10 upon receipt of a written request by a person who
11 voluntarily submitted a DNA sample under section 81.3,
12 subsection 3, paragraph "b", or upon receipt of a
13 written request by a person who voluntarily submitted
14 a DNA sample pursuant to section 81.3, subsection 3,
15 paragraph "b", shall expunge all of the DNA records
16 and identifiable information of the person in the DNA
17 database and DNA databank. However, if the division
18 of criminal investigation determines that the person
19 is otherwise obligated to submit a DNA sample, the DNA
20 records shall not be expunged. If the division of
21 criminal investigation denies an expungement request,
22 the division shall notify the person requesting the
23 expungement of the decision not to expunge the DNA
24 record and the reason supporting its decision. The
25 division of criminal investigation decision is subject
26 to judicial review pursuant to chapter 17A. The
27 department of public safety shall adopt rules
28 governing the expungement procedure and a review
29 process.
30 3. The division of criminal investigation is not
31 required to expunge or destroy a DNA record pursuant
32 to this section, if expungement or destruction of the
33 DNA record would destroy evidence related to another
34 person.
35 Sec. 10. NEW SECTION. 81.10 DNA PROFILING AFTER
36 CONVICTION.
37 1. A defendant who has been convicted of a felony
38 and who has not been required to submit a DNA sample
39 for DNA profiling may make a motion to the court for
40 an order to require that DNA analysis be performed on
41 evidence collected in the case for which the person
42 stands convicted.
43 2. The motion shall state the following:
44 a. The specific crimes for which the defendant
45 stands convicted in this case.
46 b. The facts of the underlying case, as proven at
47 trial or admitted to during a guilty plea proceeding.
48 c. Whether any of the charges include sexual abuse
49 or involve sexual assault, and if so, whether a sexual
50 assault examination was conducted and evidence

1 preserved, if known.
2 d. Whether identity was at issue or contested by
3 the defendant.
4 e. Whether the defendant offered an alibi, and if
5 so, testimony corroborating the alibi and, from whom.
6 f. Whether eyewitness testimony was offered, and
7 if so from whom.
8 g. Whether any issues of police or prosecutor
9 misconduct have been raised in the past or are being
10 raised by the motion.
11 h. The type of inculpatory evidence admitted into
12 evidence at trial or admitted to during a guilty plea
13 proceeding.
14 i. Whether blood testing or other biological
15 evidence testing was conducted previously in
16 connection with the case and, if so, by whom and to
17 the result, if known.
18 j. What biological evidence exists and, if known,
19 the agency or laboratory storing the evidence that the
20 defendant seeks to have tested.
21 k. Why the requested analysis of DNA evidence is
22 material to the issue in the case and not merely
23 cumulative or impeaching.
24 l. Why the DNA evidence would have changed the
25 outcome of the trial or invalidated a guilty plea if
26 DNA profiling had been conducted prior to the
27 conviction.
28 3. A motion filed under this section shall be
29 filed in the county where the defendant was convicted,
30 and notice of the motion shall be served by certified
31 mail upon the county attorney and, if known, upon the
32 state, local agency, or laboratory holding evidence
33 described in subsection 2, paragraph "k". The county
34 attorney shall have sixty days to file an answer to
35 the motion.
36 4. Any DNA profiling of the defendant or other
37 biological evidence testing conducted by the state or
38 by the defendant shall be disclosed and the results of
39 such profiling or testing described in the motion or
40 answer.
41 5. If the evidence requested to be tested was
42 previously subjected to DNA or other biological
43 analysis by either party, the court may order the
44 disclosure of the results of such testing, including
45 laboratory reports, notes, and underlying data, to the
46 court and the parties.
47 6. The court may order a hearing on the motion to
48 determine if evidence should be subjected to DNA
49 analysis.
50 7. The court shall grant the motion if all of the

1 following apply:
2 a. The evidence subject to DNA testing is
3 available and in a condition that will permit
4 analysis.
5 b. A sufficient chain of custody has been
6 established for the evidence.
7 c. The identity of the person who committed the
8 crime for which the defendant was convicted was a
9 significant issue in the crime for which the defendant
10 was convicted.
11 d. The evidence subject to DNA analysis is
12 material to, and not merely cumulative or impeaching
13 of, evidence included in the trial record or admitted
14 to at a guilty plea proceeding.
15 e. DNA analysis of the evidence would raise a
16 reasonable probability that the defendant would not
17 have been convicted if DNA profiling had been
18 available at the time of the conviction and had been
19 conducted prior to the conviction.
20 8. Upon the court granting a motion filed pursuant
21 to this section, DNA analysis of evidence shall be
22 conducted within the guidelines generally accepted by
23 the scientific community. The defendant shall provide
24 DNA samples for testing if requested by the state.
25 9. Results of DNA analysis conducted pursuant to
26 this section shall be reported to the parties and to
27 the court and may be provided to the board of parole,
28 department of corrections, and criminal and juvenile
29 justice agencies, as defined in section 692.1, for use
30 in the course of investigations and prosecutions, and
31 for consideration in connection with requests for
32 parole, pardon, reprieve, and commutation. DNA
33 samples obtained pursuant to this section may be
34 included in the DNA databank, and DNA profiles and DNA
35 records developed pursuant to this section may be
36 included in the DNA database.
37 10. A criminal or juvenile justice agency, as
38 defined in section 692.1, shall maintain DNA samples
39 and evidence that could be tested for DNA for a period
40 of three years beyond the limitations for the
41 commencement of criminal actions as set forth in
42 chapter 802. This section does not create a cause of
43 action for damages or a presumption of spoliation in
44 the event evidence is no longer available for testing.
45 11. If the court determines a defendant who files
46 a motion under this section is indigent, the defendant
47 shall be entitled to appointment of counsel as
48 provided in chapter 815.
49 12. If the court determines after DNA analysis
50 ordered pursuant to this section that the results

1 indicate conclusively that the DNA profile of the
2 defendant matches the profile from the analyzed
3 evidence used against the defendant, the court may
4 order the defendant to pay the costs of these
5 proceedings, including costs of all testing, court
6 costs, and costs of court-appointed counsel, if any.
7 Sec. 11. Section 229A.7, Code 2005, is amended by
8 adding the following new subsection:
9 NEW SUBSECTION. 5A. If the court or jury
10 determines that the respondent is a sexually violent
11 predator, the court shall order the respondent to
12 submit a DNA sample for DNA profiling pursuant to
13 section 81.4.
14 Sec. 12. Section 232.52, Code 2005, is amended by
15 adding the following new subsection:
16 NEW SUBSECTION. 10. The court shall order a
17 juvenile adjudicated a delinquent for an offense that
18 requires DNA profiling under section 81.2 to submit a
19 DNA sample for DNA profiling pursuant to section 81.4.
20 Sec. 13. Section 669.14, Code 2005, is amended by
21 adding the following new subsection:
22 NEW SUBSECTION. 15. Any claim arising from or
23 related to the collection of a DNA sample for DNA
24 profiling pursuant to section 81.4 or a DNA profiling
25 procedure performed by the division of criminal
26 investigation, department of public safety.
27 Sec. 14. Section 901.5, subsection 8A, Code 2005,
28 is amended to read as follows:
29 8A. a. The court shall order DNA profiling of a
30 defendant convicted of an offense that requires
31 profiling under section ~~13.10~~ 81.2.
32 b. Notwithstanding section ~~13.10~~ 81.2, the court
33 may order the defendant to provide a ~~physical specimen~~
34 DNA sample to be submitted for DNA profiling if
35 appropriate. In determining the appropriateness of
36 ordering DNA profiling, the court shall consider the
37 deterrent effect of DNA profiling, the likelihood of
38 repeated offenses by the defendant, and the
39 seriousness of the offense.
40 Sec. 15. Section 906.4, unnumbered paragraph 3,
41 Code 2005, is amended to read as follows:
42 ~~Notwithstanding section 13.10, the~~ The board may
43 order the defendant to provide a physical specimen to
44 be submitted for DNA profiling as a condition of
45 parole or work release, if ~~appropriate~~ a DNA profile
46 has not been previously conducted pursuant to chapter
47 81. In determining the appropriateness of ordering
48 DNA profiling, the board shall consider the deterrent
49 effect of DNA profiling, the likelihood of repeated
50 offenses by the defendant, and the seriousness of the

1 offense.
2 Sec. 16. 2002 Iowa Acts, chapter 1080, is
3 repealed.
4 Sec. 17. Section 13.10, Code 2005, is repealed.
5 Sec. 18. PERSONS REQUIRED TO SUBMIT A DNA SAMPLE
6 PRIOR TO EFFECTIVE DATE OF THIS DIVISION OF THIS ACT.
7 A person convicted, adjudicated a delinquent, civilly
8 committed as a sexually violent predator, or found not
9 guilty by reason of insanity, prior to the effective
10 date of this Act, who would otherwise be required to
11 submit a DNA sample under this Act, and who is under
12 the custody, control, or jurisdiction of a supervising
13 agency, shall submit a DNA sample prior to being
14 released from the supervising agency's custody,
15 control, or jurisdiction.
16 Sec. 19. EFFECTIVE DATE. This division of this
17 Act, being deemed of immediate importance, takes
18 effect upon enactment.
19 DIVISION II
20 SEX OFFENDER REGISTRY AND TREATMENT
21 Sec. 20. Section 692A.1, subsection 8, Code 2005,
22 is amended to read as follows:
23 8. "Residence" means the place where a person
24 sleeps, which may include more than one location, and
25 may be mobile or transitory<u>, including a shelter or</u>
26 <u>group home</u>.
27 Sec. 21. Section 692A.2, Code 2005, is amended by
28 adding the following new subsection:
29 <u>NEW SUBSECTION</u>. 1A. If a person is required to
30 register for a period of ten years under subsection 1
31 and the period under subsection 1 has expired, the
32 person shall be required to remain on the registry if
33 the person has been sentenced to a special sentence as
34 required under section 903B.0A or 903B.0B, for a
35 period equal to the term of the special sentence.
36 Sec. 22. <u>NEW SECTION</u>. 692A.2B RESTRICTIONS ON
37 RESIDENCY NEAR CHILD CARE FACILITIES OR SCHOOLS.
38 1. For purposes of this section, "person" means a
39 person who is required to register under this chapter.
40 2. A person shall not reside within one thousand
41 feet of the real property comprising a public or
42 nonpublic elementary or secondary school or a child
43 care facility.
44 3. A person who resides within one thousand feet
45 of the real property comprising a public or nonpublic
46 elementary or secondary school, or a child care
47 facility, commits an aggravated misdemeanor.
48 4. A person residing within one thousand feet of
49 the real property comprising a public or nonpublic
50 elementary or secondary school or a child care

Page 10

1 facility does not commit a violation of this section
2 if any of the following apply:
3 a. The person is required to serve a sentence at a
4 jail, prison, juvenile facility, or other correctional
5 institution or facility.
6 b. The person is subject to an order of commitment
7 under chapter 229A.
8 c. The person has established a residence prior to
9 July 1, 2005, or a school or child care facility is
10 newly located on or after July 1, 2005.
11 d. The person is a minor or a ward under a
12 guardianship.
13 Sec. 23. Section 692A.4, Code 2005, is amended to
14 read as follows:
15 692A.4 VERIFICATION OF ADDRESS <u>AND TAKING OF</u>
16 <u>PHOTOGRAPH</u>.
17 1. The address of a person required to register
18 under this chapter shall be verified annually as
19 follows:
20 a. On a date which falls within the month in which
21 the person was initially required to register, the
22 department shall mail a verification form to the last
23 reported address of the person. Verification forms
24 shall not be forwarded to the person who is required
25 to register under this chapter if the person no longer
26 resides at the address, but shall be returned to the
27 department.
28 b. The person shall complete and mail the
29 verification to the department within ten days of
30 receipt of the form.
31 c. The verification form shall be signed by the
32 person, and state the address at which the person
33 resides. If the person is in the process of changing
34 residences, the person shall state that fact as well
35 as the old and new addresses or places of residence.
36 2. Verification of address for a person who has
37 been convicted of an offense under the laws of this
38 state or of another state which would qualify the
39 person as a sexually violent predator shall be
40 accomplished in the same manner as in subsection 1,
41 except that the verification shall be done every three
42 months at times established by the department.
43 <u>3. A photograph of a person required to register</u>
44 <u>under this chapter shall be updated, at a minimum,</u>
45 <u>annually. When the department mails the address</u>
46 <u>verification notice in subsection 1, the department</u>
47 <u>shall also enclose a form informing the person to</u>
48 <u>annually submit to being photographed by the sheriff</u>
49 <u>of the county of the person's residence within ten</u>
50 <u>days of receipt of the address verification form. The</u>

1 sheriff shall send the updated photograph to the
2 department within ten days of the photograph being
3 taken and the department shall post the updated
4 photograph on the sex offender registry's web page.
5 The sheriff may require the person to submit to being
6 photographed by the sheriff more than once a year by
7 mailing another notice informing the person to submit
8 to being photographed.
9 Sec. 24. NEW SECTION. 692A.4A ELECTRONIC
10 MONITORING.
11 A person required to register under this chapter
12 who is placed on probation, parole, work release,
13 special sentence, or any other type of conditional
14 release, may be supervised by an electronic tracking
15 and monitoring system in addition to any other
16 conditions of supervision.
17 Sec. 25. Section 692A.5, subsection 1, paragraph
18 h, Code 2005, is amended to read as follows:
19 h. Inform the person, if the person's residency is
20 restricted under section 692A.2A, that the person
21 shall not reside within two thousand feet of the real
22 property comprising a public or nonpublic elementary
23 or secondary school, or a child care facility. After
24 June 30, 2005, inform the person, if the person's
25 residency is restricted under section 692A.2B, that
26 the person shall not reside within one thousand feet
27 of the real property comprising a public or nonpublic
28 elementary or secondary school, or a child care
29 facility.
30 Sec. 26. Section 692A.5, subsection 1, Code 2005,
31 is amended by adding the following new paragraph:
32 NEW PARAGRAPH. i. Inform the person that the
33 person must, at a minimum, annually submit to being
34 photographed by the sheriff of the county of the
35 person's residence.
36 Sec. 27. Section 692A.13, subsection 3, Code 2005,
37 is amended to read as follows:
38 3. Any member of the public may contact a county
39 sheriff's office or police department to request
40 relevant information from the registry regarding a
41 specific person required to register under this
42 chapter. ~~The request for information shall be in~~
43 ~~writing, and~~ A person making a request for relevant
44 information may make the request by telephone, in
45 writing, or in person, and the request shall include
46 the name of the person and at least one of the
47 following identifiers pertaining to the person about
48 whom the information is sought:
49 a. The date of birth of the person.
50 b. The social security number of the person.

Page 12

c. The address of the person.
A county sheriff or police department shall not charge a fee relating to a request for relevant information.
Sec. 28. Section 692A.13, subsection 2, paragraph b, Code 2005, is amended to read as follows:
b. The general public, including public and private agencies, organizations, public places, ~~public and private schools,~~ child care facilities, religious and youth organizations, neighbors, neighborhood associations, community meetings, and employers. Registry information may be distributed to the public through printed materials, visual or audio press releases, radio communications, or through a criminal or juvenile justice agency's web page.
Sec. 29. Section 692A.13, Code 2005, is amended by adding the following new subsection:
NEW SUBSECTION. 2A. When a person required to register under this chapter moves into a school district or moves within a school district, the county sheriff of the county of the person's new residence shall provide relevant information from the sex offender registry to the administrative office of the school district in which the person required to register resides, and shall also provide relevant information to any private school near the person's residence.
Sec. 30. Section 692A.13, subsection 5, Code 2005, is amended to read as follows:
5. Relevant information provided to the general public may include the offender's name, address, a photograph, locations frequented by the offender, relevant criminal history information from the registry, and any other relevant information. Relevant information provided to the public shall not include the identity of any victim. For purposes of inclusion in the sex offender registry's web page or dissemination to the general public, a conviction for incest shall be disclosed as either a violation of section 709.4 or 709.8.
Sec. 31. Section 903A.2, subsection 1, paragraph a, Code 2005, is amended to read as follows:
a. Category "A" sentences are those sentences which are not subject to a maximum accumulation of earned time of fifteen percent of the total sentence of confinement under section 902.12. To the extent provided in subsection 5, category "A" sentences also include life sentences imposed under section 902.1. An inmate of an institution under the control of the department of corrections who is serving a category

Page 13

"A" sentence is eligible for a reduction of sentence equal to one and two-tenths days for each day the inmate demonstrates good conduct and satisfactorily participates in any program or placement status identified by the director to earn the reduction. The programs include but are not limited to the following:

(1) Employment in the institution.

(2) Iowa state industries.

(3) An employment program established by the director.

(4) A treatment program established by the director.

(5) An inmate educational program approved by the director.

However, an inmate required to participate in a sex offender treatment program shall not be eligible for a reduction of sentence unless the inmate participates in and completes a sex offender treatment program established by the director.

An inmate serving a category "A" sentence is eligible for an additional reduction of sentence of up to three hundred sixty-five days of the full term of the sentence of the inmate for exemplary acts. In accordance with section 903A.4, the director shall by policy identify what constitutes an exemplary act that may warrant an additional reduction of sentence.

DIVISION III

ENHANCED CRIMINAL PENALTIES AND STATUTE OF LIMITATIONS

Sec. 32. Section 709.8, Code 2005, is amended to read as follows:

709.8 LASCIVIOUS ACTS WITH A CHILD.

It is unlawful for any person ~~eighteen~~ sixteen years of age or older to perform any of the following acts with a child with or without the child's consent unless married to each other, for the purpose of arousing or satisfying the sexual desires of either of them:

1. Fondle or touch the pubes or genitals of a child.

2. Permit or cause a child to fondle or touch the person's genitals or pubes.

3. Solicit a child to engage in a sex act or solicit a person to arrange a sex act with a child.

4. Inflict pain or discomfort upon a child or permit a child to inflict pain or discomfort on the person.

Any person who violates a provision of this section involving an act included in subsection 1 or 2 shall, upon conviction, be guilty of a class ~~"D"~~ "C" felony.

Page 14

~~A person who violates a provision of this section and who is sentenced to a term of confinement shall also be sentenced to an additional term of parole or work release not to exceed two years. The board of parole shall determine whether the person should be released on parole or placed in a work release program. The sentence of an additional term of parole or work release supervision shall commence immediately upon the expiration of the preceding sentence and shall be under the terms and conditions as set out in chapter 906. Violations of parole or work release shall be subject to the procedures set out in chapter 905 or 908 or rules adopted under those chapters. The sentence of an additional term of parole or work release shall be consecutive to the original term of confinement.~~ Any person who violates a provision of this section involving an act included in subsection 3 or 4 shall, upon conviction, be guilty of a class "D" felony.

Sec. 33. Section 802.2, Code 2005, is amended to read as follows:

802.2 SEXUAL ABUSE — FIRST, SECOND, OR THIRD DEGREE.

1. An information or indictment for sexual abuse in the first, second, or third degree committed on or with a person who is under the age of eighteen years shall be found within ten years after the person upon whom the offense is committed attains eighteen years of age, or if the identity of the person against whom the information or indictment is sought is established through the use of a DNA profile, an information or indictment shall be found within three years from the date the identity of the person is identified by the person's DNA profile, whichever is later.

2. An information or indictment for any other sexual abuse in the first, second, or third degree shall be found within ten years after its commission, or if the identity of the person against whom the information or indictment is sought is established through the use of a DNA profile, an information or indictment shall be found within three years from the date the identity of the person is identified by the person's DNA profile, whichever is later.

3. As used in this section, "identified" means a person's legal name is known and the person has been determined to be the source of the DNA.

Sec. 34. Section 901.5, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 13. In addition to any other sentence or other penalty imposed against the

Page 15

1 defendant, the court shall impose a special sentence
2 if required under section 903B.0A or 903B.0B.
3 Sec. 35. NEW SECTION. 902.15 ENHANCED PENALTY —
4 SEXUAL ABUSE OR LASCIVIOUS ACTS WITH A CHILD.
5 1. A person commits a class "A" felony if the
6 person commits a second or subsequent offense
7 involving any combination of the following offenses:
8 a. Sexual abuse in the second degree in violation
9 of section 709.3.
10 b. Sexual abuse in the third degree in violation
11 of section 709.4.
12 c. Lascivious acts with a child in violation of
13 section 709.8, subsection 1 or 2.
14 2. In determining if a violation charged is a
15 second or subsequent offense for purposes of criminal
16 sentencing in this section, each previous violation on
17 which conviction or deferral of judgment was entered
18 prior to the date of the violation charged shall be
19 considered and counted as a separate previous offense,
20 regardless of whether the previous offense occurred
21 before, on, or after the effective date of this Act.
22 Convictions or the equivalent of deferred judgments
23 for violations in any other states under statutes
24 substantially corresponding to the offenses listed in
25 subsection 1 shall be counted as previous offenses.
26 The courts shall judicially notice the statutes of
27 other states which define offenses substantially
28 equivalent to the offenses listed in subsection 1 and
29 can therefore be considered corresponding statutes.
30 Sec. 36. NEW SECTION. 903B.0A SPECIAL SENTENCE
31 — CLASS "B" OR CLASS "C" FELONIES.
32 A person convicted of a class "C" felony or greater
33 offense under chapter 709, or a class "C" felony under
34 section 728.12, shall also be sentenced, in addition
35 to any other punishment provided by law, to a special
36 sentence committing the person into the custody of the
37 director of the Iowa department of corrections for the
38 rest of the person's life, with eligibility for parole
39 as provided in chapter 906. The special sentence
40 imposed under this section shall commence upon
41 completion of the sentence imposed under any
42 applicable criminal sentencing provisions for the
43 underlying criminal offense and the person shall begin
44 the sentence under supervision as if on parole. The
45 person shall be placed on the corrections continuum in
46 chapter 901B, and the terms and conditions of the
47 special sentence, including violations, shall be
48 subject to the same set of procedures set out in
49 chapters 901B, 905, 906, and chapter 908, and rules
50 adopted under those chapters for persons on parole

Page 16

1 shall not be for a period greater than two years upon
2 any first revocation, and five years upon any second
3 or subsequent revocation. A special sentence shall be
4 considered a category "A" sentence for purposes of
5 calculating earned time under section 903A.2.
6 Sec. 37. NEW SECTION. 903B.0B SPECIAL SENTENCE
7 — CLASS "D" FELONIES OR MISDEMEANORS.
8 A person convicted of a misdemeanor or a class "D"
9 felony offense under chapter 709, section 726.2, or
10 section 728.12 shall also be sentenced, in addition to
11 any other punishment provided by law, to a special
12 sentence committing the person into the custody of the
13 director of the Iowa department of corrections for a
14 period of ten years, with eligibility for parole as
15 provided in chapter 906. The special sentence imposed
16 under this section shall commence upon completion of
17 the sentence imposed under any applicable criminal
18 sentencing provisions for the underlying criminal
19 offense and the person shall begin the sentence under
20 supervision as if on parole. The person shall be
21 placed on the corrections continuum in chapter 901B,
22 and the terms and conditions of the special sentence,
23 including violations, shall be subject to the same set
24 of procedures set out in chapters 901B, 905, 906, and
25 908, and rules adopted under those chapters for
26 persons on parole. The revocation of release shall
27 not be for a period greater than two years upon any
28 first revocation, and five years upon any second or
29 subsequent revocation. A special sentence shall be
30 considered a category "A" sentence for purposes of
31 calculating earned time under section 903A.2.
32 Sec. 38. Section 903B.1, subsection 3, Code 2005,
33 is amended by striking the subsection.
34 Sec. 39. Section 906.15, unnumbered paragraph 1,
35 Code 2005, is amended to read as follows:
36 Unless sooner discharged, a person released on
37 parole shall be discharged when the person's term of
38 parole equals the period of imprisonment specified in
39 the person's sentence, less all time served in
40 confinement. Discharge from parole may be granted
41 prior to such time, when an early discharge is
42 appropriate. The board shall periodically review all
43 paroles, and when the board determines that any person
44 on parole is able and willing to fulfill the
45 obligations of a law-abiding citizen without further
46 supervision, the board shall discharge the person from
47 parole. A parole officer shall periodically review
48 all paroles assigned to the parole officer, and when
49 the parole officer determines that any person assigned
50 to the officer is able and willing to fulfill the

1 obligations of a law-abiding citizen without further
2 supervision, the officer may discharge the person from
3 parole after notification and approval of the district
4 director and notification of the board of parole. In
5 any event, discharge from parole shall terminate the
6 person's sentence. If a person has been sentenced to
7 a special sentence under section 903B.0A or 903B.0B,
8 the person may be discharged early from the sentence
9 in the same manner as any other person on parole.
10 However, a person convicted of a violation of section
11 709.3, 709.4, or 709.8 committed on or with a child,
12 or a person serving a sentence under section 902.12,
13 shall not be discharged from parole until the person's
14 term of parole equals the period of imprisonment
15 specified in the person's sentence, less all time
16 served in confinement.
17 Sec. 40. Section 908.5, Code 2005, is amended to
18 read as follows:
19 908.5 DISPOSITION.
20 1. If a violation of parole is established, the
21 administrative parole judge may continue the parole
22 with or without any modification of the conditions of
23 parole. The administrative parole judge may revoke
24 the parole and require the parolee to serve the
25 sentence originally imposed, or may revoke the parole
26 and reinstate the parolee's work release status.
27 2. If the person is serving a special sentence
28 under chapter 903B, the administrative parole judge
29 may revoke the release. Upon the revocation of
30 release, the person shall not serve the entire length
31 of the special sentence imposed, and the revocation
32 shall be for a period not to exceed two years in a
33 correctional institution upon a first revocation and
34 for a period not to exceed five years in a
35 correctional institution upon a second or subsequent
36 revocation.
37 3. The order of the administrative parole judge
38 shall contain findings of fact, conclusions of law,
39 and a disposition of the matter.
40 DIVISION IV
41 VICTIM RIGHTS
42 Sec. 41. NEW SECTION. 235D.1 CRIMINAL HISTORY
43 CHECK — APPLICANTS AT DOMESTIC ABUSE OR SEXUAL
44 ASSAULT CENTERS.
45 An applicant for employment at a domestic abuse or
46 sexual assault center shall be subject to a national
47 criminal history check through the federal bureau of
48 investigation. The domestic abuse or sexual assault
49 center shall request the criminal history check and
50 shall provide the applicant's fingerprints to the

Page 18

1 department of public safety for submission through the
2 state criminal history repository to the federal
3 bureau of investigation. The applicant shall
4 authorize release of the results of the criminal
5 history check to the domestic abuse or sexual assault
6 center. The applicant shall pay the actual cost of
7 the fingerprinting and criminal history check, if any.
8 Unless the criminal history check was completed within
9 the ninety calendar days prior to the date the
10 application is received by the domestic abuse or
11 sexual assault center, the center shall reject and
12 return the application to the applicant. The results
13 of a criminal history check conducted pursuant to this
14 subsection shall not be considered a public record
15 under chapter 22. For purposes of this section,
16 "domestic abuse or sexual assault center" means a
17 facility which is used to house victims of domestic
18 abuse or sexual assault, and is owned, operated, or
19 maintained by a nonprofit organization.
20 Sec. 42. NEW SECTION. 709.22 PREVENTION OF
21 FURTHER SEXUAL ASSAULT — NOTIFICATION OF RIGHTS.
22 If a peace officer has reason to believe that a
23 sexual assault as defined in section 915.40 has
24 occurred, the officer shall use all reasonable means
25 to prevent further violence including but not limited
26 to the following:
27 1. If requested, remaining on the scene of the
28 alleged sexual assault as long as there is a danger to
29 the victim's physical safety without the presence of a
30 peace officer, including but not limited to staying in
31 the dwelling unit, or if unable to remain on the
32 scene, assisting the victim in leaving the residence.
33 2. Assisting a victim in obtaining medical
34 treatment necessitated by the sexual assault,
35 including providing assistance to the victim in
36 obtaining transportation to the emergency room of the
37 nearest hospital.
38 3. Providing a victim with immediate and adequate
39 notice of the victim's rights. The notice shall
40 consist of handing the victim a copy of the following
41 statement written in English and Spanish, asking the
42 victim to read the statement, and asking whether the
43 victim understands the rights:
44 "You have the right to ask the court for help with
45 any of the following on a temporary basis:
46 a. Keeping your attacker away from you, your home,
47 and your place of work.
48 b. The right to stay at your home without
49 interference from your attacker.
50 c. The right to seek a no-contact order under

Page 19

1 section 709.20 or 915.22, if your attacker is arrested
2 for sexual assault.
3 You have the right to register as a victim with the
4 county attorney under section 915.12.
5 You have the right to file a complaint for threats,
6 assaults, or other related crimes.
7 You have the right to seek restitution against your
8 attacker for harm to you or your property.
9 You have the right to apply for victim
10 compensation.
11 You have the right to contact the county attorney
12 or local law enforcement to determine the status of
13 your case.
14 If you are in need of medical treatment, you have
15 the right to request that the officer present assist
16 you in obtaining transportation to the nearest
17 hospital or otherwise assist you.
18 You have the right to a sexual assault examination
19 performed at state expense.
20 If you believe that police protection is needed for
21 your physical safety, you have the right to request
22 that the officer present remain at the scene until you
23 and other affected parties can leave or until safety
24 is otherwise ensured."
25 The notice shall also contain the telephone numbers
26 of shelters, support groups, and crisis lines
27 operating in the area.
28 Sec. 43. Section 915.10, subsections 1 and 2, Code
29 2005, are amended to read as follows:
30 1. "Notification" means mailing by regular mail or
31 providing for hand delivery of appropriate information
32 or papers. However, this notification procedure does
33 not prohibit an office, agency, or department from
34 also providing appropriate information to a registered
35 victim by telephone, electronic mail, or other means.
36 2. "Registered" means having provided the county
37 attorney with the victim's written request for
38 registration and current mailing address and telephone
39 number. If an automated victim notification system is
40 implemented pursuant to section 915.10A, "registered"
41 also means having filed a request for registration
42 with the system.
43 Sec. 44. NEW SECTION. 915.10A AUTOMATED VICTIM
44 NOTIFICATION SYSTEM.
45 1. An automated victim notification system may be
46 utilized to assist public officials in informing crime
47 victims, the victim's family, or other interested
48 persons as provided in this subchapter and where
49 otherwise specifically provided. The system shall
50 disseminate the information to registered users

through telephonic, electronic, or other means of access.

2. An office, agency, or department may satisfy a notification obligation to registered victims required by this subchapter through participation in the system to the extent information is available for dissemination through the system. Nothing in this section shall relieve a notification obligation under this subchapter due to the unavailability of information for dissemination through the system.

3. Notwithstanding section 232.147, information concerning juveniles charged with a felony offense shall be released to the extent necessary to comply with this section.

Sec. 45. Section 915.11, Code 2005, is amended to read as follows:

915.11 INITIAL NOTIFICATION BY LAW ENFORCEMENT.

A local police department or county sheriff's department shall advise a victim of the right to register with the county attorney, and shall provide a request-for-registration form to each victim. <u>If an automated victim notification system is available pursuant to section 915.10A, a local police department or county sheriff's department shall provide a telephone number and website to each victim to register with the system.</u>

Sec. 46. Section 915.12, Code 2005, is amended to read as follows:

915.12 REGISTRATION.

~~1. The county attorney shall be the sole registrar of victims under this subchapter.~~

~~2.~~ <u>1.</u> A victim may register by filing a written request-for-registration form with the county attorney. The county attorney shall notify the victims in writing and advise them of their registration and rights under this subchapter.

~~3.~~ The county attorney shall provide a registered victim list to the offices, agencies, and departments required to provide information under this subchapter for notification purposes.

<u>2. If an automated victim notification system, the victim's family, is available pursuant to section 915.10A, a victim, the victim's family, or other interested person may register with the system by filing a request for registration through written, telephonic, or electronic means.</u>

~~4.~~ <u>3.</u> Notwithstanding chapter 22 or any other contrary provision of law, ~~a victim's~~ <u>the</u> registration <u>of a victim, victim's family, or other interested person</u> shall be strictly maintained in a separate

Page 21

1 confidential file <u>or other confidential medium</u>, and
2 shall be available only to the offices, agencies, and
3 departments required to provide information under this
4 subchapter.
5 Sec. 47. Section 915.29, Code 2005, is amended by
6 adding the following new unnumbered paragraph:
7 <u>NEW UNNUMBERED PARAGRAPH</u>. The notification
8 required pursuant to this section may occur through
9 the automated victim notification system referred to
10 in section 915.10A to the extent such information is
11 available for dissemination through the system.
12 Sec. 48. Section 915.45, Code 2005, is amended by
13 adding the following new unnumbered paragraph:
14 <u>NEW UNNUMBERED PARAGRAPH</u>. The notification
15 required pursuant to this section may occur through
16 the automated victim notification system referred to
17 in section 915.10A to the extent such information is
18 available for dissemination through the system.
19 DIVISION V
20 TASK FORCE
21 Sec. 49. SEX OFFENDER TREATMENT AND SUPERVISION
22 TASK FORCE.
23 1. The division of criminal and juvenile justice
24 planning shall establish a task force to study and
25 make periodic recommendations for treating and
26 supervising sex offenders in correctional institutions
27 and in the community. The task force shall file a
28 report with recommendations with the general assembly
29 by January 15, 2006. The task force shall study the
30 effectiveness of electronic monitoring and the
31 potential effects and costs associated with the
32 special sentence created in this Act. The task force
33 shall study risk assessment models created for sex
34 offenders. The task force shall also review this
35 state's efforts and the efforts of other states to
36 implement treatment programs and make recommendations
37 as to the best treatment options available for sex
38 offenders. The task force shall also develop a plan
39 to integrate state government databases for the
40 purpose of updating addresses of persons on the sex
41 offender registry.
42 2. Members of the task force shall include
43 representatives of the following state agencies and
44 organizations:
45 a. One representative of the department of human
46 services.
47 b. One representative of the department of public
48 safety.
49 c. One representative of the Iowa state sheriffs
50 and deputies association.

Page 22

d. One representative of the Iowa county attorneys association.

e. One representative of the department of corrections.

f. One representative of the board of parole.

g. One representative of a judicial district department of correctional services.

h. One representative of the department of justice.

i. One representative of the state public defender.

j. One representative of the Iowa coalition against sexual assault.

DIVISION VI

STATE MANDATE

Sec. 50. IMPLEMENTATION OF ACT. Section 25B.2, subsection 3, shall not apply to this Act."

2. Title page, by striking lines 1 through 5 and inserting the following: "An Act relating to criminal sentencing, victim notification, and the sex offender registry, including establishing a special sentence for certain offenders, requiring DNA testing of certain offenders, requiring sex offender treatment in order to accumulate earned time, establishing a sex offender treatment and supervision task force, providing penalties, and providing an effective date.""

KEITH A. KREIMAN

S–3199

Amend the amendment, S–3185, to House File 619, as amended, passed, and reprinted by the House, as follows:

1. Page 13, by inserting after line 19 the following:

"Sec. ___. Section 903B.1, subsection 1, Code 2005, is amended to read as follows:

1. A person who has been convicted of a serious sex offense ~~may~~ shall, ~~upon a first conviction and~~ in addition to any other punishment provided by law, be required to undergo medroxyprogesterone acetate treatment as part of any conditions of release imposed by the court or the board of parole. The treatment prescribed in this section may utilize an approved pharmaceutical agent other than medroxyprogesterone acetate. ~~Upon a second or subsequent conviction, the court or the board of parole shall require the person to undergo medroxyprogesterone acetate or other~~

19 ~~approved pharmaceutical agent treatment as a condition~~
20 ~~of release, unless, after an appropriate assessment,~~
21 ~~the court or board determines that the treatment would~~
22 ~~not be effective. In determining whether a conviction~~
23 ~~is a first or second conviction under this section, a~~
24 ~~prior conviction for a criminal offense committed in~~
25 ~~another jurisdiction which would constitute a~~
26 ~~violation of section 709.3, subsection 2, if committed~~
27 ~~in this state, shall be considered a conviction under~~
28 ~~this section.~~ This section shall not apply if the
29 person voluntarily undergoes a permanent surgical
30 alternative approved by the court or the board of
31 parole.
32 Sec. ___. Section 903B.1, Code 2005, is amended by
33 adding the following new subsection:
34 NEW SUBSECTION. 7. A person who administers
35 medroxyprogesterone acetate or any other
36 pharmaceutical agent shall not be liable for civil
37 damages for administering such pharmaceutical agents
38 pursuant to this chapter."
39 2. By renumbering as necessary.

BOB BRUNKHORST
DAVID JOHNSON
STEVE KETTERING
JERRY BEHN
LARRY McKIBBEN
JEFF ANGELO
PAUL McKINLEY
JOHN PUTNEY
RON WIECK
PAT WARD
DAVE MULDER
BRAD ZAUN
HUBERT HOUSER
JAMES F. HAHN

S–3200

1 Amend House File 644, 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 GENERAL PROVISIONS RELATING
7 TO CONDUCT OF ELECTIONS
8 Section 1. Section 2.27, Code 2005, is amended to
9 read as follows:
10 2.27 CANVASS OF VOTES FOR GOVERNOR.
11 The general assembly shall meet in joint session on
12 the same day the assembly first convenes in January of
13 1979 and every four years thereafter as soon as both

houses have been organized, and canvass the votes cast for governor and lieutenant governor and determine the election. ~~If an election is necessary under section 69.13 to fill a vacancy in the office of lieutenant governor, the general assembly shall similarly meet on the day it convenes in the January following that election and canvass the vote cast for the office.~~ When the canvass is completed, the oath of office shall be administered to the persons or person so declared elected. Upon being inaugurated the governor shall deliver to the joint assembly any message the governor may deem expedient.

Sec. 2. Section 43.6, subsection 2, Code 2005, is amended to read as follows:

2. When a vacancy occurs in the office of county supervisor or any of the offices listed in section 39.17 and more than seventy days remain in the term of office following the next general election, the office shall be filled for the balance of the unexpired term at that general election unless the vacancy has been filled by a special election called more than seventy-three days before the primary election. <u>If the vacancy occurs more than seventy-three days before the primary election, political party candidates for that office at the next general election shall be nominated at the primary election.</u> If an appointment to fill the vacancy in office is made eighty-eight or more days before the primary election and a petition requesting a special election has not been received within fourteen days after the appointment is made, candidates for the office shall be nominated at the primary election.

Sec. 3. Section 43.14, Code 2005, is amended to read as follows:

43.14 FORM OF NOMINATION PAPERS.

1. Nomination papers shall include a petition and an affidavit of candidacy. All nomination petitions

Page 2

shall be eight and one-half by eleven inches in size and in substantially the form prescribed by the state commissioner of elections. They shall include or provide spaces for the following information:

a. A statement identifying the signers of the petition as eligible electors of the appropriate county or legislative district and of the state.

b. The name of the candidate nominated by the petition.

c. For nomination petitions for candidates for the general assembly, a statement that the residence of the candidate is within the appropriate legislative

district, or if that is not true, that the candidate will reside there within sixty days before the election. For other offices, a statement of the name of the county where the candidate resides.

d. The political party with which the candidate is a registered voter.

e. The office sought by the candidate, including the district number, if any.

f. The date of the primary election for which the candidate is nominated.

2. Signatures on a petition page shall be counted only if the ~~required~~ information required in subsection 1 is written or printed at the top of the page. Nomination papers on behalf of candidates for seats in the general assembly need only designate the number of the senatorial or representative district, as appropriate, and not the county or counties, in which the candidate and the petitioners reside. A signature line shall not be counted if the line lacks the signature of the eligible elector and the signer's address and city. ~~The person examining the petition shall mark any deficiencies on the petition and affidavit.~~ A signature line shall not be counted if the signer's address is obviously outside the boundaries of the district.

~~2.~~ 3. The person examining the petition shall mark any deficiencies on the petition and affidavit. Signed nomination petitions and the signed and notarized affidavit of candidacy shall not be altered to correct deficiencies noted during examination. If the nomination petition lacks a sufficient number of acceptable signatures, the nomination petition shall be rejected and shall be returned to the candidate.

4. The nomination papers shall be rejected if the affidavit lacks any of the following:

a. The candidate's name.

b. The name of the office sought, including the district, if any.

Page 3

c. The political party name.

d. The signature of the candidate.

e. The signature of a notary public or other officer empowered to witness oaths.

5. The candidate may replace a deficient affidavit with a corrected affidavit only if the replacement affidavit is filed before the filing deadline. The candidate may resubmit a nomination petition that has been rejected by adding a sufficient number of pages or signatures to correct the deficiency. A nomination petition and affidavit filed to replace rejected

12 nomination papers shall be filed together before the
13 deadline for filing.
14 Sec. 4. Section 45.5, Code 2005, is amended to
15 read as follows:
16 45.5 FORM OF NOMINATION PAPERS.
17 1. Nomination papers shall include a petition and
18 an affidavit of candidacy. All nomination petitions
19 shall be eight and one-half by eleven inches in size
20 and shall be in substantially the form prescribed by
21 the state commissioner of elections. They shall
22 provide spaces for the following information:
23 a. A statement identifying the signers of the
24 petition as eligible electors of the appropriate ward,
25 city, county, school district or school district
26 director district, or legislative district and of the
27 state of Iowa.
28 b. The name of the candidate nominated by the
29 petition.
30 c. A statement that the candidate is or will be a
31 resident of the appropriate ward, city, county, school
32 district, or legislative or other district as required
33 by section 39.27.
34 d. The office sought by the candidate, including
35 the district number, if any.
36 e. The name and date of the election for which the
37 candidate is nominated.
38 2. Signatures on a petition page shall be counted
39 only if the ~~required~~ information required in
40 subsection 1 is written or printed at the top of the
41 page. Nomination papers on behalf of candidates for
42 seats in the general assembly need only designate the
43 number of the senatorial or representative district,
44 as appropriate, and not the county or counties, in
45 which the candidate and the petitioners reside. A
46 signature line in a nomination petition shall not be
47 counted if the line lacks the signature of the
48 eligible elector and the signer's address and city.
49 ~~The person examining the petition shall mark any~~
50 ~~deficiencies on the petition.~~ A signature line shall

Page 4

1 not be counted if the signer's address is obviously
2 outside the boundaries of the appropriate ward, city,
3 school district or school district director district,
4 or other district.
5 ~~2.~~ 3. The pages of the petition shall be securely
6 fastened together to form a single bundle. Nomination
7 petitions that are not bound shall be returned without
8 further examination. The state commissioner shall
9 prescribe by rule the acceptable methods for binding
10 nomination petitions.

~~3.~~ 4. The person examining the petition shall mark any deficiencies on the petition. Signed nomination petitions and the signed and notarized affidavit of candidacy shall not be altered to correct deficiencies noted during the examination. If the nomination petition lacks a sufficient number of acceptable signatures, the nomination papers shall be rejected and returned to the candidate.

5. The nomination papers shall be rejected if the affidavit lacks any of the following:

a. The candidate's name.

b. The name of the office sought, including the district, if any.

c. The signature of the candidate.

d. The signature of a notary public or other officer empowered to witness oaths.

6. The candidate may replace a deficient affidavit with a corrected one only if the replacement is filed before the filing deadline. The candidate may resubmit a nomination petition that has been rejected by adding a sufficient number of pages or signatures to correct the deficiency. A nomination petition and affidavit filed to replace rejected nomination papers shall be filed together before the deadline for filing.

Sec. 5. Section 45.6, subsection 3, Code 2005, is amended to read as follows:

3. All signers, for all nominations, of each separate part of a nomination petition, shall reside in the appropriate ward, city, county, school district, ~~or~~ legislative district, or other district as required by section 45.1.

Sec. 6. Section 49.8, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 6A. Precinct boundaries established by a city council pursuant to section 49.5 or 49.6, and not changed under subsections 1 through 5 since the most recent federal decennial census, may be redrawn by the city council in accordance with sections 49.3 and 49.5 once during the period

beginning January 1 of the second year following a year in which a federal decennial census is taken and ending June 30 of the year immediately following the year in which the next succeeding federal decennial census is taken, if the commissioner recommends that the change will effect a substantial savings in election costs. Changes made under this subsection shall be made not later than ninety-nine days before a city primary or runoff election, unless the changes

will not take effect until January 1 of the next odd-numbered year.

Sec. 7. Section 49.10, subsection 4, Code 2005, is amended to read as follows:

4. ~~No~~ A single room or area of any building or facility ~~shall~~ may be fixed as the polling place for more than one precinct ~~unless there are separate entrances each~~. The location of each polling place shall be clearly marked within the room or area on the days on which elections are held as the ~~entrance to~~ location of the polling place of a particular precinct, and suitable arrangements ~~are~~ shall be made within the room or area to prevent direct access from the polling place of any precinct to the polling place of any other precinct. When the commissioner has fixed such a polling place for any precinct it shall remain the polling place at all subsequent elections, except elections for which the precinct is merged with another precinct as permitted by section 49.11, until the boundaries of the precinct are changed or the commissioner fixes a new polling place, except that the polling place shall be changed to a point within the boundaries of the precinct at any time not less than sixty days before the next succeeding election that a building or facility suitable for such use becomes available within the precinct.

Sec. 8. NEW SECTION. 49.10A AUTHORITY TO DESIGNATE SINGLE POLLING PLACE FOR MULTIPLE PRECINCTS.

1. Notwithstanding any provision of the law to the contrary, for a general or primary election the commissioner may assign a single polling place for more than one precinct subject to the provisions of this section. If a commissioner designates a polling place under this section, the designation must first be approved by the board of supervisors. Before consideration of the commissioner's designation, the board of supervisors shall hold a public hearing on the matter. The public hearing shall be held not less than sixty days before the election. Notice of the date, time, and place of the hearing shall be given as provided in chapter 21. The notice shall also

identify the precincts that are to be served by a single polling place and the location of the polling place.

2. After the public hearing, the board of supervisors shall, by resolution, approve the polling place designation submitted by the commissioner, reject the polling place designation, or modify the plan for designating a single polling place for

multiple precincts subject to the requirements of subsection 3. If the board rejects the polling place designation, the commissioner shall not be allowed to proceed under this section.

3. The combined population of the precincts to be served by a single polling place shall not exceed three thousand five hundred according to the latest federal decennial census. All of the precincts served by a single polling place shall be contiguous to the precinct where such designated polling place is located.

4. An election board shall be appointed for each precinct served by a single polling place. Each election board shall operate independently of the other election board and shall perform its duties for its precinct only. However, all voting systems or voting machines installed at such polling place shall be for the use of all of the residents of the precincts served by the single polling place.

Sec. 9. Section 49.14, subsection 1, Code 2005, is amended to read as follows:

1. The commissioner may appoint substitute precinct election officials as alternates for election board members. ~~A majority of the original election board members shall be present at the precinct polling place at all times; at partisan elections such majority shall include at least one precinct election official from each political party. If the chairperson leaves the polling place, the chairperson shall designate another member of the board to serve as chairperson until the chairperson returns.~~ The responsibilities and duties of a precinct election official, other than the chairperson, present at the time the polling place was opened on the day of an election may be assumed at any later time that day by a substitute appointed as an alternate. The substitute shall serve either for the balance of that election day or for any shorter period of time the commissioner may designate. At partisan elections, a substitute precinct election official assuming the duties of a precinct election official shall be a member of the same political party as the precinct

election official whose duties are being assumed.

Sec. 10. Section 49.21, unnumbered paragraph 1, Code 2005, is amended to read as follows:

It is the responsibility of the commissioner to designate a polling place for each precinct in the county. However, the commissioner may designate a single polling place for multiple precincts, subject

to the requirements of section 49.10A.

Sec. 11. Section 49.25, subsection 2, unnumbered paragraph 1, Code 2005, is amended to read as follows:

The commissioner shall furnish to each ~~precinct~~ polling place, in advance of each election, voting machines meeting the requirements of chapter 52 or voting booths, as the case may be, in the following number:

Sec. 12. Section 49.25, subsection 3, Code 2005, is amended to read as follows:

3. The commissioner shall furnish to each ~~precinct~~ polling place where voting is to be by paper ballot, special paper ballot, or ballot card, rather than by voting machine, the necessary ballot boxes, suitably equipped with seals or locks and keys, and voting booths. The voting booths shall be approved by the board of examiners for voting machines and electronic voting systems and shall provide for voting in secrecy. At least one voting booth in each ~~precinct~~ polling place shall be accessible to persons with disabilities. If the lighting in the polling place is inadequate, the voting booths used in that precinct shall include lights. Ballot boxes shall be locked or sealed before the polls open and shall remain locked or sealed until the polls are closed, except as provided in sections 51.7 and 52.40, or to provide necessary service to a malfunctioning portable vote tallying device. If a ballot box is opened prior to the closing of the polls, two precinct election officials not of the same party shall be present and observe the ballot box being opened.

Sec. 13. Section 49.31, subsection 2, unnumbered paragraph 2, Code 2005, is amended to read as follows:

On the general election ballot the names of candidates for the nonpartisan offices listed in section 39.21 shall be arranged by drawing lots for position. The board of supervisors shall hold the drawing at its first meeting following the deadline for ~~receipt of objections and withdrawals by candidates~~ filing of nomination certificates or petitions with the commissioner for the general election pursuant to section 44.4.

Sec. 14. Section 49.57, subsections 2 and 3, Code

2005, are amended to read as follows:

2. In the area of the general election ballot for straight party voting, the party or organization names shall be printed in ~~capital~~ upper case and lower case letters ~~of~~ using a uniform font size~~, in~~ for each political party or nonparty political organization.

The font size shall be not less than twelve point type. After the name of each candidate for a partisan office the name of the candidate's political party shall be printed in at least six point type. The names of political parties and nonparty political organizations may be abbreviated on the remainder of the ballot if both the full name and the abbreviation appear in the "Straight Party" and "Other Political Party" areas of the ballot.

3. The names of candidates shall be printed in ~~capital~~ upper case and lower case letters~~, of~~ using a uniform font size throughout the ballot~~, in~~. The font size shall be not less than ten point type.

Sec. 15. Section 49.57, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. In no case shall the font size for public measures, constitutional amendments, and constitutional convention questions, and summaries thereof, be less than ten point type.

Sec. 16. Section 49.57, subsection 5, Code 2005, is amended to read as follows:

5. A portion of the ballot, which can be shown to the precinct officials without revealing any of the marks made by the voter, shall include the words "Official ballot", ~~a designation of the ballot rotation, if any~~ the unique identification number or name assigned by the commissioner to the ballot style, the date of the election, and a facsimile of the signature of the commissioner who has caused the ballot to be printed pursuant to section 49.51.

Sec. 17. Section 49.73, subsection 1, paragraph e, Code 2005, is amended to read as follows:

e. ~~The~~ Any election conducted for the unincorporated area of ~~any~~ a county ~~voting on a local option sales and services tax pursuant to section 423B.1~~.

Sec. 18. Section 49.77, subsections 1 and 2, Code 2005, are amended to read as follows:

1. The board members of their respective precincts shall have charge of the ballots and furnish them to the voters. Any person desiring to vote shall sign a voter's declaration provided by the officials, in substantially the following form:

VOTER'S DECLARATION OF ELIGIBILITY

I do solemnly swear or affirm that I am a resident of the .... precinct, ... ward or township, city of ....., county of ....., Iowa.

I am a registered voter. I have not voted and will not vote in any other precinct in said election.

I understand that any false statement in this declaration is a criminal offense punishable as provided by law.

.....
Signature of Voter
.....
Address
.....
Telephone

Approved:
.....
Board Member

At the discretion of the commissioner, this declaration may be printed on each page of the election register and the voter shall sign the election register next to the voter's printed name. The voter's signature in the election register shall be considered the voter's signed declaration of eligibility affidavit. The state commissioner of elections shall prescribe by rule an alternate method for providing the information in subsection 2 for those counties where the declaration of eligibility is printed in the election register.

2. One of the precinct election officials shall announce the voter's name aloud for the benefit of any persons present pursuant to section 49.104, subsection 2, 3, or 5. ~~Any~~ If the declaration of eligibility is not printed on each page of the election register, any of those persons may upon request view the signed declarations of eligibility and may review the signed declarations on file so long as the person does not interfere with the functions of the precinct election officials. If the declaration of eligibility is printed on the election register, the precinct election official shall make available for viewing a listing of those voters who have signed declarations of eligibility. Any of those persons present pursuant to section 49.104, subsection 2, 3, or 5, may upon request view the listing of those voters who have signed declarations of eligibility, so long as the person does not interfere with the functions of the precinct election officials.

Sec. 19. Section 49.79, Code 2005, is amended to read as follows:

49.79 CHALLENGES.

Page 10

1. Any person offering to vote may be challenged as unqualified by any precinct election official or registered voter. It is the duty of each official to challenge any person offering to vote whom the

5 official knows or suspects is not duly qualified. A
6 ballot shall be received from a voter who is
7 challenged, but only in accordance with section 49.81.
8 2. A person may be challenged for any of the
9 following reasons:
10 a. The challenged person is not a citizen of the
11 United States.
12 b. The challenged person is less than eighteen
13 years of age as of the date of the election at which
14 the person is offering to vote.
15 c. The challenged person is not a resident at the
16 address where the person is registered. However, a
17 person who is reporting a change of address at the
18 polls on election day pursuant to section 48A.27,
19 subsection 2, paragraph "a", subparagraph (3) shall
20 not be challenged for this reason.
21 d. The challenged person is not a resident of the
22 precinct where the person is offering to vote.
23 e. The challenged person has falsified information
24 on the person's registration form or on the person's
25 declaration of eligibility.
26 f. The challenged person has been convicted of a
27 felony, and the person's voting rights have not been
28 restored.
29 g. The challenged person has been adjudged by a
30 court of law to be a person who is incompetent to vote
31 and no subsequent proceeding has reversed that
32 finding.
33 Sec. 20. Section 50.16, Code 2005, is amended to
34 read as follows:
35 50.16 TALLY LIST OF BOARD.
36 The tally list shall be prepared in writing by the
37 election board giving, in legibly printed numerals,
38 the total number of people who cast ballots in the
39 precinct, the total number of ballots cast for each
40 ~~officer~~ office, except those rejected, the name of
41 each person voted for, and the number of votes given
42 to each person for each different office. The tally
43 list shall be signed by the precinct election
44 officials, and be substantially as follows:
45 At an election at .... in .... township, or in ....
46 precinct of .... city or township, in .... county,
47 state of Iowa, on the ... day of .... ~~A.D.~~ .., there
48 were ... ballots cast for the office of .... of which
49 (Candidate's name) ..... had .. votes.
50 (Candidate's name) ..... had .. votes.

Page 11

1 (and in the same manner for any other officer).
2 A true tally list:

(Name) ..... Election Board
(Name) ..... Members.
(Name) .....
Attest:
(Name) ..... Designated
(Name) ..... Tally Keepers.

Sec. 21. Section 50.25, subsection 7, Code 2005, is amended by striking the subsection.

Sec. 22. Section 50.25, Code 2005, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The abstract of the votes for each county office is not required to be made on a different sheet.

Sec. 23. Section 52.7, Code 2005, is amended by striking the section and inserting in lieu thereof the following:

52.7 CONSTRUCTION OF MACHINE APPROVED — REQUIREMENTS.

1. A voting machine approved by the state board of examiners for voting machines and electronic voting systems shall meet all of the following requirements:

a. Provide facilities for voting for the candidates of at least seven different political parties or nonparty political organizations.

b. Permit a voter to vote for any person for any office, although not nominated as a candidate by any party or organization.

c. Permit voting in absolute secrecy.

d. Prevent voting for more than one person for the same office, except where a voter is lawfully entitled to vote for more than one person for that office.

e. Afford a voter an opportunity to vote for any or all persons for that office as the voter is by law entitled to vote for and no more, at the same time preventing a voter from voting for the same person twice.

f. Provide a voter with an opportunity to change a vote before the ballot is recorded and counted.

g. Present together the names of each team of candidates for president and vice president and for governor and lieutenant governor. The votes for a team shall be counted as a vote for both candidates of the team.

h. Provide a voter with a method for casting write-in votes for paired offices so that the voter can specify one person as a candidate for president or for governor and one person as a candidate for vice president or for lieutenant governor.

1 i. Accurately account for every vote cast upon it.
2 j. Remove information from the ballot identifying
3 the voter before the ballot is recorded and counted.
4 2. In addition to the requirements in subsection
5 1, a voting machine that is a direct recording
6 electronic device approved by the state board of
7 examiners for voting machines and electronic voting
8 systems shall meet all of the following requirements:
9 a. Permit straight party voting, pursuant to
10 section 49.94, for all political parties and nonparty
11 political organizations on the ballot.
12 b. Store an electronic image of each ballot cast
13 separate from the ballot tabulation function, which
14 ballot image may be reproduced on paper and considered
15 as evidence in the case of a recount, manual audit, or
16 machine malfunction.
17 c. Provide an individual paper record as provided
18 in section 52.7A.
19 Sec. 24. NEW SECTION. 52.7A DIRECT RECORDING
20 ELECTRONIC DEVICES — PAPER RECORD REQUIRED.
21 1. A voting machine that is a direct recording
22 electronic device shall be capable of producing a
23 paper record that the voter may review before the
24 voter casts the voter's ballot. The paper record
25 shall meet all of the following requirements:
26 a. Be readable by the voter without the use of an
27 electronic device. It may also be machine-readable by
28 an electronic voting system as described in section
29 52.26.
30 b. Not contain any information that will identify
31 the person who cast the ballot.
32 c. Be stored at the polling place in a secure
33 container. A voter shall not be permitted to remove
34 the paper record from the polling place.
35 2. After the polls close, the precinct election
36 officials shall seal all such paper records in the
37 manner prescribed in section 50.12. The county
38 commissioner of elections shall preserve the sealed
39 paper records for twenty-two months following federal
40 elections and for six months after all other
41 elections. Such paper records shall be preserved
42 separately and securely from other voting records and
43 shall only be inspected or examined by election
44 officials or members of a recount board in the event
45 of a recount, manual audit, or machine malfunction.
46 3. The paper record produced pursuant to this
47 section may be considered as evidence in the event of
48 a recount, manual audit, or machine malfunction. If
49 the paper record used as evidence in a recount or
50 manual audit is printed on a continuous paper roll,

Page 13

the recount board shall cut the paper roll into separate sections for each ballot record, or randomly for groups of ballot records, before conducting the recount or manual audit. The state commissioner of elections shall adopt rules to implement this subsection.

4. The board of examiners shall contract with a testing authority to examine any direct recording electronic device that is capable of producing a paper record when the board receives a request for examination of such a device pursuant to section 52.5. The fees of the testing authority shall be paid by the person who requested the certification.

Sec. 25. Section 52.25, unnumbered paragraph 2, Code 2005, is amended to read as follows:

The entire convention question, amendment, or public measure shall be printed and displayed prominently in at least four places within the voting precinct, and inside each voting booth, or on the left-hand side inside the curtain of each voting machine, the printing to be in conformity with the provisions of chapter 49. The question, amendment, or measure, and summaries thereof, shall be printed on the special paper ballots or on the inserts used in the voting machines. In no case shall the font size be less than ten point type. The public measure shall be summarized by the commissioner ~~and in the largest type possible printed on the special paper ballots or inserts used in the voting machines~~, except that:

Sec. 26. Section 52.36, unnumbered paragraph 1, Code 2005, is amended to read as follows:

All proceedings at the counting center shall be under the direction of the commissioner and open to the public. The proceedings shall be under the observation of at least one member of each of the political parties referred to in section 49.13, designated by the county chairperson or, if the county chairperson fails to make a designation, appointed by the ~~commissioner~~ state chairperson. No person except those employed and authorized by the commissioner for the purpose shall touch any ballot or ballot container.

Sec. 27. Section 376.11, unnumbered paragraphs 1 and 2, Code 2005, are amended to read as follows:

Write-in votes are permitted to be cast in all elections for city offices. A person who receives a sufficient number of write-in votes to be elected to a city office shall be declared the winner of the election. If a person who was elected by write-in votes chooses not to serve in that office the person

Page 14

1 shall submit a resignation in writing to the city
2 clerk not later than five ~~o'clock~~ p.m. on the tenth
3 day following the canvass of the election. If a
4 person who was elected by write-in votes resigns at a
5 later time, the office shall be considered vacant at
6 the end of the term and the council shall fill the
7 vacancy pursuant to the provisions of section 372.13,
8 subsection 2.
9 Except in cities where the council has chosen a
10 runoff election in lieu of a primary, following the
11 resignation of a person who was elected by write-in
12 votes, the city clerk shall notify the person who
13 received the next highest number of votes cast for the
14 office that the person may assume the office. If the
15 person accepts the position, the person shall be
16 considered the duly elected officer unless, within ten
17 days after the clerk has given notice, a petition
18 requesting a special election is filed by eligible
19 electors of the city equal in number to twenty-five
20 percent of the number of persons who voted for the
21 office at the election. If the person declines, the
22 person shall do so in writing to the city clerk within
23 ten days and the office shall be considered vacant at
24 the end of the term. The vacancy shall be filled
25 pursuant to the provisions of section 372.13,
26 subsection 2. If the council chooses to appoint, the
27 appointment may be made before the end of the current
28 term.
29 Sec. 28. EFFECTIVE AND APPLICABILITY DATES.
30 1. The section of this division of this Act
31 amending section 49.77, being deemed of immediate
32 importance, takes effect upon enactment and applies to
33 elections held on or after that date.
34 2. The sections of this division of this Act
35 enacting section 49.10A and amending sections 49.8,
36 49.21, and 49.25, being deemed of immediate
37 importance, take effect upon enactment and apply to
38 elections held on or after January 1, 2006.
39 3. The remainder of this division of this Act
40 applies to elections held on or after January 1, 2006.
41 DIVISION II
42 ABSENTEE VOTING
43 Sec. 29. Section 39A.4, subsection 1, paragraph c,
44 subparagraphs (10), (11), and (12), Code 2005, are
45 amended to read as follows:
46 (10) As an incumbent officeholder of, or a
47 candidate for, an office being voted for at the
48 election in progress, serving as a member of a
49 challenging committee or observer under section
50 49.104, subsection 2, 5, or 6, or section 53.23,

Page 15

1 subsection 4.
2 (11) Returning a voted absentee ballot, by mail or
3 in person, to the commissioner's office and the person
4 returning the ballot is not the voter, an immediate
5 family member authorized by the voter to return the
6 ballot, an absentee ballot courier, a special precinct
7 election official designated pursuant to section
8 53.22, subsection 1, or the designee of a voter
9 described in section 53.22, subsection 5.
10 (12) Making a false or untrue statement reporting
11 that a voted absentee ballot was returned to the
12 commissioner's office, by mail or in person, by a
13 person other than the voter, an immediate family
14 member authorized by the voter to return the ballot,
15 an absentee ballot courier, a special precinct
16 election official designated pursuant to section
17 53.22, subsection 1, or the designee of a voter
18 described in section 53.22, subsection 5.
19 Sec. 30. Section 39A.5, subsection 1, paragraph b,
20 subparagraph (2), Code 2005, is amended to read as
21 follows:
22 (2) ~~Neglecting or refusing to return an absentee~~
23 ~~ballot in violation of section 53.35, or violating~~
24 Violating any ~~other~~ provision of chapter 53 for which
25 another penalty is not provided.
26 Sec. 31. Section 49.63, Code 2005, is amended to
27 read as follows:
28 49.63 TIME OF PRINTING — INSPECTION AND
29 CORRECTION.
30 Ballots shall be printed and in the possession of
31 the commissioner in time to enable the commissioner to
32 furnish ballots to absent voters as provided by
33 sections 53.8, 53.10, and 53.11. The printed ballots
34 shall be subject to the inspection of candidates and
35 their agents. If mistakes are discovered, they shall
36 be corrected without delay, in the manner provided in
37 this chapter.
38 Sec. 32. Section 53.2, subsections 1 and 4, Code
39 2005, are amended to read as follows:
40 1. Any registered voter, under the circumstances
41 specified in section 53.1, may on any day, except
42 election day, and not more than seventy days prior to
43 the date of the election, apply in person for an
44 absentee ballot at the commissioner's office or at any
45 location designated by the commissioner. However, for
46 those elections in which the commissioner directs the
47 polls be opened at noon pursuant to section 49.73, a
48 voter may apply in person for an absentee ballot at
49 the commissioner's office from eight a.m. until eleven
50 a.m. on election day.

Page 16

1 PARAGRAPH DIVIDED. A registered voter may make
2 written application to the commissioner for an
3 absentee ballot. A written application for an
4 absentee ballot must be received by the commissioner
5 no later than five p.m. on the Friday before the
6 election. A written application for an absentee
7 ballot delivered to the commissioner and received by
8 the commissioner more than seventy days prior to the
9 date of the election shall be retained by the
10 commissioner and processed in the same manner as a
11 written application received not more than seventy
12 days before the date of the election.
13 4. Each application shall contain the name and
14 signature of the registered voter, the registered
15 voter's date of birth, the address at which the voter
16 is registered to vote, and the name or date of the
17 election for which the absentee ballot is requested,
18 and such other information as may be necessary to
19 determine the correct absentee ballot for the
20 registered voter. If insufficient information has
21 been provided, the commissioner shall, by the best
22 means available, obtain the additional necessary
23 information.
24 Sec. 33. Section 53.7, subsection 1, Code 2005, is
25 amended to read as follows:
26 1. It shall be unlawful for any employee of the
27 state or any employee of a political subdivision to
28 solicit any application or request for application for
29 an absentee ballot, or to take an affidavit in
30 connection with any absentee ballot while the employee
31 is on the employer's premises or otherwise in the
32 course of employment. However, any such employee may
33 take such affidavit in connection with an absentee
34 ballot which is cast by the registered voter in person
35 in the office where such employee is employed in
36 accordance with section 53.10 or 53.11. This
37 subsection shall not apply to any elected official.
38 Sec. 34. Section 53.8, subsection 2, Code 2005, is
39 amended to read as follows:
40 2. If an application is received so late that it
41 is unlikely that the absentee ballot can be returned
42 in time to be counted on election day, the
43 commissioner shall enclose with the absentee ballot a
44 statement to that effect. The statement shall also
45 point out that it is possible for the applicant, an
46 immediate family member of the applicant, or the
47 applicant's designee if the absentee ballot is voted
48 by a voter described in section 53.22, subsection 5,
49 to personally deliver the completed absentee ballot to
50 the office of the commissioner at any time before the

Page 17

1 closing of the polls on election day. The statement
2 shall also point out that it is possible for an
3 absentee ballot courier to personally deliver the
4 completed absentee ballot to 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 Sec. 35. Section 53.8, subsection 3, unnumbered
9 paragraph 3, Code 2005, is amended to read as follows:
10 Nothing in this subsection nor in section 53.22
11 shall be construed to prohibit a registered voter who
12 is a hospital patient or resident of a health care
13 facility, or who anticipates entering a hospital or
14 health care facility before the date of a forthcoming
15 election, from casting an absentee ballot in the
16 manner prescribed by section 53.10 or 53.11.
17 Sec. 36. Section 53.17, subsection 1, paragraph a,
18 Code 2005, is amended to read as follows:
19 a. The sealed carrier envelope may be delivered by
20 the registered voter, by an immediate family member of
21 the voter, by the special precinct election officials
22 designated pursuant to section 53.22, subsection 1, or
23 by the voter's designee if the absentee ballot is
24 voted by a voter described in section 53.22,
25 subsection 5, to the commissioner's office no later
26 than the time the polls are closed on election day.
27 If the sealed carrier envelope is delivered by an
28 immediate family member of the voter, the immediate
29 family member shall, upon delivery of the envelope to
30 the commissioner, complete a form provided by the
31 commissioner containing the following information:
32 (1) The immediate family member's name and
33 address.
34 (2) The immediate family member's relationship to
35 the voter.
36 (3) The serial number on the sealed carrier
37 envelope.
38 (4) An attestation stating that the immediate
39 family member was authorized by the voter to return
40 the sealed carrier envelope.
41 (5) The signature of the immediate family member.
42 Sec. 37. Section 53.22, subsection 1, paragraph a,
43 unnumbered paragraph 1, Code 2005, is amended to read
44 as follows:
45 A registered voter who has applied for an absentee
46 ballot, in a manner other than that prescribed by
47 section 53.10 or 53.11, and who is a resident or
48 patient in a health care facility or hospital located
49 in the county to which the application has been
50 submitted shall be delivered the appropriate absentee

Page 18

1 ballot by two special precinct election officers, one
2 of whom shall be a member of each of the political
3 parties referred to in section 49.13, who shall be
4 appointed by the commissioner from the election board
5 panel for the special precinct established by section
6 53.20. The special precinct election officers shall
7 be sworn in the manner provided by section 49.75 for
8 election board members, shall receive compensation as
9 provided in section 49.20 and shall perform their
10 duties during the ten calendar days preceding the
11 election and on election day if all ballots requested
12 under section 53.8, subsection 3 have not previously
13 been delivered and returned.
14 Sec. 38. Section 53.23, subsection 3, unnumbered
15 paragraph 1, Code 2005, is amended to read as follows:
16 The commissioner shall set the convening time for
17 the board, allowing a reasonable amount of time to
18 complete counting all absentee ballots by ten p.m. on
19 election day. The commissioner may direct the board
20 to meet on the day before the election solely for the
21 purpose of reviewing the absentee voters' affidavits
22 appearing on the sealed ballot envelopes. If in the
23 commissioner's judgment this procedure is necessary
24 due to the number of absentee ballots received, the
25 members of the board may open the sealed ballot
26 envelopes and remove the secrecy envelope containing
27 the ballot, but under no circumstances shall a secrecy
28 envelope be opened before the board convenes on
29 election day. If the ballot envelopes are opened
30 before election day, two observers, one appointed by
31 each of the two political parties referred to in
32 section 49.13, subsection 2, shall witness the
33 proceedings. <u>However, up to four additional</u>
34 <u>observers, two appointed by each of such political</u>
35 <u>parties, may witness the proceedings.</u>
36 Sec. 39. Section 53.31, unnumbered paragraph 1,
37 Code 2005, is amended to read as follows:
38 Any person qualified to vote at the election in
39 progress may challenge the qualifications of a person
40 casting an absentee ballot by submitting a written
41 challenge to the commissioner no later than five p.m.
42 on the ~~day~~ <u>Friday</u> before the election. It is the duty
43 of the special precinct officials to challenge the
44 absentee ballot of any person whom the official knows
45 or suspects is not duly qualified. Challenges by
46 members of the special precinct election board or
47 observers present pursuant to section 53.23 may be
48 made at any time before the close of the polls on
49 election day. The challenge shall state the reasons
50 for which the challenge is being submitted and shall

Page 19

be signed by the challenger. When a challenge is received the absentee ballot shall be set aside for consideration by the special precinct election board when it meets as required by section 50.22.

Sec. 40. Section 53.37, Code 2005, is amended to read as follows:

53.37 DEFINITIONS.

1. This division is intended to implement the federal Uniform and Overseas Citizens Absentee Voting Act, 42 U.S.C. §1973ff et seq.

2. The term "armed forces of the United States", as used in this division, shall mean the army, navy, marine corps, coast guard, and air force of the United States.

3. For the purpose of absentee voting only, there shall be included in the term "armed forces of the United States" the following:

~~1.~~ a. Spouses and dependents of members of the armed forces while in active service.

~~2.~~ b. Members of the merchant marine of the United States and their spouses and dependents.

~~3.~~ c. Civilian employees of the United States in all categories serving outside the territorial limits of the several states of the United States and the District of Columbia and their spouses and dependents when residing with or accompanying them, whether or not the employee is subject to the civil service laws and the Classification Act of 1949, and whether or not paid from funds appropriated by the Congress.

~~4.~~ d. Members of religious groups or welfare agencies assisting members of the armed forces, who are officially attached to and serving with the armed forces, and their spouses and dependents.

~~5.~~ e. Citizens of the United States who do not fall under any of the categories described in subsections 1 to 4, but who are entitled to register and vote pursuant to section 48A.5, subsection 4.

4. For the purposes of this division, "qualified voter" means a person who is included within the term "armed forces of the United States" as described in this section, who would be qualified to register to vote under section 48A.5, subsection 2, except for residency, and who is not disqualified from registering to vote and voting under section 48A.6.

Sec. 41. Section 53.38, Code 2005, is amended to read as follows:

53.38 WHAT CONSTITUTES REGISTRATION.

Whenever a ballot is requested pursuant to section 53.39 or 53.45 on behalf of a voter in the armed forces of the United States, the affidavit upon the

Page 20

1 ballot envelope of such voter, if the voter is found
2 to be an eligible elector of the county to which the
3 ballot is submitted, shall constitute a sufficient
4 registration under chapter 48A. A completed federal
5 postcard registration and federal absentee ballot
6 request form submitted by such eligible elector shall
7 also constitute a sufficient registration under
8 chapter 48A. The commissioner shall place the voter's
9 name on the registration record as a registered voter
10 if it does not already appear there. The
11 identification requirements of section 48A.8 and the
12 verification requirements of section 48A.25A do not
13 apply to persons who register to vote under this
14 division.
15 Sec. 42. Section 53.41, Code 2005, is amended to
16 read as follows:
17 53.41 RECORDS BY COMMISSIONER — EXCESS REQUESTS
18 OR BALLOTS.
19 The commissioner of each county shall establish and
20 maintain a record of all requests for ballots which
21 are made, and of all ballots transmitted, and the
22 manner of transmittal, from and received in the
23 commissioner's office under the provisions of this
24 division.
25 PARAGRAPH DIVIDED. If more than one request for
26 absent voter's ballot for a particular election is
27 made to the commissioner before the ballots are ready
28 to mail by or on behalf of a voter in the armed forces
29 of the United States, the last request ~~first~~ received
30 shall be honored, except that if one of the requests
31 is made by the voter, ~~and a request on the voter's~~
32 ~~behalf has not been previously honored,~~ the request of
33 the voter shall be honored in preference to a request
34 made on the voter's behalf by another.
35 PARAGRAPH DIVIDED. Not more than one ballot shall
36 be transmitted by the commissioner to any voter for a
37 particular election unless after the ballot has been
38 mailed the voter reports a change in the address to
39 which the ballot should be sent. A ballot shall be
40 mailed using a serial number that indicates that this
41 is a replacement sent to an updated address. The
42 original ballot shall be counted only if the
43 replacement ballot does not arrive. If the
44 commissioner receives more than one absent voter's
45 ballot, provided for by this division, from or
46 purporting to be from any one voter for a particular
47 election, all of the ballots so received from or
48 purporting to be from such voter are void, and the
49 commissioner shall not deliver any of the ballots to
50 the precinct election officials, but shall retain them

Page 21

in the commissioner's office, and preserve them for the period and under the conditions provided for in sections 50.12 through 50.15 and section 50.19.

Sec. 43. Section 53.44, unnumbered paragraph 2, Code 2005, is amended to read as follows:

Absentee ballots issued under this division shall be returned ~~in the same manner~~ either by mail by the voter or a person designated by the voter or by personal delivery by the voter or a person designated by the voter and within the same time limits specified in section 53.17.

Sec. 44. Section 53.53, subsection 4, paragraph a, Code 2005, is amended to read as follows:

a. The ballot was submitted from within the United States, unless the voter is a member of the armed forces of the United States, as described in section 53.37, subsection 2, on active duty and away from the voter's county of residence for purposes of serving on active duty.

Sec. 45. Section 53.53, subsection 4, paragraph b, Code 2005, is amended to read as follows:

b. The voter's application for a regular absentee ballot was received by the commissioner less than ~~thirty~~ fourteen days prior to the election.

Sec. 46. Section 53.35, Code 2005, is repealed.

Sec. 47. APPLICABILITY DATE. This division of this Act applies to elections held on or after January 1, 2006.

DIVISION III

VOTER REGISTRATION

Sec. 48. Section 48A.2, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 6. "Voter registration list" means a compilation of voter registration records produced, upon request, from the electronic voter registration file or by viewing, upon request, the original, completed voter registration applications and forms.

Sec. 49. Section 48A.5, subsection 2, paragraph c, Code 2005, is amended to read as follows:

c. Be at least eighteen years of age. Completed registration forms shall be accepted from registrants who are at least seventeen and a half years of age; however, the registration shall not be effective until the registrant reaches the age of eighteen. The commissioner of registration shall ensure that the birth date shown on the registration form is at least seventeen and one-half years earlier than the date the registration is processed.

Sec. 50. Section 48A.11, subsection 8, Code 2005,

Page 22

is amended to read as follows:

8. A voter registration application lacking the registrant's name, sex, date of birth, or residence address or description shall not be processed. A voter registration application lacking the registrant's driver's license number, Iowa nonoperator's identification card number, or the last four digits of the registrant's social security number shall not be processed. A voter registration application lacking the registrant's signature shall not be processed. A registrant whose registration is not processed pursuant to this subsection shall be notified pursuant to section 48A.26, subsection 3. A registrant who does not have an Iowa driver's license number, an Iowa nonoperator's identification number, or a social security number and who notifies the registrar of such shall be assigned a unique identifying number that shall serve to identify the registrant for voter registration purposes.

Sec. 51. Section 48A.25A, Code 2005, is amended to read as follows:

48A.25A VERIFICATION OF VOTER REGISTRATION INFORMATION.

Upon receipt of an application for voter registration ~~by mail~~, the state registrar of voters shall compare the driver's license number, the Iowa nonoperator's identification card number, or the last four numerals of the social security number provided by the registrant with the records of the state department of transportation or the social security administration. To be verified, the voter registration record shall contain the same name, date of birth, and driver's license number or Iowa nonoperator's identification card number or whole or partial social security number as the records of the state department of transportation or social security administration. If the information cannot be verified, the application shall be rejected and the registrant shall be notified of the reason for the rejection. If the information can be verified, a record shall be made of the verification and the application shall be accepted.

The voter registration commission shall adopt rules in accordance with chapter 17A to provide procedures for processing registration applications if the ~~state department of transportation does not,~~ applications cannot be verified before the close of registration for an election for which the voter registration otherwise would be effective~~, if verified, provide a report that the information on the application has~~

Page 23

~~matched or not matched the records of the department~~.
This section does not apply to persons described in section 53.37 who are entitled to register to vote and to vote ~~pursuant to section 48A.5, subsection 4~~.
Sec. 52. Section 48A.26, subsection 4, Code 2005, is amended to read as follows:
4. If the registrant applied by mail to register to vote and did not answer either "yes" or "no" to the question in section 48A.11, subsection 3, paragraph "a", the application shall not be processed~~, but the registration shall be designated as valid only for elections that do not include candidates for federal offices on the ballot~~. The acknowledgment shall advise the applicant ~~that the status of the registration is local and the reason for the registration being assigned local status~~ what additional information is required. The commissioner shall enclose a new registration by mail form for the applicant to use. If the original application is received during the twelve days before the close of registration for an election that includes candidates for federal offices on the ballot, the ~~commissioner~~ acknowledgment shall ~~provide~~ inform the registrant ~~with an~~ that the registrant has the opportunity to complete the form ~~before the close of registration~~ up until five p.m. on the day before the election.
Sec. 53. Section 48A.37, subsection 2, Code 2005, is amended to read as follows:
2. Electronic records shall include a status code designating whether the records are active, inactive, ~~local,~~ or pending. Inactive records are records of registered voters to whom notices have been sent pursuant to section 48A.28, subsection 3, and who have not returned the card or otherwise responded to the notice, and those records have been designated inactive pursuant to section 48A.29. ~~Local records are records of applicants who did not answer either "yes" or "no" to the question in section 48A.11, subsection 3, paragraph "a".~~ Pending records are records of applicants whose applications have not been verified pursuant to section 48A.25A. All other records are active records. An inactive record shall be made active when the registered voter votes at an election, registers again, or reports a change of name, address, telephone number, or political party affiliation. A pending record shall be made active upon verification. ~~A local record shall be valid for any election for which no candidates for federal office appear on the ballot. A registrant with only a local record shall not vote in a federal election~~

Page 24

1 ~~unless the registrant submits a new voter registration~~
2 ~~application before election day indicating that the~~
3 ~~applicant is a citizen of the United States.~~
4 Sec. 54. APPLICABILITY DATE. This division of
5 this Act applies to elections held on or after January
6 1, 2006."
7 2. By striking title page 1, line 1, through
8 title page 2, line 5, and inserting the following:
9 "An Act relating to the conduct of elections and voter
10 registration and including effective date and
11 applicability provisions."
12 3. By renumbering as necessary.

COMMITTEE ON STATE GOVERNMENT
WALLY E. HORN, Co-chair
LARRY McKIBBEN, Co-chair

S–3201

1 Amend the amendment, S–3200, to House File 644, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. By striking page 12, line 17 through page 13,
5 line 13.
6 2. By renumbering as necessary.

LARRY McKIBBEN

S–3202

1 Amend House File 774, as passed by the House, as
2 follows:
3 1. Page 1, by inserting before line 1, the
4 following:
5 "Section 1. Section 331.203, Code 2005, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 1A. The election authorized in
8 subsection 1 may be submitted to the registered voters
9 of the county at a countywide election held on the day
10 of the regular city election.
11 This subsection is repealed effective June 30,
12 2006."
13 2. By renumbering as necessary.

WALLY E. HORN
MARY LUNDBY

S–3203

Amend the amendment, S–3185, to House File 619, as amended, passed, and reprinted by the House, as follows:

1. Page 13, by inserting after line 22 the following:

"Sec. ___. Section 232.68, subsection 2, Code 2005, is amended by adding the following new paragraph:

NEW PARAGRAPH. i. Cohabitation with a person on the sex offender registry under chapter 692A in violation of section 726.6."

2. Page 14, by inserting after line 12 the following:

"Sec. ___. Section 726.6, subsection 1, Code 2005, is amended by adding the following new paragraph:

NEW PARAGRAPH. h. Cohabits with a person after knowing the person is required to register or is on the sex offender registry as a sex offender under chapter 692A. However, this paragraph does not apply to a person who is a parent, guardian, or a person having custody or control over a child or a minor who is required to register as a sex offender."

3. By renumbering as necessary.

DAVID MILLER
JERRY BEHN

S–3204

Amend the amendment, S–3181, to House File 834, as passed by the House, as follows:

1. Page 1, line 5, by inserting after the word "one" the following: "hundred fifty".

JEFF DANIELSON

S–3205

Amend House File 869, as passed by the House, as follows:

1. Page 1, lines 6 and 7, by striking the words "AGRICULTURAL ASSETS — TAX CREDIT" and inserting the following: "AGRICULTURAL ASSETS TRANSFER TAX CREDIT".

2. Page 1, by striking lines 8 and 9, and inserting the following:

"___. An agricultural assets transfer tax credit is allowed under this section. The tax credit is allowed against the taxes imposed in chapter 422, division II, as provided in section 422.11I, and in chapter 422, division III, as provided in section

422.33, to facilitate the transfer of".

3. Page 1, line 11, by striking the word "a."

4. Page 1, by striking lines 21 through 23.

5. Page 2, by striking lines 16 through 18, and inserting the following:

"6. a. In order to qualify for the tax credit as a beginning farmer, a person must be eligible to receive financial assistance under section 175.12. The taxpayer may claim the tax credit on the gross amount paid to the taxpayer as provided in this section until the beginning farmer is no longer eligible to receive financial assistance under section 175.12.

b. A tax credit in excess of the".

6. Page 2, line 26, by striking the figure "6." and inserting the following: "7."

7. Page 3, line 25, by striking the figure "7." and inserting the following: "8."

8. Page 3, line 30, by striking the figure "8." and inserting the following: "9."

9. Page 4, by inserting after line 14, the following:

"Sec. ___. NEW SECTION. 422.11I AGRICULTURAL ASSETS TRANSFERRED TO BEGINNING FARMERS.

The taxes imposed under this division, less the credits allowed under sections 422.12 and 422.12B, shall be reduced by an agricultural assets transfer tax credit as allowed under section 175.37.

Sec. ___. Section 422.33, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 17. The taxes imposed under this division shall be reduced by an agricultural assets transfer tax credit as allowed under section 175.37."

JAMES F. HAHN

S–3206

HOUSE AMENDMENT TO
SENATE FILE 341

Amend Senate File 341, as passed by the Senate, as follows:

1. Page 1, by striking line 1, and inserting the following:

"Section 1. INTENT FOR IOWA'S LONG-".

2. By striking page 1, line 33, through page 2, line 15, and inserting the following:

"Sec. ___. LONG-TERM LIVING PLANNING — UNIFORM ASSESSMENT TOOL.

1. The department of human services, the department of elder affairs, the Iowa department of

12 public health, and the insurance division of the Iowa
13 department of commerce shall work collaboratively to
14 develop a plan for submission to the governor and the
15 general assembly by November 1, 2005, to coordinate
16 efforts to improve public access to informational and
17 educational resources that will assist Iowans of all
18 ages in making informed choices relating to their
19 long-term living needs. The plan shall address the
20 availability of long-term living services in the
21 community, the potential cost of services, and long-
22 term care insurance.
23 2. The department of human services, in
24 cooperation with the division of insurance of the Iowa
25 department of commerce, shall submit an application to
26 the United States department of health and human
27 services to participate in the "Own Your Future" long-
28 term care awareness initiative. If the application is
29 not approved and the state is unable to participate in
30 such initiative, the department of human services and
31 the division of insurance of the Iowa department of
32 commerce shall submit a plan to the governor and the
33 general assembly by January 1, 2006, regarding a
34 state-only long-term care awareness initiative.
35 3. The department of human services and the
36 department of elder affairs shall continue to identify
37 barriers and opportunities related to a program of
38 all-inclusive care for the elderly (PACE program) as
39 defined in section 249H.3. The departments shall
40 determine the state's readiness and capacity to
41 support a PACE program, including whether the PACE
42 program is in opposition to or is able to be
43 integrated with the Iowa Medicaid enterprise, the
44 costs associated with implementing the PACE program,
45 the rate-setting methodology for the PACE program, and
46 an estimated capitation rate for PACE program services
47 to share with prospective providers. The departments
48 shall report their findings and determinations to the
49 governor and the general assembly by December 31,
50 2005.

Page 2

1 4. The department of human services, the
2 department of elder affairs, and the Iowa department
3 of public health shall jointly submit a report to the
4 governor and the general assembly by August 15, 2005,
5 providing recommendations relating to project seamless
6 administered by the department of elder affairs. The
7 recommendations shall address all of the following:
8 a. The continued sharing of information between
9 the departments related to elder Iowans.
10 b. The possible expansion of project seamless to

11 other appropriate populations.
12 c. The possible expansion of project seamless to
13 other appropriate services.
14 d. The sufficiency of data currently being
15 collected for the purposes of public policy decisions
16 and operational management.
17 e. Necessary resources to maintain the existing
18 project seamless and necessary resources for proposed
19 program expansion and data analysis.
20 5. The department of human services, the
21 department of elder affairs, the Iowa department of
22 public health, and the insurance division of the Iowa
23 department of commerce shall jointly submit a plan to
24 the governor and the general assembly by November 1,
25 2005, identifying the various assessment tools
26 utilized for access to programs and services under the
27 purview of the respective department or division and
28 recommending a uniform assessment tool to be used by
29 the departments and the division for access to such
30 programs and services beginning July 1, 2007. At a
31 minimum, the uniform assessment tool shall comply with
32 requirements of the Iowa Medicaid enterprise and shall
33 conform to existing systems or replace existing
34 systems to avoid duplication and redundancy."
35 3. By renumbering as necessary.

S–3207

HOUSE AMENDMENT TO
SENATE FILE 343

1 Amend Senate File 343, as passed by the Senate, as
2 follows:
3 1. Page 2, by inserting after line 3 the
4 following:
5 "Sec. ___. Section 232.69, subsection 1, paragraph
6 b, Code 2005, is amended by adding the following new
7 subparagraph:
8 NEW SUBPARAGRAPH. (13) An employee or operator of
9 a provider of services to children funded under a
10 federally approved medical assistance home and
11 community-based services waiver.
12 Sec. ___. Section 232.71D, subsection 3, paragraph
13 i, Code 2005, is amended by striking the paragraph.
14 Sec. ___. Section 235A.15, subsection 2, paragraph
15 b, subparagraph (9), Code 2005, is amended by striking
16 the subparagraph.
17 Sec. ___. Section 235A.15, subsection 2, paragraph
18 c, Code 2005, is amended by adding the following new
19 subparagraphs:
20 NEW SUBPARAGRAPH. (12) To an area education
21 agency or other person responsible for providing early

22 intervention services to children that is funded under
23 part C of the federal Individuals with Disabilities
24 Education Act.
25 NEW SUBPARAGRAPH. (13) To a federal, state, or
26 local governmental unit, or agent of the unit, that
27 has a need for the information in order to carry out
28 its responsibilities under law to protect children
29 from abuse and neglect.
30 Sec. ___. Section 235A.15, subsection 2, paragraph
31 e, Code 2005, is amended by adding the following new
32 subparagraph:
33 NEW SUBPARAGRAPH. (18) To a person or agency
34 responsible for the care or supervision of a child
35 named in a report as an alleged victim of abuse or a
36 person named in a report as having allegedly abused a
37 child, if the juvenile court or department deems
38 access to report data and disposition data by the
39 person or agency to be necessary.
40 Sec. ___. Section 235A.15, subsection 3,
41 paragraphs b and c, Code 2005, are amended to read as
42 follows:
43 b. Persons involved in an assessment of child
44 abuse identified in subsection 2, paragraph "b",
45 subparagraphs (2), (3), (4), (6), and (7)~~, and (9)~~.
46 c. Others identified in subsection 2, paragraph
47 "e", subparagraphs (2), (3), ~~and~~ (6), and (18).
48 Sec. ___. Section 235A.15, subsection 4, paragraph
49 c, Code 2005, is amended to read as follows:
50 c. Others identified in subsection 2, paragraph

Page 2

1 "e", ~~subparagraph~~ subparagraphs (2) and (18).
2 Sec. ___. Section 235A.19, subsection 2, paragraph
3 b, Code 2005, is amended by adding the following new
4 subparagraph:
5 NEW SUBPARAGRAPH. (9) For others identified in
6 section 235A.15, subsection 2, paragraph "d",
7 subparagraph (7), and paragraph "e", subparagraphs (9)
8 and (16)."
9 2. Title page, line 1, by striking the word
10 "reports" and inserting the following: "reports,
11 child abuse reporting and registry requirements,".
12 3. By renumbering as necessary.

S–3208

HOUSE AMENDMENT TO
SENATE FILE 200

Amend Senate File 200, as passed by the Senate, as follows:

1. Page 1, by striking lines 7 through 23.

2. Page 1, by inserting after line 27, the following:

"DIVISION IV
WATERSHED IMPROVEMENT

Sec. ___. Section 16.5, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 19. Provide administrative and fiscal oversight and support for local watershed improvement grants awarded pursuant to section 16.185.

Sec. ___. NEW SECTION. 16.185 WATERSHED IMPROVEMENT FUND — BOARD — DUTIES.

1. A watershed improvement fund is created in the state treasury under the control of the Iowa finance authority. Moneys appropriated to the watershed improvement fund and any other moneys available to and obtained or accepted by the authority for placement in the watershed improvement fund shall be deposited in the fund. Additionally, payments of interest, recaptures of awards, and other repayments to the watershed improvement fund shall be deposited in the fund. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the watershed improvement fund shall be credited to the fund. Notwithstanding section 8.33, moneys in the fund that remain unencumbered or unobligated at the end of the fiscal year shall not revert, but shall remain available for the same purpose in the succeeding fiscal year.

2. A watershed improvement board is created with the following purposes:

a. Enhancement of water quality in the state through a variety of impairment-based, locally directed watershed improvement grant projects.

b. Positively affecting the management and use of water for the purposes of drinking, agriculture, recreation, sport, and economic development in the state.

c. Ensuring public participation in the process of determining priorities related to water quality including but not limited to all of the following:

(1) Agricultural runoff and drainage.

(2) Stream bank erosion.

(3) Municipal discharge.

(4) Stormwater runoff.

48 (5) Unsewered communities.
49 (6) Industrial discharge.
50 (7) Livestock runoff.

Page 2

1 3. The watershed improvement board shall consist
2 of all of the following voting members, appointed by
3 the named entity:
4 a. One member of the Iowa association of business
5 and industry.
6 b. One member of the Iowa association of municipal
7 utilities.
8 c. One member of the Iowa association of water
9 agencies.
10 d. One member of the Iowa cattlemen's association.
11 e. One member of the Iowa environmental council.
12 f. One member of the Iowa environmental health
13 association.
14 g. One member of the Iowa farm bureau federation.
15 h. One member of the Iowa league of cities.
16 i. One member of the Iowa pork producers
17 association.
18 j. One member of the Iowa rural water association.
19 k. One member of the Iowa soybean association.
20 l. One member representing soil and water
21 conservation districts of Iowa.
22 m. One member of the Iowa corn growers
23 association.
24 n. One member of the Iowa poultry association.
25 o. One member of the Iowa land improvement
26 contractors association.
27 4. The chairpersons and ranking members of the
28 committee on natural resources in the senate and the
29 committee on environmental protection in the house of
30 representatives shall serve as ex officio members of
31 the board.
32 5. The members of the watershed improvement board
33 shall serve three-year staggered terms commencing and
34 ending as provided in section 69.19. If a vacancy
35 occurs, a successor shall be appointed in the same
36 manner and subject to the same qualifications as the
37 original appointment to serve the remainder of the
38 term.
39 6. The members of the board shall elect a
40 chairperson and vice chairperson annually from the
41 voting membership of the board. A majority of the
42 voting members of the board constitutes a quorum. If
43 the chairperson and vice chairperson are unable to
44 preside over the board due to absence or disability, a
45 majority of the voting members present may elect a
46 temporary chairperson by a majority vote providing a

47 quorum is present.
48 7. The board shall meet no more than on a
49 quarterly basis.
50 8. The members of the watershed improvement board

Page 3

1 may receive reimbursement for actual expenses incurred
2 while engaged in the performance of their official
3 duties. A board member may also be eligible to
4 receive compensation as provided in section 7E.6.
5 9. The chairperson of the board shall notify the
6 legislative council of the membership of the board on
7 an annual basis and shall notify the legislative
8 council of any changes in membership that occur due to
9 a vacancy on the board.
10 10. A watershed improvement board member shall not
11 serve on a local watershed improvement committee.
12 11. The Iowa finance authority shall provide
13 administrative support to the board. Not more than
14 twelve thousand dollars of the moneys appropriated for
15 the purposes of the local watershed improvement
16 grants, annually, shall be used for administrative
17 purposes.
18 12. The watershed improvement board shall do all
19 of the following:
20 a. Award local watershed improvement grants and
21 monitor the progress of local watershed improvement
22 projects awarded grants. A local watershed
23 improvement grant may be awarded for a period not to
24 exceed three years. Each local watershed improvement
25 grant awarded shall not exceed ten percent of the
26 moneys appropriated for the grants during a fiscal
27 year.
28 b. Assist with the development of monitoring plans
29 for local watershed improvement projects.
30 c. Review monitoring results before, during, and
31 after completion of a local watershed improvement
32 project.
33 d. Review costs and benefits of mitigation
34 practices utilized by a project.
35 e. By January 31, annually, submit an electronic
36 report to the governor and the general assembly
37 regarding the progress of the watershed improvement
38 projects during the previous calendar year.
39 f. Adopt administrative rules pursuant to chapter
40 17A to administer this section.
41 13. The board may elicit the expertise of other
42 organizations for technical assistance in the work of
43 the board. The organizations may include but are not
44 limited to all of the following:
45 a. The state university of Iowa.

46 b. The Iowa state university of science and
47 technology.
48 c. The department of natural resources.
49 d. The department of agriculture and land
50 stewardship.

Page 4

1 e. The United States geological survey.
2 f. The United States department of agriculture,
3 agricultural research service national soil tilth
4 laboratory.
5 g. The Leopold center for sustainable agriculture.
6 14. a. A local watershed improvement committee
7 shall be organized for the purposes of applying for a
8 local watershed improvement grant and implementing a
9 local watershed improvement project. A majority of
10 the members of the local watershed improvement
11 committee shall represent a cause for the impairment
12 of the watershed. The committee shall be authorized
13 as a not-for-profit organization by the secretary of
14 state. Soil and water conservation districts may also
15 be eligible and apply for and receive local watershed
16 improvement grants.
17 b. A local watershed improvement committee shall
18 be responsible for application for and implementation
19 of an approved local watershed improvement grant,
20 including providing authorization for project bids and
21 project expenditures under the grant. A portion of
22 the grant moneys may be used to engage engineering
23 expertise related to the project. The committee shall
24 monitor local performance throughout the local
25 watershed grant project and shall submit a report at
26 six-month intervals regarding the progress and
27 findings of the project as required by the watershed
28 improvement board."
29 3. Title page, by striking lines 1 through 3 and
30 inserting the following: "An Act relating to
31 agriculture by providing for the powers and duties of
32 the department of agriculture and land stewardship and
33 watershed improvement."
34 4. By renumbering, relettering, or redesignating
35 and correcting internal references as necessary.

S–3209

1 Amend the House amendment, S–3196, to Senate File
2 245, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by striking lines 22 and 23.
5 2. Page 1, by striking lines 27 through 30.
6 3. By renumbering as necessary.

BOB BRUNKHORST

S–3210

1 Amend the Senate amendment, H–1544, to House File
2 809, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 1, by inserting after line 7 the
5 following:
6 "___. Page 10, by inserting after line 31 the
7 following:
8 "Sec. ___. ENDOW IOWA GRANTS APPROPRIATIONS.
9 1. There is appropriated from the general fund of
10 the state to the department of economic development
11 for the fiscal period beginning July 1, 2005, and
12 ending June 30, 2008, the following amounts, or so
13 much thereof as is necessary, to be used for the
14 purpose designated:
15 For endow Iowa grants to lead philanthropic
16 entities pursuant to section 15E.304:
17 FY 2005–2006 ..... $ 50,000
18 FY 2006–2007 ..... $ 50,000
19 FY 2007–2008 ..... $ 50,000
20 2. Notwithstanding section 8.33, moneys that
21 remain unexpended at the end of the fiscal year shall
22 not revert to any fund but shall remain available for
23 expenditure for the designated purposes during the
24 succeeding fiscal year.
25 Sec. ___. NEW SECTION. 15G.110 APPROPRIATION.
26 For the fiscal period beginning July 1, 2005, and
27 ending June 30, 2015, there is appropriated to the
28 department of economic development each fiscal year
29 fifty million dollars from the general fund of the
30 state for deposit in the grow Iowa values fund.
31 Sec. ___. NEW SECTION. 15G.111 APPROPRIATIONS.
32 1. a. For the fiscal period beginning July 1,
33 2005, and ending June 30, 2015, there is appropriated
34 each fiscal year from the grow Iowa values fund
35 created in section 15G.108, if enacted, to the
36 department of economic development thirty-five million
37 dollars for programs administered by the department of
38 economic development.
39 b. Each year that moneys are appropriated under

40 this subsection, the department shall allocate a
41 percentage of the moneys for each of the following
42 types of activities:
43 (1) Business start-ups.
44 (2) Business expansion.
45 (3) Business modernization.
46 (4) Business attraction.
47 (5) Business retention.
48 (6) Marketing.
49 (7) Research and development.
50 c. The department shall require an applicant for

Page 2

1 moneys appropriated under this subsection to include
2 in the application a statement regarding the intended
3 return on investment. A recipient of moneys
4 appropriated under this subsection shall annually
5 submit a statement to the department regarding the
6 progress achieved on the intended return on investment
7 stated in the application. The department, in
8 cooperation with the department of revenue, shall
9 develop a method of identifying and tracking each new
10 job created and the leveraging of moneys through
11 financial assistance from moneys appropriated under
12 this subsection. The department of economic
13 development shall identify research and development
14 activities funded through financial assistance from
15 not more than ten percent of the moneys appropriated
16 under this subsection, and, instead of determining
17 return on investment and job creation for the
18 identified funding, determine the potential impact on
19 the state's economy.
20 d. The department may use moneys appropriated
21 under this subsection to procure technical assistance
22 from either the public or private sector, for
23 information technology purposes, for a statewide labor
24 shed study, and for rail, air, or river port
25 transportation-related purposes. The use of moneys
26 appropriated for rail, air, or river port
27 transportation-related purposes must be directly
28 related to an economic development project and the
29 moneys must be used to leverage other financial
30 assistance moneys.
31 e. Of the moneys appropriated under this
32 subsection, the department may use up to one and one-
33 half percent for administrative purposes.
34 f. The Iowa economic development board shall
35 approve or deny applications for financial assistance
36 provided with moneys appropriated under this
37 subsection. In providing such financial assistance,
38 the board shall, whenever possible, coordinate the

39 assistance with other programs administered by the
40 department of economic development, including the
41 community economic betterment program established in
42 section 15.317 and the value-added agricultural
43 products and processes financial assistance program
44 established in section 15E.111.
45 g. It is the policy of this state to expand and
46 stimulate the state economy by advancing, promoting,
47 and expanding biotechnology industries in this state.
48 To implement this policy, the Iowa economic
49 development board shall consider providing assistance
50 to projects that increase value-added income to

Page 3

1 individuals or organizations involved in agricultural
2 business or biotechnology projects. Such a project
3 need not create jobs specific to the project site;
4 however, such a project must foster the knowledge and
5 creativity necessary to promote the state's
6 agricultural economy and to increase employment in
7 urban and rural areas as a result.
8 2. For the fiscal period beginning July 1, 2005,
9 and ending June 30, 2015, there is appropriated each
10 fiscal year from the grow Iowa values fund created in
11 section 15G.108, if enacted, to the department of
12 economic development five million dollars for
13 financial assistance to institutions of higher
14 learning under the control of the state board of
15 regents for capacity building infrastructure in areas
16 related to technology commercialization, for marketing
17 and business development efforts in areas related to
18 technology commercialization, entrepreneurship, and
19 business growth, and for infrastructure projects and
20 programs needed to assist in the implementation of
21 activities under chapter 262B, if so amended. In
22 allocating moneys to institutions under the control of
23 the state board of regents, the board shall require
24 the institutions to provide a one-to-one match of
25 additional moneys for the activities funded with
26 moneys appropriated under this subsection. The state
27 board of regents shall annually prepare a report for
28 submission to the governor, the general assembly, and
29 the legislative services agency regarding the
30 activities, projects, and programs funded with moneys
31 appropriated under this subsection.
32 The state board of regents may allocate any moneys
33 appropriated under this subsection and received from
34 the department for financial assistance to a single
35 biosciences development organization determined by the
36 department to possess expertise in promoting the area
37 of bioscience entrepreneurship. The organization must

38 be composed of representatives of both the public and
39 the private sector and shall be composed of subunits
40 or subcommittees in the areas of existing identified
41 biosciences platforms, education and workforce
42 development, commercialization, communication, policy
43 and governance, and finance. Such financial
44 assistance shall be used for purposes of activities
45 related to biosciences and bioeconomy development
46 under chapter 262B, if so amended, and to accredited
47 private universities in this state.
48 3. For the fiscal period beginning July 1, 2005,
49 and ending June 30, 2015, there is appropriated each
50 fiscal year from the grow Iowa values fund created in

Page 4

1 section 15G.108, if enacted, to the department of
2 economic development one million dollars for purposes
3 of providing financial assistance for projects in
4 targeted state parks, state banner parks, and
5 destination parks. The department of natural
6 resources shall submit a plan to the department of
7 economic development for the expenditure of moneys
8 appropriated under this subsection. The plan shall
9 focus on improving state parks, state banner parks,
10 and destination parks for economic development
11 purposes. Based on the report submitted, the
12 department of economic development shall provide
13 financial assistance to the department of natural
14 resources for support of state parks, state banner
15 parks, and destination parks. For purposes of this
16 subsection, "state banner park" means a park with
17 multiple uses and which focuses on the economic
18 development benefits of a community or area of the
19 state.
20 4. For the fiscal period beginning July 1, 2005,
21 and ending June 30, 2015, there is appropriated each
22 fiscal year from the grow Iowa values fund created in
23 section 15G.108, if enacted, to the office of the
24 treasurer of state one million dollars for deposit in
25 the Iowa cultural trust fund created in section
26 303A.4.
27 5. For the fiscal period beginning July 1, 2005,
28 and ending June 30, 2015, there is appropriated each
29 fiscal year from the grow Iowa values fund created in
30 section 15G.108, if enacted, to the department of
31 economic development seven million dollars for deposit
32 into the workforce training and economic development
33 funds of the community colleges created pursuant to
34 section 260C.18A.
35 6. a. For the fiscal period beginning July 1,
36 2005, and ending June 30, 2015, there is appropriated

37 each fiscal year from the grow Iowa values fund
38 created in section 15G.108, if enacted, to the
39 department of economic development one million dollars
40 for providing economic development region financial
41 assistance under section 15E.232, subsections 3, 4, 5,
42 and 6, if enacted, and under section 15E.233, if
43 enacted.
44 b. Of the moneys appropriated in this subsection,
45 the department shall transfer three hundred fifty
46 thousand dollars each fiscal year for the fiscal
47 period beginning July 1, 2005, and ending June 30,
48 2015, to Iowa state university of science and
49 technology, for purposes of providing financial
50 assistance to establish small business development

Page 5

1 centers in areas of the state previously served by a
2 small business development center and to maintain
3 existing small business development centers.
4 Financial assistance for a small business development
5 center shall not be awarded unless the city of county
6 where the center is located or scheduled to be located
7 demonstrates the ability to obtain local matching
8 moneys on a dollar-for-dollar basis. An award of
9 financial assistance to a small business development
10 center under this paragraph shall not exceed twenty
11 thousand dollars.
12 c. Of the moneys appropriated under this
13 subsection, the department may use up to fifty
14 thousand dollars each fiscal year during the fiscal
15 period beginning July 1, 2005, and ending June 30,
16 2015, for purposes of providing training, materials,
17 and assistance to Iowa business resource centers.
18 7. Notwithstanding section 8.33, moneys that
19 remain unexpended at the end of a fiscal year shall
20 not revert to any fund but shall remain available for
21 expenditure for the designated purposes during the
22 succeeding fiscal year.""
23 2. Page 1, by inserting after line 30 the
24 following:
25 "___. Title page, line 2, by inserting after the
26 word "development," the following: "the office of the
27 treasurer of state,"."
28 3. By renumbering as necessary.

S–3211

1 Amend the amendment, S–3192, to House File 862, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by inserting after line 11, the

following:
"A program approved for a grant shall participate in a program evaluation as a requirement for receiving grant funds.""
2. Page 1, line 15, by inserting after the word "abuse" the following: "prevention".
3. Page 1, line 16, by inserting after the word "programming" the following: ", including tobacco use prevention programming,".
4. Page 1, by inserting after line 22, the following:
"All grant recipients shall participate in a program evaluation as a requirement for receiving grant funds.""
5. Page 1, by inserting before line 23, the following:
"___. Page 6, line 22, by striking the figure "286,217" and inserting the following: "296,217".
___. Page 6, line 29, by striking the figure "110,359" and inserting the following: "100,359".
___. Page 6, by striking lines 32 through 34, and inserting the following: "the drug court program.""
6. By renumbering as necessary.

JOE BOLKCOM
JAMES A. SEYMOUR
JEFF ANGELO
ROBERT E. DVORSKY

S–3212

Amend House File 810, as amended, passed, and reprinted by the House, as follows:
1. Page 18, by inserting after line 34 the following:
"Sec. ___. Section 99F.4A, subsection 8, unnumbered paragraph 1, Code 2005, is amended to read as follows:
The commission shall, upon the immediate payment of the applicable table games license fee and submission to the commission by June 1, ~~2005~~ 2006, of an application by a licensee of a pari-mutuel dog or horse racetrack licensed to conduct gambling games at a pari-mutuel racetrack enclosure, issue a license to the licensee to conduct table games of chance, including video machines that simulate table games of chance, at the pari-mutuel racetrack enclosure subject to the requirements of this subsection. However, a table games license may only be issued to a licensee required to pay a table games license fee of three million dollars under this subsection if the licensee, and all other licensees of an excursion gambling boat

22 in that county, file an agreement with the commission
23 authorizing the granting of a table games license
24 under this subsection and permitting all licensees of
25 an excursion gambling boat to operate a moored barge
26 as of a specific date. The licensee shall be granted
27 a table games license by the commission without
28 conducting a separate referendum authorizing table
29 games upon payment of the applicable license fee to
30 the commission which table games license fee may be
31 offset by the licensee against taxes imposed on the
32 licensee by section 99F.11, to the extent of twenty
33 percent of the table games license fee paid pursuant
34 to this subsection for each of five consecutive fiscal
35 years beginning with the fiscal year beginning July 1,
36 2008. Fees paid pursuant to this subsection are not
37 refundable to the licensee. A licensee shall not be
38 required to pay a fee to renew a table games license
39 issued pursuant to this subsection. Moneys collected
40 by the commission from a table games license fee paid
41 under this subsection shall be deposited in the
42 rebuild Iowa infrastructure fund created in section
43 8.57."
44 2. Page 19, line 1, by inserting after the word
45 and figure "chapter 1175," the following: "and
46 amending section 99F.4A,".
47 3. By renumbering as necessary.

MICHAEL CONNOLLY

S–3213

1 Amend the amendment, S–3192, to House File 862, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by striking lines 3 through 6.
5 2. By renumbering as necessary.

JOE BOLKCOM

S–3214

1 Amend the amendment, H–3192, to House File 862 as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by inserting after line 24, the
5 following:
6 "___. Page 6, by inserting before line 20, the
7 following:
8 "___. To continue funding to local communities
9 that have previously received funding from the centers
10 for disease control and prevention of the United
11 States department of health and human services for

secondhand smoke education initiatives:
..... $ 30,300""
2. By renumbering as necessary.

HERMAN C. QUIRMBACH
TOM RIELLY
JEFF DANIELSON
JOE BOLKCOM
WILLIAM A. DOTZLER, JR.

S–3215

Amend House File 833, as amended, passed, and reprinted by the House, as follows:
1. Page 4, line 24, by inserting after the word "database" the following: "reasonably and".
2. Page 5, line 1, by inserting after the word "acting" the following: "reasonably and".

CHARLES W. LARSON, JR.

S–3216

Amend House File 807, as amended, passed, and reprinted by the House, as follows:
1. Page 4, by inserting after line 18 the following:
"Sec. ___. Section 602.9104, Code 2005, is amended to read as follows:
602.9104 DEDUCTIONS FROM JUDGES' SALARIES — CONTRIBUTIONS BY STATE.
1. a. A judge to whom this article applies shall be paid an amount equal to ~~ninety-five percent of~~ the basic salary of the judge as set by the general assembly~~. An~~ reduced by an amount ~~equal to five percent of the basic salary of the judge as set by the general assembly is~~ designated as the judge's required contribution to the judicial retirement fund~~, and~~. The amount designated as the judge's required contribution shall be paid by the state in the manner provided in subsection 2.
b. The state shall contribute annually to the judicial retirement fund an amount equal to the state's required contribution for all judges covered under this article. The state's required contribution shall be appropriated directly to the judicial retirement fund by the general assembly.
2. The amount designated ~~in subsection 1~~ as the judge's required contribution to the judicial retirement fund shall be paid by the department of administrative services from the general fund of the state to the court administrator for deposit with the

treasurer of state to the credit of the judicial retirement fund. Moneys in the fund are appropriated for the payment of annuities, refunds, and allowances provided by this article, except that the amount of the appropriations affecting payment of annuities, refunds, and allowances to judges of the municipal and superior court is limited to that part of the fund accumulated for their benefit as provided in this article. The corpus and income of the fund shall be used only for the exclusive benefit of the judges covered under this article, their survivors, or an alternate payee who is assigned benefits pursuant to a domestic relations order.

3. A judge covered under this article is deemed to consent to the reduction in basic salary as provided in subsection 1.

4. ~~a.~~ As used in this ~~subsection~~ section, unless the context otherwise requires:

~~(1)~~ a. "Actuarial valuation" means an actuarial valuation of the judicial retirement system or an annual actuarial update of an actuarial valuation, as

required pursuant to section 602.9116.

~~(2)~~ b. "Fully funded status" means that the most recent actuarial valuation reflects that, using the projected unit credit method in accordance with generally recognized and accepted actuarial principles and practices set forth by the American academy of actuaries, the funded status of the system is at least ~~one hundred~~ ninety percent, based upon the benefits provided for judges through the judicial retirement system as of July 1, 2005.

c. "Judge's required contribution" means an amount equal to the basic salary of the judge multiplied by the following applicable percentage:

(1) For the fiscal year beginning July 1, 2005, and for each subsequent fiscal year until the system attains fully funded status, six percent multiplied by a fraction equal to the actual percentage rate contributed by the state for that fiscal year divided by twenty-three and seven-tenths percent.

(2) Commencing with the first fiscal year in which the system attains fully funded status, and for each subsequent fiscal year, the percentage rate equal to fifty percent of the required contribution rate.

~~(3)~~ d. "Required contribution rate" means that percentage of the basic salary of all judges covered under this article which~~, in addition to the judge's contribution established in subsection 1,~~ the actuary of the system determines is necessary, using the

29 projected unit credit method in accordance with
30 generally recognized and accepted actuarial principles
31 and practices set forth by the American academy of
32 actuaries, to ~~maintain fully funded status~~ amortize
33 the unfunded actuarial liability of the judicial
34 retirement system within twenty years.
35 e. "State's required contribution" means an amount
36 equal to the basic salary of all judges covered under
37 this article multiplied by the following applicable
38 percentage:
39 (1) For the fiscal year beginning July 1, 2005,
40 and for each subsequent fiscal year until the system
41 attains fully funded status, twenty-three and seven-
42 tenths percent.
43 (2) Commencing with the first fiscal year in which
44 the system attains fully funded status, and for each
45 subsequent fiscal year, the percentage rate equal to
46 fifty percent of the required contribution rate.
47 ~~b. Effective with the fiscal year commencing July~~
48 ~~1, 1994, and for each subsequent fiscal year until the~~
49 ~~system attains fully funded status, based upon the~~
50 ~~benefits provided for judges through the judicial~~

Page 3

1 ~~retirement system as of July 1, 2001, the state shall~~
2 ~~contribute annually to the judicial retirement fund an~~
3 ~~amount equal to at least twenty-three and seven-~~
4 ~~tenths percent of the basic salary of all judges~~
5 ~~covered under this article. Commencing with the first~~
6 ~~fiscal year in which the system attains fully funded~~
7 ~~status, based upon the benefits provided for judges~~
8 ~~through the judicial retirement system as of July 1,~~
9 ~~2001, and for each subsequent fiscal year, the state~~
10 ~~shall contribute to the judicial retirement fund the~~
11 ~~required contribution rate. The state's contribution~~
12 ~~shall be appropriated directly to the judicial~~
13 ~~retirement fund.~~
14 Sec. ___. Section 602.9106, Code 2005, is amended
15 to read as follows:
16 602.9106 RETIREMENT.
17 Any person who shall have become separated from
18 service as a judge of any of the courts included in
19 this article and who has had an aggregate of at least
20 ~~six~~ four years of service as a judge of one or more of
21 such courts and shall have attained the age of sixty-
22 five years or who has had ~~twenty five~~ twenty years of
23 consecutive service as a judge of one or more of said
24 courts and shall have attained the age of fifty years,
25 and who shall have otherwise qualified as provided in
26 this article, shall be entitled to an annuity as
27 hereinafter provided.

28 Sec. ___. Section 602.9107, subsection 1,
29 paragraph a, Code 2005, is amended to read as follows:
30 a. The annual annuity of a judge under this system
31 is an amount equal to three and one-fourth percent of
32 the judge's average annual basic salary for the
33 judge's highest three years as a judge of one or more
34 of the courts included in this article, multiplied by
35 the judge's years of service as a judge of one or more
36 of the courts for which contributions were made to the
37 system. However, an annual annuity shall not exceed
38 an amount equal to a specified percentage of the
39 highest basic annual salary which the judge is
40 receiving or had received as of the time the judge
41 became separated from service. Forfeitures shall not
42 be used to increase the annuities a judge or survivor
43 would otherwise receive under the system.
44 Sec. ___. Section 602.9107, subsection 1,
45 paragraph b, subparagraph (4), Code 2005, is amended
46 to read as follows:
47 (4) For judges who retire and receive an annuity
48 on or after July 1, 2001, but before July 1, 2005, the
49 specified percentage shall be sixty percent.
50 Sec. ___. Section 602.9107, subsection 1,

Page 4

1 paragraph b, Code 2005, is amended by adding the
2 following new subparagraph:
3 NEW SUBPARAGRAPH. (5) For judges who retire and
4 receive an annuity on or after July 1, 2005, the
5 specified percentage shall be sixty-five percent.
6 Sec. ___. Section 602.9107C, subsection 1, Code
7 2005, is amended to read as follows:
8 1. A judge under this system who has at least ~~six~~
9 four years of service as a judge of any of the courts
10 included in this article and who was a member of the
11 Iowa public employees' retirement system as provided
12 in chapter 97B, but who was not retired under that
13 system, upon submitting verification of membership and
14 service in the Iowa public employees' retirement
15 system to the court administrator, including proof
16 that the judge has no further claim upon a retirement
17 benefit from that public system, may make
18 contributions as provided by this section to the
19 system either for the entire period of service in the
20 other public system, or for partial service in the
21 other public system in increments of one or more
22 calendar quarters, and receive credit for that service
23 under the system.
24 Sec. ___. Section 602.9108, Code 2005, is amended
25 to read as follows:
26 602.9108 INDIVIDUAL ACCOUNTS — REFUNDING.

27 The amount designated as the judge's contribution
28 to the judicial retirement fund in section 602.9104,
29 ~~subsection 1,~~ and all amounts paid into the fund by a
30 judge shall be credited to the individual account of
31 the judge. If a judge covered under this article
32 becomes separated from service as a judge before the
33 judge completes an aggregate of ~~six~~ four years of
34 service as a judge of one or more of the courts, the
35 total amount in the judge's individual account shall
36 be returned to the judge or the judge's legal
37 representatives within one year of the separation. If
38 a judge, who is covered under this article and who has
39 completed an aggregate of ~~six~~ four years or more of
40 service as a judge of one or more of the courts, dies
41 before retirement, without a survivor, the total
42 amount in the judge's individual account shall be paid
43 in one sum to the judge's legal representatives within
44 one year of the judge's death. If an annuitant under
45 this section dies without a survivor, and without
46 having received in annuities an amount equal to the
47 total amount in the judge's individual account at the
48 time of separation from service, the amount remaining
49 to the annuitant's credit shall be paid in one sum to
50 the annuitant's legal representatives within one year

Page 5

1 of the annuitant's death.
2 Sec. ___. Section 602.9112, Code 2005, is amended
3 to read as follows:
4 602.9112 VOLUNTARY RETIREMENT FOR DISABILITY.
5 Any judge of the supreme, district or municipal
6 court, including a district associate judge, or a
7 judge of the court of appeals, who shall have served
8 as a judge of one or more of such courts for a period
9 of ~~six~~ four years in the aggregate and who believes
10 the judge has become permanently incapacitated,
11 physically or mentally, to perform the duties of the
12 judge's office may personally or by the judge's next
13 friend or guardian file with the court administrator a
14 written application for retirement. The application
15 shall be filed in duplicate and accompanied by an
16 affidavit as to the duration and particulars of the
17 judge's service and the nature of the judge's
18 incapacity. The court administrator shall forthwith
19 transmit one copy of the application and affidavit to
20 the chief justice who shall request the attorney
21 general in writing to cause an investigation to be
22 made relative to the claimed incapacity and report
23 back the results thereof in writing. If the chief
24 justice finds from the report of the attorney general
25 that the applicant is permanently incapacitated,

26 physically or mentally, to perform the duties of the
27 applicant's office the chief justice shall by
28 endorsement thereon declare the applicant retired, and
29 the office vacant, and shall file the report in the
30 office of the court administrator, and a copy in the
31 office of the secretary of state. From the date of
32 such filing the applicant shall be deemed retired from
33 the applicant's office and entitled to the benefits of
34 this article to the same extent as if the applicant
35 had retired under the provisions of section 602.9106.
36 Sec. ___. Section 602.9115A, unnumbered paragraphs
37 1 and 3, Code 2005, are amended to read as follows:
38 In lieu of the annuities and refunds provided for
39 judges and judges' survivors under sections 602.9107,
40 ~~602.9107A,~~ 602.9108, 602.9115, 602.9204, 602.9208, and
41 602.9209, judges may elect to receive an optional
42 retirement annuity during the judge's lifetime and
43 have the optional retirement annuity, or a designated
44 fraction of the optional retirement annuity, continued
45 and paid to the judge's survivor after the judge's
46 death and during the lifetime of the survivor.
47 The optional retirement annuity shall be the
48 actuarial equivalent of the amounts of the annuities
49 payable to judges and survivors under sections
50 602.9107, ~~602.9107A,~~ 602.9115, 602.9204, 602.9208, and

1 602.9209. The actuarial equivalent shall be based on
2 the mortality and interest assumptions set out in
3 section 602.9107, subsection 3.
4 Sec. ___. Section 602.9116, subsection 1, Code
5 2005, is amended to read as follows:
6 1. The court administrator shall cause an
7 actuarial valuation to be made of the assets and
8 liabilities of the judicial retirement fund at least
9 once every four years commencing with the fiscal year
10 beginning July 1, 1981. For each fiscal year in which
11 an actuarial valuation is not conducted, the court
12 administrator shall cause an annual actuarial update
13 to be prepared for the purpose of determining the
14 adequacy of the contribution rates specified in
15 section 602.9104~~, subsection 4~~. The court
16 administrator shall adopt mortality tables and other
17 necessary factors for use in the actuarial
18 calculations required for the valuation upon the
19 recommendation of the actuary. Following the
20 actuarial valuation or annual actuarial update, the
21 court administrator shall determine the condition of
22 the system and shall report its findings and
23 recommendations to the general assembly.
24 Sec. ___. Section 602.9203, subsection 2,

25 paragraph b, Code 2005, is amended to read as follows:
26 b. Meets the minimum requirements for entitlement
27 to an annuity as specified in section 602.9106.
28 However, a judge who elects to retire prior to
29 attaining the age of sixty-five and who has not had
30 ~~twenty-five~~ twenty years of consecutive service, may
31 serve as a senior judge, but shall not be paid an
32 annuity pursuant to section 602.9204 until attaining
33 age sixty-five.
34 Sec. ___. Section 602.9204, subsection 1, Code
35 2005, is amended to read as follows:
36 1. A judge who retires on or after July 1, 1994,
37 and who is appointed a senior judge under section
38 602.9203 shall be paid a salary as determined by the
39 general assembly. A senior judge or retired senior
40 judge shall be paid an annuity under the judicial
41 retirement system in the manner provided in section
42 602.9109, but computed under this section in lieu of
43 section 602.9107, as follows: The annuity paid to a
44 senior judge or retired senior judge shall be an
45 amount equal to ~~three percent~~ the applicable
46 percentage multiplier of the basic senior judge
47 salary, multiplied by the judge's years of service
48 prior to retirement as a judge of one or more of the
49 courts included under this article, for which
50 contributions were made to the system, except the

Page 7

1 annuity of the senior judge or retired senior judge
2 shall not exceed an amount equal to the applicable
3 specified percentage of the basic senior judge salary
4 used in calculating the annuity. However, following
5 the twelve-month period during which the senior judge
6 or retired senior judge attains seventy-eight years of
7 age, the annuity paid to the person shall be an amount
8 equal to ~~three percent~~ the applicable percentage
9 multiplier of the basic senior judge salary cap,
10 multiplied by the judge's years of service prior to
11 retirement as a judge of one or more of the courts
12 included under this article, for which contributions
13 were made to the system, except that the annuity shall
14 not exceed an amount equal to the applicable specified
15 percentage of the basic senior judge salary cap. A
16 senior judge or retired senior judge shall not receive
17 benefits calculated using a basic senior judge salary
18 established after the twelve-month period in which the
19 senior judge or retired senior judge attains seventy-
20 eight years of age. The state shall provide,
21 regardless of age, to an active senior judge or a
22 senior judge with six years of service as a senior
23 judge and to the judge's spouse, and pay for medical

24 insurance until the judge attains the age of seventy-
25 eight years.
26 Sec. ___. Section 602.9204, subsection 2, Code
27 2005, is amended by adding the following new
28 paragraph:
29 NEW PARAGRAPH. 0a. "Applicable percentage
30 multiplier" means as follows:
31 (1) For a senior judge or retired senior judge who
32 retired as a judge and received an annuity prior to
33 July 1, 2005, three percent.
34 (2) For a senior judge or a retired senior judge
35 who retired as a judge and received an annuity on or
36 after July 1, 2005, three and one-fourth percent.
37 Sec. ___. Section 602.9107A, Code 2005, is
38 repealed."
39 2. Title page, line 2, by inserting after the
40 word "branch," the following: "relating to the
41 judicial retirement system,".
42 3. By renumbering as necessary.

STEWART E. IVERSON, JR.

S–3217

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 869

1 Amend the Senate amendment, H–1594, to House File
2 869, as passed by the House, as follows:
3 1. Page 1, line 18, by striking the words "for
4 the tax credit".
5 2. Page 1, by inserting after line 45, the
6 following:
7 "___. Page 4, by striking lines 15 through 17,
8 and inserting the following:
9 "Sec. ___. Section 423.3, subsection 11,
10 unnumbered paragraph 1, Code 2005, is amended to read
11 as follows:
12 The sales price exclusive of services of farm
13 machinery and equipment, including auxiliary
14 attachments which improve the performance, safety,
15 operation, or efficiency of the machinery and
16 equipment, and including auger systems, curtains and
17 curtain systems, drip systems, fan and fan systems,
18 shutters, inlets and shutter or inlet systems, and
19 refrigerators, and replacement parts, if all of the
20 following conditions are met:
21 Sec. ___. REFUNDS. Refunds of taxes, interest, or
22 penalties which arise from claims resulting from the
23 amendment of section 423.3, subsection 11, in this
24 Act, for the exemption of sales of auger systems,

25 curtains and curtain systems, drip systems, fan and
26 fan systems, shutters, inlets and shutter or inlet
27 systems, and refrigerators occurring between January
28 1, 1992, and the effective date of this Act, shall be
29 limited to twenty-five thousand dollars in the
30 aggregate and shall not be allowed unless refund
31 claims are filed prior to October 1, 2005,
32 notwithstanding any other provision of law. If the
33 amount of claims totals more than twenty-five thousand
34 dollars in the aggregate, the department of revenue
35 shall prorate the twenty-five thousand dollars among
36 all claimants in relation to the amounts of the
37 claimants' valid claims. Claimants shall not be
38 entitled to interest on any refunds.
39 Sec. ___. EFFECTIVE DATES AND RETROACTIVE
40 APPLICABILITY PROVISIONS.
41 1. Except as provided in subsection 2, this Act
42 takes effect January 1, 2006, and is applicable to tax
43 years beginning on or after that date.
44 2. The section of this Act amending section 423.3
45 and the section of this Act providing refunds
46 resulting from the amendment of section 423.3, being
47 deemed of immediate importance, take effect upon
48 enactment and apply retroactively to January 1, 1992."
49 3. Title page, by striking lines 1 through 3, and
50 inserting the following: "An Act relating to

Page 2

1 financial transactions associated with agricultural
2 production, by providing for taxes, including tax
3 credits and tax exemptions, and including effective
4 and retroactive and other applicability dates.""
5 4. By renumbering as necessary.

S–3218

HOUSE AMENDMENT TO
SENATE FILE 413

1 Amend Senate File 413, as passed by the Senate, as
2 follows:
3 1. Page 26, by inserting after line 5 the
4 following:
5 "DIVISION ___
6 TAX POLICY AND ADMINISTRATION
7 Sec. ___. Section 421.17, subsection 12, Code
8 2005, is amended to read as follows:
9 12. To make ~~a summary~~ an annual report of the tax
10 situation in the state, setting out the amount of
11 moneys raised by both direct and indirect taxation;
12 and also to formulate and recommend legislation for

13 the better administration of the fiscal laws so as to
14 secure just and equal taxation. To recommend such
15 additions to and changes in the present system of
16 taxation that in the director's judgment are for the
17 best interest of the state and will eliminate the
18 necessity of any levy for state purposes. In
19 compiling the annual report, state agencies shall
20 assist the department and the department shall provide
21 the revenues from, but not limited to, all of the
22 following sources:
23 a. Income tax.
24 b. Sales tax.
25 c. Property tax, by category.
26 d. School income tax.
27 e. Local option sales taxes.
28 f. Transfers-in from federal government agencies.
29 g. Fees and other dollars paid to state government
30 agencies.
31 Sec. ___. Section 421.60, subsection 2, paragraph
32 m, subparagraph (1), Code 2005, is amended by striking
33 the subparagraph and inserting in lieu thereof the
34 following:
35 (1) The department shall not maintain a position
36 against a retailer, in the event that the retailer
37 failed to collect the state sales or use tax or local
38 sales and services tax from a purchaser as a result of
39 erroneous written advice issued by an employee of the
40 department specially directed to the retailer by the
41 department that is inconsistent with the erroneous
42 written advice, except on the basis of subsequent
43 written advice sent by the department to that
44 retailer, or a change in state or federal law, a
45 reported court case to the contrary, a contrary rule
46 adopted by the department, a change in material facts
47 or circumstances relating to the retailer, or the
48 retailer's misrepresentation or incomplete or
49 inadequate representation of material facts and
50 circumstances in requesting the written advice. Any

Page 2

1 tax, interest, or penalty that is assessed by the
2 department which is contrary to the erroneous written
3 advice issued by the department shall be abated upon
4 the retailer presenting a copy of the retailer's
5 request for written advice to the department and a
6 copy of the department's reply. For purposes of this
7 subparagraph, "written advice" includes a notice of
8 assessment issued by the department to the retailer
9 and all related documents, including the department's
10 report setting forth the basis for the assessment.
11 Sec. ___. Section 422.9, subsection 1, Code 2005,

is amended to read as follows:

1. An optional standard deduction, after deduction of federal income tax, equal to one thousand two hundred thirty dollars for a married person who files separately or a single person or equal to three thousand thirty dollars for a husband and wife who file a joint return, a surviving spouse, or an unmarried head of household. The optional standard deduction shall not exceed the amount remaining after deduction of the federal income tax. The amount of federal income tax deducted shall be computed as provided in subsection 2, paragraph "b".

Sec. ___. Section 422.9, subsection 2, paragraph b, Code 2005, is amended to read as follows:

b. Add the amount of federal income taxes paid or accrued, as the case may be, during the tax year~~, adjusted by~~ and subtract any federal income tax refunds received during the tax year. ~~Provided, however, that where~~ Where married persons, who have filed a joint federal income tax return, file separately, such total shall be divided between them according to the portion ~~thereof~~ of the total paid or accrued, as the case may be, by each. Federal income taxes paid for a tax year in which an Iowa return was not required to be filed shall not be added and federal income tax refunds received from a tax year in which an Iowa return was not required to be filed shall not be subtracted.

Sec. ___. Section 422.9, subsection 2, paragraphs g and h, Code 2005, are amended by striking the paragraphs.

Sec. ___. Section 422.16, subsection 2, unnumbered paragraph 1, Code 2005, is amended to read as follows:

A withholding agent required to deduct and withhold tax under subsections 1 and 12~~, except those required to deposit on a semimonthly basis, shall deposit for each calendar quarterly period,~~ shall file a return and remit to the department the amount of tax on or before the last day of the month following the close

Page 3

of the quarterly period~~, on a quarterly deposit form as~~ on forms prescribed by the director ~~and shall pay to the department, in the form of remittances made payable to "Treasurer, State of Iowa", the tax required to be withheld, or the tax actually withheld, whichever is greater, under subsections 1 and 12~~. However, a withholding agent who withholds more than ~~fifty~~ five hundred dollars in any one month~~, except those required to deposit on a semimonthly basis,~~ and not more than five thousand dollars in a semimonthly

period shall deposit with the department the amount withheld, with a monthly deposit form as prescribed by the director. The monthly deposit form is due on or before the fifteenth day of the month following the month of withholding, except that a deposit is not required for ~~the amount withheld in~~ the third month of the calendar quarter ~~but the total amount of withholding for the quarter shall be computed and the amount by which the deposits for that quarter fail to equal the total quarterly liability is due with the filing of the quarterly deposit form~~. ~~The quarterly deposit form is due within the month following the end of the quarter. A~~ The total quarterly amount, less the amounts deposited for the first two months of the quarter, is due with the quarterly return due on or before the last day of the month following the close of the quarterly period on forms prescribed by the director. However, a withholding agent who withholds more than ~~eight~~ five thousand dollars in a semimonthly period shall deposit with the department the amount withheld, with a semimonthly deposit form as prescribed by the director. The first semimonthly deposit form for the period from the first of the month through the fifteenth of the month is due on the twenty-fifth day of the month in which the withholding occurs. The second semimonthly deposit form for the period from the sixteenth of the month through the end of the month is due on the tenth day of the month following the month in which the withholding occurs. A withholding agent must also file a quarterly return which reconciles the amount of tax withheld for the quarter with the amount of semimonthly deposits. The quarterly return is due on or before the last day of the month following the close of the quarterly period on forms prescribed by the director.

Sec. ___. Section 422.35, subsection 15, Code 2005, is amended by striking the subsection.

Sec. ___. Section 423.1, subsection 50, Code 2005, is amended to read as follows:

50. "Services" means all acts or services

Page 4

rendered, furnished, or performed, other than services used in processing of tangible personal property for use in retail sales or services, for an employer~~, as defined in section 422.4, subsection 3,~~ who pays the wages of an employee for a valuable consideration by any person engaged in any business or occupation specifically enumerated in section 423.2. The tax shall be due and collectible when the service is rendered, furnished, or performed for the ultimate

10 user of the service.
11 Sec. ___. Section 423.2, Code 2005, is amended by
12 adding the following new subsection:
13 NEW SUBSECTION. 9A. Any person or that person's
14 affiliate, which is a retailer in this state or a
15 retailer maintaining a business in this state under
16 this chapter, that enters into a contract with an
17 agency of this state must register, collect, and remit
18 Iowa sales tax under this chapter on all sales of
19 tangible personal property and enumerated services.
20 Every bid submitted and each contract executed by a
21 state agency shall contain a certification by the
22 bidder or contractor stating that the bidder or
23 contractor is registered with the department and will
24 collect and remit Iowa sales tax due under this
25 chapter. In the certification, the bidder or
26 contractor shall also acknowledge that the state
27 agency may declare the contract or bid void if the
28 certification is false. Fraudulent certification, by
29 act or omission, may result in the state agency or its
30 representative filing for damages for breach of
31 contract.
32 For the purposes of this subsection, the following
33 definitions apply:
34 a. "Affiliate" means any entity to which any of
35 the following applies:
36 (1) Directly, indirectly, or constructively
37 controls another entity.
38 (2) Is directly, indirectly, or constructively
39 controlled by another entity.
40 (3) Is subject to the control of a common entity.
41 A common entity is one which owns directly or
42 individually more than ten percent of the voting
43 securities of the entity.
44 b. "State agency" means an authority, board,
45 commission, department, instrumentality, or other
46 administrative office or unit of this state, or any
47 other state entity reported in the Iowa comprehensive
48 annual financial report, including public institutions
49 of higher education.
50 c. "Voting security" means a security to which any

Page 5

1 of the following applies:
2 (1) Confers upon the holder the right to vote for
3 the election of members of the board of directors or
4 similar governing body of the entity.
5 (2) Is convertible into, or entitles the holder to
6 receive upon its exercise, a security that confers
7 such a right to vote.
8 (3) Is a general partnership interest.

9 Sec. ___. Section 423.3, subsection 5, Code 2005,
10 is amended to read as follows:
11 5. a. The sales price of agricultural limestone,
12 herbicide, pesticide, insecticide, including
13 adjuvants, surfactants, and other products directly
14 related to the application enhancement of those
15 products, food, medication, or agricultural drain
16 tile, including installation of agricultural drain
17 tile, any of which are to be used in disease control,
18 weed control, insect control, or health promotion of
19 plants or livestock produced as part of agricultural
20 production for market.
21 b. The following enumerated materials associated
22 with the installation of agricultural drain tile which
23 is exempt pursuant to paragraph "a" shall also be
24 exempt under paragraph "a":
25 (1) Tile intakes.
26 (2) Outlet pipes and guards.
27 (3) Aluminum and gabion structures.
28 (4) Erosion control fabric.
29 (5) Water control structures.
30 (6) Miscellaneous tile fittings.
31 Sec. ___. Section 423.3, subsection 39, Code 2005,
32 is amended by adding the following new unnumbered
33 paragraph:
34 NEW UNNUMBERED PARAGRAPH. The exemption under this
35 subsection does not apply to vehicles subject to
36 registration, aircraft, or commercial or pleasure
37 watercraft or water vessels.
38 Sec. ___. Section 423.3, Code 2005, is amended by
39 adding the following new subsection:
40 NEW SUBSECTION. 85. The sales price from services
41 performed on a vessel if all of the following apply:
42 a. The vessel is a licensed vessel under the laws
43 of the United States coast guard.
44 b. The vessel is not moored or tied to a physical
45 location in this state.
46 c. The service is used to repair or restore a
47 defect in the vessel.
48 d. The vessel is engaged in interstate commerce
49 and will continue in interstate commerce once the
50 repairs or restoration is completed.

Page 6

1 e. The vessel is in navigable water that borders
2 the eastern boundary of this state.
3 Sec. ___. Section 423.5, Code 2005, is amended by
4 adding the following new subsection:
5 NEW SUBSECTION. 8. Any person or that person's
6 affiliate, which is a retailer in this state or a
7 retailer maintaining a business in this state under

this chapter, that enters into a contract with an agency of this state must register, collect, and remit Iowa use tax under this chapter on all sales of tangible personal property and enumerated services. Every bid submitted and each contract executed by a state agency shall contain a certification by the bidder or contractor stating that the bidder or contractor is registered with the department and will collect and remit Iowa use tax due under this chapter. In the certification, the bidder or contractor shall also acknowledge that the state agency may declare the contract or bid void if the certification is false. Fraudulent certification, by act or omission, may result in the state agency or its representative filing for damages for breach of contract.

For the purposes of this subsection, "affiliate", "state agency", and "voting security" mean the same as defined in section 423.2, subsection 9A.

Sec. ___. Section 423A.1, unnumbered paragraph 3, Code 2005, is amended to read as follows:

A local hotel and motel tax shall be imposed on January 1~~, April 1,~~ or July 1~~, or October 1,~~ following the notification of the director of revenue. Once imposed, the tax shall remain in effect at the rate imposed for a minimum of one year. A local hotel and motel tax shall terminate only on ~~March 31,~~ June 30~~, September 30,~~ or December 31. At least sixty days prior to the tax being effective or prior to a revision in the tax rate, or prior to the repeal of the tax, a city or county shall provide notice by mail of such action to the director of revenue.

Sec. ___. Section 423E.4, subsection 3, paragraph a, Code 2005, is amended to read as follows:

a. The director of revenue by ~~June 1 preceding~~ August 15 of each fiscal year shall compute the guaranteed school infrastructure amount for each school district, each school district's sales tax capacity per student for each county, and the supplemental school infrastructure amount for the coming fiscal year.

Sec. ___. Section 424.7, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 5. The director may require by

rule that reports and returns be filed by electronic transmission.

Sec. ___. Section 424.10, subsection 3, Code 2005, is amended to read as follows:

3. If the amount paid is greater than the correct charge, penalty, and interest due, the department

shall refund the excess, with interest ~~after sixty days from the date of payment at the rate in effect under section 421.7~~, pursuant to rules prescribed by the director. However, the director shall not allow a claim for refund that has not been filed with the department within three years after the charge payment upon which a refund is claimed became due, or one year after the charge payment was made, whichever time is later. A determination by the department of the amount of charge, penalty, and interest due, or the amount of refund for any excess amount paid, is final unless the person aggrieved by the determination appeals to the director for a revision of the determination within sixty days from the date of the notice of determination of charge, penalty, and interest due or refund owing. The director shall grant a hearing, and upon hearing the director shall determine the correct charge, penalty, and interest due or refund owing, and notify the appellant of the decision by mail. The decision of the director is final unless the appellant seeks judicial review of the director's decision under section 424.13.

Sec. ___. Section 425.1, subsection 4, Code 2005, is amended to read as follows:

4. Annually the department of revenue shall ~~estimate the credit not to exceed the actual levy on the first four thousand eight hundred fifty dollars of actual value of each eligible homestead, and shall~~ certify to the county auditor of each county the credit and its amount in dollars. Each county auditor shall then enter the credit against the tax levied on each eligible homestead in each county payable during the ensuing year, designating on the tax lists the credit as being from the homestead credit fund, and credit shall then be given to the several taxing districts in which eligible homesteads are located in an amount equal to the credits allowed on the taxes of the homesteads. The amount of credits shall be apportioned by each county treasurer to the several taxing districts as provided by law, in the same manner as though the amount of the credit had been paid by the owners of the homesteads. However, the several taxing districts shall not draw the funds so credited until after the semiannual allocations have

been received by the county treasurer, as provided in this chapter. Each county treasurer shall show on each tax receipt the amount of credit received from the homestead credit fund.

Sec. ___. NEW SECTION. 427.3 ABATEMENT OF TAXES

OF CERTAIN EXEMPT ENTITIES.

The board of supervisors may abate the taxes levied against property acquired by gift by a person or entity if the property acquired by gift was transferred to the person or entity after the deadline for filing for property tax exemption in the year in which the property was transferred and the property acquired by gift would have been exempt under section 427.1, subsection 7, 8, or 9, if the person or entity had been able to file for exemption in a timely manner.

Sec. ___. Section 441.6, unnumbered paragraph 2, Code 2005, is amended to read as follows:

Upon receipt of the report of the examining board, the chairperson of the conference board shall by written notice call a meeting of the conference board to appoint an assessor. The meeting shall be held not later than seven days after the receipt of the report of the examining board by the conference board. ~~The physical condition, general reputation of the applicants, and their fitness for the position as determined by the examining board shall be taken into consideration in making the appointment.~~ At the meeting, the conference board shall appoint an assessor from the register of eligible candidates. However, if a special examination has not been conducted previously for the same vacancy, the conference board may request the director of revenue to hold a special examination pursuant to section 441.7. The chairperson of the conference board shall give written notice to the director of revenue of the appointment and its effective date within ten days of the decision of the board.

Sec. ___. Section 441.8, unnumbered paragraph 1, Code 2005, is amended to read as follows:

The term of office of an assessor appointed under this chapter shall be for six years. Appointments for each succeeding term shall be made in the same manner as the original appointment except that not less than ninety days before the expiration of the term of the assessor the conference board shall hold a meeting to determine whether or not it desires to reappoint the incumbent assessor to a new term. <u>If the decision is made not to reappoint the assessor, the assessor shall be notified, in writing, of such decision not less</u>

<u>than ninety days prior to the expiration of the assessor's term of office. Failure of the conference board to provide timely notification of the decision not to reappoint the assessor shall result in the</u>

5 assessor being reappointed.
6 Sec. ___. Section 441.8, unnumbered paragraphs 6
7 and 7, Code 2005, are amended to read as follows:
8 Upon receiving credit equal to one hundred fifty
9 hours of classroom instruction during the assessor's
10 current term of office of which at least ninety of the
11 one hundred fifty hours are from courses requiring an
12 examination upon conclusion of the course, the
13 director of revenue shall certify to the assessor's
14 conference board that the assessor is eligible to be
15 reappointed to the position. For persons appointed to
16 complete an unexpired term, the number of credits
17 required to be certified as eligible for reappointment
18 shall be prorated according to the amount of time
19 remaining in the present term of the assessor. If the
20 person was an assessor in another jurisdiction, the
21 assessor may carry forward any credit hours received
22 in the previous position in excess of the number that
23 would be necessary to be considered current in that
24 position. Upon written request by the person seeking
25 a waiver of the continuing education requirements, the
26 director may waive the continuing education
27 requirements if the director determines good cause
28 exists for the waiver.
29 Within each six-year period following the
30 appointment of a deputy assessor, the deputy assessor
31 shall comply with this section except that upon the
32 successful completion of ninety hours of classroom
33 instruction of which at least sixty of the ninety
34 hours are from courses requiring an examination upon
35 conclusion of the course, the deputy assessor shall be
36 certified by the director of revenue as being eligible
37 to remain in the position. If a deputy assessor fails
38 to comply with this section, the deputy assessor shall
39 be removed from the position until successful
40 completion of the required hours of credit. If a
41 deputy is appointed to the office of assessor, the
42 hours of credit obtained as deputy pursuant to this
43 section shall be credited to that individual as
44 assessor and for the individual to be reappointed at
45 the expiration of the term as assessor, that
46 individual must obtain the credits which are necessary
47 to total the number of hours for reappointment. Upon
48 written request by the person seeking a waiver of the
49 continuing education requirements, the director may
50 waive the continuing education requirements if the

1 director determines good cause exists for the waiver.
2 Sec. ___. Section 441.37, subsection 1, Code 2005,
3 is amended by adding the following new unnumbered

paragraph:

NEW UNNUMBERED PARAGRAPH. The property owner or aggrieved taxpayer may combine on one form protests of assessment on parcels separately assessed if the same grounds are relied upon as the basis for protesting each separate assessment. If an oral hearing is requested on more than one of such protests, the person making the combined protests may request that the oral hearings be held consecutively.

Sec. ___. Section 441.37, subsection 3, Code 2005, is amended to read as follows:

3. After the board of review has considered any protest filed by a property owner or aggrieved taxpayer and made final disposition of the protest, the board shall give written notice to the property owner or aggrieved taxpayer who filed the protest of the action taken by the board of review on the protest. The written notice to the property owner or aggrieved taxpayer shall also specify the reasons for the action taken by the board of review on the protest. If protests of assessment on multiple parcels separately assessed were combined, the written notice shall state the action taken, and the reasons for the action, for each assessment protested.

Sec. ___. Section 441.38, subsection 2, Code 2005, is amended to read as follows:

2. Notice of appeal shall be served as an original notice on the chairperson, presiding officer, or clerk of the board of review ~~after the filing of notice under subsection 1 with the clerk of district court~~ within twenty days after its adjournment or May 31, whichever is later.

Sec. ___. NEW SECTION. 441.40A REIMBURSEMENT OF APPELLANT COSTS.

1. Notwithstanding section 441.40, where the court determines the appellant's property was assessed by the assessor for more than one hundred twenty percent of its post-appeal value, the assessor shall pay all reasonable attorney fees and any other reasonably related costs incurred by the appellant. This subsection applies only to appeals relating to assessments on property assessed as residential or agricultural property.

2. Notwithstanding section 441.40, where the court determines the appellant's property was assessed by the assessor for more than one hundred twenty percent of its post-appeal value and the court finds that the

assessor's position in regard to assessment of the property was not substantially justified, the assessor

3 shall pay all reasonable attorney fees and any other
4 reasonably related costs incurred by the appellant.
5 This subsection applies only to appeals relating to
6 assessments on property assessed as commercial or
7 industrial property.
8 Sec. ___. Section 452A.2, subsection 19,
9 unnumbered paragraph 2, Code 2005, is amended to read
10 as follows:
11 "Motor fuel" does not include special fuel, and
12 does not include liquefied gases which would not exist
13 as liquids at a temperature of sixty degrees
14 Fahrenheit and a pressure of fourteen and seven-tenths
15 pounds per square inch absolute, or naphthas and
16 solvents unless the liquefied gases or naphthas and
17 solvents are used as a component in the manufacture,
18 compounding, or blending of a liquid within paragraph
19 "b", in which event the resulting product shall be
20 deemed to be motor fuel. <u>"Motor fuel" does not</u>
21 <u>include methanol unless blended with other motor fuels</u>
22 <u>for use in an aircraft or for propelling motor</u>
23 <u>vehicles.</u>
24 Sec. ___. Section 452A.2, subsection 25, Code
25 2005, is amended to read as follows:
26 25. "Special fuel" means fuel oils and all
27 combustible gases and liquids suitable for the
28 generation of power for propulsion of motor vehicles
29 or turbine-powered aircraft, and includes any
30 substance used for that purpose, except that it does
31 not include motor fuel. Kerosene shall not be
32 considered to be a special fuel, unless blended with
33 other special fuels for use in a motor vehicle with a
34 diesel engine. <u>Methanol shall not be considered to be</u>
35 <u>a special fuel unless blended with other special fuels</u>
36 <u>for use in a motor vehicle with a diesel engine.</u>
37 Sec. ___. Section 452A.8, subsection 2, paragraph
38 e, unnumbered paragraph 2, Code 2005, is amended to
39 read as follows:
40 The department shall adopt rules governing the
41 dispensing of compressed natural gas and liquefied
42 petroleum gas by licensed dealers and licensed users.
43 <u>The director may require by rule that reports and</u>
44 <u>returns be filed by electronic transmission.</u> For
45 purposes of this paragraph, "dealer" and "user" mean a
46 licensed compressed natural gas or liquefied petroleum
47 gas dealer or user and "fuel" means compressed natural
48 gas or liquefied petroleum gas. The department shall
49 require that all pumps located at dealer locations and
50 user locations through which liquefied petroleum gas

can be dispensed shall be metered, inspected, tested for accuracy, and sealed and licensed by the state department of agriculture and land stewardship, and that fuel delivered into the fuel supply tank of any motor vehicle shall be dispensed only through tested metered pumps and may be sold without temperature correction or corrected to a temperature of sixty degrees. If the metered gallonage is to be temperature-corrected, only a temperature-compensated meter shall be used. Natural gas used as fuel shall be delivered into compressing equipment through sealed meters certified for accuracy by the department of agriculture and land stewardship.

Sec. ___. Section 452A.8, subsections 3 and 4, Code 2005, are amended to read as follows:

3. For the purpose of determining the amount of the tax liability on alcohol blended to produce ethanol blended gasoline or a blend of special fuel products, each licensed blender shall, not later than the last day of each month following the month in which the blending is done, file with the department a monthly return, signed under penalty for false certificate, containing information required by rules adopted by the director. The director may require by rule that reports and returns be filed by electronic transmission.

4. A person who possesses fuel or uses fuel in a motor vehicle upon which no tax has been paid by a licensee in this state is subject to reporting and paying the applicable tax. The director may require by rule that reports and returns be filed by electronic transmission.

Sec. ___. Section 452A.10, Code 2005, is amended to read as follows:

452A.10 REQUIRED RECORDS.

A motor fuel or special fuel supplier, restrictive supplier, importer, exporter, blender, dealer, user, common carrier, contract carrier, ~~or~~ terminal, or nonterminal storage facility shall maintain, for a period of three years, records of all transactions by which the supplier, restrictive supplier, or importer withdraws from a terminal or nonterminal storage facility within this state or imports into this state motor fuel or undyed special fuel together with invoices, bills of lading, and other pertinent records and papers as required by the department.

If in the normal conduct of a supplier's, restrictive supplier's, importer's, exporter's, blender's, dealer's, user's, common carrier's, contract carrier's, ~~or~~ terminal's, or nonterminal

Page 13

1 storage facility's business the records are maintained
2 and kept at an office outside this state, the records
3 shall be made available for audit and examination by
4 the department at the office outside this state, but
5 the audit and examination shall be without expense to
6 this state.
7 Each distributor handling motor fuel or special
8 fuel in this state shall maintain for a period of
9 three years records of all motor fuel or undyed
10 special fuel purchased or otherwise acquired by the
11 distributor, together with delivery tickets, invoices,
12 and bills of lading, and any other records required by
13 the department.
14 The department, after an audit and examination of
15 records required to be maintained under this section,
16 may authorize their disposal upon the written request
17 of the supplier, restrictive supplier, importer,
18 exporter, blender, dealer, user, carrier, terminal,
19 nonterminal storage facility, or distributor.
20 Sec. ___. Section 452A.62, subsection 1, paragraph
21 a, Code 2005, is amended to read as follows:
22 a. A distributor, supplier, restrictive supplier,
23 importer, exporter, blender, terminal operator,
24 nonterminal storage facility, common carrier, or
25 contract carrier, pertaining to motor fuel or undyed
26 special fuel withdrawn from a terminal or nonterminal
27 storage facility, or brought into this state.
28 Sec. ___. Section 452A.62, subsection 2,
29 unnumbered paragraph 1, Code 2005, is amended to read
30 as follows:
31 To examine the records, books, papers, receipts,
32 and invoices of any distributor, supplier, restrictive
33 supplier, importer, blender, exporter, terminal
34 operator, nonterminal storage facility, licensed
35 compressed natural gas or liquefied petroleum gas
36 dealer or user, or any other person who possesses fuel
37 upon which the tax has not been paid to determine
38 financial responsibility for the payment of the taxes
39 imposed by this chapter.
40 Sec. ___. Section 452A.85, Code 2005, is amended
41 by adding the following new subsection:
42 NEW SUBSECTION. 4. This section does not apply to
43 an increase in the tax rate of a specified fuel,
44 except for compressed natural gas, unless the increase
45 in the tax rate of that fuel is in excess of one-half
46 cent per gallon.
47 Sec. ___. NEW SECTION. 602.6703 DECLARATORY
48 JUDGMENT TO ADJUDICATE CONSTITUTIONAL NEXUS ISSUES
49 REGARDING TAXATION.
50 1. District courts have original jurisdiction over

Page 14

1 civil actions seeking declaratory judgment when both
2 of the following apply:
3 a. The party seeking declaratory relief is a
4 business that is any of the following:
5 (1) Organized under the laws of this state.
6 (2) A sole proprietorship owned by a domiciliary
7 of this state.
8 (3) Authorized to do business in this state.
9 b. The responding party is a government official
10 of another state, or political subdivision of another
11 state, who asserts that the business in question is
12 obliged to collect sales or use taxes for such state
13 or political subdivision based upon conduct of the
14 business that occurs wholly or partially within that
15 state or political subdivision.
16 2. A business meeting the requirements and facing
17 the circumstances described in subsection 1 shall be
18 entitled to declaratory relief on the issue of whether
19 the requirement of another state, or political
20 subdivision of another state, that the business
21 collect and remit sales or use taxes to that state, or
22 political subdivision, in the factual circumstances of
23 the business' operations giving rise to the demand,
24 constitutes an undue burden on interstate commerce
25 within the meaning of the Constitution of the United
26 States.
27 Sec. ___. Section 708.3A, subsections 1 through 4,
28 Code 2005, are amended to read as follows:
29 1. A person who commits an assault, as defined in
30 section 708.1, against a peace officer, jailer,
31 correctional staff, member or employee of the board of
32 parole, health care provider, employee of the
33 department of human services, <u>employee of the</u>
34 <u>department of revenue,</u> or fire fighter, whether paid
35 or volunteer, with the knowledge that the person
36 against whom the assault is committed is a peace
37 officer, jailer, correctional staff, member or
38 employee of the board of parole, health care provider,
39 employee of the department of human services, <u>employee</u>
40 <u>of the department of revenue,</u> or fire fighter and with
41 the intent to inflict a serious injury upon the peace
42 officer, jailer, correctional staff, member or
43 employee of the board of parole, health care provider,
44 employee of the department of human services, <u>employee</u>
45 <u>of the department of revenue,</u> or fire fighter, is
46 guilty of a class "D" felony.
47 2. A person who commits an assault, as defined in
48 section 708.1, against a peace officer, jailer,
49 correctional staff, member or employee of the board of
50 parole, health care provider, employee of the

Page 15

1 department of human services, employee of the
2 department of revenue, or fire fighter, whether paid
3 or volunteer, who knows that the person against whom
4 the assault is committed is a peace officer, jailer,
5 correctional staff, member or employee of the board of
6 parole, health care provider, employee of the
7 department of human services, employee of the
8 department of revenue, or fire fighter and who uses or
9 displays a dangerous weapon in connection with the
10 assault, is guilty of a class "D" felony.
11 3. A person who commits an assault, as defined in
12 section 708.1, against a peace officer, jailer,
13 correctional staff, member or employee of the board of
14 parole, health care provider, employee of the
15 department of human services, employee of the
16 department of revenue, or fire fighter, whether paid
17 or volunteer, who knows that the person against whom
18 the assault is committed is a peace officer, jailer,
19 correctional staff, member or employee of the board of
20 parole, health care provider, employee of the
21 department of human services, employee of the
22 department of revenue, or fire fighter, and who causes
23 bodily injury or mental illness, is guilty of an
24 aggravated misdemeanor.
25 4. Any other assault, as defined in section 708.1,
26 committed against a peace officer, jailer,
27 correctional staff, member or employee of the board of
28 parole, health care provider, employee of the
29 department of human services, employee of the
30 department of revenue, or fire fighter, whether paid
31 or volunteer, by a person who knows that the person
32 against whom the assault is committed is a peace
33 officer, jailer, correctional staff, member or
34 employee of the board of parole, health care provider,
35 employee of the department of human services, employee
36 of the department of revenue, or fire fighter, is a
37 serious misdemeanor.
38 Sec. ___. Section 708.3A, Code 2005, is amended by
39 adding the following new subsection:
40 NEW SUBSECTION. 9. As used in this section,
41 "employee of the department of revenue" means a person
42 who is employed as an auditor, agent, tax collector,
43 or any contractor or representative acting in the same
44 capacity. The employee, contractor, or representative
45 shall maintain current identification indicating that
46 the person is an employee, contractor, or
47 representative of the department.
48 Sec. ___. ABATEMENT OF PROPERTY TAXES.
49 Notwithstanding the requirement for the filing of a
50 claim for property tax exemption by February 1, as

Page 16

1 provided in section 427.1, subsection 9, the board of
2 supervisors of a county having a population based upon
3 the latest federal decennial census of more than one
4 hundred eighty thousand but not more than two hundred
5 thousand shall abate the property taxes owed, with all
6 interest, fees, and costs, which were due and payable
7 during the fiscal years beginning July 1, 2004, and
8 July 1, 2005, on the land and buildings of an
9 educational institution that received the property by
10 gift and that did not receive a property tax exemption
11 due to the inability or failure to file for the
12 exemption. To receive the abatement provided for in
13 this section, the educational institution shall apply
14 to the county board of supervisors by October 1, 2005,
15 and provide appropriate information establishing that
16 the lands and buildings for which the abatement is
17 sought were used by the educational institution for
18 its appropriate objectives during the fiscal years
19 beginning July 1, 2004, and July 1, 2005. The
20 abatement allowed under this section only applies to
21 property taxes, with all interests, fees, and costs,
22 due and payable in the fiscal years beginning July 1,
23 2004, and July 1, 2005.
24 Sec. ___. REFUNDS. Refunds of taxes, interest, or
25 penalties which arise from claims resulting from the
26 amendment to section 423.3, subsection 5, in this
27 division of this Act, for the sale of agricultural
28 drain tile materials occurring between January 1,
29 1998, and the effective date of the section amending
30 section 423.3, subsection 5, in this division of this
31 Act, shall be limited to twenty-five thousand dollars
32 in the aggregate and shall not be allowed unless
33 refund claims are filed prior to October 1, 2005,
34 notwithstanding any other provision of law. If the
35 amount of claims totals more than twenty-five thousand
36 dollars in the aggregate, the department of revenue
37 shall prorate the twenty-five thousand dollars among
38 all claimants in relation to the amounts of the
39 claimants' valid claims.
40 Sec. ___. RETROACTIVE APPLICABILITY.
41 1. The sections of this division of this Act
42 amending Code sections 422.9 and 422.35 apply
43 retroactively to January 1, 2005, for tax years
44 beginning on or after that date.
45 2. The section of this division of this Act
46 amending Code section 422.16, being deemed of
47 immediate importance, takes effect upon enactment and
48 applies to calendar quarters ending on or after the
49 effective date of this Act for income taxes withheld
50 for tax years beginning on or after January 1, 2005.

Page 17

1 3. The section of this division of this Act
2 relating to the abatement of property taxes due and
3 payable in the fiscal years beginning July 1, 2004,
4 and July 1, 2005, and section 427.1, subsection 9,
5 being deemed of immediate importance, takes effect
6 upon enactment, and applies retroactively to property
7 taxes due and payable in the fiscal years beginning
8 July 1, 2004, and July 1, 2005.
9 4. The section of this division of this Act
10 amending section 423.3, subsection 5, being deemed of
11 immediate importance, takes effect upon enactment, and
12 applies retroactively to January 1, 1998.
13 5. The sections of this division of this Act
14 amending section 441.37 apply to protests of
15 assessment filed after January 1, 2006."
16 2. Title page, line 3, by inserting after the
17 word "equipment," the following: "and relating to the
18 policy and administration of other taxes and tax-
19 related matters,".
20 3. Title page, line 3, by striking the word "an".
21 4. Title page, line 4, by striking the word
22 "provision" and inserting the following: "provisions".

S–3219

1 Amend House File 619, 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 DNA PROFILING
7 Section 1. NEW SECTION. 81.1 DEFINITIONS.
8 As used in this chapter, unless the context
9 otherwise requires:
10 1. "DNA" means deoxyribonucleic acid.
11 2. "DNA databank" means the repository for DNA
12 samples obtained pursuant to section 81.4.
13 3. "DNA database" means the collection of DNA
14 profiles and DNA records.
15 4. "DNA profile" means the objective form of the
16 results of DNA analysis performed on a DNA sample.
17 The results of all DNA identification analysis on an
18 individual's DNA sample are also collectively referred
19 to as the DNA profile of an individual.
20 5. "DNA profiling" means the procedure established
21 by the division of criminal investigation, department
22 of public safety, for determining a person's genetic
23 identity.
24 6. "DNA record" means the DNA sample and DNA
25 profile, and other records in the DNA database and DNA

26 data bank used to identify a person.
27 7. "DNA sample" means a biological sample provided
28 by any person required to submit a DNA sample or a DNA
29 sample submitted for any other purpose under section
30 81.4.
31 8. "Person required to submit a DNA sample" means
32 a person convicted, adjudicated delinquent, receiving
33 a deferred judgment, or found not guilty by reason of
34 insanity of an offense requiring DNA profiling
35 pursuant to section 81.2. "Person required to submit
36 a DNA sample" also means a person determined to be a
37 sexually violent predator pursuant to section 229A.7.
38 Sec. 2. NEW SECTION. 81.2 PERSONS REQUIRED TO
39 SUBMIT A DNA SAMPLE.
40 1. A person who receives a deferred judgment for a
41 felony or against whom a judgment or conviction for a
42 felony has been entered shall be required to submit a
43 DNA sample for DNA profiling pursuant to section 81.4.
44 2. A person determined to be a sexually violent
45 predator pursuant to chapter 229A shall be required to
46 submit a DNA sample for DNA profiling pursuant to
47 section 81.4 prior to discharge or placement in a
48 transitional release program.
49 3. A person found not guilty by reason of insanity
50 of an offense that requires DNA profiling shall be

Page 2

1 required to submit a DNA sample for DNA profiling
2 pursuant to section 81.4 as part of the person's
3 treatment management program.
4 4. A juvenile adjudicated delinquent of an offense
5 that requires DNA profiling of an adult offender shall
6 be required to submit a DNA sample for DNA profiling
7 pursuant to section 81.4 as part of the disposition of
8 the juvenile's case.
9 5. An offender placed on probation shall
10 immediately report to the judicial district department
11 of correctional services after sentencing so it can be
12 determined if the offender has been convicted of an
13 offense requiring DNA profiling. If it is determined
14 by the judicial district that DNA profiling is
15 required, the offender shall immediately submit a DNA
16 sample.
17 6. A person required to register as a sex
18 offender.
19 Sec. 3. NEW SECTION. 81.3 ESTABLISHMENT OF DNA
20 DATABASE AND DNA DATABANK.
21 1. A state DNA database and a state DNA databank
22 are established under the control of the division of
23 criminal investigation, department of public safety.
24 The division of criminal investigation shall conduct

25 DNA profiling of a DNA sample submitted in accordance
26 with this section.
27 2. A DNA sample shall be submitted, and the
28 division of criminal investigation shall store and
29 maintain DNA records in the DNA database and DNA
30 databank for persons required to submit a DNA sample.
31 3. A DNA sample may be submitted, and the division
32 of criminal investigation shall store and maintain DNA
33 records in the DNA database and DNA databank for any
34 of the following:
35 a. Crime scene evidence and forensic casework.
36 b. A relative of a missing person.
37 c. An anonymous DNA profile used for forensic
38 validation, forensic protocol development, or quality
39 control purposes, or for the establishment of a
40 population statistics database.
41 4. A fingerprint record of a person required to
42 submit a DNA sample shall also be submitted to the
43 division of criminal investigation with the DNA sample
44 to verify the identity of the person required to
45 submit a DNA sample.
46 Sec. 4. NEW SECTION. 81.4 COLLECTING,
47 SUBMITTING, ANALYZING, IDENTIFYING, AND STORING DNA
48 SAMPLES AND DNA RECORDS.
49 1. The division of criminal investigation shall
50 adopt rules for the collection, submission, analysis,

Page 3

1 identification, storage, and disposition of DNA
2 records.
3 2. A supervising agency having control, custody,
4 or jurisdiction over a person shall collect a DNA
5 sample from a person required to submit a DNA sample.
6 The supervising agency shall collect a DNA sample,
7 upon admittance to the pertinent institution or
8 facility, of the person required to submit a DNA
9 sample or at a determined date and time set by the
10 supervising agency. If a person required to submit a
11 DNA sample is confined at the time a DNA sample is
12 required, the person shall submit a DNA sample as soon
13 as practicable. If a person required to submit a DNA
14 sample is not confined after the person is required to
15 submit a DNA sample, the supervising agency shall
16 determine the date and time to collect the DNA sample.
17 3. A person required to submit a DNA sample who
18 refuses to submit a DNA sample may be subject to
19 contempt proceedings pursuant to chapter 665 until the
20 DNA sample is submitted.
21 4. The division of criminal investigation shall
22 conduct DNA profiling on a DNA sample or may contract
23 with a private entity to conduct the DNA profiling.

24 Sec. 5. NEW SECTION. 81.5 CIVIL AND CRIMINAL
25 LIABILITY — LIMITATION.
26 A person who collects a DNA sample shall not be
27 civilly or criminally liable for the collection of the
28 DNA sample if the person performs the person's duties
29 in good faith and in a reasonable manner according to
30 generally accepted medical practices or in accordance
31 with the procedures set out in the administrative
32 rules of the department of public safety adopted
33 pursuant to section 81.4.
34 Sec. 6. NEW SECTION. 81.6 CRIMINAL OFFENSE.
35 1. A person who knowingly or intentionally does
36 any of the following commits an aggravated
37 misdemeanor:
38 a. Discloses any part of a DNA record to a person
39 or agency that is not authorized by the division of
40 criminal investigation to have access to the DNA
41 record.
42 b. Uses or obtains a DNA record for a purpose
43 other than what is authorized under this chapter.
44 2. A person who knowingly or intentionally alters
45 or attempts to alter a DNA sample, falsifies the
46 source of a DNA sample, or materially alters a
47 collection container used to collect the DNA sample,
48 commits a class "D" felony.
49 Sec. 7. NEW SECTION. 81.7 CONVICTION OR ARREST
50 NOT INVALIDATED.

Page 4

1 The detention, arrest, or conviction of a person
2 based upon a DNA database match is not invalidated if
3 it is determined that the DNA sample or DNA profile
4 was obtained or placed into the DNA database by
5 mistake or error.
6 Sec. 8. NEW SECTION. 81.8 CONFIDENTIAL RECORDS.
7 1. A DNA record shall be considered a confidential
8 record and disclosure of a DNA record is only
9 authorized pursuant to this section.
10 2. Confidential DNA records under this section may
11 be released to the following agencies for law
12 enforcement identification purposes:
13 a. Any criminal or juvenile justice agency as
14 defined in section 692.1.
15 b. Any criminal or juvenile justice agency in
16 another jurisdiction that meets the definition of a
17 criminal or juvenile justice agency as defined in
18 section 692.1.
19 3. The division of criminal investigation shall
20 share the DNA record information with the appropriate
21 federal agencies for use in a national DNA database.
22 4. A DNA record or other forensic information

23 developed pursuant to this chapter may be released for
24 use in a criminal or juvenile delinquency proceeding
25 in which the state is a party and where the DNA record
26 or forensic information is relevant and material to
27 the subject of the proceeding. Such a record or
28 information may become part of a public transcript or
29 other public recording of such a proceeding.
30 5. A DNA record or other forensic information may
31 be released pursuant to a court order for criminal
32 defense purposes to a defendant, who shall have access
33 to DNA samples and DNA profiles related to the case in
34 which the defendant is charged.
35 Sec. 9. NEW SECTION. 81.9 EXPUNGEMENT OF DNA
36 RECORDS.
37 1. A person whose DNA record has been included in
38 the DNA database or DNA databank established pursuant
39 to section 81.3 may request, in writing to the
40 division of criminal investigation, expungement of the
41 DNA record from the DNA database and DNA databank
42 based upon the person's conviction, adjudication, or
43 civil commitment which caused the submission of the
44 DNA sample being reversed on appeal and the case
45 dismissed. The written request shall contain a
46 certified copy of the final court order reversing the
47 conviction, adjudication, or civil commitment, and a
48 certified copy of the dismissal, and any other
49 information necessary to ascertain the validity of the
50 request.

Page 5

1 2. The division of criminal investigation, upon
2 receipt of a written request that validates reversal
3 on appeal of a person's conviction, adjudication, or
4 commitment, and subsequent dismissal of the case, or
5 upon receipt of a written request by a person who
6 voluntarily submitted a DNA sample under section 81.3,
7 subsection 3, paragraph "b", or upon receipt of a
8 written request by a person who voluntarily submitted
9 a DNA sample pursuant to section 81.3, subsection 3,
10 paragraph "b", shall expunge all of the DNA records
11 and identifiable information of the person in the DNA
12 database and DNA databank. However, if the division
13 of criminal investigation determines that the person
14 is otherwise obligated to submit a DNA sample, the DNA
15 records shall not be expunged. If the division of
16 criminal investigation denies an expungement request,
17 the division shall notify the person requesting the
18 expungement of the decision not to expunge the DNA
19 record and the reason supporting its decision. The
20 division of criminal investigation decision is subject
21 to judicial review pursuant to chapter 17A. The

22 department of public safety shall adopt rules
23 governing the expungement procedure and a review
24 process.
25 3. The division of criminal investigation is not
26 required to expunge or destroy a DNA record pursuant
27 to this section, if expungement or destruction of the
28 DNA record would destroy evidence related to another
29 person.
30 Sec. 10. NEW SECTION. 81.10 DNA PROFILING AFTER
31 CONVICTION.
32 1. A defendant who has been convicted of a felony
33 and who has not been required to submit a DNA sample
34 for DNA profiling may make a motion to the court for
35 an order to require that DNA analysis be performed on
36 evidence collected in the case for which the person
37 stands convicted.
38 2. The motion shall state the following:
39 a. The specific crimes for which the defendant
40 stands convicted in this case.
41 b. The facts of the underlying case, as proven at
42 trial or admitted to during a guilty plea proceeding.
43 c. Whether any of the charges include sexual abuse
44 or involve sexual assault, and if so, whether a sexual
45 assault examination was conducted and evidence
46 preserved, if known.
47 d. Whether identity was at issue or contested by
48 the defendant.
49 e. Whether the defendant offered an alibi, and if
50 so, testimony corroborating the alibi and, from whom.

Page 6

1 f. Whether eyewitness testimony was offered, and
2 if so from whom.
3 g. Whether any issues of police or prosecutor
4 misconduct have been raised in the past or are being
5 raised by the motion.
6 h. The type of inculpatory evidence admitted into
7 evidence at trial or admitted to during a guilty plea
8 proceeding.
9 i. Whether blood testing or other biological
10 evidence testing was conducted previously in
11 connection with the case and, if so, by whom and to
12 the result, if known.
13 j. What biological evidence exists and, if known,
14 the agency or laboratory storing the evidence that the
15 defendant seeks to have tested.
16 k. Why the requested analysis of DNA evidence is
17 material to the issue in the case and not merely
18 cumulative or impeaching.
19 l. Why the DNA evidence would have changed the
20 outcome of the trial or invalidated a guilty plea if

21 DNA profiling had been conducted prior to the
22 conviction.
23 3. A motion filed under this section shall be
24 filed in the county where the defendant was convicted,
25 and notice of the motion shall be served by certified
26 mail upon the county attorney and, if known, upon the
27 state, local agency, or laboratory holding evidence
28 described in subsection 2, paragraph "k". The county
29 attorney shall have sixty days to file an answer to
30 the motion.
31 4. Any DNA profiling of the defendant or other
32 biological evidence testing conducted by the state or
33 by the defendant shall be disclosed and the results of
34 such profiling or testing described in the motion or
35 answer.
36 5. If the evidence requested to be tested was
37 previously subjected to DNA or other biological
38 analysis by either party, the court may order the
39 disclosure of the results of such testing, including
40 laboratory reports, notes, and underlying data, to the
41 court and the parties.
42 6. The court may order a hearing on the motion to
43 determine if evidence should be subjected to DNA
44 analysis.
45 7. The court shall grant the motion if all of the
46 following apply:
47 a. The evidence subject to DNA testing is
48 available and in a condition that will permit
49 analysis.
50 b. A sufficient chain of custody has been

Page 7

1 established for the evidence.
2 c. The identity of the person who committed the
3 crime for which the defendant was convicted was a
4 significant issue in the crime for which the defendant
5 was convicted.
6 d. The evidence subject to DNA analysis is
7 material to, and not merely cumulative or impeaching
8 of, evidence included in the trial record or admitted
9 to at a guilty plea proceeding.
10 e. DNA analysis of the evidence would raise a
11 reasonable probability that the defendant would not
12 have been convicted if DNA profiling had been
13 available at the time of the conviction and had been
14 conducted prior to the conviction.
15 8. Upon the court granting a motion filed pursuant
16 to this section, DNA analysis of evidence shall be
17 conducted within the guidelines generally accepted by
18 the scientific community. The defendant shall provide
19 DNA samples for testing if requested by the state.

20 9. Results of DNA analysis conducted pursuant to
21 this section shall be reported to the parties and to
22 the court and may be provided to the board of parole,
23 department of corrections, and criminal and juvenile
24 justice agencies, as defined in section 692.1, for use
25 in the course of investigations and prosecutions, and
26 for consideration in connection with requests for
27 parole, pardon, reprieve, and commutation. DNA
28 samples obtained pursuant to this section may be
29 included in the DNA databank, and DNA profiles and DNA
30 records developed pursuant to this section may be
31 included in the DNA database.
32 10. A criminal or juvenile justice agency, as
33 defined in section 692.1, shall maintain DNA samples
34 and evidence that could be tested for DNA for a period
35 of three years beyond the limitations for the
36 commencement of criminal actions as set forth in
37 chapter 802. This section does not create a cause of
38 action for damages or a presumption of spoliation in
39 the event evidence is no longer available for testing.
40 11. If the court determines a defendant who files
41 a motion under this section is indigent, the defendant
42 shall be entitled to appointment of counsel as
43 provided in chapter 815.
44 12. If the court determines after DNA analysis
45 ordered pursuant to this section that the results
46 indicate conclusively that the DNA profile of the
47 defendant matches the profile from the analyzed
48 evidence used against the defendant, the court may
49 order the defendant to pay the costs of these
50 proceedings, including costs of all testing, court

1 costs, and costs of court-appointed counsel, if any.
2 Sec. 11. Section 229A.7, Code 2005, is amended by
3 adding the following new subsection:
4 NEW SUBSECTION. 5A. If the court or jury
5 determines that the respondent is a sexually violent
6 predator, the court shall order the respondent to
7 submit a DNA sample for DNA profiling pursuant to
8 section 81.4.
9 Sec. 12. Section 232.52, Code 2005, is amended by
10 adding the following new subsection:
11 NEW SUBSECTION. 10. The court shall order a
12 juvenile adjudicated a delinquent for an offense that
13 requires DNA profiling under section 81.2 to submit a
14 DNA sample for DNA profiling pursuant to section 81.4.
15 Sec. 13. Section 669.14, Code 2005, is amended by
16 adding the following new subsection:
17 NEW SUBSECTION. 15. Any claim arising from or
18 related to the collection of a DNA sample for DNA

19 profiling pursuant to section 81.4 or a DNA profiling
20 procedure performed by the division of criminal
21 investigation, department of public safety.
22 Sec. 14. Section 901.5, subsection 8A, Code 2005,
23 is amended to read as follows:
24 8A. a. The court shall order DNA profiling of a
25 defendant convicted of an offense that requires
26 profiling under section ~~13.10~~ 81.2.
27 b. Notwithstanding section ~~13.10~~ 81.2, the court
28 may order the defendant to provide a ~~physical specimen~~
29 DNA sample to be submitted for DNA profiling if
30 appropriate. In determining the appropriateness of
31 ordering DNA profiling, the court shall consider the
32 deterrent effect of DNA profiling, the likelihood of
33 repeated offenses by the defendant, and the
34 seriousness of the offense.
35 Sec. 15. Section 906.4, unnumbered paragraph 3,
36 Code 2005, is amended to read as follows:
37 ~~Notwithstanding section 13.10, the~~ The board may
38 order the defendant to provide a physical specimen to
39 be submitted for DNA profiling as a condition of
40 parole or work release, if ~~appropriate~~ a DNA profile
41 has not been previously conducted pursuant to chapter
42 81. In determining the appropriateness of ordering
43 DNA profiling, the board shall consider the deterrent
44 effect of DNA profiling, the likelihood of repeated
45 offenses by the defendant, and the seriousness of the
46 offense.
47 Sec. 16. 2002 Iowa Acts, chapter 1080, is
48 repealed.
49 Sec. 17. Section 13.10, Code 2005, is repealed.
50 Sec. 18. PERSONS REQUIRED TO SUBMIT A DNA SAMPLE

Page 9

1 PRIOR TO EFFECTIVE DATE OF THIS DIVISION OF THIS ACT.
2 A person convicted, adjudicated a delinquent, civilly
3 committed as a sexually violent predator, or found not
4 guilty by reason of insanity, prior to the effective
5 date of this Act, who would otherwise be required to
6 submit a DNA sample under this Act, and who is under
7 the custody, control, or jurisdiction of a supervising
8 agency, shall submit a DNA sample prior to being
9 released from the supervising agency's custody,
10 control, or jurisdiction.
11 Sec. 19. EFFECTIVE DATE. This division of this
12 Act, being deemed of immediate importance, takes
13 effect upon enactment.
14 DIVISION II
15 SEX OFFENDER REGISTRY AND TREATMENT
16 Sec. 20. Section 692A.1, subsection 8, Code 2005,
17 is amended to read as follows:

18 8. "Residence" means the place where a person
19 sleeps, which may include more than one location, and
20 may be mobile or transitory, including a shelter or
21 group home.
22 Sec. 21. Section 692A.2, Code 2005, is amended by
23 adding the following new subsection:
24 NEW SUBSECTION. 1A. If a person is required to
25 register for a period of ten years under subsection 1
26 and the period under subsection 1 has expired, the
27 person shall be required to remain on the registry if
28 the person has been sentenced to a special sentence as
29 required under section 903B.0A or 903B.0B, for a
30 period equal to the term of the special sentence.
31 Sec. 22. Section 692A.4, Code 2005, is amended to
32 read as follows:
33 692A.4 VERIFICATION OF ADDRESS AND TAKING OF
34 PHOTOGRAPH.
35 1. The address of a person required to register
36 under this chapter shall be verified annually as
37 follows:
38 a. On a date which falls within the month in which
39 the person was initially required to register, the
40 department shall mail a verification form to the last
41 reported address of the person. Verification forms
42 shall not be forwarded to the person who is required
43 to register under this chapter if the person no longer
44 resides at the address, but shall be returned to the
45 department.
46 b. The person shall complete and mail the
47 verification to the department within ten days of
48 receipt of the form.
49 c. The verification form shall be signed by the
50 person, and state the address at which the person

Page 10

1 resides. If the person is in the process of changing
2 residences, the person shall state that fact as well
3 as the old and new addresses or places of residence.
4 2. Verification of address for a person who has
5 been convicted of an offense under the laws of this
6 state or of another state which would qualify the
7 person as a sexually violent predator shall be
8 accomplished in the same manner as in subsection 1,
9 except that the verification shall be done every three
10 months at times established by the department.
11 3. A photograph of a person required to register
12 under this chapter shall be updated, at a minimum,
13 annually. When the department mails the address
14 verification notice in subsection 1, the department
15 shall also enclose a form informing the person to
16 annually submit to being photographed by the sheriff

17 of the county of the person's residence within ten
18 days of receipt of the address verification form. The
19 sheriff shall send the updated photograph to the
20 department within ten days of the photograph being
21 taken and the department shall post the updated
22 photograph on the sex offender registry's web page.
23 The sheriff may require the person to submit to being
24 photographed by the sheriff more than once a year by
25 mailing another notice informing the person to submit
26 to being photographed.
27 Sec. 23. NEW SECTION. 692A.4A ELECTRONIC
28 MONITORING.
29 A person required to register under this chapter
30 who is placed on probation, parole, work release,
31 special sentence, or any other type of conditional
32 release, may be supervised by an electronic tracking
33 and monitoring system in addition to any other
34 conditions of supervision.
35 Sec. 24. Section 692A.5, subsection 1, Code 2005,
36 is amended by adding the following new paragraph:
37 NEW PARAGRAPH. i. Inform the person that the
38 person must, at a minimum, annually submit to being
39 photographed by the sheriff of the county of the
40 person's residence.
41 Sec. 25. Section 692A.13, subsection 3, Code 2005,
42 is amended to read as follows:
43 3. Any member of the public may contact a county
44 sheriff's office or police department to request
45 relevant information from the registry regarding a
46 specific person required to register under this
47 chapter. ~~The request for information shall be in~~
48 ~~writing, and~~ A person making a request for relevant
49 information may make the request by telephone, in
50 writing, or in person, and the request shall include

Page 11

1 the name of the person and at least one of the
2 following identifiers pertaining to the person about
3 whom the information is sought:
4 a. The date of birth of the person.
5 b. The social security number of the person.
6 c. The address of the person.
7 A county sheriff or police department shall not
8 charge a fee relating to a request for relevant
9 information.
10 Sec. 26. Section 692A.13, subsection 2, paragraph
11 b, Code 2005, is amended to read as follows:
12 b. The general public, including public and
13 private agencies, organizations, public places, ~~public~~
14 ~~and private schools,~~ child care facilities, religious
15 and youth organizations, neighbors, neighborhood

16 associations, community meetings, and employers.
17 Registry information may be distributed to the public
18 through printed materials, visual or audio press
19 releases, radio communications, or through a criminal
20 or juvenile justice agency's web page.
21 Sec. 27. Section 692A.13, Code 2005, is amended by
22 adding the following new subsection:
23 NEW SUBSECTION. 2A. When a person required to
24 register under this chapter moves into a school
25 district or moves within a school district, the county
26 sheriff of the county of the person's new residence
27 shall provide relevant information from the sex
28 offender registry to the administrative office of the
29 school district in which the person required to
30 register resides, and shall also provide relevant
31 information to any private school near the person's
32 residence.
33 Sec. 28. Section 692A.13, subsection 5, Code 2005,
34 is amended to read as follows:
35 5. Relevant information provided to the general
36 public may include the offender's name, address, a
37 photograph, locations frequented by the offender,
38 relevant criminal history information from the
39 registry, and any other relevant information.
40 Relevant information provided to the public shall not
41 include the identity of any victim. For purposes of
42 inclusion in the sex offender registry's web page or
43 dissemination to the general public, a conviction for
44 incest shall be disclosed as either a violation of
45 section 709.4 or 709.8.
46 Sec. 29. Section 903A.2, subsection 1, paragraph
47 a, Code 2005, is amended to read as follows:
48 a. Category "A" sentences are those sentences
49 which are not subject to a maximum accumulation of
50 earned time of fifteen percent of the total sentence

Page 12

1 of confinement under section 902.12. To the extent
2 provided in subsection 5, category "A" sentences also
3 include life sentences imposed under section 902.1.
4 An inmate of an institution under the control of the
5 department of corrections who is serving a category
6 "A" sentence is eligible for a reduction of sentence
7 equal to one and two-tenths days for each day the
8 inmate demonstrates good conduct and satisfactorily
9 participates in any program or placement status
10 identified by the director to earn the reduction. The
11 programs include but are not limited to the following:
12 (1) Employment in the institution.
13 (2) Iowa state industries.
14 (3) An employment program established by the

director.

(4) A treatment program established by the director.

(5) An inmate educational program approved by the director.

However, an inmate required to participate in a sex offender treatment program shall not be eligible for a reduction of sentence unless the inmate participates in and completes a sex offender treatment program established by the director.

An inmate serving a category "A" sentence is eligible for an additional reduction of sentence of up to three hundred sixty-five days of the full term of the sentence of the inmate for exemplary acts. In accordance with section 903A.4, the director shall by policy identify what constitutes an exemplary act that may warrant an additional reduction of sentence.

DIVISION III

ENHANCED CRIMINAL PENALTIES AND STATUTE OF LIMITATIONS

Sec. 30. Section 709.8, Code 2005, is amended to read as follows:

709.8 LASCIVIOUS ACTS WITH A CHILD.

It is unlawful for any person ~~eighteen~~ sixteen years of age or older to perform any of the following acts with a child with or without the child's consent unless married to each other, for the purpose of arousing or satisfying the sexual desires of either of them:

1. Fondle or touch the pubes or genitals of a child.

2. Permit or cause a child to fondle or touch the person's genitals or pubes.

3. Solicit a child to engage in a sex act or solicit a person to arrange a sex act with a child.

4. Inflict pain or discomfort upon a child or

permit a child to inflict pain or discomfort on the person.

Any person who violates a provision of this section involving an act included in subsection 1 or 2 shall, upon conviction, be guilty of a class ~~"D"~~ "C" felony. ~~A person who violates a provision of this section and who is sentenced to a term of confinement shall also be sentenced to an additional term of parole or work release not to exceed two years. The board of parole shall determine whether the person should be released on parole or placed in a work release program. The sentence of an additional term of parole or work release supervision shall commence immediately upon~~

14 ~~the expiration of the preceding sentence and shall be~~
15 ~~under the terms and conditions as set out in chapter~~
16 ~~906. Violations of parole or work release shall be~~
17 ~~subject to the procedures set out in chapter 905 or~~
18 ~~908 or rules adopted under those chapters. The~~
19 ~~sentence of an additional term of parole or work~~
20 ~~release shall be consecutive to the original term of~~
21 ~~confinement.~~ Any person who violates a provision of
22 this section involving an act included in subsection 3
23 or 4 shall, upon conviction, be guilty of a class "D"
24 felony.
25 Sec. 31. Section 802.2, Code 2005, is amended to
26 read as follows:
27 802.2 SEXUAL ABUSE — FIRST, SECOND, OR THIRD
28 DEGREE.
29 1. An information or indictment for sexual abuse
30 in the first, second, or third degree committed on or
31 with a person who is under the age of eighteen years
32 shall be found within ten years after the person upon
33 whom the offense is committed attains eighteen years
34 of age, or if the identity of the person against whom
35 the information or indictment is sought is established
36 through the use of a DNA profile, an information or
37 indictment shall be found within three years from the
38 date the identity of the person is identified by the
39 person's DNA profile, whichever is later.
40 2. An information or indictment for any other
41 sexual abuse in the first, second, or third degree
42 shall be found within ten years after its commission,
43 or if the identity of the person against whom the
44 information or indictment is sought is established
45 through the use of a DNA profile, an information or
46 indictment shall be found within three years from the
47 date the identity of the person is identified by the
48 person's DNA profile, whichever is later.
49 3. As used in this section, "identified" means a
50 person's legal name is known and the person has been

Page 14

1 determined to be the source of the DNA.
2 Sec. 32. Section 901.5, Code 2005, is amended by
3 adding the following new subsection:
4 NEW SUBSECTION. 13. In addition to any other
5 sentence or other penalty imposed against the
6 defendant, the court shall impose a special sentence
7 if required under section 903B.0A or 903B.0B.
8 Sec. 33. NEW SECTION. 902.15 ENHANCED PENALTY —
9 SEXUAL ABUSE OR LASCIVIOUS ACTS WITH A CHILD.
10 1. A person commits a class "A" felony if the
11 person commits a second or subsequent offense
12 involving any combination of the following offenses:

13 a. Sexual abuse in the second degree in violation
14 of section 709.3.
15 b. Sexual abuse in the third degree in violation
16 of section 709.4.
17 c. Lascivious acts with a child in violation of
18 section 709.8, subsection 1 or 2.
19 2. In determining if a violation charged is a
20 second or subsequent offense for purposes of criminal
21 sentencing in this section, each previous violation on
22 which conviction or deferral of judgment was entered
23 prior to the date of the violation charged shall be
24 considered and counted as a separate previous offense,
25 regardless of whether the previous offense occurred
26 before, on, or after the effective date of this Act.
27 Convictions or the equivalent of deferred judgments
28 for violations in any other states under statutes
29 substantially corresponding to the offenses listed in
30 subsection 1 shall be counted as previous offenses.
31 The courts shall judicially notice the statutes of
32 other states which define offenses substantially
33 equivalent to the offenses listed in subsection 1 and
34 can therefore be considered corresponding statutes.
35 Sec. 34. NEW SECTION. 903B.0A SPECIAL SENTENCE
36 — CLASS "B" OR CLASS "C" FELONIES.
37 A person convicted of a class "C" felony or greater
38 offense under chapter 709, or a class "C" felony under
39 section 728.12, shall also be sentenced, in addition
40 to any other punishment provided by law, to a special
41 sentence committing the person into the custody of the
42 director of the Iowa department of corrections for the
43 rest of the person's life, with eligibility for parole
44 as provided in chapter 906. The special sentence
45 imposed under this section shall commence upon
46 completion of the sentence imposed under any
47 applicable criminal sentencing provisions for the
48 underlying criminal offense and the person shall begin
49 the sentence under supervision as if on parole. The
50 person shall be placed on the corrections continuum in

Page 15

1 chapter 901B, and the terms and conditions of the
2 special sentence, including violations, shall be
3 subject to the same set of procedures set out in
4 chapters 901B, 905, 906, and chapter 908, and rules
5 adopted under those chapters for persons on parole
6 shall not be for a period greater than two years upon
7 any first revocation, and five years upon any second
8 or subsequent revocation. A special sentence shall be
9 considered a category "A" sentence for purposes of
10 calculating earned time under section 903A.2.
11 Sec. 35. NEW SECTION. 903B.0B SPECIAL SENTENCE

12 — CLASS "D" FELONIES OR MISDEMEANORS.
13 A person convicted of a misdemeanor or a class "D"
14 felony offense under chapter 709, section 726.2, or
15 section 728.12 shall also be sentenced, in addition to
16 any other punishment provided by law, to a special
17 sentence committing the person into the custody of the
18 director of the Iowa department of corrections for a
19 period of ten years, with eligibility for parole as
20 provided in chapter 906. The special sentence imposed
21 under this section shall commence upon completion of
22 the sentence imposed under any applicable criminal
23 sentencing provisions for the underlying criminal
24 offense and the person shall begin the sentence under
25 supervision as if on parole. The person shall be
26 placed on the corrections continuum in chapter 901B,
27 and the terms and conditions of the special sentence,
28 including violations, shall be subject to the same set
29 of procedures set out in chapters 901B, 905, 906, and
30 908, and rules adopted under those chapters for
31 persons on parole. The revocation of release shall
32 not be for a period greater than two years upon any
33 first revocation, and five years upon any second or
34 subsequent revocation. A special sentence shall be
35 considered a category "A" sentence for purposes of
36 calculating earned time under section 903A.2.
37 Sec. 36. Section 903B.1, subsection 3, Code 2005,
38 is amended by striking the subsection.
39 Sec. 37. Section 906.15, unnumbered paragraph 1,
40 Code 2005, is amended to read as follows:
41 Unless sooner discharged, a person released on
42 parole shall be discharged when the person's term of
43 parole equals the period of imprisonment specified in
44 the person's sentence, less all time served in
45 confinement. Discharge from parole may be granted
46 prior to such time, when an early discharge is
47 appropriate. The board shall periodically review all
48 paroles, and when the board determines that any person
49 on parole is able and willing to fulfill the
50 obligations of a law-abiding citizen without further

Page 16

1 supervision, the board shall discharge the person from
2 parole. A parole officer shall periodically review
3 all paroles assigned to the parole officer, and when
4 the parole officer determines that any person assigned
5 to the officer is able and willing to fulfill the
6 obligations of a law-abiding citizen without further
7 supervision, the officer may discharge the person from
8 parole after notification and approval of the district
9 director and notification of the board of parole. In
10 any event, discharge from parole shall terminate the

11 person's sentence. If a person has been sentenced to
12 a special sentence under section 903B.0A or 903B.0B,
13 the person may be discharged early from the sentence
14 in the same manner as any other person on parole.
15 However, a person convicted of a violation of section
16 709.3, 709.4, or 709.8 committed on or with a child,
17 or a person serving a sentence under section 902.12,
18 shall not be discharged from parole until the person's
19 term of parole equals the period of imprisonment
20 specified in the person's sentence, less all time
21 served in confinement.
22 Sec. 38. Section 908.5, Code 2005, is amended to
23 read as follows:
24 908.5 DISPOSITION.
25 1. If a violation of parole is established, the
26 administrative parole judge may continue the parole
27 with or without any modification of the conditions of
28 parole. The administrative parole judge may revoke
29 the parole and require the parolee to serve the
30 sentence originally imposed, or may revoke the parole
31 and reinstate the parolee's work release status.
32 2. If the person is serving a special sentence
33 under chapter 903B, the administrative parole judge
34 may revoke the release. Upon the revocation of
35 release, the person shall not serve the entire length
36 of the special sentence imposed, and the revocation
37 shall be for a period not to exceed two years in a
38 correctional institution upon a first revocation and
39 for a period not to exceed five years in a
40 correctional institution upon a second or subsequent
41 revocation.
42 3. The order of the administrative parole judge
43 shall contain findings of fact, conclusions of law,
44 and a disposition of the matter.
45 DIVISION IV
46 DEATH PENALTY
47 Sec. 39. Section 13B.4, Code 2005, is amended by
48 adding the following new subsection:
49 NEW SUBSECTION. 6A. The state public defender
50 shall perform all of the following duties with respect

1 to the appointment of counsel for indigent persons in
2 cases in which a sentence of death may be or is to be
3 imposed:
4 a. Provide or contract with attorneys for
5 appointment as lead counsel and cocounsel to provide
6 legal services in cases where a person is charged with
7 murder in the first degree, kidnapping, and sexual
8 abuse under section 902.15, and the state has given
9 notice of intent to seek the death penalty or in cases

10 in which a sentence of death is to be imposed.
11 b. Conduct or sponsor specialized training
12 programs for attorneys representing persons who may be
13 executed.
14 Sec. 40. Section 216A.133, Code 2005, is amended
15 by adding the following new subsection:
16 NEW SUBSECTION. 8. Review the effects of the
17 reinstatement of the death penalty on arrest,
18 prosecution, conviction, and incarceration rates; law
19 enforcement duties and ability to obtain evidence
20 necessary for arrests; court dockets and workload;
21 prison space; recidivism rates of persons charged with
22 crimes of violence against persons; and other aspects
23 of the criminal justice system. Based on the review
24 and other factors deemed relevant, the council shall
25 make findings and develop recommendations resulting
26 from those findings. Commencing January 1, 2007, the
27 council shall report its findings and any related
28 recommendations annually to the governor and to the
29 general assembly.
30 Sec. 41. NEW SECTION. 602.10111A QUALIFICATIONS
31 OF COUNSEL IN DEATH PENALTY CASES.
32 The supreme court shall prescribe rules which
33 establish minimum standards and procedures by which
34 attorneys may become qualified to provide legal
35 services as lead counsel in cases in which a sentence
36 of death may be or is to be imposed.
37 Sec. 42. NEW SECTION. 812A.1 PROCEDURE TO
38 DETERMINE SANITY OF CONDEMNED INMATE.
39 1. At any time prior to execution of an inmate
40 under section 902.1, if the director of the department
41 of corrections or the counsel for a person who is
42 under a sentence of execution has cause to believe
43 that the inmate is suffering from such a diseased or
44 deranged condition of the mind as to prevent the
45 defendant from knowing the nature and quality of the
46 act the defendant has been convicted of, or from
47 understanding that trial on the offense has taken
48 place and that execution proceedings are about to take
49 place, or to otherwise cause the defendant to lack the
50 capacity to understand the sentence which has been

1 imposed and to participate in any legal proceedings
2 relating to the sentence, the director or counsel may
3 file a request with the court that issued the warrant
4 for execution for a determination of the inmate's
5 sanity. If the district court determines that there
6 is not sufficient reason to believe that the inmate is
7 insane, the court shall enter an order denying the
8 request and shall state the grounds for denying the

9 request. If the court believes that there is
10 sufficient reason to believe that the inmate is
11 insane, the court shall suspend the execution and
12 conduct a hearing to determine the sanity of the
13 inmate.
14 2. At the hearing, the court shall determine the
15 issue of the inmate's sanity. Prior to the hearing,
16 the court shall appoint two licensed physicians or
17 licensed psychologists, or one licensed physician and
18 one licensed psychologist, who are qualified by
19 training and practice, for purposes of conducting a
20 psychiatric or psychological examination of the
21 inmate. The physicians or psychologists shall examine
22 the inmate and report any findings in writing to the
23 court within ten days after the order of examination
24 is issued. The inmate shall have the right to present
25 evidence and cross-examine any witnesses at the
26 hearing. Any statement made by the inmate during the
27 course of any examination provided for in this
28 section, whether or not the inmate consents to the
29 examination, shall not be admitted into evidence
30 against the inmate in any criminal proceeding for
31 purposes other than a determination of the inmate's
32 sanity.
33 3. If, at the conclusion of a hearing held
34 pursuant to this section, the court determines that
35 the inmate is sane, the court shall enter an order
36 setting a date for the inmate's execution, which shall
37 be carried into effect in the same manner as provided
38 in the original sentence. A copy of the order shall
39 be sent to the director of the department of
40 corrections and the governor.
41 4. If, at the conclusion of a hearing held
42 pursuant to this section, the court determines that
43 the inmate is insane, the court shall suspend the
44 execution until further order. At any time after
45 issuance of the order, if the court has sufficient
46 reason to believe that the inmate has become sane, the
47 court shall again determine the sanity of the inmate
48 as provided by this section. Proceedings pursuant to
49 this section may continue to be held at such times as
50 the court orders until it is either determined that

Page 19

1 the inmate is sane or incurably insane.
2 Sec. 43. NEW SECTION. 814.28 REVIEW OF DEATH
3 SENTENCE.
4 1. In a case in which a sentence of death is
5 imposed, the supreme court shall automatically review
6 the judgment and sentence. The court's review of the
7 case shall be de novo. The case shall not be

8 transferred to the court of appeals.
9 2. A review by the supreme court of a judgment and
10 sentence imposing the punishment of death has priority
11 over all other criminal and other actions pending
12 before the supreme court.
13 3. The supreme court shall review the trial and
14 judgment, and shall separately review the sentencing
15 proceeding. Upon determining that errors did not
16 occur at the trial requiring reversal or modification
17 of the judgment, the supreme court shall proceed to
18 determine if the sentence of death is lawfully
19 imposed. In its review of the sentencing proceeding
20 the supreme court shall determine all of the
21 following:
22 a. Whether the sentence of death was imposed
23 capriciously or under the influence of prejudice or
24 other arbitrary factor.
25 b. Whether the special verdicts returned under
26 section 901.11 are supported by the evidence.
27 c. Whether the sentence of death is excessive or
28 disproportionate to the penalty imposed in similar
29 cases, considering both the crime and the defendant.
30 4. If the supreme court determines that the
31 sentence of death was not lawfully imposed, the court
32 shall set aside the sentence and shall remand the case
33 to the trial court for a second sentencing proceeding
34 to determine if the imposition of death is warranted.
35 5. If the supreme court affirms the judgment and
36 sentence of death, the clerk of the supreme court
37 shall certify the judgment of the supreme court under
38 the seal of the court to the clerk of the trial court.
39 Sec. 44. Section 815.10, Code 2005, is amended by
40 adding the following new subsection:
41 NEW SUBSECTION. 1A. If two attorneys have not
42 already been appointed pursuant to section 13B.4 or
43 13B.9, the court shall appoint, for each indigent
44 person who is charged with murder in the first degree
45 and in which a notice of intent to seek the death
46 penalty has been filed, two attorneys who are
47 qualified under section 602.10111A to represent the
48 person in the murder proceedings and in all state
49 legal proceedings which take place from the time the
50 person is indicted or arraigned until the person is

1 sentenced on the charge. In addition, if at any point
2 in federal postconviction proceedings an indigent
3 person is not afforded court-appointed counsel, the
4 state shall provide counsel to the person to present
5 any claims determined meritorious by the federal court
6 if the person is not otherwise represented by legal

7 counsel. Only private attorneys and public defenders
8 who are qualified to provide representation in cases
9 in which the death penalty may be imposed are eligible
10 for appointment or assignment to a case in which the
11 death penalty may be imposed.
12 Sec. 45. NEW SECTION. 901.11 MURDER PROCEEDINGS
13 — REQUEST FOR DEATH PENALTY — PENALTY PROCEEDINGS.
14 1. If a notice of intent to seek the death penalty
15 has been filed, objections to the imposition of the
16 death penalty based upon allegations that a defendant
17 was mentally retarded or mentally ill at the time of
18 the commission of the offense shall be raised within
19 the time provided for the filing of pretrial motions
20 under rule of criminal procedure 2.11, Iowa court
21 rules. The court may, for good cause shown, allow
22 late filing of the motion. Hearing on the motion
23 shall be held prior to trial and the burden of proof
24 shall be on the defendant to prove mental retardation
25 or mental illness by a preponderance of the evidence.
26 However, a rebuttable presumption of mental
27 retardation arises if a defendant has an intelligence
28 quotient of seventy or below. If the court finds that
29 the defendant is mentally retarded, the defendant, if
30 convicted of murder in the first degree, shall not be
31 sentenced to death but shall be sentenced to life
32 imprisonment in the manner provided in section 902.1,
33 subsection 1. A finding by the court that the
34 evidence presented by the defendant at the hearing
35 does not preclude the imposition of the death penalty
36 under this section and section 902.15 shall not
37 preclude the introduction of evidence of mental
38 retardation or mental illness during the penalty
39 proceeding. If the court finds that evidence of
40 mental retardation or mental illness does not preclude
41 imposition of the death penalty, evidence of mental
42 retardation or mental illness may be reviewed by the
43 jury in the penalty proceeding and the jury shall not
44 be informed of the finding in the initial proceeding
45 at any time during the penalty proceeding.
46 2. If at the trial on a charge of murder in the
47 first degree, the state intends to request that the
48 death penalty be imposed under section 902.1,
49 subsection 2, the prosecutor shall file a notice of
50 intent to seek the death penalty, listing the

Page 21

1 additional factors enumerated under section 902.15
2 that the state intends to establish in support of
3 imposition of the death penalty, at the time of and as
4 part of the information or indictment filed in the
5 case.

6 3. If a notice of intent to seek the death penalty
7 has been filed, the trial shall be conducted in
8 bifurcated proceedings before the same trier of fact.
9 During the initial proceeding, the jury, or the court,
10 if the defendant waives the right to a jury trial,
11 shall decide only whether the defendant is guilty or
12 not guilty of murder in the first degree, kidnapping,
13 and sexual abuse.
14 a. If, in the initial proceeding, the court or
15 jury finds the defendant guilty of, or the defendant
16 pleads guilty to, an offense other than murder in the
17 first degree, kidnapping, and sexual abuse, the court
18 shall sentence the defendant in accordance with the
19 sentencing procedures set forth in rule of criminal
20 procedure 2.23, Iowa court rules, and chapters 901
21 through 909, which are applicable to the offense.
22 b. If the court or jury finds the defendant guilty
23 of, or the defendant pleads guilty to, murder in the
24 first degree, kidnapping, and sexual abuse but the
25 prosecuting attorney waives the death penalty, the
26 court shall sentence the defendant to life
27 imprisonment in accordance with the sentencing
28 procedures set forth in rule of criminal procedure
29 2.23, Iowa court rules, and chapters 901 through 909,
30 which are applicable to convictions of murder in the
31 first degree, kidnapping, and sexual abuse.
32 c. If the court or jury finds the defendant guilty
33 of murder in the first degree, kidnapping, and sexual
34 abuse, or a defendant enters a plea of guilty in the
35 initial proceeding, and the prosecuting attorney does
36 not waive imposition of the death penalty, a penalty
37 proceeding shall be held in the manner provided in
38 subsections 4 through 12.
39 4. No sooner than twenty-four hours after a
40 verdict of guilty or a plea of guilty to the charge of
41 murder in the first degree, kidnapping, and sexual
42 abuse is returned in the initial proceeding, a penalty
43 proceeding shall be held to determine whether the
44 defendant shall be sentenced to death or to life
45 imprisonment. The proceeding shall be conducted in
46 the trial court before the trial jury, or the court if
47 the defendant has waived the right to a jury trial or
48 has waived the right for the proceeding to be before
49 the trial jury. Both the state and the defendant
50 shall have the right to present opening statements at

Page 22

1 the commencement of the penalty proceedings. In the
2 proceeding, evidence relevant to the existence of any
3 aggravating or mitigating circumstances may be
4 presented as follows:

5 a. The state or the defendant may present evidence
6 relevant to the conviction of murder in the first
7 degree and any of the additional factors enumerated in
8 section 902.15 and any aggravating circumstances other
9 than juvenile delinquency adjudications for offenses
10 which carry penalties equivalent to the penalties
11 imposed for simple or serious misdemeanors. The state
12 may introduce evidence of the actual harm caused by
13 the commission of the murder including, but not
14 limited to, evidence relating to the life of the
15 victim and the impact of the loss of the victim to the
16 victim's family and society.
17 b. The defendant may present evidence that the
18 defendant was mentally retarded at the time of the
19 commission of the offense. The burden of proof shall
20 be on the defendant to prove mental retardation by a
21 preponderance of the evidence. However, a rebuttable
22 presumption of mental retardation arises if a
23 defendant has an intelligence quotient of seventy or
24 below.
25 c. The state or the defendant may present evidence
26 relevant to any mitigating circumstances which may
27 exist. Mitigating circumstances may include the
28 following circumstances:
29 (1) The defendant was under the influence of an
30 extreme mental or emotional disturbance insufficient
31 to constitute a defense.
32 (2) The age of the defendant at the time of the
33 murder.
34 (3) The defendant's capacity to appreciate the
35 wrongfulness of the defendant's conduct and to conform
36 that conduct to the requirements of law was
37 significantly impaired as a result of a mental disease
38 or defect or mental retardation, but not to a degree
39 sufficient to constitute a defense.
40 (4) The defendant has no significant history of
41 prior adult criminal activity.
42 (5) The defendant acted under extreme duress or
43 under the substantial domination of another person.
44 (6) The defendant did not directly commit the
45 murder and the defendant did not intend to kill or
46 anticipate that lethal force would be used.
47 (7) Any other factor which is relevant to the
48 defendant's character or record or to the
49 circumstances of the offense.
50 d. The state and the defendant or the defendant's

1 counsel shall be permitted to present and cross-
2 examine witnesses and present arguments for or against
3 a sentence of death. Evidence regarding aggravating

4 and mitigating circumstances shall not be governed by
5 the rules governing admissibility of evidence, except
6 that introduction of evidence secured in violation of
7 the Constitution of the United States or of the
8 Constitution of the State of Iowa shall not be
9 permitted.
10 5. At the conclusion of presentation of evidence
11 in the penalty proceeding, the state and the defendant
12 or the defendant's counsel shall be permitted to make
13 closing arguments, including any rebuttal arguments,
14 in the same manner as in the initial proceeding and
15 the following issues shall be determined by the jury
16 or the court, if there is no jury:
17 a. Whether the aggravating circumstance or
18 circumstances outweigh any one or more mitigating
19 circumstances.
20 b. Whether the defendant shall be sentenced to
21 death.
22 6. A recommendation for a sentence of death shall
23 not be permitted if the recommendation is based on the
24 race, color, religious beliefs, national origin, or
25 sex of the defendant or any victim. After submission
26 of the issues, but prior to the return of a finding in
27 the penalty proceeding, if the matter is tried before
28 a jury, the court shall instruct the jury that in
29 considering whether a sentence of death is justified,
30 it shall not consider race, color, religious beliefs,
31 national origin, or sex of the defendant or of any
32 victim. The court shall further instruct the jury
33 that it shall not return a sentence of death unless it
34 concludes that such a sentence would be recommended no
35 matter what the race, color, religious beliefs,
36 national origin, or sex of the defendant or any victim
37 may be.
38 7. After submission of the issues, but prior to
39 the commencement of the jury deliberations in the
40 penalty proceeding, the court shall instruct the jury
41 that if the defendant is not sentenced to death, the
42 court is required by law to impose a sentence of
43 imprisonment until death without parole. The court
44 shall further instruct the jury that the sentence of
45 imprisonment until death without parole is required by
46 law if the jury fails to reach a unanimous verdict
47 recommending a sentence of death.
48 8. Concurrently with the return of the findings on
49 the issues submitted under subsection 5, the jury, or
50 the court if there is no jury, shall return special

Page 24

1 verdicts as follows:
2 a. Which aggravating circumstances were

3 established and were considered in reaching the
4 verdict.
5 b. Which mitigating circumstances were established
6 and were considered in reaching the verdict returned
7 on the issue specified in subsection 5, paragraph "a".
8 9. If the jury, or the court if there is no jury,
9 returns a unanimous affirmative finding on each of the
10 issues submitted under subsection 5, paragraphs "a"
11 and "b", the court shall enter a judgment of
12 conviction and shall sentence the defendant to death
13 as provided in section 902.1, subsection 2.
14 10. However, if evidence that the defendant was
15 not a major participant in the commission of the
16 murder and that the defendant's conduct did not
17 manifest a reckless indifference to human life is
18 presented to the jury, or the court, if there is no
19 jury, the jury or the court shall also return a
20 special verdict on the issue. If the jury unanimously
21 determines, or the court, if there is no jury, finds
22 that a preponderance of evidence exists that shows
23 that the defendant was not a major participant in the
24 commission of the murder and that the defendant's
25 conduct did not manifest a reckless indifference to
26 human life, the court shall enter a judgment of
27 conviction and shall sentence the defendant to life
28 imprisonment as provided in section 902.1, subsection
29 1, even if the jury or the court returns unanimous
30 affirmative findings on each of the issues submitted
31 under subsection 5.
32 11. If the jury, or the court, if there is no
33 jury, returns a negative finding on any of the issues
34 submitted under subsection 5, paragraphs "a" and "b",
35 the court shall enter a judgment of conviction and
36 shall sentence the defendant to life imprisonment as
37 provided in section 902.1, subsection 1.
38 12. After a verdict has been rendered it shall be
39 recorded on the jury verdict form and shall be read
40 and recorded in open court. The jurors shall be
41 collectively asked by the court whether the verdict
42 returned is their true and correct verdict. Even
43 though no juror makes any declaration to the contrary,
44 the jury shall, if either party so requests, be polled
45 and each juror shall be separately asked whether the
46 verdict rendered by the jury foreperson is the juror's
47 true and correct verdict. If, upon either the
48 collective or the separate inquiry, any juror denies
49 that the verdict is the juror's verdict, the court
50 shall refuse to accept the verdict. The court may

Page 25

1 direct inquiry or permit inquiry by counsel to
2 ascertain whether any juror has been subjected to
3 coercion or has become confused during the jury
4 deliberation process. The court may, as appropriate,
5 direct the jury to resume deliberation in the case.
6 If no disagreement on the verdict is expressed by any
7 of the jurors, the court shall discharge the jury.
8 13. This section shall not apply to a defendant
9 who was under the age of eighteen at the time the
10 offense was committed.
11 Sec. 46. Section 902.1, Code 2005, is amended to
12 read as follows:
13 902.1 CLASS "A" FELONY.
14 1. ~~Upon~~ Except as otherwise provided in subsection
15 2, upon a plea of guilty, a verdict of guilty, or a
16 special verdict upon which a judgment of conviction of
17 a class "A" felony may be rendered, the court shall
18 enter a judgment of conviction and shall commit the
19 defendant into the custody of the director of the Iowa
20 department of corrections for the rest of the
21 defendant's life. Nothing in the Iowa corrections
22 code pertaining to deferred judgment, deferred
23 sentence, suspended sentence, or reconsideration of
24 sentence applies to a sentence of life imprisonment
25 for a class "A" felony, and a person convicted of a
26 class "A" felony and sentenced to life imprisonment
27 shall not be released on parole unless the governor
28 commutes the sentence to a term of years.
29 2. Upon return of a plea or verdict of guilty to
30 the offense of murder in the first degree under
31 section 707.2, kidnapping, and sexual abuse, and a
32 return of a verdict in favor of a sentence of death in
33 a penalty proceeding conducted as provided in section
34 901.11, the court shall enter a judgment of conviction
35 and shall commit the defendant into the custody of the
36 director of the Iowa department of corrections. The
37 sentence shall be carried out by the administration of
38 a lethal injection pursuant to rules adopted by the
39 board of corrections. If a defendant, for whom a
40 warrant of execution is issued, is pregnant, the
41 execution shall not take place until after the
42 defendant is no longer pregnant. If a defendant, for
43 whom a warrant of execution is issued, is suffering
44 from such a diseased or deranged condition of the mind
45 as to prevent the defendant from knowing the nature
46 and quality of the act the defendant has been
47 convicted of, or from understanding that trial on the
48 offense has taken place and that execution proceedings
49 are about to take place, or otherwise causes the
50 defendant to lack the capacity to understand the

Page 26

1 sentence which has been imposed and to participate in
2 any legal proceedings relating to the sentence, the
3 execution shall not take place until after the
4 defendant's capacity is restored. If the director of
5 the department of corrections or the defendant's
6 counsel files a request with the court which issued
7 the warrant of execution, alleging that the defendant
8 suffers from such a diseased or deranged condition, a
9 hearing on the matter shall be held in the manner
10 provided in section 812A.1. If a defendant was under
11 the age of eighteen at the time the offense was
12 committed, the defendant shall be sentenced as
13 provided in subsection 1. For the purposes of this
14 section, "lethal injection" means a continuous
15 intravenous injection of a lethal substance sufficient
16 to cause death.
17 Sec. 47. NEW SECTION. 902.15 FIRST DEGREE MURDER
18 — ADDITIONAL FACTORS.
19 A person who commits murder in the first degree,
20 who is not mentally retarded or mentally ill, and who
21 is age eighteen or older at the time the offense is
22 committed, shall be eligible for a sentence of death
23 under section 902.1, subsection 2, if the person also
24 kidnaps and commits sexual abuse against the murder
25 victim who was a minor.
26 For purposes of this section, "mentally retarded"
27 means significant subaverage general intellectual
28 functioning accompanied by significant deficits or
29 impairments in adaptive functioning manifested in the
30 developmental period, but no later than the age of
31 eighteen years, and accompanied by deficits in
32 adaptive behavior.
33 For purposes of this section, "mentally ill" means
34 the condition of a person who is suffering from a
35 chronic and persistent serious mental disease or
36 disorder and who, by reason of that condition, lacks
37 sufficient judgment to make responsible decisions
38 regarding treatment and is reasonably likely to injure
39 the person's self or others who may come into contact
40 with the person if the person is allowed to remain at
41 liberty without treatment.
42 Sec. 48. NEW SECTION. 902.16 DATA COLLECTION FOR
43 DEATH PENALTY.
44 1. The supreme court shall collect data on all
45 murder charges in which the death penalty is or was
46 not waived, which are filed and processed in the
47 courts in this state. This data may be used by the
48 supreme court to determine whether death sentences
49 imposed are excessive or disproportionate, or under
50 the influence of prejudice as a result of racial

Page 27

1 discrimination under section 814.28. The court shall
2 make this data available to litigants in death penalty
3 cases.
4 2. Data collected by public officials concerning
5 factors relevant to the imposition of the death
6 sentence shall be made publicly available.
7 Sec. 49. NEW SECTION. 903C.1 EXECUTIONS —
8 REFUSAL TO PERFORM.
9 An employee of the state who may lawfully perform,
10 assist, or participate in the execution of a person
11 pursuant to section 902.1, and rules adopted by the
12 department of corrections, shall not be required to
13 perform, assist, or participate in the execution.
14 State employees who refuse to perform, assist, or
15 participate in the execution of a person shall not be
16 discriminated against in any way, including, but not
17 limited to, employment, promotion, advancement,
18 transfer, licensing, education, training, or the
19 granting of any privileges or appointments because of
20 the refusal to perform, assist, or participate in the
21 execution.
22 Sec. 50. Section 904.105, Code 2005, is amended by
23 adding the following new subsection:
24 NEW SUBSECTION. 9A. Adopt rules pursuant to
25 chapter 17A pertaining to executions of persons
26 convicted of murder in the first degree. Rules
27 adopted shall include, but are not limited to, rules
28 permitting the witnessing of executions by members of
29 the public and the victim's family. Invitations to
30 witness an execution shall at least be extended to the
31 following representatives of the news media:
32 a. A representative from a wire service serving
33 Iowa.
34 b. A representative from a broadcasting network
35 serving Iowa.
36 c. A representative from a television station
37 located in Iowa.
38 d. A representative from a radio station located
39 in Iowa.
40 e. A representative from a daily newspaper
41 published in Iowa.
42 f. A representative from a weekly newspaper
43 published in Iowa.
44 g. A representative from the news media from the
45 community in which the condemned person resided, if
46 that community is located in Iowa.
47 Sec. 51. Rules of criminal procedure, Iowa court
48 rules, are amended by adding the following four
49 sections of this Act.
50 Sec. 52. NEW RULE. 2. DEATH PENALTY —

Page 28

1 PROCEDURE.
2 2.___(1) If a notice of intent to seek the death
3 penalty has been filed, objections to the imposition
4 of the death penalty based upon allegations that a
5 defendant was mentally retarded at the time of the
6 commission of the offense shall be raised within the
7 time provided for the filing of pretrial motions under
8 R.Cr.P. 2.11, Iowa court rules. The court may, for
9 good cause shown, allow late filing of the motion.
10 Hearing on the motion shall be held prior to trial and
11 the burden of proof shall be on the defendant to prove
12 mental retardation by a preponderance of the evidence.
13 However, a rebuttable presumption of mental
14 retardation arises if a defendant has an intelligence
15 quotient of seventy or below. A finding of the court
16 that the evidence presented by the defendant at the
17 hearing does not preclude the imposition of the death
18 penalty under this rule and Iowa Code section 902.15
19 shall not preclude the introduction of evidence of
20 mental retardation during the penalty proceeding. If
21 the court finds that the evidence presented by the
22 defendant does not preclude the imposition of the
23 death penalty, evidence of mental retardation may be
24 reviewed by the jury during the penalty proceeding and
25 the jury shall not be informed of the finding in the
26 initial proceeding at any time during the penalty
27 proceeding.
28 2.___(2) Upon a finding or plea that a defendant
29 is guilty of murder in the first degree, kidnapping,
30 and sexual abuse in an initial proceeding, if a notice
31 of intent to seek the death penalty has been filed and
32 has not been waived, the court shall conduct a
33 separate penalty proceeding to determine whether the
34 defendant shall be sentenced to death or to life
35 imprisonment. The penalty proceeding shall be
36 conducted in the trial court before the trial jury, or
37 the court, if there is no jury, no sooner than twenty-
38 four hours after the return of the verdict or plea in
39 the initial proceeding. In the penalty proceeding,
40 additional evidence may be presented as to the
41 conviction for murder in the first degree, kidnapping,
42 and sexual abuse or any aggravating or mitigating
43 circumstance which may exist. Presentation of
44 evidence which is relevant to the existence of an
45 aggravating or mitigating circumstance shall not be
46 bound by the rules of evidence. This subsection does
47 not authorize the introduction of any evidence secured
48 in violation of the Constitution of the United States
49 or of the Constitution of the State of Iowa. The
50 state and the defendant or the defendant's counsel

Page 29

1 shall be permitted to cross-examine witnesses and to
2 present arguments for or against a sentence of death.
3 2.___(3) On conclusion of the presentation of the
4 evidence in the penalty proceeding, the state and the
5 defendant or the defendant's counsel shall be
6 permitted to make closing arguments, including any
7 rebuttal arguments, in the same manner as in the
8 initial proceeding and the court shall submit each of
9 the following issues to the jury:
10 a. Whether one or more of those circumstances
11 outweigh any one or more mitigating circumstances.
12 b. Whether the defendant shall be sentenced to
13 death.
14 If the case is not tried to a jury, the court shall
15 determine the issues.
16 2.___(4) The state must prove the issue in rule 2.
17 ___(3)(a) beyond a reasonable doubt, and the jury, or
18 the court if there is no jury, shall return a special
19 verdict of "yes" or "no" on each issue.
20 2.___(5) If the case is tried to a jury, the court
21 shall charge the jury that:
22 a. It shall answer any issue "yes" if it agrees
23 unanimously.
24 b. It shall answer any issue "no" if the jurors
25 unanimously agree that the answer is "no" or if the
26 jurors do not unanimously agree that the answer is
27 "yes".
28 2.___(6) Concurrently with the return of the
29 special verdicts under rule 2.___(4), the jury, or the
30 court if there is no jury, shall also return special
31 verdicts as follows:
32 a. Which aggravating circumstances were
33 established and were considered in reaching the
34 verdict returned on the issue specified in rule
35 2.___(3)(a).
36 b. Which mitigating circumstances were established
37 and were considered in reaching the verdict returned
38 on the issue specified in rule 2.___(3)(a).
39 2.___(7) If the jury, or the court, if there is no
40 jury, returns an affirmative finding on all applicable
41 issues, the court shall sentence the defendant to
42 death. If the jury or the court returns a negative
43 finding on any applicable issue, the court shall
44 sentence the defendant to the custody of the director
45 of the department of corrections for confinement for
46 the rest of the defendant's life.
47 2.___(8) After a verdict has been rendered it
48 shall be recorded on the jury verdict form and shall
49 be read and recorded in open court. The jurors shall
50 be collectively asked by the court whether the verdict

Page 30

1 returned is their true and correct verdict. Even
2 though no juror makes any declaration to the contrary,
3 the jury shall, if either party so requests, be polled
4 and each juror shall be separately asked whether the
5 verdict rendered by the jury foreperson is the juror's
6 true and correct verdict. If, upon either the
7 collective or the separate inquiry, any juror denies
8 that the verdict is the juror's verdict, the court
9 shall refuse to accept the verdict. The court may
10 direct inquiry or permit inquiry by counsel to
11 ascertain whether any juror has been subjected to
12 coercion or has become confused during the jury
13 deliberation process. The court may, as appropriate,
14 direct the jury to resume deliberation in the case.
15 If no disagreement on the verdict is expressed by any
16 of the jurors, the court shall discharge the jury.
17 2.___(9) Provisions relating to deferred judgment,
18 deferred sentence, suspended sentence, reconsideration
19 of sentence, probation, parole, or work release
20 contained in Iowa Code chapters 901 through 909 do not
21 apply to a conviction of murder in the first degree,
22 kidnapping, and sexual abuse under Iowa Code section
23 902.15 if the defendant is sentenced to death.
24 Sec. 53. NEW RULE. 2.___ AUTOMATIC REVIEW —
25 STAY OF EXECUTION OF JUDGMENT.
26 2.___(1) A judgment of conviction and sentence of
27 death shall be reviewed automatically in the manner
28 provided in Iowa Code section 814.28, and the Iowa
29 supreme court has exclusive jurisdiction of the
30 review.
31 2.___(2) Upon entry of judgment and sentence of
32 death, the trial court shall prepare a complete record
33 and transcript of the action in the manner provided in
34 the rules of criminal procedure and shall docket the
35 record and transcript with the clerk of the supreme
36 court.
37 2.___(3) The execution of judgment of the trial
38 court is stayed as a matter of law from the time of
39 its entry until the judgment of the supreme court is
40 certified to and entered by the trial court. Upon
41 entry of a judgment of the supreme court which affirms
42 the conviction and sentence, the stay of execution of
43 judgment terminates as a matter of law.
44 2.___(4) All court costs required due to the
45 automatic preparation of the record and transcript,
46 docketing with the supreme court, and stay of
47 execution of judgment shall be assessed to the state.
48 Sec. 54. NEW RULE. 2.___ ISSUANCE OF WARRANT.
49 2.___(1) Upon entry by the trial court of the
50 judgment of the supreme court affirming a judgment and

Page 31

1 sentence of death, a district judge shall within five
2 days of the entry issue a warrant under the seal of
3 the court for the execution of the sentence of death.
4 The warrant shall specifically set forth the offense
5 and the fact of conviction, shall state the judgment
6 and sentence of the court, shall state that the
7 judgment and sentence were affirmed by the supreme
8 court and the date of entry of judgment of the supreme
9 court in the trial court, and shall, subject to the
10 requirements of Iowa Code section 902.1, subsection 2,
11 specify a range of five days for execution of the
12 defendant which shall be not less than fifty nor more
13 than sixty days after the date of entry in the trial
14 court of the judgment of the supreme court affirming
15 the judgment and sentence of death. The warrant shall
16 be directed to the director of the department of
17 corrections commanding the director to cause the
18 warrant to be executed within the dates specified.
19 The trial court shall deliver the warrant to the
20 sheriff of the county in which judgment of conviction
21 was entered and the sheriff shall deliver the warrant
22 to the director of the department of corrections. The
23 director of the department of corrections shall
24 acknowledge receipt of the warrant and the defendant,
25 and the sheriff shall return the acknowledgment to the
26 office of the clerk of the trial court from which the
27 warrant was issued.
28 2.___(2) Immediately after issuance of a warrant
29 ordering a sentence of death, the clerk of the trial
30 court issuing the warrant shall transmit by certified
31 mail to the governor a copy of the indictment, the
32 plea, the verdict and special findings, the
33 affirmation of judgment and sentence by the supreme
34 court, and the complete transcript of the trial court.
35 2.___(3) Notwithstanding rule 2.___(1), if a
36 defendant, for whom a warrant of execution is issued,
37 is pregnant, the execution shall not take place until
38 after the defendant is no longer pregnant.
39 Notwithstanding rule 2.___(1), if a defendant, for
40 whom a warrant of execution is issued, is suffering
41 from such a diseased or deranged condition of the mind
42 as to prevent the defendant from knowing the nature
43 and quality of the act the defendant has been
44 convicted of, or from understanding that trial on the
45 offense has taken place and that execution proceedings
46 are about to take place, or to otherwise cause the
47 defendant to lack the capacity to understand the
48 sentence which has been imposed and to participate in
49 any legal proceedings relating to the sentence, the
50 execution shall not take place until after the

Page 32

1 defendant is no longer suffering from the condition.
2 Sec. 55. NEW RULE. 2.___ EVIDENCE AT PENALTY
3 PROCEEDING WHERE DEATH SENTENCE REQUESTED.
4 2.___(1) At a reasonable time before the
5 commencement of initial proceedings in a first degree
6 murder trial in which a sentence of death has been
7 requested, each party shall file and serve upon the
8 other party the following:
9 a. A list of all aggravating or mitigating
10 circumstances which the party intends to prove during
11 the sentencing proceedings.
12 b. The names of all persons whom the party intends
13 to call as witnesses during the sentencing
14 proceedings.
15 c. Notwithstanding rule 2.14, copies, or for
16 inspection purposes, the location, of all documents,
17 including books, papers, writings, drawings, graphs,
18 charts, photographs, telephone records, and other data
19 compilations from which information can be obtained,
20 or other objects which the party intends to offer into
21 evidence during the sentencing proceedings. If copies
22 are not supplied to opposing counsel, the party shall
23 make the items available for inspection and copying
24 without order of the court.
25 2.___(2) In proceedings to determine whether the
26 sentence shall be death or life imprisonment, evidence
27 may be presented as to any matter which the trial
28 court deems relevant to the sentence, including but
29 not limited to the nature, circumstances, and manner
30 of completion of the murder, and the defendant's
31 character, background, history, and mental and
32 physical condition. The trial court shall admit any
33 relevant admissible evidence respecting any
34 aggravating or mitigating circumstances, if the party
35 has included the circumstance on a list provided
36 pursuant to this rule, or good cause is shown for the
37 failure to do so.
38 Sec. 56. EFFECTIVE DATE — SEVERABILITY.
39 1. This division of this Act takes effect January
40 1, 2006, and applies to offenses committed on or after
41 that date.
42 2. If any provision of this division of this Act
43 or the application thereof to any person is invalid,
44 the invalidity shall not affect the provisions or
45 application of this division of this Act which can be
46 given effect without the invalid provisions or
47 application and to this end, the provisions of this
48 division of this Act are severable.
49 DIVISION V
50 VICTIM RIGHTS

Page 33

1 Sec. 57. NEW SECTION. 235D.1 CRIMINAL HISTORY
2 CHECK — APPLICANTS AT DOMESTIC ABUSE OR SEXUAL
3 ASSAULT CENTERS.
4 An applicant for employment at a domestic abuse or
5 sexual assault center shall be subject to a national
6 criminal history check through the federal bureau of
7 investigation. The domestic abuse or sexual assault
8 center shall request the criminal history check and
9 shall provide the applicant's fingerprints to the
10 department of public safety for submission through the
11 state criminal history repository to the federal
12 bureau of investigation. The applicant shall
13 authorize release of the results of the criminal
14 history check to the domestic abuse or sexual assault
15 center. The applicant shall pay the actual cost of
16 the fingerprinting and criminal history check, if any.
17 Unless the criminal history check was completed within
18 the ninety calendar days prior to the date the
19 application is received by the domestic abuse or
20 sexual assault center, the center shall reject and
21 return the application to the applicant. The results
22 of a criminal history check conducted pursuant to this
23 subsection shall not be considered a public record
24 under chapter 22. For purposes of this section,
25 "domestic abuse or sexual assault center" means a
26 facility which is used to house victims of domestic
27 abuse or sexual assault, and is owned, operated, or
28 maintained by a nonprofit organization.
29 Sec. 58. NEW SECTION. 709.22 PREVENTION OF
30 FURTHER SEXUAL ASSAULT — NOTIFICATION OF RIGHTS.
31 If a peace officer has reason to believe that a
32 sexual assault as defined in section 915.40 has
33 occurred, the officer shall use all reasonable means
34 to prevent further violence including but not limited
35 to the following:
36 1. If requested, remaining on the scene of the
37 alleged sexual assault as long as there is a danger to
38 the victim's physical safety without the presence of a
39 peace officer, including but not limited to staying in
40 the dwelling unit, or if unable to remain on the
41 scene, assisting the victim in leaving the residence.
42 2. Assisting a victim in obtaining medical
43 treatment necessitated by the sexual assault,
44 including providing assistance to the victim in
45 obtaining transportation to the emergency room of the
46 nearest hospital.
47 3. Providing a victim with immediate and adequate
48 notice of the victim's rights. The notice shall
49 consist of handing the victim a copy of the following
50 statement written in English and Spanish, asking the

Page 34

1 victim to read the statement, and asking whether the
2 victim understands the rights:
3 "You have the right to ask the court for help with
4 any of the following on a temporary basis:
5 a. Keeping your attacker away from you, your home,
6 and your place of work.
7 b. The right to stay at your home without
8 interference from your attacker.
9 c. The right to seek a no-contact order under
10 section 709.20 or 915.22, if your attacker is arrested
11 for sexual assault.
12 You have the right to register as a victim with the
13 county attorney under section 915.12.
14 You have the right to file a complaint for threats,
15 assaults, or other related crimes.
16 You have the right to seek restitution against your
17 attacker for harm to you or your property.
18 You have the right to apply for victim
19 compensation.
20 You have the right to contact the county attorney
21 or local law enforcement to determine the status of
22 your case.
23 If you are in need of medical treatment, you have
24 the right to request that the officer present assist
25 you in obtaining transportation to the nearest
26 hospital or otherwise assist you.
27 You have the right to a sexual assault examination
28 performed at state expense.
29 If you believe that police protection is needed for
30 your physical safety, you have the right to request
31 that the officer present remain at the scene until you
32 and other affected parties can leave or until safety
33 is otherwise ensured."
34 The notice shall also contain the telephone numbers
35 of shelters, support groups, and crisis lines
36 operating in the area.
37 Sec. 59. Section 915.10, subsections 1 and 2, Code
38 2005, are amended to read as follows:
39 1. "Notification" means mailing by regular mail or
40 providing for hand delivery of appropriate information
41 or papers. However, this notification procedure does
42 not prohibit an office, agency, or department from
43 also providing appropriate information to a registered
44 victim by telephone, electronic mail, or other means.
45 2. "Registered" means having provided the county
46 attorney with the victim's written request for
47 registration and current mailing address and telephone
48 number. If an automated victim notification system is
49 implemented pursuant to section 915.10A, "registered"
50 also means having filed a request for registration

Page 35

1 with the system.
2 Sec. 60. NEW SECTION. 915.10A AUTOMATED VICTIM
3 NOTIFICATION SYSTEM.
4 1. An automated victim notification system may be
5 utilized to assist public officials in informing crime
6 victims, the victim's family, or other interested
7 persons as provided in this subchapter and where
8 otherwise specifically provided. The system shall
9 disseminate the information to registered users
10 through telephonic, electronic, or other means of
11 access.
12 2. An office, agency, or department may satisfy a
13 notification obligation to registered victims required
14 by this subchapter through participation in the system
15 to the extent information is available for
16 dissemination through the system. Nothing in this
17 section shall relieve a notification obligation under
18 this subchapter due to the unavailability of
19 information for dissemination through the system.
20 3. Notwithstanding section 232.147, information
21 concerning juveniles charged with a felony offense
22 shall be released to the extent necessary to comply
23 with this section.
24 Sec. 61. Section 915.11, Code 2005, is amended to
25 read as follows:
26 915.11 INITIAL NOTIFICATION BY LAW ENFORCEMENT.
27 A local police department or county sheriff's
28 department shall advise a victim of the right to
29 register with the county attorney, and shall provide a
30 request-for-registration form to each victim. If an
31 automated victim notification system is available
32 pursuant to section 915.10A, a local police department
33 or county sheriff's department shall provide a
34 telephone number and website to each victim to
35 register with the system.
36 Sec. 62. Section 915.12, Code 2005, is amended to
37 read as follows:
38 915.12 REGISTRATION.
39 ~~1. The county attorney shall be the sole registrar~~
40 ~~of victims under this subchapter.~~
41 ~~2.~~ 1. A victim may register by filing a written
42 request-for-registration form with the county
43 attorney. The county attorney shall notify the
44 victims in writing and advise them of their
45 registration and rights under this subchapter.
46 ~~3.~~ The county attorney shall provide a registered
47 victim list to the offices, agencies, and departments
48 required to provide information under this subchapter
49 for notification purposes.
50 2. If an automated victim notification system, the

Page 36

1 victim's family, is available pursuant to section
2 915.10A, a victim, the victim's family, or other
3 interested person may register with the system by
4 filing a request for registration through written,
5 telephonic, or electronic means.
6 ~~4.~~ 3. Notwithstanding chapter 22 or any other
7 contrary provision of law, ~~a victim's~~ the registration
8 of a victim, victim's family, or other interested
9 person shall be strictly maintained in a separate
10 confidential file or other confidential medium, and
11 shall be available only to the offices, agencies, and
12 departments required to provide information under this
13 subchapter.
14 Sec. 63. Section 915.29, Code 2005, is amended by
15 adding the following new unnumbered paragraph:
16 NEW UNNUMBERED PARAGRAPH. The notification
17 required pursuant to this section may occur through
18 the automated victim notification system referred to
19 in section 915.10A to the extent such information is
20 available for dissemination through the system.
21 Sec. 64. Section 915.45, Code 2005, is amended by
22 adding the following new unnumbered paragraph:
23 NEW UNNUMBERED PARAGRAPH. The notification
24 required pursuant to this section may occur through
25 the automated victim notification system referred to
26 in section 915.10A to the extent such information is
27 available for dissemination through the system.
28 DIVISION VI
29 TASK FORCE
30 Sec. 65. SEX OFFENDER TREATMENT AND SUPERVISION
31 TASK FORCE.
32 1. The division of criminal and juvenile justice
33 planning shall establish a task force to study and
34 make periodic recommendations for treating and
35 supervising sex offenders in correctional institutions
36 and in the community. The task force shall file a
37 report with recommendations with the general assembly
38 by January 15, 2006. The task force shall study the
39 effectiveness of electronic monitoring and the
40 potential effects and costs associated with the
41 special sentence created in this Act. The task force
42 shall study risk assessment models created for sex
43 offenders. The task force shall also review this
44 state's efforts and the efforts of other states to
45 implement treatment programs and make recommendations
46 as to the best treatment options available for sex
47 offenders. The task force shall also develop a plan
48 to integrate state government databases for the
49 purpose of updating addresses of persons on the sex
50 offender registry.

Page 37

1 2. Members of the task force shall include
2 representatives of the following state agencies and
3 organizations:
4 a. One representative of the department of human
5 services.
6 b. One representative of the department of public
7 safety.
8 c. One representative of the Iowa state sheriffs
9 and deputies association.
10 d. One representative of the Iowa county attorneys
11 association.
12 e. One representative of the department of
13 corrections.
14 f. One representative of the board of parole.
15 g. One representative of a judicial district
16 department of correctional services.
17 h. One representative of the department of
18 justice.
19 i. One representative of the state public
20 defender.
21 j. One representative of the Iowa coalition
22 against sexual assault.
23 DIVISION VII
24 STATE MANDATE
25 Sec. 66. IMPLEMENTATION OF ACT. Section 25B.2,
26 subsection 3, shall not apply to this Act."
27 2. Title page, by striking lines 1 through 5 and
28 inserting the following: "An Act relating to criminal
29 sentencing, victim notification, and the sex offender
30 registry, including making the death penalty
31 applicable to certain class "A" felons, establishing a
32 special sentence for certain offenders, requiring DNA
33 testing of certain offenders, requiring sex offender
34 treatment in order to accumulate earned time,
35 establishing a sex offender treatment and supervision
36 task force, providing penalties, and providing an
37 effective date."

LARRY McKIBBEN
JEFF LAMBERTI
JERRY BEHN
JEFF ANGELO
JAMES A. SEYMOUR
PAUL McKINLEY
JOHN PUTNEY
NANCY J. BOETTGER
RON WIECK
PAT WARD
BOB BRUNKHORST
STEVE KETTERING

JAMES F. HAHN
HUBERT HOUSER
STEWART E. IVERSON, JR.

S–3220

Amend House File 729, as amended, passed, and reprinted by the House, as follows:

1. Page 2, by inserting after line 21, the following:

"Sec. ___. Section 97B.80C, subsection 1, paragraph a, Code 2005, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (3) Any service that is not qualified service for which the internal revenue service permits the purchase of permissive service credit."

2. By renumbering as necessary.

JACK HATCH

S–3221

Amend the amendment, S–3219, to House File 619, as amended, passed, and reprinted by the House, as follows:

1. By striking page 1, line 1, through page 37, line 37, and inserting the following:

"Amend House File 619, as amended, passed, and reprinted by the House, as follows:

1. By striking everything after the enacting clause and inserting the following:

"DIVISION I
DNA PROFILING

Section 1. NEW SECTION. 81.1 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "DNA" means deoxyribonucleic acid.

2. "DNA databank" means the repository for DNA samples obtained pursuant to section 81.4.

3. "DNA database" means the collection of DNA profiles and DNA records.

4. "DNA profile" means the objective form of the results of DNA analysis performed on a DNA sample. The results of all DNA identification analysis on an individual's DNA sample are also collectively referred to as the DNA profile of an individual.

5. "DNA profiling" means the procedure established by the division of criminal investigation, department of public safety, for determining a person's genetic identity.

6. "DNA record" means the DNA sample and DNA

30 profile, and other records in the DNA database and DNA
31 data bank used to identify a person.
32 7. "DNA sample" means a biological sample provided
33 by any person required to submit a DNA sample or a DNA
34 sample submitted for any other purpose under section
35 81.4.
36 8. "Person required to submit a DNA sample" means
37 a person convicted, adjudicated delinquent, receiving
38 a deferred judgment, or found not guilty by reason of
39 insanity of an offense requiring DNA profiling
40 pursuant to section 81.2. "Person required to submit
41 a DNA sample" also means a person determined to be a
42 sexually violent predator pursuant to section 229A.7.
43 Sec. 2. NEW SECTION. 81.2 PERSONS REQUIRED TO
44 SUBMIT A DNA SAMPLE.
45 1. A person who receives a deferred judgment for a
46 felony or against whom a judgment or conviction for a
47 felony has been entered shall be required to submit a
48 DNA sample for DNA profiling pursuant to section 81.4.
49 2. A person determined to be a sexually violent
50 predator pursuant to chapter 229A shall be required to

Page 2

1 submit a DNA sample for DNA profiling pursuant to
2 section 81.4 prior to discharge or placement in a
3 transitional release program.
4 3. A person found not guilty by reason of insanity
5 of an offense that requires DNA profiling shall be
6 required to submit a DNA sample for DNA profiling
7 pursuant to section 81.4 as part of the person's
8 treatment management program.
9 4. A juvenile adjudicated delinquent of an offense
10 that requires DNA profiling of an adult offender shall
11 be required to submit a DNA sample for DNA profiling
12 pursuant to section 81.4 as part of the disposition of
13 the juvenile's case.
14 5. An offender placed on probation shall
15 immediately report to the judicial district department
16 of correctional services after sentencing so it can be
17 determined if the offender has been convicted of an
18 offense requiring DNA profiling. If it is determined
19 by the judicial district that DNA profiling is
20 required, the offender shall immediately submit a DNA
21 sample.
22 6. A person required to register as a sex
23 offender.
24 Sec. 3. NEW SECTION. 81.3 ESTABLISHMENT OF DNA
25 DATABASE AND DNA DATABANK.
26 1. A state DNA database and a state DNA databank
27 are established under the control of the division of
28 criminal investigation, department of public safety.

29 The division of criminal investigation shall conduct
30 DNA profiling of a DNA sample submitted in accordance
31 with this section.
32 2. A DNA sample shall be submitted, and the
33 division of criminal investigation shall store and
34 maintain DNA records in the DNA database and DNA
35 databank for persons required to submit a DNA sample.
36 3. A DNA sample may be submitted, and the division
37 of criminal investigation shall store and maintain DNA
38 records in the DNA database and DNA databank for any
39 of the following:
40 a. Crime scene evidence and forensic casework.
41 b. A relative of a missing person.
42 c. An anonymous DNA profile used for forensic
43 validation, forensic protocol development, or quality
44 control purposes, or for the establishment of a
45 population statistics database.
46 4. A fingerprint record of a person required to
47 submit a DNA sample shall also be submitted to the
48 division of criminal investigation with the DNA sample
49 to verify the identity of the person required to
50 submit a DNA sample.

Page 3

1 Sec. 4. NEW SECTION. 81.4 COLLECTING,
2 SUBMITTING, ANALYZING, IDENTIFYING, AND STORING DNA
3 SAMPLES AND DNA RECORDS.
4 1. The division of criminal investigation shall
5 adopt rules for the collection, submission, analysis,
6 identification, storage, and disposition of DNA
7 records.
8 2. A supervising agency having control, custody,
9 or jurisdiction over a person shall collect a DNA
10 sample from a person required to submit a DNA sample.
11 The supervising agency shall collect a DNA sample,
12 upon admittance to the pertinent institution or
13 facility, of the person required to submit a DNA
14 sample or at a determined date and time set by the
15 supervising agency. If a person required to submit a
16 DNA sample is confined at the time a DNA sample is
17 required, the person shall submit a DNA sample as soon
18 as practicable. If a person required to submit a DNA
19 sample is not confined after the person is required to
20 submit a DNA sample, the supervising agency shall
21 determine the date and time to collect the DNA sample.
22 3. A person required to submit a DNA sample who
23 refuses to submit a DNA sample may be subject to
24 contempt proceedings pursuant to chapter 665 until the
25 DNA sample is submitted.
26 4. The division of criminal investigation shall
27 conduct DNA profiling on a DNA sample or may contract

28 with a private entity to conduct the DNA profiling.
29 Sec. 5. NEW SECTION. 81.5 CIVIL AND CRIMINAL
30 LIABILITY — LIMITATION.
31 A person who collects a DNA sample shall not be
32 civilly or criminally liable for the collection of the
33 DNA sample if the person performs the person's duties
34 in good faith and in a reasonable manner according to
35 generally accepted medical practices or in accordance
36 with the procedures set out in the administrative
37 rules of the department of public safety adopted
38 pursuant to section 81.4.
39 Sec. 6. NEW SECTION. 81.6 CRIMINAL OFFENSE.
40 1. A person who knowingly or intentionally does
41 any of the following commits an aggravated
42 misdemeanor:
43 a. Discloses any part of a DNA record to a person
44 or agency that is not authorized by the division of
45 criminal investigation to have access to the DNA
46 record.
47 b. Uses or obtains a DNA record for a purpose
48 other than what is authorized under this chapter.
49 2. A person who knowingly or intentionally alters
50 or attempts to alter a DNA sample, falsifies the

Page 4

1 source of a DNA sample, or materially alters a
2 collection container used to collect the DNA sample,
3 commits a class "D" felony.
4 Sec. 7. NEW SECTION. 81.7 CONVICTION OR ARREST
5 NOT INVALIDATED.
6 The detention, arrest, or conviction of a person
7 based upon a DNA database match is not invalidated if
8 it is determined that the DNA sample or DNA profile
9 was obtained or placed into the DNA database by
10 mistake or error.
11 Sec. 8. NEW SECTION. 81.8 CONFIDENTIAL RECORDS.
12 1. A DNA record shall be considered a confidential
13 record and disclosure of a DNA record is only
14 authorized pursuant to this section.
15 2. Confidential DNA records under this section may
16 be released to the following agencies for law
17 enforcement identification purposes:
18 a. Any criminal or juvenile justice agency as
19 defined in section 692.1.
20 b. Any criminal or juvenile justice agency in
21 another jurisdiction that meets the definition of a
22 criminal or juvenile justice agency as defined in
23 section 692.1.
24 3. The division of criminal investigation shall
25 share the DNA record information with the appropriate
26 federal agencies for use in a national DNA database.

27 4. A DNA record or other forensic information
28 developed pursuant to this chapter may be released for
29 use in a criminal or juvenile delinquency proceeding
30 in which the state is a party and where the DNA record
31 or forensic information is relevant and material to
32 the subject of the proceeding. Such a record or
33 information may become part of a public transcript or
34 other public recording of such a proceeding.
35 5. A DNA record or other forensic information may
36 be released pursuant to a court order for criminal
37 defense purposes to a defendant, who shall have access
38 to DNA samples and DNA profiles related to the case in
39 which the defendant is charged.
40 Sec. 9. NEW SECTION. 81.9 EXPUNGEMENT OF DNA
41 RECORDS.
42 1. A person whose DNA record has been included in
43 the DNA database or DNA databank established pursuant
44 to section 81.3 may request, in writing to the
45 division of criminal investigation, expungement of the
46 DNA record from the DNA database and DNA databank
47 based upon the person's conviction, adjudication, or
48 civil commitment which caused the submission of the
49 DNA sample being reversed on appeal and the case
50 dismissed. The written request shall contain a

Page 5

1 certified copy of the final court order reversing the
2 conviction, adjudication, or civil commitment, and a
3 certified copy of the dismissal, and any other
4 information necessary to ascertain the validity of the
5 request.
6 2. The division of criminal investigation, upon
7 receipt of a written request that validates reversal
8 on appeal of a person's conviction, adjudication, or
9 commitment, and subsequent dismissal of the case, or
10 upon receipt of a written request by a person who
11 voluntarily submitted a DNA sample under section 81.3,
12 subsection 3, paragraph "b", or upon receipt of a
13 written request by a person who voluntarily submitted
14 a DNA sample pursuant to section 81.3, subsection 3,
15 paragraph "b", shall expunge all of the DNA records
16 and identifiable information of the person in the DNA
17 database and DNA databank. However, if the division
18 of criminal investigation determines that the person
19 is otherwise obligated to submit a DNA sample, the DNA
20 records shall not be expunged. If the division of
21 criminal investigation denies an expungement request,
22 the division shall notify the person requesting the
23 expungement of the decision not to expunge the DNA
24 record and the reason supporting its decision. The
25 division of criminal investigation decision is subject

26 to judicial review pursuant to chapter 17A. The
27 department of public safety shall adopt rules
28 governing the expungement procedure and a review
29 process.
30 3. The division of criminal investigation is not
31 required to expunge or destroy a DNA record pursuant
32 to this section, if expungement or destruction of the
33 DNA record would destroy evidence related to another
34 person.
35 Sec. 10. NEW SECTION. 81.10 DNA PROFILING AFTER
36 CONVICTION.
37 1. A defendant who has been convicted of a felony
38 and who has not been required to submit a DNA sample
39 for DNA profiling may make a motion to the court for
40 an order to require that DNA analysis be performed on
41 evidence collected in the case for which the person
42 stands convicted.
43 2. The motion shall state the following:
44 a. The specific crimes for which the defendant
45 stands convicted in this case.
46 b. The facts of the underlying case, as proven at
47 trial or admitted to during a guilty plea proceeding.
48 c. Whether any of the charges include sexual abuse
49 or involve sexual assault, and if so, whether a sexual
50 assault examination was conducted and evidence

Page 6

1 preserved, if known.
2 d. Whether identity was at issue or contested by
3 the defendant.
4 e. Whether the defendant offered an alibi, and if
5 so, testimony corroborating the alibi and, from whom.
6 f. Whether eyewitness testimony was offered, and
7 if so from whom.
8 g. Whether any issues of police or prosecutor
9 misconduct have been raised in the past or are being
10 raised by the motion.
11 h. The type of inculpatory evidence admitted into
12 evidence at trial or admitted to during a guilty plea
13 proceeding.
14 i. Whether blood testing or other biological
15 evidence testing was conducted previously in
16 connection with the case and, if so, by whom and to
17 the result, if known.
18 j. What biological evidence exists and, if known,
19 the agency or laboratory storing the evidence that the
20 defendant seeks to have tested.
21 k. Why the requested analysis of DNA evidence is
22 material to the issue in the case and not merely
23 cumulative or impeaching.
24 l. Why the DNA evidence would have changed the

25 outcome of the trial or invalidated a guilty plea if
26 DNA profiling had been conducted prior to the
27 conviction.
28 3. A motion filed under this section shall be
29 filed in the county where the defendant was convicted,
30 and notice of the motion shall be served by certified
31 mail upon the county attorney and, if known, upon the
32 state, local agency, or laboratory holding evidence
33 described in subsection 2, paragraph "k". The county
34 attorney shall have sixty days to file an answer to
35 the motion.
36 4. Any DNA profiling of the defendant or other
37 biological evidence testing conducted by the state or
38 by the defendant shall be disclosed and the results of
39 such profiling or testing described in the motion or
40 answer.
41 5. If the evidence requested to be tested was
42 previously subjected to DNA or other biological
43 analysis by either party, the court may order the
44 disclosure of the results of such testing, including
45 laboratory reports, notes, and underlying data, to the
46 court and the parties.
47 6. The court may order a hearing on the motion to
48 determine if evidence should be subjected to DNA
49 analysis.
50 7. The court shall grant the motion if all of the

Page 7

1 following apply:
2 a. The evidence subject to DNA testing is
3 available and in a condition that will permit
4 analysis.
5 b. A sufficient chain of custody has been
6 established for the evidence.
7 c. The identity of the person who committed the
8 crime for which the defendant was convicted was a
9 significant issue in the crime for which the defendant
10 was convicted.
11 d. The evidence subject to DNA analysis is
12 material to, and not merely cumulative or impeaching
13 of, evidence included in the trial record or admitted
14 to at a guilty plea proceeding.
15 e. DNA analysis of the evidence would raise a
16 reasonable probability that the defendant would not
17 have been convicted if DNA profiling had been
18 available at the time of the conviction and had been
19 conducted prior to the conviction.
20 8. Upon the court granting a motion filed pursuant
21 to this section, DNA analysis of evidence shall be
22 conducted within the guidelines generally accepted by
23 the scientific community. The defendant shall provide

24 DNA samples for testing if requested by the state.
25 9. Results of DNA analysis conducted pursuant to
26 this section shall be reported to the parties and to
27 the court and may be provided to the board of parole,
28 department of corrections, and criminal and juvenile
29 justice agencies, as defined in section 692.1, for use
30 in the course of investigations and prosecutions, and
31 for consideration in connection with requests for
32 parole, pardon, reprieve, and commutation. DNA
33 samples obtained pursuant to this section may be
34 included in the DNA databank, and DNA profiles and DNA
35 records developed pursuant to this section may be
36 included in the DNA database.
37 10. A criminal or juvenile justice agency, as
38 defined in section 692.1, shall maintain DNA samples
39 and evidence that could be tested for DNA for a period
40 of three years beyond the limitations for the
41 commencement of criminal actions as set forth in
42 chapter 802. This section does not create a cause of
43 action for damages or a presumption of spoliation in
44 the event evidence is no longer available for testing.
45 11. If the court determines a defendant who files
46 a motion under this section is indigent, the defendant
47 shall be entitled to appointment of counsel as
48 provided in chapter 815.
49 12. If the court determines after DNA analysis
50 ordered pursuant to this section that the results

Page 8

1 indicate conclusively that the DNA profile of the
2 defendant matches the profile from the analyzed
3 evidence used against the defendant, the court may
4 order the defendant to pay the costs of these
5 proceedings, including costs of all testing, court
6 costs, and costs of court-appointed counsel, if any.
7 Sec. 11. Section 229A.7, Code 2005, is amended by
8 adding the following new subsection:
9 NEW SUBSECTION. 5A. If the court or jury
10 determines that the respondent is a sexually violent
11 predator, the court shall order the respondent to
12 submit a DNA sample for DNA profiling pursuant to
13 section 81.4.
14 Sec. 12. Section 232.52, Code 2005, is amended by
15 adding the following new subsection:
16 NEW SUBSECTION. 10. The court shall order a
17 juvenile adjudicated a delinquent for an offense that
18 requires DNA profiling under section 81.2 to submit a
19 DNA sample for DNA profiling pursuant to section 81.4.
20 Sec. 13. Section 669.14, Code 2005, is amended by
21 adding the following new subsection:
22 NEW SUBSECTION. 15. Any claim arising from or

related to the collection of a DNA sample for DNA profiling pursuant to section 81.4 or a DNA profiling procedure performed by the division of criminal investigation, department of public safety.

Sec. 14. Section 901.5, subsection 8A, Code 2005, is amended to read as follows:

8A. a. The court shall order DNA profiling of a defendant convicted of an offense that requires profiling under section ~~13.10~~ 81.2.

b. Notwithstanding section ~~13.10~~ 81.2, the court may order the defendant to provide a ~~physical specimen~~ DNA sample to be submitted for DNA profiling if appropriate. In determining the appropriateness of ordering DNA profiling, the court shall consider the deterrent effect of DNA profiling, the likelihood of repeated offenses by the defendant, and the seriousness of the offense.

Sec. 15. Section 906.4, unnumbered paragraph 3, Code 2005, is amended to read as follows:

~~Notwithstanding section 13.10, the~~ The board may order the defendant to provide a physical specimen to be submitted for DNA profiling as a condition of parole or work release, if ~~appropriate~~ a DNA profile has not been previously conducted pursuant to chapter 81. In determining the appropriateness of ordering DNA profiling, the board shall consider the deterrent effect of DNA profiling, the likelihood of repeated offenses by the defendant, and the seriousness of the

offense.

Sec. 16. 2002 Iowa Acts, chapter 1080, is repealed.

Sec. 17. Section 13.10, Code 2005, is repealed.

Sec. 18. PERSONS REQUIRED TO SUBMIT A DNA SAMPLE PRIOR TO EFFECTIVE DATE OF THIS DIVISION OF THIS ACT. A person convicted, adjudicated a delinquent, civilly committed as a sexually violent predator, or found not guilty by reason of insanity, prior to the effective date of this Act, who would otherwise be required to submit a DNA sample under this Act, and who is under the custody, control, or jurisdiction of a supervising agency, shall submit a DNA sample prior to being released from the supervising agency's custody, control, or jurisdiction.

Sec. 19. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION II

SEX OFFENDER REGISTRY AND TREATMENT

Sec. 20. Section 692A.1, subsection 8, Code 2005,

22 is amended to read as follows:
23 8. "Residence" means the place where a person
24 sleeps, which may include more than one location, and
25 may be mobile or transitory, including a shelter or
26 group home.
27 Sec. 21. Section 692A.2, Code 2005, is amended by
28 adding the following new subsection:
29 NEW SUBSECTION. 1A. If a person is required to
30 register for a period of ten years under subsection 1
31 and the period under subsection 1 has expired, the
32 person shall be required to remain on the registry if
33 the person has been sentenced to a special sentence as
34 required under section 903B.0A or 903B.0B, for a
35 period equal to the term of the special sentence.
36 Sec. 22. Section 692A.4, Code 2005, is amended to
37 read as follows:
38 692A.4 VERIFICATION OF ADDRESS AND TAKING OF
39 PHOTOGRAPH.
40 1. The address of a person required to register
41 under this chapter shall be verified annually as
42 follows:
43 a. On a date which falls within the month in which
44 the person was initially required to register, the
45 department shall mail a verification form to the last
46 reported address of the person. Verification forms
47 shall not be forwarded to the person who is required
48 to register under this chapter if the person no longer
49 resides at the address, but shall be returned to the
50 department.

Page 10

1 b. The person shall complete and mail the
2 verification to the department within ten days of
3 receipt of the form.
4 c. The verification form shall be signed by the
5 person, and state the address at which the person
6 resides. If the person is in the process of changing
7 residences, the person shall state that fact as well
8 as the old and new addresses or places of residence.
9 2. Verification of address for a person who has
10 been convicted of an offense under the laws of this
11 state or of another state which would qualify the
12 person as a sexually violent predator shall be
13 accomplished in the same manner as in subsection 1,
14 except that the verification shall be done every three
15 months at times established by the department.
16 3. A photograph of a person required to register
17 under this chapter shall be updated, at a minimum,
18 annually. When the department mails the address
19 verification notice in subsection 1, the department
20 shall also enclose a form informing the person to

21 annually submit to being photographed by the sheriff
22 of the county of the person's residence within ten
23 days of receipt of the address verification form. The
24 sheriff shall send the updated photograph to the
25 department within ten days of the photograph being
26 taken and the department shall post the updated
27 photograph on the sex offender registry's web page.
28 The sheriff may require the person to submit to being
29 photographed by the sheriff more than once a year by
30 mailing another notice informing the person to submit
31 to being photographed.
32 Sec. 23. NEW SECTION. 692A.4A ELECTRONIC
33 MONITORING.
34 A person required to register under this chapter
35 who is placed on probation, parole, work release,
36 special sentence, or any other type of conditional
37 release, may be supervised by an electronic tracking
38 and monitoring system in addition to any other
39 conditions of supervision.
40 Sec. 24. Section 692A.5, subsection 1, Code 2005,
41 is amended by adding the following new paragraph:
42 NEW PARAGRAPH. i. Inform the person that the
43 person must, at a minimum, annually submit to being
44 photographed by the sheriff of the county of the
45 person's residence.
46 Sec. 25. Section 692A.13, subsection 3, Code 2005,
47 is amended to read as follows:
48 3. Any member of the public may contact a county
49 sheriff's office or police department to request
50 relevant information from the registry regarding a

Page 11

1 specific person required to register under this
2 chapter. ~~The request for information shall be in~~
3 ~~writing, and~~ A person making a request for relevant
4 information may make the request by telephone, in
5 writing, or in person, and the request shall include
6 the name of the person and at least one of the
7 following identifiers pertaining to the person about
8 whom the information is sought:
9 a. The date of birth of the person.
10 b. The social security number of the person.
11 c. The address of the person.
12 A county sheriff or police department shall not
13 charge a fee relating to a request for relevant
14 information.
15 Sec. 26. Section 692A.13, subsection 2, paragraph
16 b, Code 2005, is amended to read as follows:
17 b. The general public, including public and
18 private agencies, organizations, public places, ~~public~~
19 ~~and private schools,~~ child care facilities, religious

20 and youth organizations, neighbors, neighborhood
21 associations, community meetings, and employers.
22 Registry information may be distributed to the public
23 through printed materials, visual or audio press
24 releases, radio communications, or through a criminal
25 or juvenile justice agency's web page.
26 Sec. 27. Section 692A.13, Code 2005, is amended by
27 adding the following new subsection:
28 NEW SUBSECTION. 2A. When a person required to
29 register under this chapter moves into a school
30 district or moves within a school district, the county
31 sheriff of the county of the person's new residence
32 shall provide relevant information from the sex
33 offender registry to the administrative office of the
34 school district in which the person required to
35 register resides, and shall also provide relevant
36 information to any private school near the person's
37 residence.
38 Sec. 28. Section 692A.13, subsection 5, Code 2005,
39 is amended to read as follows:
40 5. Relevant information provided to the general
41 public may include the offender's name, address, a
42 photograph, locations frequented by the offender,
43 relevant criminal history information from the
44 registry, and any other relevant information.
45 Relevant information provided to the public shall not
46 include the identity of any victim. For purposes of
47 inclusion in the sex offender registry's web page or
48 dissemination to the general public, a conviction for
49 incest shall be disclosed as either a violation of
50 section 709.4 or 709.8.

Page 12

1 Sec. 29. Section 903A.2, subsection 1, paragraph
2 a, Code 2005, is amended to read as follows:
3 a. Category "A" sentences are those sentences
4 which are not subject to a maximum accumulation of
5 earned time of fifteen percent of the total sentence
6 of confinement under section 902.12. To the extent
7 provided in subsection 5, category "A" sentences also
8 include life sentences imposed under section 902.1.
9 An inmate of an institution under the control of the
10 department of corrections who is serving a category
11 "A" sentence is eligible for a reduction of sentence
12 equal to one and two-tenths days for each day the
13 inmate demonstrates good conduct and satisfactorily
14 participates in any program or placement status
15 identified by the director to earn the reduction. The
16 programs include but are not limited to the following:
17 (1) Employment in the institution.
18 (2) Iowa state industries.

(3) An employment program established by the director.

(4) A treatment program established by the director.

(5) An inmate educational program approved by the director.

However, an inmate required to participate in a sex offender treatment program shall not be eligible for a reduction of sentence unless the inmate participates in and completes a sex offender treatment program established by the director.

An inmate serving a category "A" sentence is eligible for an additional reduction of sentence of up to three hundred sixty-five days of the full term of the sentence of the inmate for exemplary acts. In accordance with section 903A.4, the director shall by policy identify what constitutes an exemplary act that may warrant an additional reduction of sentence.

DIVISION III

ENHANCED CRIMINAL PENALTIES AND STATUTE OF LIMITATIONS

Sec. 30. Section 709.8, Code 2005, is amended to read as follows:

709.8 LASCIVIOUS ACTS WITH A CHILD.

It is unlawful for any person ~~eighteen~~ sixteen years of age or older to perform any of the following acts with a child with or without the child's consent unless married to each other, for the purpose of arousing or satisfying the sexual desires of either of them:

1. Fondle or touch the pubes or genitals of a child.

2. Permit or cause a child to fondle or touch the person's genitals or pubes.

3. Solicit a child to engage in a sex act or solicit a person to arrange a sex act with a child.

4. Inflict pain or discomfort upon a child or permit a child to inflict pain or discomfort on the person.

Any person who violates a provision of this section involving an act included in subsection 1 or 2 shall, upon conviction, be guilty of a class ~~"D"~~ "C" felony. ~~A person who violates a provision of this section and who is sentenced to a term of confinement shall also be sentenced to an additional term of parole or work release not to exceed two years. The board of parole shall determine whether the person should be released on parole or placed in a work release program. The sentence of an additional term of parole or work~~

~~release supervision shall commence immediately upon the expiration of the preceding sentence and shall be under the terms and conditions as set out in chapter 906. Violations of parole or work release shall be subject to the procedures set out in chapter 905 or 908 or rules adopted under those chapters. The sentence of an additional term of parole or work release shall be consecutive to the original term of confinement.~~ Any person who violates a provision of this section involving an act included in subsection 3 or 4 shall, upon conviction, be guilty of a class "D" felony.

Sec. 31. Section 802.2, Code 2005, is amended to read as follows:

802.2 SEXUAL ABUSE — FIRST, SECOND, OR THIRD DEGREE.

1. An information or indictment for sexual abuse in the first, second, or third degree committed on or with a person who is under the age of eighteen years shall be found within ten years after the person upon whom the offense is committed attains eighteen years of age, or if the identity of the person against whom the information or indictment is sought is established through the use of a DNA profile, an information or indictment shall be found within three years from the date the identity of the person is identified by the person's DNA profile, whichever is later.

2. An information or indictment for any other sexual abuse in the first, second, or third degree shall be found within ten years after its commission, or if the identity of the person against whom the information or indictment is sought is established through the use of a DNA profile, an information or

Page 14

indictment shall be found within three years from the date the identity of the person is identified by the person's DNA profile, whichever is later.

3. As used in this section, "identified" means a person's legal name is known and the person has been determined to be the source of the DNA.

Sec. 32. Section 901.5, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 13. In addition to any other sentence or other penalty imposed against the defendant, the court shall impose a special sentence if required under section 903B.0A or 903B.0B.

Sec. 33. NEW SECTION. 902.15 ENHANCED PENALTY — SEXUAL ABUSE OR LASCIVIOUS ACTS WITH A CHILD.

1. A person commits a class "A" felony if the person commits a second or subsequent offense

17 involving any combination of the following offenses:
18 a. Sexual abuse in the second degree in violation
19 of section 709.3.
20 b. Sexual abuse in the third degree in violation
21 of section 709.4.
22 c. Lascivious acts with a child in violation of
23 section 709.8, subsection 1 or 2.
24 2. In determining if a violation charged is a
25 second or subsequent offense for purposes of criminal
26 sentencing in this section, each previous violation on
27 which conviction or deferral of judgment was entered
28 prior to the date of the violation charged shall be
29 considered and counted as a separate previous offense,
30 regardless of whether the previous offense occurred
31 before, on, or after the effective date of this Act.
32 Convictions or the equivalent of deferred judgments
33 for violations in any other states under statutes
34 substantially corresponding to the offenses listed in
35 subsection 1 shall be counted as previous offenses.
36 The courts shall judicially notice the statutes of
37 other states which define offenses substantially
38 equivalent to the offenses listed in subsection 1 and
39 can therefore be considered corresponding statutes.
40 Sec. 34. NEW SECTION. 903B.0A SPECIAL SENTENCE
41 — CLASS "B" OR CLASS "C" FELONIES.
42 A person convicted of a class "C" felony or greater
43 offense under chapter 709, or a class "C" felony under
44 section 728.12, shall also be sentenced, in addition
45 to any other punishment provided by law, to a special
46 sentence committing the person into the custody of the
47 director of the Iowa department of corrections for the
48 rest of the person's life, with eligibility for parole
49 as provided in chapter 906. The special sentence
50 imposed under this section shall commence upon

Page 15

1 completion of the sentence imposed under any
2 applicable criminal sentencing provisions for the
3 underlying criminal offense and the person shall begin
4 the sentence under supervision as if on parole. The
5 person shall be placed on the corrections continuum in
6 chapter 901B, and the terms and conditions of the
7 special sentence, including violations, shall be
8 subject to the same set of procedures set out in
9 chapters 901B, 905, 906, and chapter 908, and rules
10 adopted under those chapters for persons on parole.
11 The revocation of release shall not be for a period
12 greater than two years upon any first revocation, and
13 five years upon any second or subsequent revocation.
14 A special sentence shall be considered a category "A"
15 sentence for purposes of calculating earned time under

16 section 903A.2.
17 Sec. 35. NEW SECTION. 903B.0B SPECIAL SENTENCE
18 — CLASS "D" FELONIES OR MISDEMEANORS.
19 A person convicted of a misdemeanor or a class "D"
20 felony offense under chapter 709, section 726.2, or
21 section 728.12 shall also be sentenced, in addition to
22 any other punishment provided by law, to a special
23 sentence committing the person into the custody of the
24 director of the Iowa department of corrections for a
25 period of ten years, with eligibility for parole as
26 provided in chapter 906. The special sentence imposed
27 under this section shall commence upon completion of
28 the sentence imposed under any applicable criminal
29 sentencing provisions for the underlying criminal
30 offense and the person shall begin the sentence under
31 supervision as if on parole. The person shall be
32 placed on the corrections continuum in chapter 901B,
33 and the terms and conditions of the special sentence,
34 including violations, shall be subject to the same set
35 of procedures set out in chapters 901B, 905, 906, and
36 908, and rules adopted under those chapters for
37 persons on parole. The revocation of release shall
38 not be for a period greater than two years upon any
39 first revocation, and five years upon any second or
40 subsequent revocation. A special sentence shall be
41 considered a category "A" sentence for purposes of
42 calculating earned time under section 903A.2.
43 Sec. 36. Section 903B.1, subsection 3, Code 2005,
44 is amended by striking the subsection.
45 Sec. 37. Section 906.15, unnumbered paragraph 1,
46 Code 2005, is amended to read as follows:
47 Unless sooner discharged, a person released on
48 parole shall be discharged when the person's term of
49 parole equals the period of imprisonment specified in
50 the person's sentence, less all time served in

Page 16

1 confinement. Discharge from parole may be granted
2 prior to such time, when an early discharge is
3 appropriate. The board shall periodically review all
4 paroles, and when the board determines that any person
5 on parole is able and willing to fulfill the
6 obligations of a law-abiding citizen without further
7 supervision, the board shall discharge the person from
8 parole. A parole officer shall periodically review
9 all paroles assigned to the parole officer, and when
10 the parole officer determines that any person assigned
11 to the officer is able and willing to fulfill the
12 obligations of a law-abiding citizen without further
13 supervision, the officer may discharge the person from
14 parole after notification and approval of the district

15 director and notification of the board of parole. In
16 any event, discharge from parole shall terminate the
17 person's sentence. If a person has been sentenced to
18 a special sentence under section 903B.0A or 903B.0B,
19 the person may be discharged early from the sentence
20 in the same manner as any other person on parole.
21 However, a person convicted of a violation of section
22 709.3, 709.4, or 709.8 committed on or with a child,
23 or a person serving a sentence under section 902.12,
24 shall not be discharged from parole until the person's
25 term of parole equals the period of imprisonment
26 specified in the person's sentence, less all time
27 served in confinement.
28 Sec. 38. Section 908.5, Code 2005, is amended to
29 read as follows:
30 908.5 DISPOSITION.
31 1. If a violation of parole is established, the
32 administrative parole judge may continue the parole
33 with or without any modification of the conditions of
34 parole. The administrative parole judge may revoke
35 the parole and require the parolee to serve the
36 sentence originally imposed, or may revoke the parole
37 and reinstate the parolee's work release status.
38 2. If the person is serving a special sentence
39 under chapter 903B, the administrative parole judge
40 may revoke the release. Upon the revocation of
41 release, the person shall not serve the entire length
42 of the special sentence imposed, and the revocation
43 shall be for a period not to exceed two years in a
44 correctional institution upon a first revocation and
45 for a period not to exceed five years in a
46 correctional institution upon a second or subsequent
47 revocation.
48 3. The order of the administrative parole judge
49 shall contain findings of fact, conclusions of law,
50 and a disposition of the matter.

Page 17

1 DIVISION IV
2 DEATH PENALTY
3 Sec. 39. Section 13B.4, Code 2005, is amended by
4 adding the following new subsection:
5 NEW SUBSECTION. 6A. The state public defender
6 shall perform all of the following duties with respect
7 to the appointment of counsel for indigent persons in
8 cases in which a sentence of death may be or is to be
9 imposed:
10 a. Provide or contract with attorneys for
11 appointment as lead counsel and cocounsel to provide
12 legal services in cases where a person is charged with
13 murder in the first degree, kidnapping, and sexual

14 abuse under section 902.15, and the state has given
15 notice of intent to seek the death penalty or in cases
16 in which a sentence of death is to be imposed.
17 b. Conduct or sponsor specialized training
18 programs for attorneys representing persons who may be
19 executed.
20 Sec. 40. Section 216A.133, Code 2005, is amended
21 by adding the following new subsection:
22 NEW SUBSECTION. 8. Review the effects of the
23 reinstatement of the death penalty on arrest,
24 prosecution, conviction, and incarceration rates; law
25 enforcement duties and ability to obtain evidence
26 necessary for arrests; court dockets and workload;
27 prison space; recidivism rates of persons charged with
28 crimes of violence against persons; and other aspects
29 of the criminal justice system. Based on the review
30 and other factors deemed relevant, the council shall
31 make findings and develop recommendations resulting
32 from those findings. Commencing January 1, 2007, the
33 council shall report its findings and any related
34 recommendations annually to the governor and to the
35 general assembly.
36 Sec. 41. NEW SECTION. 602.10111A QUALIFICATIONS
37 OF COUNSEL IN DEATH PENALTY CASES.
38 The supreme court shall prescribe rules which
39 establish minimum standards and procedures by which
40 attorneys may become qualified to provide legal
41 services as lead counsel in cases in which a sentence
42 of death may be or is to be imposed.
43 Sec. 42. NEW SECTION. 812A.1 PROCEDURE TO
44 DETERMINE SANITY OF CONDEMNED INMATE.
45 1. At any time prior to execution of an inmate
46 under section 902.1, if the director of the department
47 of corrections or the counsel for a person who is
48 under a sentence of execution has cause to believe
49 that the inmate is suffering from such a diseased or
50 deranged condition of the mind as to prevent the

Page 18

1 defendant from knowing the nature and quality of the
2 act the defendant has been convicted of, or from
3 understanding that trial on the offense has taken
4 place and that execution proceedings are about to take
5 place, or to otherwise cause the defendant to lack the
6 capacity to understand the sentence which has been
7 imposed and to participate in any legal proceedings
8 relating to the sentence, the director or counsel may
9 file a request with the court that issued the warrant
10 for execution for a determination of the inmate's
11 sanity. If the district court determines that there
12 is not sufficient reason to believe that the inmate is

13 insane, the court shall enter an order denying the
14 request and shall state the grounds for denying the
15 request. If the court believes that there is
16 sufficient reason to believe that the inmate is
17 insane, the court shall suspend the execution and
18 conduct a hearing to determine the sanity of the
19 inmate.
20 2. At the hearing, the court shall determine the
21 issue of the inmate's sanity. Prior to the hearing,
22 the court shall appoint two licensed physicians or
23 licensed psychologists, or one licensed physician and
24 one licensed psychologist, who are qualified by
25 training and practice, for purposes of conducting a
26 psychiatric or psychological examination of the
27 inmate. The physicians or psychologists shall examine
28 the inmate and report any findings in writing to the
29 court within ten days after the order of examination
30 is issued. The inmate shall have the right to present
31 evidence and cross-examine any witnesses at the
32 hearing. Any statement made by the inmate during the
33 course of any examination provided for in this
34 section, whether or not the inmate consents to the
35 examination, shall not be admitted into evidence
36 against the inmate in any criminal proceeding for
37 purposes other than a determination of the inmate's
38 sanity.
39 3. If, at the conclusion of a hearing held
40 pursuant to this section, the court determines that
41 the inmate is sane, the court shall enter an order
42 setting a date for the inmate's execution, which shall
43 be carried into effect in the same manner as provided
44 in the original sentence. A copy of the order shall
45 be sent to the director of the department of
46 corrections and the governor.
47 4. If, at the conclusion of a hearing held
48 pursuant to this section, the court determines that
49 the inmate is insane, the court shall suspend the
50 execution until further order. At any time after

Page 19

1 issuance of the order, if the court has sufficient
2 reason to believe that the inmate has become sane, the
3 court shall again determine the sanity of the inmate
4 as provided by this section. Proceedings pursuant to
5 this section may continue to be held at such times as
6 the court orders until it is either determined that
7 the inmate is sane or incurably insane.
8 Sec. 43. NEW SECTION. 814.28 REVIEW OF DEATH
9 SENTENCE.
10 1. In a case in which a sentence of death is
11 imposed, the supreme court shall automatically review

12 the judgment and sentence. The court's review of the
13 case shall be de novo. The case shall not be
14 transferred to the court of appeals.
15 2. A review by the supreme court of a judgment and
16 sentence imposing the punishment of death has priority
17 over all other criminal and other actions pending
18 before the supreme court.
19 3. The supreme court shall review the trial and
20 judgment, and shall separately review the sentencing
21 proceeding. Upon determining that errors did not
22 occur at the trial requiring reversal or modification
23 of the judgment, the supreme court shall proceed to
24 determine if the sentence of death is lawfully
25 imposed. In its review of the sentencing proceeding
26 the supreme court shall determine all of the
27 following:
28 a. Whether the sentence of death was imposed
29 capriciously or under the influence of prejudice or
30 other arbitrary factor.
31 b. Whether the special verdicts returned under
32 section 901.11 are supported by the evidence.
33 c. Whether the sentence of death is excessive or
34 disproportionate to the penalty imposed in similar
35 cases, considering both the crime and the defendant.
36 4. If the supreme court determines that the
37 sentence of death was not lawfully imposed, the court
38 shall set aside the sentence and shall remand the case
39 to the trial court for a second sentencing proceeding
40 to determine if the imposition of death is warranted.
41 5. If the supreme court affirms the judgment and
42 sentence of death, the clerk of the supreme court
43 shall certify the judgment of the supreme court under
44 the seal of the court to the clerk of the trial court.
45 Sec. 44. Section 815.10, Code 2005, is amended by
46 adding the following new subsection:
47 NEW SUBSECTION. 1A. If two attorneys have not
48 already been appointed pursuant to section 13B.4 or
49 13B.9, the court shall appoint, for each indigent
50 person who is charged with murder in the first degree

1 and in which a notice of intent to seek the death
2 penalty has been filed, two attorneys who are
3 qualified under section 602.10111A to represent the
4 person in the murder proceedings and in all state
5 legal proceedings which take place from the time the
6 person is indicted or arraigned until the person is
7 sentenced on the charge. In addition, if at any point
8 in federal postconviction proceedings an indigent
9 person is not afforded court-appointed counsel, the
10 state shall provide counsel to the person to present

11 any claims determined meritorious by the federal court
12 if the person is not otherwise represented by legal
13 counsel. Only private attorneys and public defenders
14 who are qualified to provide representation in cases
15 in which the death penalty may be imposed are eligible
16 for appointment or assignment to a case in which the
17 death penalty may be imposed.
18 Sec. 45. NEW SECTION. 901.11 MURDER PROCEEDINGS
19 — REQUEST FOR DEATH PENALTY — PENALTY PROCEEDINGS.
20 1. If a notice of intent to seek the death penalty
21 has been filed, objections to the imposition of the
22 death penalty based upon allegations that a defendant
23 was mentally retarded or mentally ill at the time of
24 the commission of the offense shall be raised within
25 the time provided for the filing of pretrial motions
26 under rule of criminal procedure 2.11, Iowa court
27 rules. The court may, for good cause shown, allow
28 late filing of the motion. Hearing on the motion
29 shall be held prior to trial and the burden of proof
30 shall be on the defendant to prove mental retardation
31 or mental illness by a preponderance of the evidence.
32 However, a rebuttable presumption of mental
33 retardation arises if a defendant has an intelligence
34 quotient of seventy or below. If the court finds that
35 the defendant is mentally retarded, the defendant, if
36 convicted of murder in the first degree, shall not be
37 sentenced to death but shall be sentenced to life
38 imprisonment in the manner provided in section 902.1,
39 subsection 1. A finding by the court that the
40 evidence presented by the defendant at the hearing
41 does not preclude the imposition of the death penalty
42 under this section and section 902.15 shall not
43 preclude the introduction of evidence of mental
44 retardation or mental illness during the penalty
45 proceeding. If the court finds that evidence of
46 mental retardation or mental illness does not preclude
47 imposition of the death penalty, evidence of mental
48 retardation or mental illness may be reviewed by the
49 jury in the penalty proceeding and the jury shall not
50 be informed of the finding in the initial proceeding

Page 21

1 at any time during the penalty proceeding.
2 2. If at the trial on a charge of murder in the
3 first degree, the state intends to request that the
4 death penalty be imposed under section 902.1,
5 subsection 2, the prosecutor shall file a notice of
6 intent to seek the death penalty, listing the
7 additional factors enumerated under section 902.15
8 that the state intends to establish in support of
9 imposition of the death penalty, at the time of and as

10 part of the information or indictment filed in the
11 case.
12 3. If a notice of intent to seek the death penalty
13 has been filed, the trial shall be conducted in
14 bifurcated proceedings before the same trier of fact.
15 During the initial proceeding, the jury, or the court,
16 if the defendant waives the right to a jury trial,
17 shall decide only whether the defendant is guilty or
18 not guilty of murder in the first degree, kidnapping,
19 and sexual abuse.
20 a. If, in the initial proceeding, the court or
21 jury finds the defendant guilty of, or the defendant
22 pleads guilty to, an offense other than murder in the
23 first degree, kidnapping, and sexual abuse, the court
24 shall sentence the defendant in accordance with the
25 sentencing procedures set forth in rule of criminal
26 procedure 2.23, Iowa court rules, and chapters 901
27 through 909, which are applicable to the offense.
28 b. If the court or jury finds the defendant guilty
29 of, or the defendant pleads guilty to, murder in the
30 first degree, kidnapping, and sexual abuse but the
31 prosecuting attorney waives the death penalty, the
32 court shall sentence the defendant to life
33 imprisonment in accordance with the sentencing
34 procedures set forth in rule of criminal procedure
35 2.23, Iowa court rules, and chapters 901 through 909,
36 which are applicable to convictions of murder in the
37 first degree, kidnapping, and sexual abuse.
38 c. If the court or jury finds the defendant guilty
39 of murder in the first degree, kidnapping, and sexual
40 abuse, or a defendant enters a plea of guilty in the
41 initial proceeding, and the prosecuting attorney does
42 not waive imposition of the death penalty, a penalty
43 proceeding shall be held in the manner provided in
44 subsections 4 through 12.
45 4. No sooner than twenty-four hours after a
46 verdict of guilty or a plea of guilty to the charge of
47 murder in the first degree, kidnapping, and sexual
48 abuse is returned in the initial proceeding, a penalty
49 proceeding shall be held to determine whether the
50 defendant shall be sentenced to death or to life

Page 22

1 imprisonment. The proceeding shall be conducted in
2 the trial court before the trial jury, or the court if
3 the defendant has waived the right to a jury trial or
4 has waived the right for the proceeding to be before
5 the trial jury. Both the state and the defendant
6 shall have the right to present opening statements at
7 the commencement of the penalty proceedings. In the
8 proceeding, evidence relevant to the existence of any

9 aggravating or mitigating circumstances may be
10 presented as follows:
11 a. The state or the defendant may present evidence
12 relevant to the conviction of murder in the first
13 degree and any of the additional factors enumerated in
14 section 902.15 and any aggravating circumstances other
15 than juvenile delinquency adjudications for offenses
16 which carry penalties equivalent to the penalties
17 imposed for simple or serious misdemeanors. The state
18 may introduce evidence of the actual harm caused by
19 the commission of the murder including, but not
20 limited to, evidence relating to the life of the
21 victim and the impact of the loss of the victim to the
22 victim's family and society.
23 b. The defendant may present evidence that the
24 defendant was mentally retarded at the time of the
25 commission of the offense. The burden of proof shall
26 be on the defendant to prove mental retardation by a
27 preponderance of the evidence. However, a rebuttable
28 presumption of mental retardation arises if a
29 defendant has an intelligence quotient of seventy or
30 below.
31 c. The state or the defendant may present evidence
32 relevant to any mitigating circumstances which may
33 exist. Mitigating circumstances may include the
34 following circumstances:
35 (1) The defendant was under the influence of an
36 extreme mental or emotional disturbance insufficient
37 to constitute a defense.
38 (2) The age of the defendant at the time of the
39 murder.
40 (3) The defendant's capacity to appreciate the
41 wrongfulness of the defendant's conduct and to conform
42 that conduct to the requirements of law was
43 significantly impaired as a result of a mental disease
44 or defect or mental retardation, but not to a degree
45 sufficient to constitute a defense.
46 (4) The defendant has no significant history of
47 prior adult criminal activity.
48 (5) The defendant acted under extreme duress or
49 under the substantial domination of another person.
50 (6) The defendant did not directly commit the

1 murder and the defendant did not intend to kill or
2 anticipate that lethal force would be used.
3 (7) Any other factor which is relevant to the
4 defendant's character or record or to the
5 circumstances of the offense.
6 d. The state and the defendant or the defendant's
7 counsel shall be permitted to present and cross-

8 examine witnesses and present arguments for or against
9 a sentence of death. Evidence regarding aggravating
10 and mitigating circumstances shall not be governed by
11 the rules governing admissibility of evidence, except
12 that introduction of evidence secured in violation of
13 the Constitution of the United States or of the
14 Constitution of the State of Iowa shall not be
15 permitted.
16 5. At the conclusion of presentation of evidence
17 in the penalty proceeding, the state and the defendant
18 or the defendant's counsel shall be permitted to make
19 closing arguments, including any rebuttal arguments,
20 in the same manner as in the initial proceeding and
21 the following issues shall be determined by the jury
22 or the court, if there is no jury:
23 a. Whether the aggravating circumstance or
24 circumstances outweigh any one or more mitigating
25 circumstances.
26 b. Whether the defendant shall be sentenced to
27 death.
28 6. A recommendation for a sentence of death shall
29 not be permitted if the recommendation is based on the
30 race, color, religious beliefs, national origin, or
31 sex of the defendant or any victim. After submission
32 of the issues, but prior to the return of a finding in
33 the penalty proceeding, if the matter is tried before
34 a jury, the court shall instruct the jury that in
35 considering whether a sentence of death is justified,
36 it shall not consider race, color, religious beliefs,
37 national origin, or sex of the defendant or of any
38 victim. The court shall further instruct the jury
39 that it shall not return a sentence of death unless it
40 concludes that such a sentence would be recommended no
41 matter what the race, color, religious beliefs,
42 national origin, or sex of the defendant or any victim
43 may be.
44 7. After submission of the issues, but prior to
45 the commencement of the jury deliberations in the
46 penalty proceeding, the court shall instruct the jury
47 that if the defendant is not sentenced to death, the
48 court is required by law to impose a sentence of
49 imprisonment until death without parole. The court
50 shall further instruct the jury that the sentence of

Page 24

1 imprisonment until death without parole is required by
2 law if the jury fails to reach a unanimous verdict
3 recommending a sentence of death.
4 8. Concurrently with the return of the findings on
5 the issues submitted under subsection 5, the jury, or
6 the court if there is no jury, shall return special

7 verdicts as follows:
8 a. Which aggravating circumstances were
9 established and were considered in reaching the
10 verdict.
11 b. Which mitigating circumstances were established
12 and were considered in reaching the verdict returned
13 on the issue specified in subsection 5, paragraph "a".
14 9. If the jury, or the court if there is no jury,
15 returns a unanimous affirmative finding on each of the
16 issues submitted under subsection 5, paragraphs "a"
17 and "b", the court shall enter a judgment of
18 conviction and shall sentence the defendant to death
19 as provided in section 902.1, subsection 2.
20 10. However, if evidence that the defendant was
21 not a major participant in the commission of the
22 murder and that the defendant's conduct did not
23 manifest a reckless indifference to human life is
24 presented to the jury, or the court, if there is no
25 jury, the jury or the court shall also return a
26 special verdict on the issue. If the jury unanimously
27 determines, or the court, if there is no jury, finds
28 that a preponderance of evidence exists that shows
29 that the defendant was not a major participant in the
30 commission of the murder and that the defendant's
31 conduct did not manifest a reckless indifference to
32 human life, the court shall enter a judgment of
33 conviction and shall sentence the defendant to life
34 imprisonment as provided in section 902.1, subsection
35 1, even if the jury or the court returns unanimous
36 affirmative findings on each of the issues submitted
37 under subsection 5.
38 11. If the jury, or the court, if there is no
39 jury, returns a negative finding on any of the issues
40 submitted under subsection 5, paragraphs "a" and "b",
41 the court shall enter a judgment of conviction and
42 shall sentence the defendant to life imprisonment as
43 provided in section 902.1, subsection 1.
44 12. After a verdict has been rendered it shall be
45 recorded on the jury verdict form and shall be read
46 and recorded in open court. The jurors shall be
47 collectively asked by the court whether the verdict
48 returned is their true and correct verdict. Even
49 though no juror makes any declaration to the contrary,
50 the jury shall, if either party so requests, be polled

Page 25

1 and each juror shall be separately asked whether the
2 verdict rendered by the jury foreperson is the juror's
3 true and correct verdict. If, upon either the
4 collective or the separate inquiry, any juror denies
5 that the verdict is the juror's verdict, the court

shall refuse to accept the verdict. The court may direct inquiry or permit inquiry by counsel to ascertain whether any juror has been subjected to coercion or has become confused during the jury deliberation process. The court may, as appropriate, direct the jury to resume deliberation in the case. If no disagreement on the verdict is expressed by any of the jurors, the court shall discharge the jury.

13. This section shall not apply to a defendant who was under the age of eighteen at the time the offense was committed.

Sec. 46. Section 902.1, Code 2005, is amended to read as follows:

902.1 CLASS "A" FELONY.

1. ~~Upon~~ Except as otherwise provided in subsection 2, upon a plea of guilty, a verdict of guilty, or a special verdict upon which a judgment of conviction of a class "A" felony may be rendered, the court shall enter a judgment of conviction and shall commit the defendant into the custody of the director of the Iowa department of corrections for the rest of the defendant's life. Nothing in the Iowa corrections code pertaining to deferred judgment, deferred sentence, suspended sentence, or reconsideration of sentence applies to a sentence of life imprisonment for a class "A" felony, and a person convicted of a class "A" felony and sentenced to life imprisonment shall not be released on parole unless the governor commutes the sentence to a term of years.

2. Upon return of a plea or verdict of guilty to the offense of murder in the first degree under section 707.2, kidnapping, and sexual abuse, and a return of a verdict in favor of a sentence of death in a penalty proceeding conducted as provided in section 901.11, the court shall enter a judgment of conviction and shall commit the defendant into the custody of the director of the Iowa department of corrections. The sentence shall be carried out by the administration of a lethal injection pursuant to rules adopted by the board of corrections. If a defendant, for whom a warrant of execution is issued, is pregnant, the execution shall not take place until after the defendant is no longer pregnant. If a defendant, for whom a warrant of execution is issued, is suffering from such a diseased or deranged condition of the mind

as to prevent the defendant from knowing the nature and quality of the act the defendant has been convicted of, or from understanding that trial on the offense has taken place and that execution proceedings

5 are about to take place, or otherwise causes the
6 defendant to lack the capacity to understand the
7 sentence which has been imposed and to participate in
8 any legal proceedings relating to the sentence, the
9 execution shall not take place until after the
10 defendant's capacity is restored. If the director of
11 the department of corrections or the defendant's
12 counsel files a request with the court which issued
13 the warrant of execution, alleging that the defendant
14 suffers from such a diseased or deranged condition, a
15 hearing on the matter shall be held in the manner
16 provided in section 812A.1. If a defendant was under
17 the age of eighteen at the time the offense was
18 committed, the defendant shall be sentenced as
19 provided in subsection 1. For the purposes of this
20 section, "lethal injection" means a continuous
21 intravenous injection of a lethal substance sufficient
22 to cause death.
23 Sec. 47. NEW SECTION. 902.15 FIRST DEGREE MURDER
24 — ADDITIONAL FACTORS.
25 A person who commits murder in the first degree,
26 who is not mentally retarded or mentally ill, and who
27 is age eighteen or older at the time the offense is
28 committed, shall be eligible for a sentence of death
29 under section 902.1, subsection 2, if the person also
30 kidnaps and commits sexual abuse against the murder
31 victim who was a minor.
32 For purposes of this section, "mentally retarded"
33 means significant subaverage general intellectual
34 functioning accompanied by significant deficits or
35 impairments in adaptive functioning manifested in the
36 developmental period, but no later than the age of
37 eighteen years, and accompanied by deficits in
38 adaptive behavior.
39 For purposes of this section, "mentally ill" means
40 the condition of a person who is suffering from a
41 chronic and persistent serious mental disease or
42 disorder and who, by reason of that condition, lacks
43 sufficient judgment to make responsible decisions
44 regarding treatment and is reasonably likely to injure
45 the person's self or others who may come into contact
46 with the person if the person is allowed to remain at
47 liberty without treatment.
48 Sec. 48. NEW SECTION. 902.16 DATA COLLECTION FOR
49 DEATH PENALTY.
50 1. The supreme court shall collect data on all

1 murder charges in which the death penalty is or was
2 not waived, which are filed and processed in the
3 courts in this state. This data may be used by the

4 supreme court to determine whether death sentences
5 imposed are excessive or disproportionate, or under
6 the influence of prejudice as a result of racial
7 discrimination under section 814.28. The court shall
8 make this data available to litigants in death penalty
9 cases.
10 2. Data collected by public officials concerning
11 factors relevant to the imposition of the death
12 sentence shall be made publicly available.
13 Sec. 49. NEW SECTION. 903C.1 EXECUTIONS —
14 REFUSAL TO PERFORM.
15 An employee of the state who may lawfully perform,
16 assist, or participate in the execution of a person
17 pursuant to section 902.1, and rules adopted by the
18 department of corrections, shall not be required to
19 perform, assist, or participate in the execution.
20 State employees who refuse to perform, assist, or
21 participate in the execution of a person shall not be
22 discriminated against in any way, including, but not
23 limited to, employment, promotion, advancement,
24 transfer, licensing, education, training, or the
25 granting of any privileges or appointments because of
26 the refusal to perform, assist, or participate in the
27 execution.
28 Sec. 50. Section 904.105, Code 2005, is amended by
29 adding the following new subsection:
30 NEW SUBSECTION. 9A. Adopt rules pursuant to
31 chapter 17A pertaining to executions of persons
32 convicted of murder in the first degree. Rules
33 adopted shall include, but are not limited to, rules
34 permitting the witnessing of executions by members of
35 the public and the victim's family. Invitations to
36 witness an execution shall at least be extended to the
37 following representatives of the news media:
38 a. A representative from a wire service serving
39 Iowa.
40 b. A representative from a broadcasting network
41 serving Iowa.
42 c. A representative from a television station
43 located in Iowa.
44 d. A representative from a radio station located
45 in Iowa.
46 e. A representative from a daily newspaper
47 published in Iowa.
48 f. A representative from a weekly newspaper
49 published in Iowa.
50 g. A representative from the news media from the

1 community in which the condemned person resided, if
2 that community is located in Iowa.

3 Sec. 51. Rules of criminal procedure, Iowa court
4 rules, are amended by adding the following four
5 sections of this Act.
6 Sec. 52. NEW RULE. 2. DEATH PENALTY —
7 PROCEDURE.
8 2.___(1) If a notice of intent to seek the death
9 penalty has been filed, objections to the imposition
10 of the death penalty based upon allegations that a
11 defendant was mentally retarded at the time of the
12 commission of the offense shall be raised within the
13 time provided for the filing of pretrial motions under
14 R.Cr.P. 2.11, Iowa court rules. The court may, for
15 good cause shown, allow late filing of the motion.
16 Hearing on the motion shall be held prior to trial and
17 the burden of proof shall be on the defendant to prove
18 mental retardation by a preponderance of the evidence.
19 However, a rebuttable presumption of mental
20 retardation arises if a defendant has an intelligence
21 quotient of seventy or below. A finding of the court
22 that the evidence presented by the defendant at the
23 hearing does not preclude the imposition of the death
24 penalty under this rule and Iowa Code section 902.15
25 shall not preclude the introduction of evidence of
26 mental retardation during the penalty proceeding. If
27 the court finds that the evidence presented by the
28 defendant does not preclude the imposition of the
29 death penalty, evidence of mental retardation may be
30 reviewed by the jury during the penalty proceeding and
31 the jury shall not be informed of the finding in the
32 initial proceeding at any time during the penalty
33 proceeding.
34 2.___(2) Upon a finding or plea that a defendant
35 is guilty of murder in the first degree, kidnapping,
36 and sexual abuse in an initial proceeding, if a notice
37 of intent to seek the death penalty has been filed and
38 has not been waived, the court shall conduct a
39 separate penalty proceeding to determine whether the
40 defendant shall be sentenced to death or to life
41 imprisonment. The penalty proceeding shall be
42 conducted in the trial court before the trial jury, or
43 the court, if there is no jury, no sooner than twenty-
44 four hours after the return of the verdict or plea in
45 the initial proceeding. In the penalty proceeding,
46 additional evidence may be presented as to the
47 conviction for murder in the first degree, kidnapping,
48 and sexual abuse or any aggravating or mitigating
49 circumstance which may exist. Presentation of
50 evidence which is relevant to the existence of an

Page 29

1 aggravating or mitigating circumstance shall not be
2 bound by the rules of evidence. This subsection does
3 not authorize the introduction of any evidence secured
4 in violation of the Constitution of the United States
5 or of the Constitution of the State of Iowa. The
6 state and the defendant or the defendant's counsel
7 shall be permitted to cross-examine witnesses and to
8 present arguments for or against a sentence of death.
9 2.___(3) On conclusion of the presentation of the
10 evidence in the penalty proceeding, the state and the
11 defendant or the defendant's counsel shall be
12 permitted to make closing arguments, including any
13 rebuttal arguments, in the same manner as in the
14 initial proceeding and the court shall submit each of
15 the following issues to the jury:
16 a. Whether one or more of those circumstances
17 outweigh any one or more mitigating circumstances.
18 b. Whether the defendant shall be sentenced to
19 death.
20 If the case is not tried to a jury, the court shall
21 determine the issues.
22 2.___(4) The state must prove the issue in rule 2.
23 ___(3)(a) beyond a reasonable doubt, and the jury, or
24 the court if there is no jury, shall return a special
25 verdict of "yes" or "no" on each issue.
26 2.___(5) If the case is tried to a jury, the court
27 shall charge the jury that:
28 a. It shall answer any issue "yes" if it agrees
29 unanimously.
30 b. It shall answer any issue "no" if the jurors
31 unanimously agree that the answer is "no" or if the
32 jurors do not unanimously agree that the answer is
33 "yes".
34 2.___(6) Concurrently with the return of the
35 special verdicts under rule 2.___(4), the jury, or the
36 court if there is no jury, shall also return special
37 verdicts as follows:
38 a. Which aggravating circumstances were
39 established and were considered in reaching the
40 verdict returned on the issue specified in rule
41 2.___(3)(a).
42 b. Which mitigating circumstances were established
43 and were considered in reaching the verdict returned
44 on the issue specified in rule 2.___(3)(a).
45 2.___(7) If the jury, or the court, if there is no
46 jury, returns an affirmative finding on all applicable
47 issues, the court shall sentence the defendant to
48 death. If the jury or the court returns a negative
49 finding on any applicable issue, the court shall
50 sentence the defendant to the custody of the director

Page 30

1 of the department of corrections for confinement for
2 the rest of the defendant's life.
3 2.___(8) After a verdict has been rendered it
4 shall be recorded on the jury verdict form and shall
5 be read and recorded in open court. The jurors shall
6 be collectively asked by the court whether the verdict
7 returned is their true and correct verdict. Even
8 though no juror makes any declaration to the contrary,
9 the jury shall, if either party so requests, be polled
10 and each juror shall be separately asked whether the
11 verdict rendered by the jury foreperson is the juror's
12 true and correct verdict. If, upon either the
13 collective or the separate inquiry, any juror denies
14 that the verdict is the juror's verdict, the court
15 shall refuse to accept the verdict. The court may
16 direct inquiry or permit inquiry by counsel to
17 ascertain whether any juror has been subjected to
18 coercion or has become confused during the jury
19 deliberation process. The court may, as appropriate,
20 direct the jury to resume deliberation in the case.
21 If no disagreement on the verdict is expressed by any
22 of the jurors, the court shall discharge the jury.
23 2.___(9) Provisions relating to deferred judgment,
24 deferred sentence, suspended sentence, reconsideration
25 of sentence, probation, parole, or work release
26 contained in Iowa Code chapters 901 through 909 do not
27 apply to a conviction of murder in the first degree,
28 kidnapping, and sexual abuse under Iowa Code section
29 902.15 if the defendant is sentenced to death.
30 Sec. 53. NEW RULE. 2.___ AUTOMATIC REVIEW —
31 STAY OF EXECUTION OF JUDGMENT.
32 2.___(1) A judgment of conviction and sentence of
33 death shall be reviewed automatically in the manner
34 provided in Iowa Code section 814.28, and the Iowa
35 supreme court has exclusive jurisdiction of the
36 review.
37 2.___(2) Upon entry of judgment and sentence of
38 death, the trial court shall prepare a complete record
39 and transcript of the action in the manner provided in
40 the rules of criminal procedure and shall docket the
41 record and transcript with the clerk of the supreme
42 court.
43 2.___(3) The execution of judgment of the trial
44 court is stayed as a matter of law from the time of
45 its entry until the judgment of the supreme court is
46 certified to and entered by the trial court. Upon
47 entry of a judgment of the supreme court which affirms
48 the conviction and sentence, the stay of execution of
49 judgment terminates as a matter of law.
50 2.___(4) All court costs required due to the

Page 31

1 automatic preparation of the record and transcript,
2 docketing with the supreme court, and stay of
3 execution of judgment shall be assessed to the state.
4 Sec. 54. NEW RULE. 2.___ ISSUANCE OF WARRANT.
5 2.___(1) Upon entry by the trial court of the
6 judgment of the supreme court affirming a judgment and
7 sentence of death, a district judge shall within five
8 days of the entry issue a warrant under the seal of
9 the court for the execution of the sentence of death.
10 The warrant shall specifically set forth the offense
11 and the fact of conviction, shall state the judgment
12 and sentence of the court, shall state that the
13 judgment and sentence were affirmed by the supreme
14 court and the date of entry of judgment of the supreme
15 court in the trial court, and shall, subject to the
16 requirements of Iowa Code section 902.1, subsection 2,
17 specify a range of five days for execution of the
18 defendant which shall be not less than fifty nor more
19 than sixty days after the date of entry in the trial
20 court of the judgment of the supreme court affirming
21 the judgment and sentence of death. The warrant shall
22 be directed to the director of the department of
23 corrections commanding the director to cause the
24 warrant to be executed within the dates specified.
25 The trial court shall deliver the warrant to the
26 sheriff of the county in which judgment of conviction
27 was entered and the sheriff shall deliver the warrant
28 to the director of the department of corrections. The
29 director of the department of corrections shall
30 acknowledge receipt of the warrant and the defendant,
31 and the sheriff shall return the acknowledgment to the
32 office of the clerk of the trial court from which the
33 warrant was issued.
34 2.___(2) Immediately after issuance of a warrant
35 ordering a sentence of death, the clerk of the trial
36 court issuing the warrant shall transmit by certified
37 mail to the governor a copy of the indictment, the
38 plea, the verdict and special findings, the
39 affirmation of judgment and sentence by the supreme
40 court, and the complete transcript of the trial court.
41 2.___(3) Notwithstanding rule 2.___(1), if a
42 defendant, for whom a warrant of execution is issued,
43 is pregnant, the execution shall not take place until
44 after the defendant is no longer pregnant.
45 Notwithstanding rule 2.___(1), if a defendant, for
46 whom a warrant of execution is issued, is suffering
47 from such a diseased or deranged condition of the mind
48 as to prevent the defendant from knowing the nature
49 and quality of the act the defendant has been
50 convicted of, or from understanding that trial on the

Page 32

1 offense has taken place and that execution proceedings
2 are about to take place, or to otherwise cause the
3 defendant to lack the capacity to understand the
4 sentence which has been imposed and to participate in
5 any legal proceedings relating to the sentence, the
6 execution shall not take place until after the
7 defendant is no longer suffering from the condition.
8 Sec. 55. NEW RULE. 2.___ EVIDENCE AT PENALTY
9 PROCEEDING WHERE DEATH SENTENCE REQUESTED.
10 2.___(1) At a reasonable time before the
11 commencement of initial proceedings in a first degree
12 murder trial in which a sentence of death has been
13 requested, each party shall file and serve upon the
14 other party the following:
15 a. A list of all aggravating or mitigating
16 circumstances which the party intends to prove during
17 the sentencing proceedings.
18 b. The names of all persons whom the party intends
19 to call as witnesses during the sentencing
20 proceedings.
21 c. Notwithstanding rule 2.14, copies, or for
22 inspection purposes, the location, of all documents,
23 including books, papers, writings, drawings, graphs,
24 charts, photographs, telephone records, and other data
25 compilations from which information can be obtained,
26 or other objects which the party intends to offer into
27 evidence during the sentencing proceedings. If copies
28 are not supplied to opposing counsel, the party shall
29 make the items available for inspection and copying
30 without order of the court.
31 2.___(2) In proceedings to determine whether the
32 sentence shall be death or life imprisonment, evidence
33 may be presented as to any matter which the trial
34 court deems relevant to the sentence, including but
35 not limited to the nature, circumstances, and manner
36 of completion of the murder, and the defendant's
37 character, background, history, and mental and
38 physical condition. The trial court shall admit any
39 relevant admissible evidence respecting any
40 aggravating or mitigating circumstances, if the party
41 has included the circumstance on a list provided
42 pursuant to this rule, or good cause is shown for the
43 failure to do so.
44 Sec. 56. EFFECTIVE DATE — SEVERABILITY.
45 1. This division of this Act takes effect January
46 1, 2006, and applies to offenses committed on or after
47 that date.
48 2. If any provision of this division of this Act
49 or the application thereof to any person is invalid,
50 the invalidity shall not affect the provisions or

Page 33

1 application of this division of this Act which can be
2 given effect without the invalid provisions or
3 application and to this end, the provisions of this
4 division of this Act are severable.
5 DIVISION V
6 VICTIM RIGHTS
7 Sec. 57. NEW SECTION. 235D.1 CRIMINAL HISTORY
8 CHECK — APPLICANTS AT DOMESTIC ABUSE OR SEXUAL
9 ASSAULT CENTERS.
10 An applicant for employment at a domestic abuse or
11 sexual assault center shall be subject to a national
12 criminal history check through the federal bureau of
13 investigation. The domestic abuse or sexual assault
14 center shall request the criminal history check and
15 shall provide the applicant's fingerprints to the
16 department of public safety for submission through the
17 state criminal history repository to the federal
18 bureau of investigation. The applicant shall
19 authorize release of the results of the criminal
20 history check to the domestic abuse or sexual assault
21 center. The applicant shall pay the actual cost of
22 the fingerprinting and criminal history check, if any.
23 Unless the criminal history check was completed within
24 the ninety calendar days prior to the date the
25 application is received by the domestic abuse or
26 sexual assault center, the center shall reject and
27 return the application to the applicant. The results
28 of a criminal history check conducted pursuant to this
29 subsection shall not be considered a public record
30 under chapter 22. For purposes of this section,
31 "domestic abuse or sexual assault center" means a
32 facility which is used to house victims of domestic
33 abuse or sexual assault, and is owned, operated, or
34 maintained by a nonprofit organization.
35 Sec. 58. NEW SECTION. 709.22 PREVENTION OF
36 FURTHER SEXUAL ASSAULT — NOTIFICATION OF RIGHTS.
37 If a peace officer has reason to believe that a
38 sexual assault as defined in section 915.40 has
39 occurred, the officer shall use all reasonable means
40 to prevent further violence including but not limited
41 to the following:
42 1. If requested, remaining on the scene of the
43 alleged sexual assault as long as there is a danger to
44 the victim's physical safety without the presence of a
45 peace officer, including but not limited to staying in
46 the dwelling unit, or if unable to remain on the
47 scene, assisting the victim in leaving the residence.
48 2. Assisting a victim in obtaining medical
49 treatment necessitated by the sexual assault,
50 including providing assistance to the victim in

Page 34

1 obtaining transportation to the emergency room of the
2 nearest hospital.
3 3. Providing a victim with immediate and adequate
4 notice of the victim's rights. The notice shall
5 consist of handing the victim a copy of the following
6 statement written in English and Spanish, asking the
7 victim to read the statement, and asking whether the
8 victim understands the rights:
9 "You have the right to ask the court for help with
10 any of the following on a temporary basis:
11 a. Keeping your attacker away from you, your home,
12 and your place of work.
13 b. The right to stay at your home without
14 interference from your attacker.
15 c. The right to seek a no-contact order under
16 section 709.20 or 915.22, if your attacker is arrested
17 for sexual assault.
18 You have the right to register as a victim with the
19 county attorney under section 915.12.
20 You have the right to file a complaint for threats,
21 assaults, or other related crimes.
22 You have the right to seek restitution against your
23 attacker for harm to you or your property.
24 You have the right to apply for victim
25 compensation.
26 You have the right to contact the county attorney
27 or local law enforcement to determine the status of
28 your case.
29 If you are in need of medical treatment, you have
30 the right to request that the officer present assist
31 you in obtaining transportation to the nearest
32 hospital or otherwise assist you.
33 You have the right to a sexual assault examination
34 performed at state expense.
35 If you believe that police protection is needed for
36 your physical safety, you have the right to request
37 that the officer present remain at the scene until you
38 and other affected parties can leave or until safety
39 is otherwise ensured."
40 The notice shall also contain the telephone numbers
41 of shelters, support groups, and crisis lines
42 operating in the area.
43 Sec. 59. Section 915.10, subsections 1 and 2, Code
44 2005, are amended to read as follows:
45 1. "Notification" means mailing by regular mail or
46 providing for hand delivery of appropriate information
47 or papers. However, this notification procedure does
48 not prohibit an <u>office,</u> agency<u>, or department</u> from
49 also providing appropriate information to a registered
50 victim by telephone<u>, electronic mail, or other means</u>.

Page 35

1 2. "Registered" means having provided the county
2 attorney with the victim's written request for
3 registration and current mailing address and telephone
4 number. If an automated victim notification system is
5 implemented pursuant to section 915.10A, "registered"
6 also means having filed a request for registration
7 with the system.
8 Sec. 60. NEW SECTION. 915.10A AUTOMATED VICTIM
9 NOTIFICATION SYSTEM.
10 1. An automated victim notification system may be
11 utilized to assist public officials in informing crime
12 victims, the victim's family, or other interested
13 persons as provided in this subchapter and where
14 otherwise specifically provided. The system shall
15 disseminate the information to registered users
16 through telephonic, electronic, or other means of
17 access.
18 2. An office, agency, or department may satisfy a
19 notification obligation to registered victims required
20 by this subchapter through participation in the system
21 to the extent information is available for
22 dissemination through the system. Nothing in this
23 section shall relieve a notification obligation under
24 this subchapter due to the unavailability of
25 information for dissemination through the system.
26 3. Notwithstanding section 232.147, information
27 concerning juveniles charged with a felony offense
28 shall be released to the extent necessary to comply
29 with this section.
30 Sec. 61. Section 915.11, Code 2005, is amended to
31 read as follows:
32 915.11 INITIAL NOTIFICATION BY LAW ENFORCEMENT.
33 A local police department or county sheriff's
34 department shall advise a victim of the right to
35 register with the county attorney, and shall provide a
36 request-for-registration form to each victim. If an
37 automated victim notification system is available
38 pursuant to section 915.10A, a local police department
39 or county sheriff's department shall provide a
40 telephone number and website to each victim to
41 register with the system.
42 Sec. 62. Section 915.12, Code 2005, is amended to
43 read as follows:
44 915.12 REGISTRATION.
45 ~~1. The county attorney shall be the sole registrar~~
46 ~~of victims under this subchapter.~~
47 ~~2.~~ 1. A victim may register by filing a written
48 request-for-registration form with the county
49 attorney. The county attorney shall notify the
50 victims in writing and advise them of their

registration and rights under this subchapter.

~~3.~~ The county attorney shall provide a registered victim list to the offices, agencies, and departments required to provide information under this subchapter for notification purposes.

2. If an automated victim notification system, the victim's family, is available pursuant to section 915.10A, a victim, the victim's family, or other interested person may register with the system by filing a request for registration through written, telephonic, or electronic means.

~~4.~~ 3. Notwithstanding chapter 22 or any other contrary provision of law, ~~a victim's~~ the registration of a victim, victim's family, or other interested person shall be strictly maintained in a separate confidential file or other confidential medium, and shall be available only to the offices, agencies, and departments required to provide information under this subchapter.

Sec. 63. Section 915.29, Code 2005, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The notification required pursuant to this section may occur through the automated victim notification system referred to in section 915.10A to the extent such information is available for dissemination through the system.

Sec. 64. Section 915.45, Code 2005, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The notification required pursuant to this section may occur through the automated victim notification system referred to in section 915.10A to the extent such information is available for dissemination through the system.

DIVISION VI

TASK FORCE

Sec. 65. SEX OFFENDER TREATMENT AND SUPERVISION TASK FORCE.

1. The division of criminal and juvenile justice planning shall establish a task force to study and make periodic recommendations for treating and supervising sex offenders in correctional institutions and in the community. The task force shall file a report with recommendations with the general assembly by January 15, 2006. The task force shall study the effectiveness of electronic monitoring and the potential effects and costs associated with the special sentence created in this Act. The task force shall study risk assessment models created for sex offenders. The task force shall also review this state's efforts and the efforts of other states to

Page 37

1 implement treatment programs and make recommendations
2 as to the best treatment options available for sex
3 offenders. The task force shall also develop a plan
4 to integrate state government databases for the
5 purpose of updating addresses of persons on the sex
6 offender registry.
7 2. Members of the task force shall include
8 representatives of the following state agencies and
9 organizations:
10 a. One representative of the department of human
11 services.
12 b. One representative of the department of public
13 safety.
14 c. One representative of the Iowa state sheriffs
15 and deputies association.
16 d. One representative of the Iowa county attorneys
17 association.
18 e. One representative of the department of
19 corrections.
20 f. One representative of the board of parole.
21 g. One representative of a judicial district
22 department of correctional services.
23 h. One representative of the department of
24 justice.
25 i. One representative of the state public
26 defender.
27 j. One representative of the Iowa coalition
28 against sexual assault.
29 DIVISION VII
30 STATE MANDATE
31 Sec. 66. IMPLEMENTATION OF ACT. Section 25B.2,
32 subsection 3, shall not apply to this Act."
33 2. Title page, by striking lines 1 through 5 and
34 inserting the following: "An Act relating to criminal
35 sentencing, victim notification, and the sex offender
36 registry, including making the death penalty
37 applicable to certain class "A" felons, establishing a
38 special sentence for certain offenders, requiring DNA
39 testing of certain offenders, requiring sex offender
40 treatment in order to accumulate earned time,
41 establishing a sex offender treatment and supervision
42 task force, providing penalties, and providing
43 effective dates.""

LARRY McKIBBEN

S–3222

1 Amend House File 619, as amended, passed, and
2 reprinted by the House, as follows:

1. Page 1, by inserting after line 4 the following:

"Sec. ___. Section 232.68, subsection 2, Code 2005, is amended by adding the following new paragraph:

NEW PARAGRAPH. i. Cohabitation with a person on the sex offender registry under chapter 692A in violation of section 726.6."

2. Page 5, by inserting after line 7 the following:

"Sec. ___. Section 726.6, subsection 1, Code 2005, is amended by adding the following new paragraph:

NEW PARAGRAPH. h. Cohabits with a person after knowing the person is required to register or is on the sex offender registry as a sex offender under chapter 692A. However, this paragraph does not apply to a person who is a parent, guardian, or a person having custody or control over a child or a minor who is required to register as a sex offender."

3. By renumbering as necessary.

DAVID MILLER
JERRY BEHN

S–3223

Amend House File 807, as amended, passed, and reprinted by the House, as follows:

1. Page 1, line 20, by striking the figure "118,084,282" and inserting the following: "118,404,282".

2. By striking page 1, line 21, through page 2, line 2.

3. Page 4, by inserting after line 4 the following:

"Sec. ___. Section 602.6401, subsection 1, Code 2005, is amended to read as follows:

1. ~~One~~ Two hundred ~~ninety-one~~ six magistrates shall be apportioned among the counties as provided in this section. Magistrates appointed pursuant to section 602.6402 shall not be counted for purposes of this section.

Sec. ___. NEW SECTION. 602.8102A NOTICES RETURNED FOR UNKNOWN ADDRESS — RESENDING.

Notwithstanding any other provision of the Code to the contrary, and subject to rules prescribed by the supreme court, if the clerk of the district court sends a mailing or notice to a person or party and the mailing or notice is returned by the postal service to the clerk of the district court as undeliverable, the clerk is not required to send a repeat or subsequent mailing or notice unless the clerk receives an updated

27 mailing address.
28 Sec. ___. Section 602.8105, subsection 2, Code
29 2005, is amended to read as follows:
30 2. The clerk of the district court shall collect
31 the following fees for miscellaneous services:
32 a. For filing, entering, and endorsing a
33 mechanic's lien, twenty dollars, and if a suit is
34 brought, the fee is taxable as other costs in the
35 action.
36 b. For filing and entering an agricultural supply
37 dealer's lien and any other statutory lien, twenty
38 dollars.
39 c. For a certificate and seal, ten dollars.
40 However, there shall be no charge for a certificate
41 and seal to an application to procure a pension,
42 bounty, or back pay for a member of the armed services
43 or other person.
44 d. For certifying a change in title of real
45 estate, twenty dollars.
46 e. For filing a praecipe to issue execution under
47 chapter 626, twenty-five dollars.
48 f. For filing a praecipe to issue execution under
49 chapter 654, fifty dollars.
50 g. For filing a confession of judgment under

Page 2

1 chapter 676, fifty dollars if the judgment is five
2 thousand dollars or less, and one hundred dollars if
3 the judgment exceeds five thousand dollars.
4 ~~e.~~ h. Other fees provided by law.
5 Sec. ___. Section 901.4, Code 2005, is amended to
6 read as follows:
7 901.4 PRESENTENCE INVESTIGATION REPORT
8 CONFIDENTIAL — DISTRIBUTION.
9 The presentence investigation report is
10 confidential and the court shall provide safeguards to
11 ensure its confidentiality, including but not limited
12 to sealing the report, which may be opened only by
13 further court order. At least three days prior to the
14 date set for sentencing, the court shall ~~serve~~ send a
15 copy of all of the presentence investigation report
16 ~~upon~~ by ordinary or electronic mail, to the
17 defendant's attorney and the attorney for the state,
18 and the report shall remain confidential except upon
19 court order. However, the court may conceal the
20 identity of the person who provided confidential
21 information. The report of a medical examination or
22 psychological or psychiatric evaluation shall be made
23 available to the attorney for the state and to the
24 defendant upon request. The reports are part of the
25 record but shall be sealed and opened only on order of

26 the court. If the defendant is committed to the
27 custody of the Iowa department of corrections and is
28 not a class "A" felon, a copy of the presentence
29 investigation report shall be forwarded by ordinary or
30 electronic mail to the director with the order of
31 commitment by the clerk of the district court and to
32 the board of parole at the time of commitment.
33 Pursuant to section 904.602, the presentence
34 investigation report may also be released by ordinary
35 or electronic mail by the department of corrections or
36 a judicial district department of correctional
37 services to another jurisdiction for the purpose of
38 providing interstate probation and parole compact or
39 interstate compact for adult offender supervision
40 services or evaluations, or to a substance abuse or
41 mental health services provider when referring a
42 defendant for services. The defendant or the
43 defendant's attorney may file with the presentence
44 investigation report, a denial or refutation of the
45 allegations, or both, contained in the report. The
46 denial or refutation shall be included in the report.
47 If the person is sentenced for an offense which
48 requires registration under chapter 692A, the court
49 shall release the report by ordinary or electronic
50 mail to the department.

Page 3

1 Sec. ___. STUDY OF COURT RULES RELATING TO TRIBAL
2 COURTS. The general assembly acknowledges that
3 contact and interaction between the Iowa court system
4 and federally recognized tribal courts are ever
5 increasing and the general assembly urges the Iowa
6 supreme court to study this interaction and consider
7 developing and prescribing rules that relate to the
8 tribal court system, tribal court orders, judgments,
9 and decrees."

ROBERT E. DVORSKY
JEFF ANGELO

S–3224

1 Amend the House amendment, S–3208, to Senate File
2 200, as passed by the Senate, as follows:
3 1. Page 2, by inserting after line 26, the
4 following:
5 "___. One member of the Iowa section of the
6 American water works association."
7 2. By renumbering as necessary.

JOHN PUTNEY

S–3225

Amend House File 808, as passed by the House, as follows:

1. Page 3, by inserting after line 24, the following:

"Sec. ___. APIARY REGULATION. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2005, and ending June 30, 2006, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For support of apiary regulation as provided in chapter 160, including salaries, support, maintenance, and miscellaneous purposes:

..... $ 40,000

Sec. ___. SOIL AND WATER CONSERVATION DISTRICTS. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2005, and ending June 30, 2006, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of reimbursing commissioners of soil and water conservation districts for administrative expenses including but not limited to travel expenses, technical training, and professional dues:

..... $ 250,000

A soil and water conservation district receiving moneys from an allocation provided pursuant to this section shall submit a report to the soil conservation division of the department of agriculture and land stewardship by January 1, 2006, accounting for moneys which have been expended or unexpended or which have been obligated or encumbered. The report shall state how the moneys were used."

2. Page 7, by inserting before line 10 the following:

"IOWA STATE UNIVERSITY
DESIGNATED APPROPRIATION

Sec. ___. OPEN FEEDLOTS HOUSING BEEF CATTLE — WATER QUALITY RESEARCH PROJECT. There is appropriated from the agrichemical remediation fund created in section 161.7 to Iowa state university for the fiscal year beginning July 1, 2005, and ending June 30, 2006, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting a water quality research project which studies the effectiveness of alternative technologies used to reduce risks to water quality from effluent originating from open feedlots which house beef cattle:

Page 2

1 ..... $ 100,000
2 In conducting the project, Iowa state university
3 shall cooperate with the Iowa cattlemen's association,
4 the department of natural resources, the department of
5 agriculture and land stewardship, and the United
6 States department of agriculture natural resource
7 conservation service.
8 DEPARTMENT OF AGRICULTURE
9 AND LAND STEWARDSHIP
10 HORSE AND DOG
11 REGULATION — FEES
12 Sec. ___. Section 99D.22, subsection 3, paragraph
13 d, Code 2005, is amended to read as follows:
14 d. Adopt rules establishing a schedule of fees to
15 be ~~charged to~~ imposed on breeders of thoroughbreds,
16 quarter horses, or standardbreds ~~to administer~~ for
17 purposes of administering and enforcing this
18 subsection. The moneys paid to the department from
19 fees as provided in this paragraph shall be considered
20 repayment receipts as defined in section 8.2, and
21 shall be used for the administration and enforcement
22 of this subsection.
23 Sec. ___. Section 99D.22, Code 2005, is amended by
24 adding the following new subsection:
25 NEW SUBSECTION. 3A. a. The department of
26 agriculture and land stewardship shall adopt rules
27 establishing a schedule of registration fees to be
28 imposed on owners of dogs that are whelped and raised
29 for the first six months of their lives in Iowa for
30 purposes of promoting native dogs as provided in this
31 chapter, including section 99D.12 and this section.
32 The amount of the registration fees shall be imposed
33 as follows:
34 (1) An owner of a dam registering the dam, twenty-
35 five dollars.
36 (2) An owner of a litter registering the litter,
37 ten dollars.
38 (3) An owner of a dog registering the dog, five
39 dollars.
40 b. The moneys paid to the department from
41 registration fees as provided in paragraph "a" shall
42 be considered repayment receipts as defined in section
43 8.2, and shall be used for the administration and
44 enforcement of programs for the promotion of native
45 dogs.
46 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
47 AND DEPARTMENT OF NATURAL RESOURCES
48 DEER REGULATION AND FEES
49 Sec. ___. NEW SECTION. 170.3A CHRONIC WASTING
50 DISEASE CONTROL PROGRAM.

Page 3

1 The department shall establish and administer a
2 chronic wasting disease control program for the
3 control of chronic wasting disease which threatens
4 farm deer. The program shall include procedures for
5 the inspection and testing of farm deer, responses to
6 reported cases of chronic wasting disease, and methods
7 to ensure that owners of farm deer may engage in the
8 movement and sale of farm deer.
9 Sec. ___. NEW SECTION. 170.3B FARM DEER
10 ADMINISTRATION FEE.
11 The department may establish a farm deer
12 administration fee which shall be annually imposed on
13 each landowner who keeps farm deer in this state. The
14 amount of the fee shall not exceed two hundred dollars
15 per year. The fee shall be collected by the
16 department in a manner specified by rules adopted by
17 the department after consulting with the farm deer
18 council established in section 170.2. The collected
19 fees shall be credited to the farm deer administration
20 fund created pursuant to section 170.3C.
21 Sec. ___. NEW SECTION. 170.3C FARM DEER
22 ADMINISTRATION FUND — APPROPRIATION.
23 A farm deer administration fund is created in the
24 state treasury under the control of the department.
25 1. The fund shall be composed of moneys
26 appropriated by the general assembly and moneys
27 available to and obtained or accepted by the
28 department from the United States or private sources
29 for placement in the fund. The fund shall include all
30 moneys collected from the farm deer administration fee
31 as provided in section 170.3B.
32 2. The moneys in the fund are appropriated
33 exclusively to the department for purposes of
34 administering this chapter, including but not limited
35 to the administration of the chronic wasting disease
36 control program as provided in section 170.3A.
37 3. Section 8.33 shall not apply to moneys credited
38 to the fund. Notwithstanding section 12C.7, moneys
39 earned as income or interest from the fund shall
40 remain in the fund until expended as provided in this
41 section.
42 Sec. ___. Section 483A.24, subsection 2, paragraph
43 c, if enacted by 2005 Iowa Acts, Senate File 206,
44 section 8, is amended to read as follows:
45 c. Upon written application on forms furnished by
46 the department, the department shall issue annually
47 without fee two deer hunting licenses, one antlered or
48 any sex deer hunting license and one antlerless deer
49 only deer hunting license, to the owner of a farm unit
50 or a member of the owner's family, but only a total of

Page 4

1 two licenses for both, and to the tenant of a farm
2 unit or a member of the tenant's family, but only a
3 total of two licenses for both. The deer hunting
4 licenses issued shall be valid only for use on the
5 farm unit for which the applicant applies pursuant to
6 this paragraph. The owner or the tenant need not
7 reside on the farm unit to qualify for the free deer
8 hunting licenses to hunt on that farm unit. The free
9 deer hunting licenses issued pursuant to this
10 paragraph shall be valid and may be used during any
11 shotgun deer season. The licenses may be used to
12 harvest deer in two different seasons. In addition, a
13 person who receives a free deer hunting license
14 pursuant to this paragraph shall pay a one dollar fee
15 for each license that shall be used and is
16 appropriated for the purpose of deer herd population
17 management, including assisting with the cost of
18 processing deer donated to the help us stop hunger
19 program administered by the commission."
20 3. Title page, line 3, by inserting after the
21 word "resources" the following: ", and providing for
22 fees".
23 4. By renumbering as necessary.

JOE M. SENG
JEFF ANGELO
ROBERT E. DVORSKY
E. THURMAN GASKILL

S–3226

1 Amend the House amendment, S–3218, to Senate File
2 413, as passed by the Senate, as follows:
3 1. By striking page 10, line 36, through page 11,
4 line 7.
5 2. By striking page 13, line 47, through page 14,
6 line 26.

MICHAEL CONNOLLY

S–3227

1 Amend House File 807, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 5, by striking the word "amount"
4 and inserting the following: "amounts".
5 2. Page 1, line 8, by inserting before the word
6 "For" the following: "a."
7 3. Page 1, by inserting after line 20 the
8 following:

9 "b. For an initial grant to be determined by the
10 state court administrator, for the establishment of a
11 youth enrichment pilot project located in a county
12 with a population greater than three hundred thousand
13 that is involved in a public and private partnership
14 pursuing life skills, education, and mentoring
15 programs for offenders between the ages of sixteen and
16 twenty-two who have been charged with a felony:
17 ..... $ 100,000"

JEFF LAMBERTI

S–3228

1 Amend House File 810, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 18, by inserting after line 34, the
4 following:
5 "Sec. ___. NEW SECTION. 8.7 REPORTING OF GIFTS
6 RECEIVED.
7 All gifts, bequests, and grants received by a
8 department or accepted by the governor on behalf of
9 the state shall be reported to the Iowa ethics and
10 campaign disclosure board and the government oversight
11 committees. The ethics and campaign disclosure board
12 shall, by January 31 of each year, submit to the
13 fiscal services division of the legislative services
14 agency a written report listing all gifts, bequests,
15 and grants received during the previous calendar year
16 with a value over one thousand dollars and the purpose
17 for each such gift, bequest, or grant. The submission
18 shall also include a listing of all gifts, bequests,
19 and grants received by a department from a person if
20 the cumulative value of all gifts, bequests, and
21 grants received by the department from the person
22 during the previous calendar year exceeds one thousand
23 dollars, and the ethics and campaign disclosure board
24 shall include, if available, the purpose for each such
25 gift, bequest, or grant."
26 2. By renumbering as necessary.

JEFF ANGELO
ROBERT E. DVORSKY

S–3229

1 Amend the amendment, S–3185, to House File 619, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. By striking page 1, line 1, through page 22,
5 line 19, and inserting the following:
6 "Amend House File 619, as amended, passed, and

reprinted by the House, as follows:

1. By striking everything after the enacting clause and inserting the following:

"DIVISION I

DNA PROFILING

Section 1. NEW SECTION. 81.1 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "DNA" means deoxyribonucleic acid.

2. "DNA databank" means the repository for DNA samples obtained pursuant to section 81.4.

3. "DNA database" means the collection of DNA profiles and DNA records.

4. "DNA profile" means the objective form of the results of DNA analysis performed on a DNA sample. The results of all DNA identification analysis on an individual's DNA sample are also collectively referred to as the DNA profile of an individual.

5. "DNA profiling" means the procedure established by the division of criminal investigation, department of public safety, for determining a person's genetic identity.

6. "DNA record" means the DNA sample and DNA profile, and other records in the DNA database and DNA data bank used to identify a person.

7. "DNA sample" means a biological sample provided by any person required to submit a DNA sample or a DNA sample submitted for any other purpose under section 81.4.

8. "Person required to submit a DNA sample" means a person convicted, adjudicated delinquent, receiving a deferred judgment, or found not guilty by reason of insanity of an offense requiring DNA profiling pursuant to section 81.2. "Person required to submit a DNA sample" also means a person determined to be a sexually violent predator pursuant to section 229A.7.

Sec. 2. NEW SECTION. 81.2 PERSONS REQUIRED TO SUBMIT A DNA SAMPLE.

1. A person who receives a deferred judgment for a felony or against whom a judgment or conviction for a felony has been entered shall be required to submit a DNA sample for DNA profiling pursuant to section 81.4.

2. A person determined to be a sexually violent predator pursuant to chapter 229A shall be required to

submit a DNA sample for DNA profiling pursuant to section 81.4 prior to discharge or placement in a transitional release program.

3. A person found not guilty by reason of insanity of an offense that requires DNA profiling shall be

6 required to submit a DNA sample for DNA profiling
7 pursuant to section 81.4 as part of the person's
8 treatment management program.
9 4. A juvenile adjudicated delinquent of an offense
10 that requires DNA profiling of an adult offender shall
11 be required to submit a DNA sample for DNA profiling
12 pursuant to section 81.4 as part of the disposition of
13 the juvenile's case.
14 5. An offender placed on probation shall
15 immediately report to the judicial district department
16 of correctional services after sentencing so it can be
17 determined if the offender has been convicted of an
18 offense requiring DNA profiling. If it is determined
19 by the judicial district that DNA profiling is
20 required, the offender shall immediately submit a DNA
21 sample.
22 6. A person required to register as a sex
23 offender.
24 Sec. 3. NEW SECTION. 81.3 ESTABLISHMENT OF DNA
25 DATABASE AND DNA DATABANK.
26 1. A state DNA database and a state DNA databank
27 are established under the control of the division of
28 criminal investigation, department of public safety.
29 The division of criminal investigation shall conduct
30 DNA profiling of a DNA sample submitted in accordance
31 with this section.
32 2. A DNA sample shall be submitted, and the
33 division of criminal investigation shall store and
34 maintain DNA records in the DNA database and DNA
35 databank for persons required to submit a DNA sample.
36 3. A DNA sample may be submitted, and the division
37 of criminal investigation shall store and maintain DNA
38 records in the DNA database and DNA databank for any
39 of the following:
40 a. Crime scene evidence and forensic casework.
41 b. A relative of a missing person.
42 c. An anonymous DNA profile used for forensic
43 validation, forensic protocol development, or quality
44 control purposes, or for the establishment of a
45 population statistics database.
46 4. A fingerprint record of a person required to
47 submit a DNA sample shall also be submitted to the
48 division of criminal investigation with the DNA sample
49 to verify the identity of the person required to
50 submit a DNA sample.

Page 3

1 Sec. 4. NEW SECTION. 81.4 COLLECTING,
2 SUBMITTING, ANALYZING, IDENTIFYING, AND STORING DNA
3 SAMPLES AND DNA RECORDS.
4 1. The division of criminal investigation shall

5 adopt rules for the collection, submission, analysis,
6 identification, storage, and disposition of DNA
7 records.
8 2. A supervising agency having control, custody,
9 or jurisdiction over a person shall collect a DNA
10 sample from a person required to submit a DNA sample.
11 The supervising agency shall collect a DNA sample,
12 upon admittance to the pertinent institution or
13 facility, of the person required to submit a DNA
14 sample or at a determined date and time set by the
15 supervising agency. If a person required to submit a
16 DNA sample is confined at the time a DNA sample is
17 required, the person shall submit a DNA sample as soon
18 as practicable. If a person required to submit a DNA
19 sample is not confined after the person is required to
20 submit a DNA sample, the supervising agency shall
21 determine the date and time to collect the DNA sample.
22 3. A person required to submit a DNA sample who
23 refuses to submit a DNA sample may be subject to
24 contempt proceedings pursuant to chapter 665 until the
25 DNA sample is submitted.
26 4. The division of criminal investigation shall
27 conduct DNA profiling on a DNA sample or may contract
28 with a private entity to conduct the DNA profiling.
29 Sec. 5. NEW SECTION. 81.5 CIVIL AND CRIMINAL
30 LIABILITY — LIMITATION.
31 A person who collects a DNA sample shall not be
32 civilly or criminally liable for the collection of the
33 DNA sample if the person performs the person's duties
34 in good faith and in a reasonable manner according to
35 generally accepted medical practices or in accordance
36 with the procedures set out in the administrative
37 rules of the department of public safety adopted
38 pursuant to section 81.4.
39 Sec. 6. NEW SECTION. 81.6 CRIMINAL OFFENSE.
40 1. A person who knowingly or intentionally does
41 any of the following commits an aggravated
42 misdemeanor:
43 a. Discloses any part of a DNA record to a person
44 or agency that is not authorized by the division of
45 criminal investigation to have access to the DNA
46 record.
47 b. Uses or obtains a DNA record for a purpose
48 other than what is authorized under this chapter.
49 2. A person who knowingly or intentionally alters
50 or attempts to alter a DNA sample, falsifies the

1 source of a DNA sample, or materially alters a
2 collection container used to collect the DNA sample,
3 commits a class "D" felony.

4 Sec. 7. NEW SECTION. 81.7 CONVICTION OR ARREST
5 NOT INVALIDATED.
6 The detention, arrest, or conviction of a person
7 based upon a DNA database match is not invalidated if
8 it is determined that the DNA sample or DNA profile
9 was obtained or placed into the DNA database by
10 mistake or error.
11 Sec. 8. NEW SECTION. 81.8 CONFIDENTIAL RECORDS.
12 1. A DNA record shall be considered a confidential
13 record and disclosure of a DNA record is only
14 authorized pursuant to this section.
15 2. Confidential DNA records under this section may
16 be released to the following agencies for law
17 enforcement identification purposes:
18 a. Any criminal or juvenile justice agency as
19 defined in section 692.1.
20 b. Any criminal or juvenile justice agency in
21 another jurisdiction that meets the definition of a
22 criminal or juvenile justice agency as defined in
23 section 692.1.
24 3. The division of criminal investigation shall
25 share the DNA record information with the appropriate
26 federal agencies for use in a national DNA database.
27 4. A DNA record or other forensic information
28 developed pursuant to this chapter may be released for
29 use in a criminal or juvenile delinquency proceeding
30 in which the state is a party and where the DNA record
31 or forensic information is relevant and material to
32 the subject of the proceeding. Such a record or
33 information may become part of a public transcript or
34 other public recording of such a proceeding.
35 5. A DNA record or other forensic information may
36 be released pursuant to a court order for criminal
37 defense purposes to a defendant, who shall have access
38 to DNA samples and DNA profiles related to the case in
39 which the defendant is charged.
40 Sec. 9. NEW SECTION. 81.9 EXPUNGEMENT OF DNA
41 RECORDS.
42 1. A person whose DNA record has been included in
43 the DNA database or DNA databank established pursuant
44 to section 81.3 may request, in writing to the
45 division of criminal investigation, expungement of the
46 DNA record from the DNA database and DNA databank
47 based upon the person's conviction, adjudication, or
48 civil commitment which caused the submission of the
49 DNA sample being reversed on appeal and the case
50 dismissed. The written request shall contain a

1 certified copy of the final court order reversing the
2 conviction, adjudication, or civil commitment, and a

3 certified copy of the dismissal, and any other
4 information necessary to ascertain the validity of the
5 request.
6 2. The division of criminal investigation, upon
7 receipt of a written request that validates reversal
8 on appeal of a person's conviction, adjudication, or
9 commitment, and subsequent dismissal of the case, or
10 upon receipt of a written request by a person who
11 voluntarily submitted a DNA sample under section 81.3,
12 subsection 3, paragraph "b", or upon receipt of a
13 written request by a person who voluntarily submitted
14 a DNA sample pursuant to section 81.3, subsection 3,
15 paragraph "b", shall expunge all of the DNA records
16 and identifiable information of the person in the DNA
17 database and DNA databank. However, if the division
18 of criminal investigation determines that the person
19 is otherwise obligated to submit a DNA sample, the DNA
20 records shall not be expunged. If the division of
21 criminal investigation denies an expungement request,
22 the division shall notify the person requesting the
23 expungement of the decision not to expunge the DNA
24 record and the reason supporting its decision. The
25 division of criminal investigation decision is subject
26 to judicial review pursuant to chapter 17A. The
27 department of public safety shall adopt rules
28 governing the expungement procedure and a review
29 process.
30 3. The division of criminal investigation is not
31 required to expunge or destroy a DNA record pursuant
32 to this section, if expungement or destruction of the
33 DNA record would destroy evidence related to another
34 person.
35 Sec. 10. NEW SECTION. 81.10 DNA PROFILING AFTER
36 CONVICTION.
37 1. A defendant who has been convicted of a felony
38 and who has not been required to submit a DNA sample
39 for DNA profiling may make a motion to the court for
40 an order to require that DNA analysis be performed on
41 evidence collected in the case for which the person
42 stands convicted.
43 2. The motion shall state the following:
44 a. The specific crimes for which the defendant
45 stands convicted in this case.
46 b. The facts of the underlying case, as proven at
47 trial or admitted to during a guilty plea proceeding.
48 c. Whether any of the charges include sexual abuse
49 or involve sexual assault, and if so, whether a sexual
50 assault examination was conducted and evidence

1 preserved, if known.
2 d. Whether identity was at issue or contested by
3 the defendant.
4 e. Whether the defendant offered an alibi, and if
5 so, testimony corroborating the alibi and, from whom.
6 f. Whether eyewitness testimony was offered, and
7 if so from whom.
8 g. Whether any issues of police or prosecutor
9 misconduct have been raised in the past or are being
10 raised by the motion.
11 h. The type of inculpatory evidence admitted into
12 evidence at trial or admitted to during a guilty plea
13 proceeding.
14 i. Whether blood testing or other biological
15 evidence testing was conducted previously in
16 connection with the case and, if so, by whom and to
17 the result, if known.
18 j. What biological evidence exists and, if known,
19 the agency or laboratory storing the evidence that the
20 defendant seeks to have tested.
21 k. Why the requested analysis of DNA evidence is
22 material to the issue in the case and not merely
23 cumulative or impeaching.
24 l. Why the DNA evidence would have changed the
25 outcome of the trial or invalidated a guilty plea if
26 DNA profiling had been conducted prior to the
27 conviction.
28 3. A motion filed under this section shall be
29 filed in the county where the defendant was convicted,
30 and notice of the motion shall be served by certified
31 mail upon the county attorney and, if known, upon the
32 state, local agency, or laboratory holding evidence
33 described in subsection 2, paragraph "k". The county
34 attorney shall have sixty days to file an answer to
35 the motion.
36 4. Any DNA profiling of the defendant or other
37 biological evidence testing conducted by the state or
38 by the defendant shall be disclosed and the results of
39 such profiling or testing described in the motion or
40 answer.
41 5. If the evidence requested to be tested was
42 previously subjected to DNA or other biological
43 analysis by either party, the court may order the
44 disclosure of the results of such testing, including
45 laboratory reports, notes, and underlying data, to the
46 court and the parties.
47 6. The court may order a hearing on the motion to
48 determine if evidence should be subjected to DNA
49 analysis.
50 7. The court shall grant the motion if all of the

1 following apply:
2 a. The evidence subject to DNA testing is
3 available and in a condition that will permit
4 analysis.
5 b. A sufficient chain of custody has been
6 established for the evidence.
7 c. The identity of the person who committed the
8 crime for which the defendant was convicted was a
9 significant issue in the crime for which the defendant
10 was convicted.
11 d. The evidence subject to DNA analysis is
12 material to, and not merely cumulative or impeaching
13 of, evidence included in the trial record or admitted
14 to at a guilty plea proceeding.
15 e. DNA analysis of the evidence would raise a
16 reasonable probability that the defendant would not
17 have been convicted if DNA profiling had been
18 available at the time of the conviction and had been
19 conducted prior to the conviction.
20 8. Upon the court granting a motion filed pursuant
21 to this section, DNA analysis of evidence shall be
22 conducted within the guidelines generally accepted by
23 the scientific community. The defendant shall provide
24 DNA samples for testing if requested by the state.
25 9. Results of DNA analysis conducted pursuant to
26 this section shall be reported to the parties and to
27 the court and may be provided to the board of parole,
28 department of corrections, and criminal and juvenile
29 justice agencies, as defined in section 692.1, for use
30 in the course of investigations and prosecutions, and
31 for consideration in connection with requests for
32 parole, pardon, reprieve, and commutation. DNA
33 samples obtained pursuant to this section may be
34 included in the DNA databank, and DNA profiles and DNA
35 records developed pursuant to this section may be
36 included in the DNA database.
37 10. A criminal or juvenile justice agency, as
38 defined in section 692.1, shall maintain DNA samples
39 and evidence that could be tested for DNA for a period
40 of three years beyond the limitations for the
41 commencement of criminal actions as set forth in
42 chapter 802. This section does not create a cause of
43 action for damages or a presumption of spoliation in
44 the event evidence is no longer available for testing.
45 11. If the court determines a defendant who files
46 a motion under this section is indigent, the defendant
47 shall be entitled to appointment of counsel as
48 provided in chapter 815.
49 12. If the court determines after DNA analysis
50 ordered pursuant to this section that the results

1 indicate conclusively that the DNA profile of the
2 defendant matches the profile from the analyzed
3 evidence used against the defendant, the court may
4 order the defendant to pay the costs of these
5 proceedings, including costs of all testing, court
6 costs, and costs of court-appointed counsel, if any.
7 Sec. 11. Section 229A.7, Code 2005, is amended by
8 adding the following new subsection:
9 NEW SUBSECTION. 5A. If the court or jury
10 determines that the respondent is a sexually violent
11 predator, the court shall order the respondent to
12 submit a DNA sample for DNA profiling pursuant to
13 section 81.4.
14 Sec. 12. Section 232.52, Code 2005, is amended by
15 adding the following new subsection:
16 NEW SUBSECTION. 10. The court shall order a
17 juvenile adjudicated a delinquent for an offense that
18 requires DNA profiling under section 81.2 to submit a
19 DNA sample for DNA profiling pursuant to section 81.4.
20 Sec. 13. Section 669.14, Code 2005, is amended by
21 adding the following new subsection:
22 NEW SUBSECTION. 15. Any claim arising from or
23 related to the collection of a DNA sample for DNA
24 profiling pursuant to section 81.4 or a DNA profiling
25 procedure performed by the division of criminal
26 investigation, department of public safety.
27 Sec. 14. Section 901.5, subsection 8A, Code 2005,
28 is amended to read as follows:
29 8A. a. The court shall order DNA profiling of a
30 defendant convicted of an offense that requires
31 profiling under section ~~13.10~~ 81.2.
32 b. Notwithstanding section ~~13.10~~ 81.2, the court
33 may order the defendant to provide a ~~physical specimen~~
34 DNA sample to be submitted for DNA profiling if
35 appropriate. In determining the appropriateness of
36 ordering DNA profiling, the court shall consider the
37 deterrent effect of DNA profiling, the likelihood of
38 repeated offenses by the defendant, and the
39 seriousness of the offense.
40 Sec. 15. Section 906.4, unnumbered paragraph 3,
41 Code 2005, is amended to read as follows:
42 ~~Notwithstanding section 13.10, the~~ The board may
43 order the defendant to provide a physical specimen to
44 be submitted for DNA profiling as a condition of
45 parole or work release, if ~~appropriate~~ a DNA profile
46 has not been previously conducted pursuant to chapter
47 81. In determining the appropriateness of ordering
48 DNA profiling, the board shall consider the deterrent
49 effect of DNA profiling, the likelihood of repeated
50 offenses by the defendant, and the seriousness of the

1 offense.
2 Sec. 16. 2002 Iowa Acts, chapter 1080, is
3 repealed.
4 Sec. 17. Section 13.10, Code 2005, is repealed.
5 Sec. 18. PERSONS REQUIRED TO SUBMIT A DNA SAMPLE
6 PRIOR TO EFFECTIVE DATE OF THIS DIVISION OF THIS ACT.
7 A person convicted, adjudicated a delinquent, civilly
8 committed as a sexually violent predator, or found not
9 guilty by reason of insanity, prior to the effective
10 date of this Act, who would otherwise be required to
11 submit a DNA sample under this Act, and who is under
12 the custody, control, or jurisdiction of a supervising
13 agency, shall submit a DNA sample prior to being
14 released from the supervising agency's custody,
15 control, or jurisdiction.
16 Sec. 19. EFFECTIVE DATE. This division of this
17 Act, being deemed of immediate importance, takes
18 effect upon enactment.
19 DIVISION II
20 SEX OFFENDER REGISTRY AND TREATMENT
21 Sec. 20. Section 232.68, subsection 2, Code 2005,
22 is amended by adding the following new paragraph:
23 NEW PARAGRAPH. i. Cohabitation with a person on
24 the sex offender registry under chapter 692A in
25 violation of section 726.6.
26 Sec. 21. Section 692A.1, subsection 8, Code 2005,
27 is amended to read as follows:
28 8. "Residence" means the place where a person
29 sleeps, which may include more than one location, and
30 may be mobile or transitory, including a shelter or
31 group home.
32 Sec. 22. Section 692A.2, Code 2005, is amended by
33 adding the following new subsection:
34 NEW SUBSECTION. 1A. If a person is required to
35 register for a period of ten years under subsection 1
36 and the period under subsection 1 has expired, the
37 person shall be required to remain on the registry if
38 the person has been sentenced to a special sentence as
39 required under section 903B.0A or 903B.0B, for a
40 period equal to the term of the special sentence.
41 Sec. 23. Section 692A.4, Code 2005, is amended to
42 read as follows:
43 692A.4 VERIFICATION OF ADDRESS AND TAKING OF
44 PHOTOGRAPH.
45 1. The address of a person required to register
46 under this chapter shall be verified annually as
47 follows:
48 a. On a date which falls within the month in which
49 the person was initially required to register, the
50 department shall mail a verification form to the last

1 reported address of the person. Verification forms
2 shall not be forwarded to the person who is required
3 to register under this chapter if the person no longer
4 resides at the address, but shall be returned to the
5 department.
6 b. The person shall complete and mail the
7 verification to the department within ten days of
8 receipt of the form.
9 c. The verification form shall be signed by the
10 person, and state the address at which the person
11 resides. If the person is in the process of changing
12 residences, the person shall state that fact as well
13 as the old and new addresses or places of residence.
14 2. Verification of address for a person who has
15 been convicted of an offense under the laws of this
16 state or of another state which would qualify the
17 person as a sexually violent predator shall be
18 accomplished in the same manner as in subsection 1,
19 except that the verification shall be done every three
20 months at times established by the department.
21 3. A photograph of a person required to register
22 under this chapter shall be updated, at a minimum,
23 annually. When the department mails the address
24 verification notice in subsection 1, the department
25 shall also enclose a form informing the person to
26 annually submit to being photographed by the sheriff
27 of the county of the person's residence within ten
28 days of receipt of the address verification form. The
29 sheriff shall send the updated photograph to the
30 department within ten days of the photograph being
31 taken and the department shall post the updated
32 photograph on the sex offender registry's web page.
33 The sheriff may require the person to submit to being
34 photographed by the sheriff more than once a year by
35 mailing another notice informing the person to submit
36 to being photographed.
37 Sec. 24. NEW SECTION. 692A.4A ELECTRONIC
38 MONITORING.
39 A person required to register under this chapter
40 who is placed on probation, parole, work release,
41 special sentence, or any other type of conditional
42 release, may be supervised by an electronic tracking
43 and monitoring system in addition to any other
44 conditions of supervision.
45 Sec. 25. Section 692A.5, subsection 1, Code 2005,
46 is amended by adding the following new paragraph:
47 NEW PARAGRAPH. i. Inform the person that the
48 person must, at a minimum, annually submit to being
49 photographed by the sheriff of the county of the
50 person's residence.

Page 11

Sec. 26. Section 692A.13, subsection 3, Code 2005, is amended to read as follows:

3. Any member of the public may contact a county sheriff's office or police department to request relevant information from the registry regarding a specific person required to register under this chapter. ~~The request for information shall be in writing, and~~ A person making a request for relevant information may make the request by telephone, in writing, or in person, and the request shall include the name of the person and at least one of the following identifiers pertaining to the person about whom the information is sought:

a. The date of birth of the person.

b. The social security number of the person.

c. The address of the person.

A county sheriff or police department shall not charge a fee relating to a request for relevant information.

Sec. 27. Section 692A.13, subsection 2, paragraph b, Code 2005, is amended to read as follows:

b. The general public, including public and private agencies, organizations, public places, ~~public and private schools,~~ child care facilities, religious and youth organizations, neighbors, neighborhood associations, community meetings, and employers. Registry information may be distributed to the public through printed materials, visual or audio press releases, radio communications, or through a criminal or juvenile justice agency's web page.

Sec. 28. Section 692A.13, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. When a person required to register under this chapter moves into a school district or moves within a school district, the county sheriff of the county of the person's new residence shall provide relevant information from the sex offender registry to the administrative office of the school district in which the person required to register resides, and shall also provide relevant information to any private school near the person's residence.

Sec. 29. Section 692A.13, subsection 5, Code 2005, is amended to read as follows:

5. Relevant information provided to the general public may include the offender's name, address, a photograph, locations frequented by the offender, relevant criminal history information from the registry, and any other relevant information. Relevant information provided to the public shall not

Page 12

1 include the identity of any victim. For purposes of
2 inclusion in the sex offender registry's web page or
3 dissemination to the general public, a conviction for
4 incest shall be disclosed as either a violation of
5 section 709.4 or 709.8.
6 Sec. 30. Section 726.6, subsection 1, Code 2005,
7 is amended by adding the following new paragraph:
8 NEW PARAGRAPH. h. Cohabits with a person after
9 knowing the person is required to register or is on
10 the sex offender registry as a sex offender under
11 chapter 692A. However, this paragraph does not apply
12 to a person who is a parent, guardian, or a person
13 having custody or control over a child or a minor who
14 is required to register as a sex offender.
15 Sec. 31. Section 903A.2, subsection 1, paragraph
16 a, Code 2005, is amended to read as follows:
17 a. Category "A" sentences are those sentences
18 which are not subject to a maximum accumulation of
19 earned time of fifteen percent of the total sentence
20 of confinement under section 902.12. To the extent
21 provided in subsection 5, category "A" sentences also
22 include life sentences imposed under section 902.1.
23 An inmate of an institution under the control of the
24 department of corrections who is serving a category
25 "A" sentence is eligible for a reduction of sentence
26 equal to one and two-tenths days for each day the
27 inmate demonstrates good conduct and satisfactorily
28 participates in any program or placement status
29 identified by the director to earn the reduction. The
30 programs include but are not limited to the following:
31 (1) Employment in the institution.
32 (2) Iowa state industries.
33 (3) An employment program established by the
34 director.
35 (4) A treatment program established by the
36 director.
37 (5) An inmate educational program approved by the
38 director.
39 However, an inmate required to participate in a sex
40 offender treatment program shall not be eligible for a
41 reduction of sentence unless the inmate participates
42 in and completes a sex offender treatment program
43 established by the director.
44 An inmate serving a category "A" sentence is
45 eligible for an additional reduction of sentence of up
46 to three hundred sixty-five days of the full term of
47 the sentence of the inmate for exemplary acts. In
48 accordance with section 903A.4, the director shall by
49 policy identify what constitutes an exemplary act that
50 may warrant an additional reduction of sentence.

Page 13

DIVISION III
ENHANCED CRIMINAL PENALTIES AND
STATUTE OF LIMITATIONS

Sec. 32. Section 709.8, Code 2005, is amended to read as follows:

709.8 LASCIVIOUS ACTS WITH A CHILD.

It is unlawful for any person ~~eighteen~~ sixteen years of age or older to perform any of the following acts with a child with or without the child's consent unless married to each other, for the purpose of arousing or satisfying the sexual desires of either of them:

1. Fondle or touch the pubes or genitals of a child.

2. Permit or cause a child to fondle or touch the person's genitals or pubes.

3. Solicit a child to engage in a sex act or solicit a person to arrange a sex act with a child.

4. Inflict pain or discomfort upon a child or permit a child to inflict pain or discomfort on the person.

Any person who violates a provision of this section involving an act included in subsection 1 or 2 shall, upon conviction, be guilty of a class "~~D~~" "C" felony. ~~A person who violates a provision of this section and who is sentenced to a term of confinement shall also be sentenced to an additional term of parole or work release not to exceed two years. The board of parole shall determine whether the person should be released on parole or placed in a work release program. The sentence of an additional term of parole or work release supervision shall commence immediately upon the expiration of the preceding sentence and shall be under the terms and conditions as set out in chapter 906. Violations of parole or work release shall be subject to the procedures set out in chapter 905 or 908 or rules adopted under those chapters. The sentence of an additional term of parole or work release shall be consecutive to the original term of confinement.~~ Any person who violates a provision of this section involving an act included in subsection 3 or 4 shall, upon conviction, be guilty of a class "D" felony.

Sec. 33. Section 802.2, Code 2005, is amended to read as follows:

802.2 SEXUAL ABUSE — FIRST, SECOND, OR THIRD DEGREE.

1. An information or indictment for sexual abuse in the first, second, or third degree committed on or with a person who is under the age of eighteen years

Page 14

1 shall be found within ten years after the person upon
2 whom the offense is committed attains eighteen years
3 of age, or if the identity of the person against whom
4 the information or indictment is sought is established
5 through the use of a DNA profile, an information or
6 indictment shall be found within three years from the
7 date the identity of the person is identified by the
8 person's DNA profile, whichever is later.
9 2. An information or indictment for any other
10 sexual abuse in the first, second, or third degree
11 shall be found within ten years after its commission,
12 or if the identity of the person against whom the
13 information or indictment is sought is established
14 through the use of a DNA profile, an information or
15 indictment shall be found within three years from the
16 date the identity of the person is identified by the
17 person's DNA profile, whichever is later.
18 3. As used in this section, "identified" means a
19 person's legal name is known and the person has been
20 determined to be the source of the DNA.
21 Sec. 34. Section 901.5, Code 2005, is amended by
22 adding the following new subsection:
23 NEW SUBSECTION. 13. In addition to any other
24 sentence or other penalty imposed against the
25 defendant, the court shall impose a special sentence
26 if required under section 903B.0A or 903B.0B.
27 Sec. 35. NEW SECTION. 902.15 ENHANCED PENALTY —
28 SEXUAL ABUSE OR LASCIVIOUS ACTS WITH A CHILD.
29 1. A person commits a class "A" felony if the
30 person commits a second or subsequent offense
31 involving any combination of the following offenses:
32 a. Sexual abuse in the second degree in violation
33 of section 709.3.
34 b. Sexual abuse in the third degree in violation
35 of section 709.4.
36 c. Lascivious acts with a child in violation of
37 section 709.8, subsection 1 or 2.
38 2. In determining if a violation charged is a
39 second or subsequent offense for purposes of criminal
40 sentencing in this section, each previous violation on
41 which conviction or deferral of judgment was entered
42 prior to the date of the violation charged shall be
43 considered and counted as a separate previous offense,
44 regardless of whether the previous offense occurred
45 before, on, or after the effective date of this Act.
46 Convictions or the equivalent of deferred judgments
47 for violations in any other states under statutes
48 substantially corresponding to the offenses listed in
49 subsection 1 shall be counted as previous offenses.
50 The courts shall judicially notice the statutes of

Page 15

other states which define offenses substantially equivalent to the offenses listed in subsection 1 and can therefore be considered corresponding statutes.

Sec. 36. NEW SECTION. 903B.0A SPECIAL SENTENCE — CLASS "B" OR CLASS "C" FELONIES.

A person convicted of a class "C" felony or greater offense under chapter 709, or a class "C" felony under section 728.12, shall also be sentenced, in addition to any other punishment provided by law, to a special sentence committing the person into the custody of the director of the Iowa department of corrections for the rest of the person's life, with eligibility for parole as provided in chapter 906. The special sentence imposed under this section shall commence upon completion of the sentence imposed under any applicable criminal sentencing provisions for the underlying criminal offense and the person shall begin the sentence under supervision as if on parole. The person shall be placed on the corrections continuum in chapter 901B, and the terms and conditions of the special sentence, including violations, shall be subject to the same set of procedures set out in chapters 901B, 905, 906, and chapter 908, and rules adopted under those chapters for persons on parole. The revocation of release shall not be for a period greater than two years upon any first revocation, and five years upon any second or subsequent revocation. A special sentence shall be considered a category "A" sentence for purposes of calculating earned time under section 903A.2.

Sec. 37. NEW SECTION. 903B.0B SPECIAL SENTENCE — CLASS "D" FELONIES OR MISDEMEANORS.

A person convicted of a misdemeanor or a class "D" felony offense under chapter 709, section 726.2, or section 728.12 shall also be sentenced, in addition to any other punishment provided by law, to a special sentence committing the person into the custody of the director of the Iowa department of corrections for a period of ten years, with eligibility for parole as provided in chapter 906. The special sentence imposed under this section shall commence upon completion of the sentence imposed under any applicable criminal sentencing provisions for the underlying criminal offense and the person shall begin the sentence under supervision as if on parole. The person shall be placed on the corrections continuum in chapter 901B, and the terms and conditions of the special sentence, including violations, shall be subject to the same set of procedures set out in chapters 901B, 905, 906, and 908, and rules adopted under those chapters for

1 persons on parole. The revocation of release shall
2 not be for a period greater than two years upon any
3 first revocation, and five years upon any second or
4 subsequent revocation. A special sentence shall be
5 considered a category "A" sentence for purposes of
6 calculating earned time under section 903A.2.
7 Sec. 38. Section 903B.1, subsection 3, Code 2005,
8 is amended by striking the subsection.
9 Sec. 39. Section 906.15, unnumbered paragraph 1,
10 Code 2005, is amended to read as follows:
11 Unless sooner discharged, a person released on
12 parole shall be discharged when the person's term of
13 parole equals the period of imprisonment specified in
14 the person's sentence, less all time served in
15 confinement. Discharge from parole may be granted
16 prior to such time, when an early discharge is
17 appropriate. The board shall periodically review all
18 paroles, and when the board determines that any person
19 on parole is able and willing to fulfill the
20 obligations of a law-abiding citizen without further
21 supervision, the board shall discharge the person from
22 parole. A parole officer shall periodically review
23 all paroles assigned to the parole officer, and when
24 the parole officer determines that any person assigned
25 to the officer is able and willing to fulfill the
26 obligations of a law-abiding citizen without further
27 supervision, the officer may discharge the person from
28 parole after notification and approval of the district
29 director and notification of the board of parole. In
30 any event, discharge from parole shall terminate the
31 person's sentence. <u>If a person has been sentenced to</u>
32 <u>a special sentence under section 903B.0A or 903B.0B,</u>
33 <u>the person may be discharged early from the sentence</u>
34 <u>in the same manner as any other person on parole.</u>
35 However, a person convicted of a violation of section
36 709.3, 709.4, or 709.8 committed on or with a child,
37 or a person serving a sentence under section 902.12,
38 shall not be discharged from parole until the person's
39 term of parole equals the period of imprisonment
40 specified in the person's sentence, less all time
41 served in confinement.
42 Sec. 40. Section 908.5, Code 2005, is amended to
43 read as follows:
44 908.5 DISPOSITION.
45 <u>1.</u> If a violation of parole is established, the
46 administrative parole judge may continue the parole
47 with or without any modification of the conditions of
48 parole. The administrative parole judge may revoke
49 the parole and require the parolee to serve the
50 sentence originally imposed, or may revoke the parole

1 and reinstate the parolee's work release status.
2 2. If the person is serving a special sentence
3 under chapter 903B, the administrative parole judge
4 may revoke the release. Upon the revocation of
5 release, the person shall not serve the entire length
6 of the special sentence imposed, and the revocation
7 shall be for a period not to exceed two years in a
8 correctional institution upon a first revocation and
9 for a period not to exceed five years in a
10 correctional institution upon a second or subsequent
11 revocation.
12 3. The order of the administrative parole judge
13 shall contain findings of fact, conclusions of law,
14 and a disposition of the matter.
15 DIVISION IV
16 VICTIM RIGHTS
17 Sec. 41. NEW SECTION. 235D.1 CRIMINAL HISTORY
18 CHECK — APPLICANTS AT DOMESTIC ABUSE OR SEXUAL
19 ASSAULT CENTERS.
20 An applicant for employment at a domestic abuse or
21 sexual assault center shall be subject to a national
22 criminal history check through the federal bureau of
23 investigation. The domestic abuse or sexual assault
24 center shall request the criminal history check and
25 shall provide the applicant's fingerprints to the
26 department of public safety for submission through the
27 state criminal history repository to the federal
28 bureau of investigation. The applicant shall
29 authorize release of the results of the criminal
30 history check to the domestic abuse or sexual assault
31 center. The applicant shall pay the actual cost of
32 the fingerprinting and criminal history check, if any.
33 Unless the criminal history check was completed within
34 the ninety calendar days prior to the date the
35 application is received by the domestic abuse or
36 sexual assault center, the center shall reject and
37 return the application to the applicant. The results
38 of a criminal history check conducted pursuant to this
39 subsection shall not be considered a public record
40 under chapter 22. For purposes of this section,
41 "domestic abuse or sexual assault center" means a
42 facility which is used to house victims of domestic
43 abuse or sexual assault, and is owned, operated, or
44 maintained by a nonprofit organization.
45 Sec. 42. NEW SECTION. 709.22 PREVENTION OF
46 FURTHER SEXUAL ASSAULT — NOTIFICATION OF RIGHTS.
47 If a peace officer has reason to believe that a
48 sexual assault as defined in section 915.40 has
49 occurred, the officer shall use all reasonable means
50 to prevent further violence including but not limited

Page 18

1 to the following:
2 1. If requested, remaining on the scene of the
3 alleged sexual assault as long as there is a danger to
4 the victim's physical safety without the presence of a
5 peace officer, including but not limited to staying in
6 the dwelling unit, or if unable to remain on the
7 scene, assisting the victim in leaving the residence.
8 2. Assisting a victim in obtaining medical
9 treatment necessitated by the sexual assault,
10 including providing assistance to the victim in
11 obtaining transportation to the emergency room of the
12 nearest hospital.
13 3. Providing a victim with immediate and adequate
14 notice of the victim's rights. The notice shall
15 consist of handing the victim a copy of the following
16 statement written in English and Spanish, asking the
17 victim to read the statement, and asking whether the
18 victim understands the rights:
19 "You have the right to ask the court for help with
20 any of the following on a temporary basis:
21 a. Keeping your attacker away from you, your home,
22 and your place of work.
23 b. The right to stay at your home without
24 interference from your attacker.
25 c. The right to seek a no-contact order under
26 section 709.20 or 915.22, if your attacker is arrested
27 for sexual assault.
28 You have the right to register as a victim with the
29 county attorney under section 915.12.
30 You have the right to file a complaint for threats,
31 assaults, or other related crimes.
32 You have the right to seek restitution against your
33 attacker for harm to you or your property.
34 You have the right to apply for victim
35 compensation.
36 You have the right to contact the county attorney
37 or local law enforcement to determine the status of
38 your case.
39 If you are in need of medical treatment, you have
40 the right to request that the officer present assist
41 you in obtaining transportation to the nearest
42 hospital or otherwise assist you.
43 You have the right to a sexual assault examination
44 performed at state expense.
45 If you believe that police protection is needed for
46 your physical safety, you have the right to request
47 that the officer present remain at the scene until you
48 and other affected parties can leave or until safety
49 is otherwise ensured."
50 The notice shall also contain the telephone numbers

Page 19

1 of shelters, support groups, and crisis lines
2 operating in the area.
3 Sec. 43. Section 915.10, subsections 1 and 2, Code
4 2005, are amended to read as follows:
5 1. "Notification" means mailing by regular mail or
6 providing for hand delivery of appropriate information
7 or papers. However, this notification procedure does
8 not prohibit an office, agency, or department from
9 also providing appropriate information to a registered
10 victim by telephone, electronic mail, or other means.
11 2. "Registered" means having provided the county
12 attorney with the victim's written request for
13 registration and current mailing address and telephone
14 number. If an automated victim notification system is
15 implemented pursuant to section 915.10A, "registered"
16 also means having filed a request for registration
17 with the system.
18 Sec. 44. NEW SECTION. 915.10A AUTOMATED VICTIM
19 NOTIFICATION SYSTEM.
20 1. An automated victim notification system may be
21 utilized to assist public officials in informing crime
22 victims, the victim's family, or other interested
23 persons as provided in this subchapter and where
24 otherwise specifically provided. The system shall
25 disseminate the information to registered users
26 through telephonic, electronic, or other means of
27 access.
28 2. An office, agency, or department may satisfy a
29 notification obligation to registered victims required
30 by this subchapter through participation in the system
31 to the extent information is available for
32 dissemination through the system. Nothing in this
33 section shall relieve a notification obligation under
34 this subchapter due to the unavailability of
35 information for dissemination through the system.
36 3. Notwithstanding section 232.147, information
37 concerning juveniles charged with a felony offense
38 shall be released to the extent necessary to comply
39 with this section.
40 Sec. 45. Section 915.11, Code 2005, is amended to
41 read as follows:
42 915.11 INITIAL NOTIFICATION BY LAW ENFORCEMENT.
43 A local police department or county sheriff's
44 department shall advise a victim of the right to
45 register with the county attorney, and shall provide a
46 request-for-registration form to each victim. If an
47 automated victim notification system is available
48 pursuant to section 915.10A, a local police department
49 or county sheriff's department shall provide a
50 telephone number and website to each victim to

Page 20

1 register with the system.
2 Sec. 46. Section 915.12, Code 2005, is amended to
3 read as follows:
4 915.12 REGISTRATION.
5 ~~1. The county attorney shall be the sole registrar~~
6 ~~of victims under this subchapter.~~
7 ~~2.~~ 1. A victim may register by filing a written
8 request-for-registration form with the county
9 attorney. The county attorney shall notify the
10 victims in writing and advise them of their
11 registration and rights under this subchapter.
12 ~~3.~~ The county attorney shall provide a registered
13 victim list to the offices, agencies, and departments
14 required to provide information under this subchapter
15 for notification purposes.
16 2. If an automated victim notification system, the
17 victim's family, is available pursuant to section
18 915.10A, a victim, the victim's family, or other
19 interested person may register with the system by
20 filing a request for registration through written,
21 telephonic, or electronic means.
22 ~~4.~~ 3. Notwithstanding chapter 22 or any other
23 contrary provision of law, ~~a victim's~~ the registration
24 of a victim, victim's family, or other interested
25 person shall be strictly maintained in a separate
26 confidential file or other confidential medium, and
27 shall be available only to the offices, agencies, and
28 departments required to provide information under this
29 subchapter.
30 Sec. 47. Section 915.29, Code 2005, is amended by
31 adding the following new unnumbered paragraph:
32 NEW UNNUMBERED PARAGRAPH. The notification
33 required pursuant to this section may occur through
34 the automated victim notification system referred to
35 in section 915.10A to the extent such information is
36 available for dissemination through the system.
37 Sec. 48. Section 915.45, Code 2005, is amended by
38 adding the following new unnumbered paragraph:
39 NEW UNNUMBERED PARAGRAPH. The notification
40 required pursuant to this section may occur through
41 the automated victim notification system referred to
42 in section 915.10A to the extent such information is
43 available for dissemination through the system.
44 DIVISION V
45 TASK FORCE
46 Sec. 49. SEX OFFENDER TREATMENT AND SUPERVISION
47 TASK FORCE.
48 1. The division of criminal and juvenile justice
49 planning shall establish a task force to study and
50 make periodic recommendations for treating and

Page 21

1 supervising sex offenders in correctional institutions
2 and in the community. The task force shall file a
3 report with recommendations with the general assembly
4 by January 15, 2006. The task force shall study the
5 effectiveness of electronic monitoring and the
6 potential effects and costs associated with the
7 special sentence created in this Act. The task force
8 shall study risk assessment models created for sex
9 offenders. The task force shall also review this
10 state's efforts and the efforts of other states to
11 implement treatment programs and make recommendations
12 as to the best treatment options available for sex
13 offenders. The task force shall also develop a plan
14 to integrate state government databases for the
15 purpose of updating addresses of persons on the sex
16 offender registry.
17 2. Members of the task force shall include
18 representatives of the following state agencies and
19 organizations:
20 a. One representative of the department of human
21 services.
22 b. One representative of the department of public
23 safety.
24 c. One representative of the Iowa state sheriffs
25 and deputies association.
26 d. One representative of the Iowa county attorneys
27 association.
28 e. One representative of the department of
29 corrections.
30 f. One representative of the board of parole.
31 g. One representative of a judicial district
32 department of correctional services.
33 h. One representative of the department of
34 justice.
35 i. One representative of the state public
36 defender.
37 j. One representative of the Iowa coalition
38 against sexual assault.
39 DIVISION VI
40 STATE MANDATE
41 Sec. 50. IMPLEMENTATION OF ACT. Section 25B.2,
42 subsection 3, shall not apply to this Act."
43 2. Title page, by striking lines 1 through 5 and
44 inserting the following: "An Act relating to criminal
45 sentencing, victim notification, and the sex offender
46 registry, by establishing a special sentence for
47 certain offenders, requiring DNA testing of certain
48 offenders and lengthening the time an information or
49 indictment may be found in certain offenses where DNA
50 evidence is available, requiring sex offender

Page 22

1 treatment in order to accumulate earned time,
2 restricting certain persons from residing with sex
3 offenders, establishing a sex offender treatment and
4 supervision task force, providing penalties, and
5 providing effective dates.""

CHARLES W. LARSON, JR.
KEITH A. KREIMAN

S–3230

1 Amend Senate File 414 as follows:
2 1. Page 2, by inserting after line 6, the
3 following:
4 "Sec. ___. Section 411.6, subsection 15, Code
5 2005, is amended by adding the following new
6 paragraph:
7 NEW PARAGRAPH. c. There is appropriated annually
8 from the general fund of the state to the system an
9 amount sufficient to pay death benefit claims under
10 this subsection."
11 2. Title page, line 5, by inserting after the
12 word "reserves," the following: "providing for the
13 payment of certain death benefits for members of the
14 retirement system for police officers and fire
15 fighters,".
16 3. By renumbering as necessary.

JEFF DANIELSON

S–3231

1 Amend House File 808, as passed by the House, as
2 follows:
3 1. Page 7, by inserting after line 9, the
4 following:
5 "ENERGY-RELATED PROVISIONS
6 Sec. ___. Section 476B.1, subsection 4, paragraph
7 c, Code 2005, is amended to read as follows:
8 c. Was originally placed in service on or after
9 July 1, ~~2004~~ 2005, but before July 1, ~~2007~~ 2008.
10 Sec. ___. Section 476B.3, Code 2005, is amended to
11 read as follows:
12 476B.3 CREDIT AMOUNT.
13 ~~1. Except as limited by subsection 2, the~~ The wind
14 energy production tax credit allowed under this
15 chapter equals the product of one cent multiplied by
16 the number of kilowatt-hours of qualified electricity
17 sold by the owner during the taxable year.
18 ~~2. a. The maximum amount of tax credit which a~~

19 ~~group of qualified facilities operating as one unit~~
20 ~~may receive for a taxable year equals the rate of~~
21 ~~credit times thirty-two percent of the total number of~~
22 ~~kilowatts of nameplate generating capacity.~~
23 ~~b. However, if for the previous taxable year the~~
24 ~~amount of the tax credit for the group of qualified~~
25 ~~facilities operating as one unit is less than the~~
26 ~~maximum amount available as provided in paragraph~~ "~~a~~"~~,~~
27 ~~the maximum amount for the next taxable year shall be~~
28 ~~increased by the amount of the previous year's unused~~
29 ~~maximum credit.~~
30 Sec. ___. Section 476B.5, Code 2005, is amended by
31 striking the section and inserting in lieu thereof the
32 following:
33 476B.5 DETERMINATION OF ELIGIBILITY.
34 1. An owner may apply to the board for a written
35 determination regarding whether a facility is a
36 qualified facility by submitting to the board a
37 written application containing all of the following:
38 a. Information regarding the ownership of the
39 facility including the percentage of equity interest
40 held by each owner.
41 b. The nameplate generating capacity of the
42 facility.
43 c. Information regarding the facility's initial
44 placement in service.
45 d. Information regarding the type of facility.
46 e. A copy of an executed power purchase agreement
47 or other agreement to purchase electricity upon
48 completion of the project.
49 f. Any other information the board may require.
50 2. The board shall review the application and

1 supporting information and shall make a preliminary
2 determination regarding whether the facility is a
3 qualified facility. The board shall notify the
4 applicant of the approval or denial of the application
5 within thirty days of receipt of the application and
6 information required. If the board fails to notify
7 the applicant of the approval or denial within thirty
8 days, the application shall be deemed denied. An
9 applicant who receives a determination denying an
10 application may file an appeal with the board within
11 thirty days from the date of the denial pursuant to
12 the provisions of chapter 17A. In the absence of a
13 timely appeal, the preliminary determination shall be
14 final. If the application is incomplete, the board
15 may grant an extension of time for the provision of
16 additional information.
17 3. A facility that is not operational within

18 eighteen months after issuance of an approval for the
19 facility by the board shall cease to be a qualified
20 facility. A facility that is granted and thereafter
21 loses approval may reapply to the board for a new
22 determination.
23 4. The maximum amount of nameplate generating
24 capacity of all qualified facilities the board may
25 find eligible under this chapter shall not exceed four
26 hundred fifty megawatts of nameplate generating
27 capacity.
28 5. An owner shall not be an owner of more than two
29 qualified facilities.
30 Sec. ___. Section 476B.6, Code 2005, is amended by
31 striking the section and inserting in lieu thereof the
32 following:
33 476B.6 TAX CREDIT CERTIFICATE PROCEDURE.
34 1. a. To be eligible to receive the wind energy
35 production tax credit, the owner must first receive
36 approval of the board of supervisors of the county in
37 which the qualified facility is located. The
38 application for approval may be submitted prior to
39 commencement of the construction of the qualified
40 facility but shall be submitted no later than the
41 close of the owner's first taxable year for which the
42 credit is to be applied for. The application must
43 contain the owner's name and address, the address of
44 the qualified facility, and the dates of the owner's
45 first and last taxable years for which the credit will
46 be applied for. Within forty-five days of the receipt
47 of the application for approval, the board of
48 supervisors shall either approve or disapprove the
49 application. After the forty-five-day limit, the
50 application is deemed to be approved.

Page 3

1 b. Upon approval of the application, the owner may
2 apply for the tax credit as provided in subsection 2.
3 In addition, approval of the application is acceptance
4 by the applicant for the assessment of the qualified
5 facility for property tax purposes for a period of
6 twelve years and approval by the board of supervisors
7 for the payment of the property taxes levied on the
8 qualified property to the state. For purposes of
9 property taxation, the qualified facility shall be
10 centrally assessed and shall be exempt from any
11 replacement tax under section 437A.6 for the period
12 during which the facility is subject to property
13 taxation. The property taxes to be paid to the state
14 are those property taxes which make up the
15 consolidated tax levied on the qualified facility and
16 which are due and payable in the twelve-year period

17 beginning with the first fiscal year beginning on or
18 after the end of the owner's first taxable year for
19 which the credit is applied for. Upon approval of the
20 application, the board of supervisors shall notify the
21 county treasurer to state on the tax statement which
22 lists the taxes on the qualified facility that the
23 amount of the property taxes shall be paid to the
24 department. Payment of the designated property taxes
25 to the department shall be in the same manner as
26 required for the payment of regular property taxes and
27 failure to pay designated property taxes to the
28 department shall be treated the same as failure to pay
29 property taxes to the county treasurer.
30 c. Once the owner of the qualified facility
31 receives approval under paragraph "a", subsequent
32 approval under paragraph "a" is not required for the
33 same qualified facility for subsequent taxable years.
34 2. An owner of a qualified facility may apply to
35 the board for the wind energy production tax credit by
36 submitting to the board all of the following:
37 a. A completed application in a form prescribed by
38 the board.
39 b. A copy of the determination granting approval
40 of the facility as a qualified facility by the board.
41 c. A copy of a signed power purchase agreement or
42 other agreement to purchase electricity.
43 d. Sufficient documentation that the electricity
44 has been generated by the qualified facility and sold
45 to a purchaser.
46 e. Any other information the board deems
47 necessary.
48 3. The board shall notify the department of the
49 amount of kilowatt-hours generated and purchased from
50 a qualified facility. The department shall calculate

Page 4

1 the amount of the tax credit for which the applicant
2 is eligible and shall issue the tax credit certificate
3 for that amount or notify the applicant in writing of
4 its refusal to do so. An applicant whose application
5 is denied may file an appeal with the department
6 within sixty days from the date of the denial pursuant
7 to the provisions of chapter 17A.
8 4. Each tax credit certificate shall contain the
9 owner's name, address, and tax identification number,
10 the amount of tax credits, the first taxable year the
11 certificate may be used, the type of tax to which the
12 tax credits shall be applied, and any other
13 information required by the department. The tax
14 credit certificate shall only list one type of tax to
15 which the amount of the tax credit may be applied.

16 Once issued by the department, the tax credit
17 certificate shall not be terminated or rescinded.
18 5. If the tax credit application is filed by a
19 partnership, limited liability company, S corporation,
20 estate, trust, or other reporting entity all of the
21 income of which is taxed directly to its equity
22 holders or beneficiaries, for the taxes imposed under
23 chapter 422, division II or III, the tax credit
24 certificate shall be issued directly to equity holders
25 or beneficiaries of the applicant in proportion to
26 their pro rata share of the income of such entity.
27 The applicant shall, in the application made under
28 this section, identify its equity holders or
29 beneficiaries, and the percentage of such entity's
30 income that is allocable to each equity holder or
31 beneficiary. If the tax credit application is filed
32 by a partnership, limited liability company, S
33 corporation, estate, trust, or other reporting entity,
34 all of whose income is taxed directly to its equity
35 holders or beneficiaries for the taxes imposed under
36 chapter 422, division V, or under chapter 432, the tax
37 credit certificate shall be issued directly to the
38 partnership, limited liability company, S corporation,
39 estate, trust, or other reporting entity.
40 6. The department shall not issue a tax credit
41 certificate if the facility approved by the board as a
42 qualified facility is not operational within eighteen
43 months after the approval is issued.
44 7. Once a tax credit certificate is issued
45 pursuant to this section, the tax credit may only be
46 claimed against the type of tax reflected on the
47 certificate.
48 8. A tax credit certificate shall not be used or
49 attached to a return filed for a taxable year
50 beginning prior to July 1, 2006.

Page 5

1 Sec. ___. Section 476B.7, unnumbered paragraph 1,
2 Code 2005, is amended to read as follows:
3 Wind energy production tax credit certificates
4 issued under this chapter may be transferred to any
5 person or entity. Within thirty days of transfer, the
6 transferee must submit the transferred tax credit
7 certificate to the ~~board~~ department along with a
8 statement containing the transferee's name, tax
9 identification number, and address, and the
10 denomination that each replacement tax credit
11 certificate is to carry and any other information
12 required by the department. Within thirty days of
13 receiving the transferred tax credit certificate and
14 the transferee's statement, the ~~board~~ department shall

15 issue one or more replacement tax credit certificates
16 to the transferee. Each replacement certificate must
17 contain the information required under section 476B.6
18 and must have the same effective taxable year and the
19 same expiration date that appeared in the transferred
20 tax credit certificate. Tax credit certificate
21 amounts of less than the minimum amount established by
22 rule of the board shall not be transferable. A tax
23 credit shall not be claimed by a transferee under this
24 chapter until a replacement tax credit certificate
25 identifying the transferee as the proper holder has
26 been issued.
27 Sec. ___. Section 476B.8, Code 2005, is amended to
28 read as follows:
29 476B.8 USE OF TAX CREDIT CERTIFICATES.
30 To claim a wind energy production tax credit under
31 this chapter, a taxpayer must attach one or more tax
32 credit certificates to the taxpayer's tax return. A
33 tax credit certificate shall not be used or attached
34 to a return filed for a taxable year beginning prior
35 to July 1, ~~2005~~ 2006. The tax credit certificate or
36 certificates attached to the taxpayer's tax return
37 shall be issued in the taxpayer's name, expire on or
38 after the last day of the taxable year for which the
39 taxpayer is claiming the tax credit, and show a tax
40 credit amount equal to or greater than the tax credit
41 claimed on the taxpayer's tax return. Any tax credit
42 in excess of the taxpayer's tax liability for the
43 taxable year may be credited to the taxpayer's tax
44 liability for the following seven taxable years or
45 until depleted, whichever is the earlier.
46 Sec. ___. Section 476B.9, Code 2005, is amended to
47 read as follows:
48 476B.9 REGISTRATION OF TAX CREDIT CERTIFICATES.
49 The ~~board shall, in conjunction with the~~
50 department~~,~~ shall develop a system for the

Page 6

1 registration of the wind energy production tax credit
2 certificates issued or transferred under this chapter
3 and a system that permits verification that any tax
4 credit claimed on a tax return is valid and that
5 transfers of the tax credit certificates are made in
6 accordance with the requirements of this chapter. The
7 tax credit certificates issued under this chapter
8 shall not be classified as a security pursuant to
9 chapter 502.
10 Sec. ___. NEW SECTION. 476B.10 RULES.
11 The department and the board may adopt rules
12 pursuant to chapter 17A for the administration and
13 enforcement of this chapter."

2. Title page, line 3, by inserting after the word "resources" the following: ", and provisions relating to a wind energy production tax credit".

3. By renumbering as necessary.

STEWART E. IVERSON, JR.
MICHAEL E. GRONSTAL

S–3232

Amend House File 808, as passed by the House, as follows:

1. Page 7, by inserting before line 10 the following:

"AQUATIC REGULATIONS AND ACTIVITIES

Sec. ___. Section 455A.4, subsection 1, paragraph j, Code 2005, is amended by striking the paragraph.

Sec. ___. Section 456A.37, subsection 1, paragraph c, Code 2005, is amended to read as follows:

c. "Aquatic invasive species" means a species that is not native to an ecosystem and whose introduction causes or is likely to cause economic or environmental harm or harm to human health including but not limited to habitat alteration and degradation, and loss of biodiversity. For the purposes of this section, "aquatic invasive species" are limited to Eurasian water milfoil, purple loosestrife, ~~and~~ zebra mussels, ~~except as provided in subsection 4~~ and those species identified as "aquatic invasive species" by the commission by rule.

Sec. ___. Section 456A.37, subsection 4, unnumbered paragraph 2, Code 2005, is amended to read as follows:

c. If the commission determines that an additional species should be defined as an "aquatic invasive species", the species ~~may~~ shall be defined by the commission by rule as an "aquatic invasive species" ~~subject to enactment of the definition by the general assembly at the next regular session of the general assembly. Failure of the general assembly to enact the definition pursuant to this paragraph constitutes a nullification of the definition effective upon adjournment of that next regular session of the general assembly~~.

Sec. ___. Section 462A.5, subsection 1, unnumbered paragraph 1, Code 2005, is amended to read as follows:

The owner of each vessel required to be numbered by this state shall register it every ~~two~~ three years with the county recorder of the county in which the owner resides, or, if the owner is a nonresident, the owner shall register it in the county in which such vessel is principally used. The commission shall have

supervisory responsibility over the registration of all vessels and shall provide each county recorder with registration forms and certificates and shall allocate identification numbers to each county.

Sec. ___. Section 462A.5, subsection 1, Code 2005, is amended by adding the following unnumbered paragraph after unnumbered paragraph 2:

NEW UNNUMBERED PARAGRAPH. A vessel that has an

Page 2

expired registration certificate from another state may be registered in this state upon proper application, payment of all applicable registration and writing fees, and payment of a penalty of five dollars.

Sec. ___. Section 462A.5, subsection 3, Code 2005, is amended to read as follows:

3. The registration fees for vessels subject to this chapter are as follows:

a. For vessels of any length without motor or sail, ~~five~~ twelve dollars.

b. For motorboats or sailboats less than ~~twelve~~ sixteen feet in length, ~~eight~~ twenty-two dollars and fifty cents.

c. For motorboats or sailboats ~~twelve~~ sixteen feet or more, but less than ~~fifteen~~ twenty-six feet in length, ~~ten~~ thirty dollars.

~~d. For motorboats or sailboats fifteen feet or more, but less than eighteen feet in length, twelve dollars.~~

~~e. For motorboats or sailboats eighteen feet or more, but less than twenty-five feet in length, eighteen dollars.~~

~~f.~~ d. For motorboats or sailboats ~~twenty-five~~ twenty-six feet ~~in length~~ or more, ~~twenty-eight~~ but less than forty feet in length, sixty dollars.

e. For motorboats or sailboats forty feet in length or more, one hundred twelve dollars and fifty cents.

f. For all personal watercraft, forty-five dollars.

Every registration certificate and number issued becomes delinquent at midnight April 30 of ~~odd-numbered years~~ the last calendar year of the registration period unless terminated or discontinued in accordance with this chapter. After January 1 ~~in odd-numbered years~~, 2007, an unregistered vessel and a renewal of registration may be registered for the ~~two-year~~ three-year registration period beginning May 1 of that year. ~~After January 1 in even-numbered years~~ When unregistered vessels are registered after

May 1 of the second year of the three-year registration period, such unregistered vessels may be registered for the remainder of the current registration period at ~~fifty~~ sixty-six percent of the appropriate registration fee. When unregistered vessels are registered after May 1 of the third year of the three-year registration period, such unregistered vessels may be registered for the remainder of the current registration period at

Page 3

thirty-three percent of the appropriate registration fee.

If a timely application for renewal is made, the applicant shall receive the same registration number allocated to the applicant for the previous registration period. If the application for registration for the ~~biennium~~ three-year registration period is not made before May 1 of ~~each odd-numbered~~ the last calendar year of the registration period, the applicant shall be charged a penalty of five dollars.

Sec. ___. Section 462A.5, subsection 6, Code 2005, is amended to read as follows:

6. The owner of each vessel which has a valid marine document issued by the bureau of customs of the United States government or any federal agency successor thereto shall register it every ~~two~~ three years with the county recorder in the same manner prescribed for undocumented vessels and shall cause the registration validation decal to be placed on the vessel in the manner prescribed by the rules of the commission. When the vessel bears the identification required in the documentation, it is exempt from the placement of the identification numbers as required on undocumented vessels. The fee for such registration is twenty-five dollars plus a writing fee.

Sec. ___. Section 462A.12, subsection 6, Code 2005, is amended to read as follows:

6. An owner or operator of a vessel propelled by a motor of more than ten horsepower shall not permit any person under twelve years of age to operate the ~~personal watercraft~~ vessel unless accompanied in or on the same ~~personal watercraft~~ vessel by a responsible person of at least eighteen years of age who is experienced in motorboat operation. ~~Commencing January 1, 2003, a~~ A person who is twelve years of age or older but less than eighteen years of age shall not operate any ~~personal watercraft~~ vessel propelled by a motor of more than ten horsepower unless the person has successfully completed a department-approved watercraft safety course and obtained a watercraft

safety certificate or is accompanied in or on the same vessel by a responsible person of at least eighteen years of age who is experienced in motorboat operation. A person required to have a watercraft safety certificate shall carry and shall exhibit or make available the certificate upon request of an officer of the department. A violation of this subsection is a simple misdemeanor as provided in section 462A.13. However, a person charged with violating this subsection shall not be convicted if

Page 4

the person produces in court, within a reasonable time, a department-approved certificate. The cost of a department certificate, or any duplicate, shall not exceed five dollars.

Sec. ___. Section 462A.20, Code 2005, is amended to read as follows:

462A.20 BOAT INSPECTION.

~~Any person having,~~ A vessel either for hire or offered for hire upon any waters of this state under the jurisdiction of the commission~~, any vessel, either for hire or offered for hire, must have such vessel and all its appurtenances annually~~ may be inspected at any time by representatives of the commission or by any peace officer who is trained in enforcing, and who in the regular course of duty enforces, boating and navigation laws.

~~Every such owner shall file in the office of the commission, an application for inspection of such vessels on a blank furnished by the commission for that purpose.~~

Officers appointed by the commission or any peace officer who is trained in enforcing, and who in the regular course of duty enforces, boating and navigation laws shall have the power and authority to determine whether such vessel is safe for the transportation of passengers or cargo and upon what waters it may be used. They may determine and designate the number of passengers or cargo, including crew, that may be carried and determine whether the machinery, equipment and all appurtenances are such as to make ~~said vessels~~ the vessel seaworthy, where used, and such other matters as are pertinent.

~~After such vessels have been inspected as provided herein, a current inspection seal or tag shall be issued by the commission and shall be kept posted in a conspicuous place upon or in such vessel. Any inspection seal or tag shall be in effect only for the calendar year for which the inspection seal or tag is issued.~~

Private vessels may also be inspected to determine their seaworthiness at any time by representatives of the commission or by any peace officer who is trained in enforcing, and who in the regular course of duty enforces, boating and navigation laws.

Sec. ___. Section 462A.23, subsection 1, Code 2005, is amended to read as follows:

1. Any officer appointed by the commission may, for cause, temporarily suspend the registration certificate of any vessel ~~and the license of a pilot or engineer,~~ that has been issued under this chapter,

and the commission, after a due hearing on the matter at its next session, shall make final determination in the matter.

Sec. ___. Section 462A.23, subsection 2, unnumbered paragraph 1, Code 2005, is amended to read as follows:

The commission shall forthwith revoke the registration certificate of any vessel and the ~~pilot's or engineer's license of the operator of such vessel~~ owner's or operator's privilege to operate a vessel for hire or commercial vessel, upon receiving a record of such owner or operator's conviction of any of the following offenses, when such conviction has become final:

Sec. ___. Section 462A.23, subsection 3, Code 2005, is amended to read as follows:

3. The commission is hereby authorized to suspend the registration certificate of any vessel and the ~~pilot's or engineer's license of an operator~~ owner's or operator's privilege to operate a vessel for hire or commercial vessel upon a showing by its records that the owner or operator:

a. Has committed an offense for which mandatory revocation of the registration certificate or ~~pilot's or engineer's license~~ of the privilege to operate a vessel for hire or commercial vessel is required upon conviction.

b. Is a habitual reckless or negligent operator of a vessel for hire or commercial vessel.

c. Is incompetent to operate a vessel for hire or commercial vessel.

d. Has permitted an unlawful or fraudulent use of such registration certificate ~~or pilot's or engineer's license~~.

Sec. ___. Section 462A.25, Code 2005, is amended by striking the section and inserting in lieu thereof the following:

462A.25 PENALTY.

If an owner or operator of a vessel for hire or commercial vessel operated upon the waters of this state under the jurisdiction of the commission permits such vessel to be occupied by more passengers and crew than the registration capacity allows or if a person continues to operate a vessel for hire or commercial vessel after the person's privilege to operate the vessel has been revoked, the person shall be guilty of a serious misdemeanor. The provisions of this section shall not apply to vessels registered or numbered by authority of the United States.

Sec. ___. Section 462A.39, Code 2005, is amended

to read as follows:

462A.39 EXPIRATION DATE.

Each special certificate issued hereunder shall expire at midnight on April 30 of ~~each odd-numbered~~ the last calendar year of the registration period, an a new special certificate for the ensuing ~~biennium~~ registration period may be obtained upon application to the commission and payment of the fee provided by law.

Sec. ___. Section 462A.52, Code 2005, is amended to read as follows:

462A.52 FEES REMITTED TO COMMISSION.

1. Within ten days after the end of each month, a county recorder shall remit to the commission all fees collected by the recorder during the previous month. Before May 10 ~~in odd-numbered years~~ of the registration period beginning May 1 of that year, a county recorder shall remit to the commission all unused license blanks for the previous ~~biennium~~ registration period. All fees collected for the registration of vessels shall be forwarded by the commission to the treasurer of the state, who shall place the money in ~~a special conservation~~ the state fish and game protection fund. The money so collected is appropriated to the commission solely for the administration and enforcement of navigation laws and water safety.

2. Notwithstanding subsection 1, any increase in revenues received on or after July 1, 2007, but on or before June 30, 2013, pursuant to this section as a result of fee increases pursuant to this Act, shall be used by the commission only for the administration and enforcement of programs to control aquatic invasive species and for the administration and enforcement of navigation laws and water safety upon the inland waters of this state and shall be used in addition to funds already being expended by the commission each

38 year for these purposes. The commission shall not
39 reduce the amount of other funds being expended on an
40 annual basis for these purposes as of the effective
41 date of this Act, during the period of the
42 appropriation provided for in this subsection.
43 3. The commission shall submit a written report to
44 the general assembly by December 31, 2007, and by
45 December 31 of each year thereafter through December
46 31, 2013, summarizing the activities of the department
47 in administering and enforcing programs to control
48 aquatic invasive species and administering and
49 enforcing navigation laws and water safety upon the
50 inland waters of the state. The report shall include

Page 7

1 information concerning the amount of revenues
2 collected pursuant to this section as a result of fee
3 increases pursuant to this Act and how the revenues
4 were expended. The report shall also include
5 information concerning the amount and source of all
6 other funds expended by the commission during the year
7 for the purposes of administering and enforcing
8 programs to control aquatic invasive species and
9 administering and enforcing navigation laws and water
10 safety upon the inland waters of the state and how the
11 funds were expended.
12 Sec. ___. Section 462A.53, Code 2005, is amended
13 to read as follows:
14 462A.53 AMOUNT OF WRITING FEES.
15 A writing fee of one dollar and twenty-five cents
16 for each transaction shall be collected by the county
17 recorder. If two or more functions are transacted for
18 the same vessel at one time, the writing fee is
19 limited to one dollar and twenty-five cents.
20 Sec. ___. Section 462A.66, Code 2005, is amended
21 to read as follows:
22 462A.66 INSPECTION AUTHORITY.
23 An officer of the commission or any peace officer
24 who is trained in enforcing, and who in the regular
25 course of duty enforces, boating and navigation laws
26 may stop and inspect a vessel being launched, being
27 operated, or being moored on the waters of this state
28 under the jurisdiction of the commission to determine
29 whether the vessel is properly registered, numbered,
30 and equipped as provided under this chapter and rules
31 of the commission. An officer may board a vessel in
32 the course of an inspection if the operator is unable
33 to supply visual evidence that the vessel is properly
34 registered and equipped as required by this chapter
35 and rules of the commission. The inspection shall not
36 include an inspection of an area that is not essential

37 to determine compliance with the provisions of this
38 chapter and rules of the commission.
39 Sec. ___. Section 462A.77, subsection 1, Code
40 2005, is amended to read as follows:
41 1. Except as provided in subsection 3, an owner of
42 a vessel seventeen feet or longer in length
43 principally used on the waters of the state and to be
44 numbered pursuant to section 462A.4 shall apply to the
45 county recorder of the county in which the owner
46 resides for a certificate of title for the vessel.
47 The requirement of a certificate of title does not
48 apply to canoes, kayaks, or inflatable vessels
49 regardless of length.
50 Sec. ___. Sections 462A.21 and 462A.22, Code 2005,

Page 8

1 are repealed."
2 2. Title page, line 3, by inserting after the
3 word "resources" the following: ", and providing for
4 penalties and fees".
5 3. By renumbering as necessary.

DAVID JOHNSON

S–3233

1 Amend House File 810, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 18, by inserting after line 34, the
4 following:
5 "Sec. ___. NEW SECTION. 8.7 REPORTING OF GIFTS
6 RECEIVED.
7 All gifts, bequests, and grants received by a
8 department or accepted by the governor on behalf of
9 the state shall be reported to the Iowa ethics and
10 campaign disclosure board and the government oversight
11 committees. The ethics and campaign disclosure board
12 shall, by January 31 of each year, submit to the
13 fiscal services division of the legislative services
14 agency a written report listing all gifts, bequests,
15 and grants received during the previous calendar year
16 with a value over one thousand dollars and the purpose
17 for each such gift, bequest, or grant. The submission
18 shall also include a listing of all gifts, bequests,
19 and grants received by a department from a person if
20 the cumulative value of all gifts, bequests, and
21 grants received by the department from the person
22 during the previous calendar year exceeds one thousand
23 dollars, and the ethics and campaign disclosure board
24 shall include, if available, the purpose for each such
25 gift, bequest, or grant. However, reports on gifts,

26 grants, or bequests filed by the state board of
27 regents pursuant to section 8.44 shall be deemed
28 sufficient to comply with the requirements of this
29 section."
30 2. By renumbering as necessary.

JEFF ANGELO
ROBERT E. DVORSKY

S–3234

1 Amend House File 881, as passed by the House, as
2 follows:
3 1. Page 13, by striking lines 12 and 13 and
4 inserting the following:
5 "1. The portion of the section of this Act
6 amending section 2.10, subsections 1 and 2, as it
7 relates to the amount of annual salaries of members
8 and leaders of the general assembly, takes effect on
9 the later of the following:
10 a. Upon the convening of the Eighty-second General
11 Assembly in January 2007.
12 b. Upon the revenue estimating conference
13 approving a finding that both the Iowa economic
14 emergency fund and the cash reserve fund have reached
15 the maximum balances authorized for the funds under
16 sections 8.55 and 8.56 for the fiscal year for which
17 the finding is issued.
18 2. The portion of the section of this Act amending
19 section 2.10, subsections 1, 5, and 6, as it relates
20 to the amount of per diem and per month constituency
21 allowance, takes effect upon the convening of the
22 Eighty-second General Assembly in January 2007.
23 3. The section".
24 2. By renumbering as necessary.

BOB BRUNKHORST

S–3235

1 Amend House File 882, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 18, by inserting after line 30 the
4 following:
5 "Sec. ___. Section 364.17, subsection 3, paragraph
6 a, Code 2005, is amended to read as follows:
7 a. A schedule of civil penalties or criminal fines
8 for violations. <u>A city may charge the owner of</u>
9 <u>housing a late payment fee of twenty-five dollars and</u>
10 <u>may add interest of up to one and one-half percent per</u>
11 <u>month if a penalty or fine imposed under this</u>
12 <u>paragraph is not paid within thirty days of the date</u>

13 that the penalty or fine is due. The city shall send
14 a notice of the late payment fee to such owner by
15 first class mail to the owner's personal or business
16 mailing address. The late payment fee and the
17 interest shall not accrue if such owner files an
18 appeal with either the city, if the city has
19 established an appeals procedure, or the district
20 court. Any unpaid penalty, fine, fee, or interest
21 shall constitute a lien on the real property and may
22 be collected in the same manner as a property tax.
23 However, before a lien is filed, the city shall send a
24 notice of intent to file a lien to the owner of
25 housing by first class mail to such owner's personal
26 or business mailing address.
27 Sec. ___. Section 364.17, subsection 5, Code 2005,
28 is amended to read as follows:
29 5. Cities may establish reasonable fees for
30 inspection and enforcement procedures. A city may
31 charge the owner of housing a late payment penalty of
32 twenty-five dollars and may add interest of up to one
33 and one-half percent per month if a fee imposed under
34 this subsection is not paid within thirty days of the
35 date that the fee is due. The city shall send a
36 notice of the late payment penalty to such owner by
37 first class mail to the owner's personal or business
38 mailing address. The late payment penalty and the
39 interest shall not accrue if such owner files an
40 appeal with either the city, if the city has
41 established an appeals procedure, or the district
42 court. Any unpaid fee, penalty, or interest shall
43 constitute a lien on the real property and may be
44 collected in the same manner as a property tax.
45 However, before a lien is filed, the city shall send a
46 notice of intent to file a lien to the owner of
47 housing by first class mail to such owner's personal
48 or business mailing address."

HERMAN C. QUIRMBACH
DOUG SHULL
KEITH A. KREIMAN
HUBERT HOUSER
JEFF DANIELSON
RON WIECK

S–3236

1 Amend House File 810, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 4, by striking lines 16 and 17, and
4 inserting the following:
5 "..... $ 6,793,223
6 ..... FTEs 71.00"

2. Page 5, by striking lines 17 and 18, and inserting the following:

"..... $ 836,921

..... FTEs 12.75

Of the appropriation made and FTEs authorized in this subsection, $54,250 and 0.75 FTEs are contingent upon the enactment of 2005 Iowa Acts, Senate File 405."

3. Page 7, by striking line 1, and inserting the following:

"..... $ 1,729,857"

ROGER STEWART
JOHN PUTNEY
ROBERT E. DVORSKY
JEFF ANGELO

S–3237

Amend Senate File 415 as follows:

1. By striking everything after the enacting clause and inserting the following:

"Section 1. Section 22.7, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 51. Confidential information, as defined in section 86.45, subsection 1, filed with the workers' compensation commissioner.

Sec. 2. Section 85.27, subsection 7, Code 2005, is amended to read as follows:

7. If, after the third day of incapacity to work following the date of sustaining a compensable injury which does not result in permanent partial disability, or if, at any time after sustaining a compensable injury which results in permanent partial disability, an employee, who is not receiving weekly benefits under section 85.33 or section 85.34, subsection 1, returns to work and is required to leave work for one full day or less to receive services pursuant to this section, the employee shall be paid an amount equivalent to the wages lost at the employee's regular rate of pay for the time the employee is required to leave work. For the purposes of this subsection, "day of incapacity to work" means eight hours of accumulated absence from work due to incapacity to work or due to the receipt of services pursuant to this section. The employer shall make the payments under this subsection as wages to the employee after making such deductions from the amount as legally required or customarily made by the employer from wages. Payments made under this subsection shall be required to be reimbursed pursuant to any insurance policy covering workers' compensation. Payments under

this subsection shall not be construed to be payment of weekly benefits.

Sec. 3. Section 85.35, Code 2005, is amended to read as follows:

85.35 ~~SETTLEMENT IN CONTESTED CASE~~ SETTLEMENTS.

1. The parties to a contested case or persons who are involved in a dispute which could culminate in a contested case may enter into a settlement of any claim arising under this chapter or chapter 85A, 85B, or 86, providing for ~~final~~ disposition of the claim~~, provided that no final disposition affecting rights to future benefits may be had when the only dispute is the degree of disability resulting from an injury for which an award for payments or agreement for settlement under section 86.13 has been made~~. The settlement shall be in writing on forms prescribed by the workers' compensation commissioner and submitted

to the workers' compensation commissioner for approval.

2. The parties may enter into an agreement for settlement that establishes the employer's liability, fixes the nature and extent of the employee's current right to accrued benefits, and establishes the employee's right to statutory benefits that accrue in the future.

3. The parties may enter into a compromise settlement of the employee's claim to benefits as a full and final disposition of the claim.

4. The parties may enter into a settlement that is a combination of an agreement for settlement and a compromise settlement that establishes the employer's liability for part of a claim but makes a full and final disposition of other parts of a claim.

5. A contingent settlement may be made and approved, conditioned upon subsequent approval by a court or governmental agency, or upon any other subsequent event that is expected to occur within one year from the date of the settlement. If the subsequent approval or event does not occur, the contingent settlement and its approval may be vacated by order of the workers' compensation commissioner upon a petition for vacation filed by one of the parties or upon agreement by all parties. If a contingent settlement is vacated, the running of any period of limitation provided for in section 85.26 is tolled from the date the settlement was initially approved until the date that the settlement is vacated, and the claim is restored to the status that the claim held when the contingent settlement was

initially approved. The contingency on a settlement lapses and the settlement becomes final and fully enforceable if an action to vacate the contingent settlement or to extend the period of time allowed for the subsequent approval or event to occur is not initiated within one year from the date that the contingent settlement was initially approved.

6. The parties may agree that settlement proceeds, which are paid in a lump sum, are intended to compensate the injured worker at a given monthly or weekly rate over the life expectancy of the injured worker. If such an agreement is reached, neither the weekly compensation rate which either has been paid, or should have been paid, throughout the case, nor the maximum statutory weekly rate applicable to the injury shall apply. Instead, the rate set forth in the settlement agreement shall be the rate for the case.

~~The settlement shall not be approved unless~~

Page 3

~~evidence of a bona fide dispute exists concerning any of the following:~~

~~1. The claimed injury arose out of or in the course of the employment.~~

~~2. The injured employee gave notice under section 85.23.~~

~~3. Whether or not the statutes of limitations as provided in section 85.26 have run. When the issue involved is whether or not the statute of limitations of section 85.26, subsection 2, has run, the final disposition shall pertain to the right to weekly compensation unless otherwise provided for in subsection 7 of this section.~~

~~4. The injury was caused by the employee's willful intent to injure the employee's self or to willfully injure another.~~

~~5. Intoxication, which did not arise out of and in the course of employment but which was due to the effects of alcohol or another narcotic, depressant, stimulant, hallucinogenic, or hypnotic drug not prescribed by an authorized medical practitioner, was a substantial factor in causing the employee's injury.~~

~~6. The injury was caused by the willful act of a third party directed against the employee for reasons personal to such employee.~~

~~7. This chapter or chapter 85A, 85B, 86 or 87 applies to the party making the claim.~~

~~8. A substantial portion of the claimed disability is related to physical or mental conditions other than those caused by the injury.~~

7. A settlement shall be approved by the workers'

compensation commissioner if the parties show all of the following:

a. Substantial evidence exists to support the terms of the settlement.

b. Waiver of the employee's right to a hearing, decision, and statutory benefits is made knowingly by the employee.

c. The settlement is a reasonable and informed compromise of the competing interests of the parties.

If an employee is represented by legal counsel, it is presumed that the required showing for approval of the settlement has been made.

8. Approval of a settlement by the workers' compensation commissioner ~~shall be~~ is binding on the parties and shall not be construed as an original proceeding. Notwithstanding any provisions of this chapter and chapters 85A, 85B, 86 and 87, an approved compromise settlement shall constitute a final bar to any further rights arising under this chapter and

chapters 85A, 85B, 86, and 87~~. Such~~ regarding the subject matter of the compromise and a payment made pursuant to a compromise settlement agreement shall not be construed as the payment of weekly compensation.

Sec. 4. Section 85.38, subsection 2, unnumbered paragraph 2, Code 2005, is amended to read as follows:

If an employer denies liability under this chapter, chapter 85A, or chapter 85B, for payment for any medical services received or weekly compensation requested by an employee ~~with a disability~~, and the employee is a beneficiary under either an individual or group plan for nonoccupational illness, injury, or disability, the nonoccupational plan shall not deny payment for the medical services received or for benefits under the plan on the basis that the employer's liability ~~for the medical services~~ under this chapter, chapter 85A, or chapter 85B is unresolved.

Sec. 5. Section 85.71, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 5. The employer has a place of business in Iowa, and the employee is working under a contract of hire which provides that the employee's workers' compensation claims be governed by Iowa law.

Sec. 6. Section 86.24, subsection 4, Code 2005, is amended to read as follows:

4. A transcript of a contested case proceeding shall be provided to the workers' compensation commissioner by an appealing party at the party's cost

31 ~~and an affidavit shall be filed by the appealing party~~
32 ~~or the party's attorney with the workers' compensation~~
33 ~~commissioner within ten days after the filing of the~~
34 ~~appeal to the workers' compensation commissioner~~
35 ~~stating that the transcript has been ordered and~~
36 ~~identifying the name and address of the reporter or~~
37 ~~reporting firm from which the transcript has been~~
38 ~~ordered~~.
39 Sec. 7. NEW SECTION. 86.45 CONFIDENTIAL
40 INFORMATION.
41 1. "Confidential information", for the purposes of
42 this section, means all information that is filed with
43 the workers' compensation commissioner as a result of
44 an employee's injury or death that would allow the
45 identification of the employee or the employee's
46 dependents. Confidential information includes first
47 reports of injury and subsequent reports of claim
48 activity. Confidential information does not include
49 pleadings, motions, decisions, opinions, or
50 applications for settlement that are filed with the

Page 5

1 workers' compensation commissioner.
2 2. The workers' compensation commissioner shall
3 not disclose confidential information except as
4 follows:
5 a. Pursuant to the terms of a written waiver of
6 confidentiality executed by the employee or the
7 dependents of the employee whose information is filed
8 with the workers' compensation commissioner.
9 b. To another governmental agency, or to an
10 advisory, rating, or research organization, for the
11 purpose of compiling statistical data, evaluating the
12 state's workers' compensation system, or conducting
13 scientific, medical, or public policy research, where
14 such disclosure will not allow the identification of
15 the employee or the employee's dependents.
16 c. To the employee or to the agent or attorney of
17 the employee whose information is filed with the
18 workers' compensation commissioner.
19 d. To the person or to the agent of the person who
20 submitted the information to the workers' compensation
21 commissioner.
22 e. To an agent, representative, attorney,
23 investigator, consultant, or adjuster of an employer,
24 or insurance carrier or third-party administrator of
25 workers' compensation benefits, who is involved in
26 administering a claim for such benefits related to the
27 injury or death of the employee whose information is
28 filed with the workers' compensation commissioner.
29 f. To all parties to a contested case proceeding

before the workers' compensation commissioner in which the employee or a dependent of the employee, whose information is filed with the workers' compensation commissioner, is a party.

g. In compliance with a subpoena.

h. To an agent, representative, attorney, investigator, consultant, or adjuster of the employee, employer, or insurance carrier or third-party administrator of insurance benefits, who is involved in administering a claim for insurance benefits related to the injury or death of the employee whose information is filed with the workers' compensation commissioner.

i. To another governmental agency that is charged with the duty of enforcing liens or rights of subrogation or indemnity.

3. This section does not create a cause of action for a violation of its provisions against the workers' compensation commissioner or against the state or any governmental subdivision of the state.

Sec. 8. Section 87.11, unnumbered paragraph 1,

Page 6

Code 2005, is amended to read as follows:

When an employer coming under this chapter furnishes satisfactory proofs to the insurance commissioner of such employer's solvency and financial ability to pay the compensation and benefits as by law provided and to make such payments to the parties when entitled thereto, or when such employer deposits with the insurance commissioner security satisfactory to the insurance commissioner ~~and the workers' compensation commissioner~~ as guaranty for the payment of such compensation, such employer shall be relieved of the provisions of this chapter requiring insurance; but such employer shall, from time to time, furnish such additional proof of solvency and financial ability to pay as may be required by such insurance commissioner ~~or workers' compensation commissioner~~. <u>Such security shall be held in trust for the sole purpose of paying compensation and benefits and is not subject to attachment, levy, execution, garnishment, liens, or any other form of encumbrance. However, the insurance commissioner shall be reimbursed from the security for all costs and fees incurred by the insurance commissioner in resolving disputes involving the security.</u> A political subdivision, including a city, county, community college, or school corporation, that is self-insured for workers' compensation is not required to submit a plan or program to the insurance commissioner for review and

29 approval.
30 Sec. 9. Section 87.14A, Code 2005, is amended to
31 read as follows:
32 87.14A INSURANCE ~~OR BOND~~ REQUIRED.
33 An employer subject to this chapter and chapters
34 85, 85A, 85B, and 86 shall not engage in business
35 without first obtaining insurance covering
36 compensation benefits or obtaining relief from
37 insurance as provided in this chapter ~~or furnishing a~~
38 ~~bond pursuant to section 87.16~~. A person who
39 willfully and knowingly violates this section is
40 guilty of a class "D" felony.
41 Sec. 10. Section 87.19, unnumbered paragraph 1,
42 Code 2005, is amended to read as follows:
43 Upon the receipt of information by the workers'
44 compensation commissioner of any employer failing to
45 comply with ~~sections 87.16 and 87.17~~ section 87.14A,
46 the commissioner shall at once notify such employer by
47 certified mail that unless such employer comply with
48 the requirements of law, legal proceedings will be
49 instituted to enforce such compliance.
50 Sec. 11. Section 87.20, Code 2005, is amended to

Page 7

1 read as follows:
2 87.20 REVOCATION OF RELEASE FROM INSURANCE.
3 The insurance commissioner ~~with the concurrence of~~
4 ~~the workers' compensation commissioner~~ may, at any
5 time, upon reasonable notice to such employer and upon
6 hearing, revoke for cause any order theretofore made
7 relieving any employer from carrying insurance as
8 provided by this chapter.
9 Sec. 12. Section 91A.3, subsection 3, Code 2005,
10 is amended to read as follows:
11 3. The wages paid under subsection 1 shall be sent
12 to the employee by mail or be paid at the employee's
13 normal place of employment during normal employment
14 hours or at a place and hour mutually agreed upon by
15 the employer and employee, or the employee may elect
16 to have the wages sent for direct deposit, on or by
17 the regular payday of the employee, into a financial
18 institution designated by the employee. An employer
19 shall not require a current employee to participate in
20 direct deposit. The employer may require, as a
21 condition of hire, a new employee to sign up for
22 direct deposit of the employee's wages in a financial
23 institution of the employee's choice unless either of
24 the following conditions exist:
25 a. The costs to the employee of establishing and
26 maintaining an account for purposes of the direct
27 deposit would effectively reduce the employee's wages

28 to a level below the minimum wage provided under
29 section 91D.1.
30 b. The provisions of a collective bargaining
31 agreement mutually agreed upon by the employer and the
32 employee organization prohibit the employer from
33 requiring an employee to sign up for direct deposit as
34 a condition of hire.
35 Sec. 13. Section 91A.6, Code 2005, is amended by
36 adding the following new subsection:
37 NEW SUBSECTION. 4. On each regular payday, the
38 employer shall send to each employee by mail or shall
39 provide at the employee's normal place of employment
40 during normal employment hours a statement showing the
41 hours the employee worked, the wages earned by the
42 employee, and deductions made for the employee. An
43 employer who provides each employee access to view an
44 electronic statement of the employee's earnings and
45 provides the employee free and unrestricted access to
46 a printer to print the employee's statement of
47 earnings, if the employee chooses, is in compliance
48 with this subsection.
49 Sec. 14. Sections 87.16 and 87.17, Code 2005, are
50 repealed."

Page 8

1 3. Title page, line 1, by inserting after the
2 word "to" the following: "employment, including the
3 payment of weekly workers' compensation benefits,
4 workers' compensation settlements and filings, and".
5 4. Title page, lines 2 and 3, by striking the
6 words "a civil penalty" and inserting the following:
7 "civil penalties".
8 5. By renumbering as necessary.

WILLIAM A. DOTZLER, JR.

S–3238

1 Amend House File 619, 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 DNA PROFILING
7 Section 1. NEW SECTION. 81.1 DEFINITIONS.
8 As used in this chapter, unless the context
9 otherwise requires:
10 1. "DNA" means deoxyribonucleic acid.
11 2. "DNA databank" means the repository for DNA
12 samples obtained pursuant to section 81.4.
13 3. "DNA database" means the collection of DNA

14 profiles and DNA records.
15 4. "DNA profile" means the objective form of the
16 results of DNA analysis performed on a DNA sample.
17 The results of all DNA identification analysis on an
18 individual's DNA sample are also collectively referred
19 to as the DNA profile of an individual.
20 5. "DNA profiling" means the procedure established
21 by the division of criminal investigation, department
22 of public safety, for determining a person's genetic
23 identity.
24 6. "DNA record" means the DNA sample and DNA
25 profile, and other records in the DNA database and DNA
26 data bank used to identify a person.
27 7. "DNA sample" means a biological sample provided
28 by any person required to submit a DNA sample or a DNA
29 sample submitted for any other purpose under section
30 81.4.
31 8. "Person required to submit a DNA sample" means
32 a person convicted, adjudicated delinquent, receiving
33 a deferred judgment, or found not guilty by reason of
34 insanity of an offense requiring DNA profiling
35 pursuant to section 81.2. "Person required to submit
36 a DNA sample" also means a person determined to be a
37 sexually violent predator pursuant to section 229A.7.
38 Sec. 2. NEW SECTION. 81.2 PERSONS REQUIRED TO
39 SUBMIT A DNA SAMPLE.
40 1. A person who receives a deferred judgment for a
41 felony or against whom a judgment or conviction for a
42 felony has been entered shall be required to submit a
43 DNA sample for DNA profiling pursuant to section 81.4.
44 2. A person determined to be a sexually violent
45 predator pursuant to chapter 229A shall be required to
46 submit a DNA sample for DNA profiling pursuant to
47 section 81.4 prior to discharge or placement in a
48 transitional release program.
49 3. A person found not guilty by reason of insanity
50 of an offense that requires DNA profiling shall be

Page 2

1 required to submit a DNA sample for DNA profiling
2 pursuant to section 81.4 as part of the person's
3 treatment management program.
4 4. A juvenile adjudicated delinquent of an offense
5 that requires DNA profiling of an adult offender shall
6 be required to submit a DNA sample for DNA profiling
7 pursuant to section 81.4 as part of the disposition of
8 the juvenile's case.
9 5. An offender placed on probation shall
10 immediately report to the judicial district department
11 of correctional services after sentencing so it can be
12 determined if the offender has been convicted of an

13 offense requiring DNA profiling. If it is determined
14 by the judicial district that DNA profiling is
15 required, the offender shall immediately submit a DNA
16 sample.
17 6. A person required to register as a sex
18 offender.
19 Sec. 3. NEW SECTION. 81.3 ESTABLISHMENT OF DNA
20 DATABASE AND DNA DATABANK.
21 1. A state DNA database and a state DNA databank
22 are established under the control of the division of
23 criminal investigation, department of public safety.
24 The division of criminal investigation shall conduct
25 DNA profiling of a DNA sample submitted in accordance
26 with this section.
27 2. A DNA sample shall be submitted, and the
28 division of criminal investigation shall store and
29 maintain DNA records in the DNA database and DNA
30 databank for persons required to submit a DNA sample.
31 3. A DNA sample may be submitted, and the division
32 of criminal investigation shall store and maintain DNA
33 records in the DNA database and DNA databank for any
34 of the following:
35 a. Crime scene evidence and forensic casework.
36 b. A relative of a missing person.
37 c. An anonymous DNA profile used for forensic
38 validation, forensic protocol development, or quality
39 control purposes, or for the establishment of a
40 population statistics database.
41 4. A fingerprint record of a person required to
42 submit a DNA sample shall also be submitted to the
43 division of criminal investigation with the DNA sample
44 to verify the identity of the person required to
45 submit a DNA sample.
46 Sec. 4. NEW SECTION. 81.4 COLLECTING,
47 SUBMITTING, ANALYZING, IDENTIFYING, AND STORING DNA
48 SAMPLES AND DNA RECORDS.
49 1. The division of criminal investigation shall
50 adopt rules for the collection, submission, analysis,

Page 3

1 identification, storage, and disposition of DNA
2 records.
3 2. A supervising agency having control, custody,
4 or jurisdiction over a person shall collect a DNA
5 sample from a person required to submit a DNA sample.
6 The supervising agency shall collect a DNA sample,
7 upon admittance to the pertinent institution or
8 facility, of the person required to submit a DNA
9 sample or at a determined date and time set by the
10 supervising agency. If a person required to submit a
11 DNA sample is confined at the time a DNA sample is

12 required, the person shall submit a DNA sample as soon
13 as practicable. If a person required to submit a DNA
14 sample is not confined after the person is required to
15 submit a DNA sample, the supervising agency shall
16 determine the date and time to collect the DNA sample.
17 3. A person required to submit a DNA sample who
18 refuses to submit a DNA sample may be subject to
19 contempt proceedings pursuant to chapter 665 until the
20 DNA sample is submitted.
21 4. The division of criminal investigation shall
22 conduct DNA profiling on a DNA sample or may contract
23 with a private entity to conduct the DNA profiling.
24 Sec. 5. NEW SECTION. 81.5 CIVIL AND CRIMINAL
25 LIABILITY — LIMITATION.
26 A person who collects a DNA sample shall not be
27 civilly or criminally liable for the collection of the
28 DNA sample if the person performs the person's duties
29 in good faith and in a reasonable manner according to
30 generally accepted medical practices or in accordance
31 with the procedures set out in the administrative
32 rules of the department of public safety adopted
33 pursuant to section 81.4.
34 Sec. 6. NEW SECTION. 81.6 CRIMINAL OFFENSE.
35 1. A person who knowingly or intentionally does
36 any of the following commits an aggravated
37 misdemeanor:
38 a. Discloses any part of a DNA record to a person
39 or agency that is not authorized by the division of
40 criminal investigation to have access to the DNA
41 record.
42 b. Uses or obtains a DNA record for a purpose
43 other than what is authorized under this chapter.
44 2. A person who knowingly or intentionally alters
45 or attempts to alter a DNA sample, falsifies the
46 source of a DNA sample, or materially alters a
47 collection container used to collect the DNA sample,
48 commits a class "D" felony.
49 Sec. 7. NEW SECTION. 81.7 CONVICTION OR ARREST
50 NOT INVALIDATED.

Page 4

1 The detention, arrest, or conviction of a person
2 based upon a DNA database match is not invalidated if
3 it is determined that the DNA sample or DNA profile
4 was obtained or placed into the DNA database by
5 mistake or error.
6 Sec. 8. NEW SECTION. 81.8 CONFIDENTIAL RECORDS.
7 1. A DNA record shall be considered a confidential
8 record and disclosure of a DNA record is only
9 authorized pursuant to this section.
10 2. Confidential DNA records under this section may

11 be released to the following agencies for law
12 enforcement identification purposes:
13 a. Any criminal or juvenile justice agency as
14 defined in section 692.1.
15 b. Any criminal or juvenile justice agency in
16 another jurisdiction that meets the definition of a
17 criminal or juvenile justice agency as defined in
18 section 692.1.
19 3. The division of criminal investigation shall
20 share the DNA record information with the appropriate
21 federal agencies for use in a national DNA database.
22 4. A DNA record or other forensic information
23 developed pursuant to this chapter may be released for
24 use in a criminal or juvenile delinquency proceeding
25 in which the state is a party and where the DNA record
26 or forensic information is relevant and material to
27 the subject of the proceeding. Such a record or
28 information may become part of a public transcript or
29 other public recording of such a proceeding.
30 5. A DNA record or other forensic information may
31 be released pursuant to a court order for criminal
32 defense purposes to a defendant, who shall have access
33 to DNA samples and DNA profiles related to the case in
34 which the defendant is charged.
35 Sec. 9. NEW SECTION. 81.9 EXPUNGEMENT OF DNA
36 RECORDS.
37 1. A person whose DNA record has been included in
38 the DNA database or DNA databank established pursuant
39 to section 81.3 may request, in writing to the
40 division of criminal investigation, expungement of the
41 DNA record from the DNA database and DNA databank
42 based upon the person's conviction, adjudication, or
43 civil commitment which caused the submission of the
44 DNA sample being reversed on appeal and the case
45 dismissed. The written request shall contain a
46 certified copy of the final court order reversing the
47 conviction, adjudication, or civil commitment, and a
48 certified copy of the dismissal, and any other
49 information necessary to ascertain the validity of the
50 request.

Page 5

1 2. The division of criminal investigation, upon
2 receipt of a written request that validates reversal
3 on appeal of a person's conviction, adjudication, or
4 commitment, and subsequent dismissal of the case, or
5 upon receipt of a written request by a person who
6 voluntarily submitted a DNA sample under section 81.3,
7 subsection 3, paragraph "b", or upon receipt of a
8 written request by a person who voluntarily submitted
9 a DNA sample pursuant to section 81.3, subsection 3,

10 paragraph "b", shall expunge all of the DNA records
11 and identifiable information of the person in the DNA
12 database and DNA databank. However, if the division
13 of criminal investigation determines that the person
14 is otherwise obligated to submit a DNA sample, the DNA
15 records shall not be expunged. If the division of
16 criminal investigation denies an expungement request,
17 the division shall notify the person requesting the
18 expungement of the decision not to expunge the DNA
19 record and the reason supporting its decision. The
20 division of criminal investigation decision is subject
21 to judicial review pursuant to chapter 17A. The
22 department of public safety shall adopt rules
23 governing the expungement procedure and a review
24 process.
25 3. The division of criminal investigation is not
26 required to expunge or destroy a DNA record pursuant
27 to this section, if expungement or destruction of the
28 DNA record would destroy evidence related to another
29 person.
30 Sec. 10. NEW SECTION. 81.10 DNA PROFILING AFTER
31 CONVICTION.
32 1. A defendant who has been convicted of a felony
33 and who has not been required to submit a DNA sample
34 for DNA profiling may make a motion to the court for
35 an order to require that DNA analysis be performed on
36 evidence collected in the case for which the person
37 stands convicted.
38 2. The motion shall state the following:
39 a. The specific crimes for which the defendant
40 stands convicted in this case.
41 b. The facts of the underlying case, as proven at
42 trial or admitted to during a guilty plea proceeding.
43 c. Whether any of the charges include sexual abuse
44 or involve sexual assault, and if so, whether a sexual
45 assault examination was conducted and evidence
46 preserved, if known.
47 d. Whether identity was at issue or contested by
48 the defendant.
49 e. Whether the defendant offered an alibi, and if
50 so, testimony corroborating the alibi and, from whom.

Page 6

1 f. Whether eyewitness testimony was offered, and
2 if so from whom.
3 g. Whether any issues of police or prosecutor
4 misconduct have been raised in the past or are being
5 raised by the motion.
6 h. The type of inculpatory evidence admitted into
7 evidence at trial or admitted to during a guilty plea
8 proceeding.

9 i. Whether blood testing or other biological
10 evidence testing was conducted previously in
11 connection with the case and, if so, by whom and to
12 the result, if known.
13 j. What biological evidence exists and, if known,
14 the agency or laboratory storing the evidence that the
15 defendant seeks to have tested.
16 k. Why the requested analysis of DNA evidence is
17 material to the issue in the case and not merely
18 cumulative or impeaching.
19 l. Why the DNA evidence would have changed the
20 outcome of the trial or invalidated a guilty plea if
21 DNA profiling had been conducted prior to the
22 conviction.
23 3. A motion filed under this section shall be
24 filed in the county where the defendant was convicted,
25 and notice of the motion shall be served by certified
26 mail upon the county attorney and, if known, upon the
27 state, local agency, or laboratory holding evidence
28 described in subsection 2, paragraph "k". The county
29 attorney shall have sixty days to file an answer to
30 the motion.
31 4. Any DNA profiling of the defendant or other
32 biological evidence testing conducted by the state or
33 by the defendant shall be disclosed and the results of
34 such profiling or testing described in the motion or
35 answer.
36 5. If the evidence requested to be tested was
37 previously subjected to DNA or other biological
38 analysis by either party, the court may order the
39 disclosure of the results of such testing, including
40 laboratory reports, notes, and underlying data, to the
41 court and the parties.
42 6. The court may order a hearing on the motion to
43 determine if evidence should be subjected to DNA
44 analysis.
45 7. The court shall grant the motion if all of the
46 following apply:
47 a. The evidence subject to DNA testing is
48 available and in a condition that will permit
49 analysis.
50 b. A sufficient chain of custody has been

Page 7

1 established for the evidence.
2 c. The identity of the person who committed the
3 crime for which the defendant was convicted was a
4 significant issue in the crime for which the defendant
5 was convicted.
6 d. The evidence subject to DNA analysis is
7 material to, and not merely cumulative or impeaching

8 of, evidence included in the trial record or admitted
9 to at a guilty plea proceeding.
10 e. DNA analysis of the evidence would raise a
11 reasonable probability that the defendant would not
12 have been convicted if DNA profiling had been
13 available at the time of the conviction and had been
14 conducted prior to the conviction.
15 8. Upon the court granting a motion filed pursuant
16 to this section, DNA analysis of evidence shall be
17 conducted within the guidelines generally accepted by
18 the scientific community. The defendant shall provide
19 DNA samples for testing if requested by the state.
20 9. Results of DNA analysis conducted pursuant to
21 this section shall be reported to the parties and to
22 the court and may be provided to the board of parole,
23 department of corrections, and criminal and juvenile
24 justice agencies, as defined in section 692.1, for use
25 in the course of investigations and prosecutions, and
26 for consideration in connection with requests for
27 parole, pardon, reprieve, and commutation. DNA
28 samples obtained pursuant to this section may be
29 included in the DNA databank, and DNA profiles and DNA
30 records developed pursuant to this section may be
31 included in the DNA database.
32 10. A criminal or juvenile justice agency, as
33 defined in section 692.1, shall maintain DNA samples
34 and evidence that could be tested for DNA for a period
35 of three years beyond the limitations for the
36 commencement of criminal actions as set forth in
37 chapter 802. This section does not create a cause of
38 action for damages or a presumption of spoliation in
39 the event evidence is no longer available for testing.
40 11. If the court determines a defendant who files
41 a motion under this section is indigent, the defendant
42 shall be entitled to appointment of counsel as
43 provided in chapter 815.
44 12. If the court determines after DNA analysis
45 ordered pursuant to this section that the results
46 indicate conclusively that the DNA profile of the
47 defendant matches the profile from the analyzed
48 evidence used against the defendant, the court may
49 order the defendant to pay the costs of these
50 proceedings, including costs of all testing, court

Page 8

1 costs, and costs of court-appointed counsel, if any.
2 Sec. 11. Section 229A.7, Code 2005, is amended by
3 adding the following new subsection:
4 NEW SUBSECTION. 5A. If the court or jury
5 determines that the respondent is a sexually violent
6 predator, the court shall order the respondent to

7 submit a DNA sample for DNA profiling pursuant to
8 section 81.4.
9 Sec. 12. Section 232.52, Code 2005, is amended by
10 adding the following new subsection:
11 NEW SUBSECTION. 10. The court shall order a
12 juvenile adjudicated a delinquent for an offense that
13 requires DNA profiling under section 81.2 to submit a
14 DNA sample for DNA profiling pursuant to section 81.4.
15 Sec. 13. Section 669.14, Code 2005, is amended by
16 adding the following new subsection:
17 NEW SUBSECTION. 15. Any claim arising from or
18 related to the collection of a DNA sample for DNA
19 profiling pursuant to section 81.4 or a DNA profiling
20 procedure performed by the division of criminal
21 investigation, department of public safety.
22 Sec. 14. Section 901.5, subsection 8A, Code 2005,
23 is amended to read as follows:
24 8A. a. The court shall order DNA profiling of a
25 defendant convicted of an offense that requires
26 profiling under section ~~13.10~~ 81.2.
27 b. Notwithstanding section ~~13.10~~ 81.2, the court
28 may order the defendant to provide a ~~physical specimen~~
29 DNA sample to be submitted for DNA profiling if
30 appropriate. In determining the appropriateness of
31 ordering DNA profiling, the court shall consider the
32 deterrent effect of DNA profiling, the likelihood of
33 repeated offenses by the defendant, and the
34 seriousness of the offense.
35 Sec. 15. Section 906.4, unnumbered paragraph 3,
36 Code 2005, is amended to read as follows:
37 ~~Notwithstanding section 13.10, the~~ The board may
38 order the defendant to provide a physical specimen to
39 be submitted for DNA profiling as a condition of
40 parole or work release, if ~~appropriate~~ a DNA profile
41 has not been previously conducted pursuant to chapter
42 81. In determining the appropriateness of ordering
43 DNA profiling, the board shall consider the deterrent
44 effect of DNA profiling, the likelihood of repeated
45 offenses by the defendant, and the seriousness of the
46 offense.
47 Sec. 16. 2002 Iowa Acts, chapter 1080, is
48 repealed.
49 Sec. 17. Section 13.10, Code 2005, is repealed.
50 Sec. 18. PERSONS REQUIRED TO SUBMIT A DNA SAMPLE

Page 9

1 PRIOR TO EFFECTIVE DATE OF THIS DIVISION OF THIS ACT.
2 A person convicted, adjudicated a delinquent, civilly
3 committed as a sexually violent predator, or found not
4 guilty by reason of insanity, prior to the effective
5 date of this Act, who would otherwise be required to

6 submit a DNA sample under this Act, and who is under
7 the custody, control, or jurisdiction of a supervising
8 agency, shall submit a DNA sample prior to being
9 released from the supervising agency's custody,
10 control, or jurisdiction.
11 Sec. 19. EFFECTIVE DATE. This division of this
12 Act, being deemed of immediate importance, takes
13 effect upon enactment.
14 DIVISION II
15 SEX OFFENDER REGISTRY — TREATMENT — STUDY
16 Sec. 20. Section 232.68, subsection 2, Code 2005,
17 is amended by adding the following new paragraph:
18 NEW PARAGRAPH. i. Cohabitation with a person on
19 the sex offender registry under chapter 692A in
20 violation of section 726.6.
21 Sec. 21. Section 692A.1, subsection 8, Code 2005,
22 is amended to read as follows:
23 8. "Residence" means the place where a person
24 sleeps, which may include more than one location, and
25 may be mobile or transitory, including a shelter or
26 group home.
27 Sec. 22. Section 692A.2, Code 2005, is amended by
28 adding the following new subsection:
29 NEW SUBSECTION. 1A. If a person is required to
30 register for a period of ten years under subsection 1
31 and the period under subsection 1 has expired, the
32 person shall be required to remain on the registry if
33 the person has been sentenced to a special sentence as
34 required under section 903B.0A or 903B.0B, for a
35 period equal to the term of the special sentence.
36 Sec. 23. Section 692A.4, Code 2005, is amended to
37 read as follows:
38 692A.4 VERIFICATION OF ADDRESS AND TAKING OF
39 PHOTOGRAPH.
40 1. The address of a person required to register
41 under this chapter shall be verified annually as
42 follows:
43 a. On a date which falls within the month in which
44 the person was initially required to register, the
45 department shall mail a verification form to the last
46 reported address of the person. Verification forms
47 shall not be forwarded to the person who is required
48 to register under this chapter if the person no longer
49 resides at the address, but shall be returned to the
50 department.

Page 10

1 b. The person shall complete and mail the
2 verification to the department within ten days of
3 receipt of the form.
4 c. The verification form shall be signed by the

person, and state the address at which the person resides. If the person is in the process of changing residences, the person shall state that fact as well as the old and new addresses or places of residence.

2. Verification of address for a person who has been convicted of an offense under the laws of this state or of another state which would qualify the person as a sexually violent predator shall be accomplished in the same manner as in subsection 1, except that the verification shall be done every three months at times established by the department.

3. A photograph of a person required to register under this chapter shall be updated, at a minimum, annually. When the department mails the address verification notice in subsection 1, the department shall also enclose a form informing the person to annually submit to being photographed by the sheriff of the county of the person's residence within ten days of receipt of the address verification form. The sheriff shall send the updated photograph to the department within ten days of the photograph being taken and the department shall post the updated photograph on the sex offender registry's web page. The sheriff may require the person to submit to being photographed by the sheriff more than once a year by mailing another notice informing the person to submit to being photographed.

Sec. 24. NEW SECTION. 692A.4A ELECTRONIC MONITORING.

A person required to register under this chapter who is placed on probation, parole, work release, special sentence, or any other type of conditional release, may be supervised by an electronic tracking and monitoring system in addition to any other conditions of supervision.

Sec. 25. Section 692A.5, subsection 1, Code 2005, is amended by adding the following new paragraph:

NEW PARAGRAPH. i. Inform the person that the person must, at a minimum, annually submit to being photographed by the sheriff of the county of the person's residence.

Sec. 26. Section 692A.13, subsection 3, Code 2005, is amended to read as follows:

3. Any member of the public may contact a county sheriff's office or police department to request relevant information from the registry regarding a

specific person required to register under this chapter. ~~The request for information shall be in writing, and~~ A person making a request for relevant

information may make the request by telephone, in writing, or in person, and the request shall include the name of the person and at least one of the following identifiers pertaining to the person about whom the information is sought:

a. The date of birth of the person.

b. The social security number of the person.

c. The address of the person.

A county sheriff or police department shall not charge a fee relating to a request for relevant information.

Sec. 27. Section 692A.13, subsection 2, paragraph b, Code 2005, is amended to read as follows:

b. The general public, including public and private agencies, organizations, public places, ~~public and private schools,~~ child care facilities, religious and youth organizations, neighbors, neighborhood associations, community meetings, and employers. Registry information may be distributed to the public through printed materials, visual or audio press releases, radio communications, or through a criminal or juvenile justice agency's web page.

Sec. 28. Section 692A.13, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. When a person required to register under this chapter moves into a school district or moves within a school district, the county sheriff of the county of the person's new residence shall provide relevant information from the sex offender registry to the administrative office of the school district in which the person required to register resides, and shall also provide relevant information to any private school near the person's residence.

Sec. 29. Section 692A.13, subsection 5, Code 2005, is amended to read as follows:

5. Relevant information provided to the general public may include the offender's name, address, a photograph, locations frequented by the offender, relevant criminal history information from the registry, and any other relevant information. Relevant information provided to the public shall not include the identity of any victim. For purposes of inclusion in the sex offender registry's web page or dissemination to the general public, a conviction for incest shall be disclosed as either a violation of section 709.4 or 709.8.

Page 12

Sec. 30. Section 726.6, subsection 1, Code 2005, is amended by adding the following new paragraph:

3 NEW PARAGRAPH. h. Cohabits with a person after
4 knowing the person is required to register or is on
5 the sex offender registry as a sex offender under
6 chapter 692A. However, this paragraph does not apply
7 to a person who is a parent, guardian, or a person
8 having custody or control over a child or a minor who
9 is required to register as a sex offender.
10 Sec. 31. Section 903A.2, subsection 1, paragraph
11 a, Code 2005, is amended to read as follows:
12 a. Category "A" sentences are those sentences
13 which are not subject to a maximum accumulation of
14 earned time of fifteen percent of the total sentence
15 of confinement under section 902.12. To the extent
16 provided in subsection 5, category "A" sentences also
17 include life sentences imposed under section 902.1.
18 An inmate of an institution under the control of the
19 department of corrections who is serving a category
20 "A" sentence is eligible for a reduction of sentence
21 equal to one and two-tenths days for each day the
22 inmate demonstrates good conduct and satisfactorily
23 participates in any program or placement status
24 identified by the director to earn the reduction. The
25 programs include but are not limited to the following:
26 (1) Employment in the institution.
27 (2) Iowa state industries.
28 (3) An employment program established by the
29 director.
30 (4) A treatment program established by the
31 director.
32 (5) An inmate educational program approved by the
33 director.
34 However, an inmate required to participate in a sex
35 offender treatment program shall not be eligible for a
36 reduction of sentence unless the inmate participates
37 in and completes a sex offender treatment program
38 established by the director.
39 An inmate serving a category "A" sentence is
40 eligible for an additional reduction of sentence of up
41 to three hundred sixty-five days of the full term of
42 the sentence of the inmate for exemplary acts. In
43 accordance with section 903A.4, the director shall by
44 policy identify what constitutes an exemplary act that
45 may warrant an additional reduction of sentence.
46 Sec. 32. SEX OFFENDER INTERIM STUDY COMMITTEE.
47 The legislative council is requested to authorize a
48 study for the 2005 legislative interim on sexual
49 abuse-related criminal offenses and the sex offender
50 registry. The study recommendations and findings

Page 13

shall include but are not limited to identifying possible changes to sexual abuse-related offenses and the sex offender registry. The study report, including findings and recommendations, shall be submitted to the general assembly for consideration during the 2006 legislative session. The study shall be conducted by a study committee consisting of up to nine members of the general assembly. A chairperson or co-chairpersons shall be designated by the legislative council.

DIVISION III
ENHANCED CRIMINAL PENALTIES AND
STATUTE OF LIMITATIONS

Sec. 33. Section 709.8, Code 2005, is amended to read as follows:

709.8 LASCIVIOUS ACTS WITH A CHILD.

It is unlawful for any person ~~eighteen~~ sixteen years of age or older to perform any of the following acts with a child with or without the child's consent unless married to each other, for the purpose of arousing or satisfying the sexual desires of either of them:

1. Fondle or touch the pubes or genitals of a child.

2. Permit or cause a child to fondle or touch the person's genitals or pubes.

3. Solicit a child to engage in a sex act or solicit a person to arrange a sex act with a child.

4. Inflict pain or discomfort upon a child or permit a child to inflict pain or discomfort on the person.

Any person who violates a provision of this section involving an act included in subsection 1 or 2 shall, upon conviction, be guilty of a class "~~D~~" "C" felony. ~~A person who violates a provision of this section and who is sentenced to a term of confinement shall also be sentenced to an additional term of parole or work release not to exceed two years. The board of parole shall determine whether the person should be released on parole or placed in a work release program. The sentence of an additional term of parole or work release supervision shall commence immediately upon the expiration of the preceding sentence and shall be under the terms and conditions as set out in chapter 906. Violations of parole or work release shall be subject to the procedures set out in chapter 905 or 908 or rules adopted under those chapters. The sentence of an additional term of parole or work release shall be consecutive to the original term of confinement.~~ Any person who violates a provision of

Page 14

1 this section involving an act included in subsection 3
2 or 4 shall, upon conviction, be guilty of a class "D"
3 felony.
4 Sec. 34. Section 802.2, Code 2005, is amended to
5 read as follows:
6 802.2 SEXUAL ABUSE — FIRST, SECOND, OR THIRD
7 DEGREE.
8 1. An information or indictment for sexual abuse
9 in the first, second, or third degree committed on or
10 with a person who is under the age of eighteen years
11 shall be found within ten years after the person upon
12 whom the offense is committed attains eighteen years
13 of age, or if the identity of the person against whom
14 the information or indictment is sought is established
15 through the use of a DNA profile, an information or
16 indictment shall be found within three years from the
17 date the identity of the person is identified by the
18 person's DNA profile, whichever is later.
19 2. An information or indictment for any other
20 sexual abuse in the first, second, or third degree
21 shall be found within ten years after its commission,
22 or if the identity of the person against whom the
23 information or indictment is sought is established
24 through the use of a DNA profile, an information or
25 indictment shall be found within three years from the
26 date the identity of the person is identified by the
27 person's DNA profile, whichever is later.
28 3. As used in this section, "identified" means a
29 person's legal name is known and the person has been
30 determined to be the source of the DNA.
31 Sec. 35. Section 901.5, Code 2005, is amended by
32 adding the following new subsection:
33 NEW SUBSECTION. 13. In addition to any other
34 sentence or other penalty imposed against the
35 defendant, the court shall impose a special sentence
36 if required under section 903B.0A or 903B.0B.
37 Sec. 36. NEW SECTION. 902.15 ENHANCED PENALTY —
38 SEXUAL ABUSE OR LASCIVIOUS ACTS WITH A CHILD.
39 1. A person commits a class "A" felony if the
40 person commits a second or subsequent offense
41 involving any combination of the following offenses:
42 a. Sexual abuse in the second degree in violation
43 of section 709.3.
44 b. Sexual abuse in the third degree in violation
45 of section 709.4.
46 c. Lascivious acts with a child in violation of
47 section 709.8, subsection 1 or 2.
48 2. In determining if a violation charged is a
49 second or subsequent offense for purposes of criminal
50 sentencing in this section, each previous violation on

Page 15

1 which conviction or deferral of judgment was entered
2 prior to the date of the violation charged shall be
3 considered and counted as a separate previous offense,
4 regardless of whether the previous offense occurred
5 before, on, or after the effective date of this Act.
6 Convictions or the equivalent of deferred judgments
7 for violations in any other states under statutes
8 substantially corresponding to the offenses listed in
9 subsection 1 shall be counted as previous offenses.
10 The courts shall judicially notice the statutes of
11 other states which define offenses substantially
12 equivalent to the offenses listed in subsection 1 and
13 can therefore be considered corresponding statutes.
14 Sec. 37. NEW SECTION. 903B.0A SPECIAL SENTENCE
15 — CLASS "B" OR CLASS "C" FELONIES.
16 A person convicted of a class "C" felony or greater
17 offense under chapter 709, or a class "C" felony under
18 section 728.12, shall also be sentenced, in addition
19 to any other punishment provided by law, to a special
20 sentence committing the person into the custody of the
21 director of the Iowa department of corrections for the
22 rest of the person's life, with eligibility for parole
23 as provided in chapter 906. The special sentence
24 imposed under this section shall commence upon
25 completion of the sentence imposed under any
26 applicable criminal sentencing provisions for the
27 underlying criminal offense and the person shall begin
28 the sentence under supervision as if on parole. The
29 person shall be placed on the corrections continuum in
30 chapter 901B, and the terms and conditions of the
31 special sentence, including violations, shall be
32 subject to the same set of procedures set out in
33 chapters 901B, 905, 906, and chapter 908, and rules
34 adopted under those chapters for persons on parole.
35 The revocation of release shall not be for a period
36 greater than two years upon any first revocation, and
37 five years upon any second or subsequent revocation.
38 A special sentence shall be considered a category "A"
39 sentence for purposes of calculating earned time under
40 section 903A.2.
41 Sec. 38. NEW SECTION. 903B.0B SPECIAL SENTENCE
42 — CLASS "D" FELONIES OR MISDEMEANORS.
43 A person convicted of a misdemeanor or a class "D"
44 felony offense under chapter 709, section 726.2, or
45 section 728.12 shall also be sentenced, in addition to
46 any other punishment provided by law, to a special
47 sentence committing the person into the custody of the
48 director of the Iowa department of corrections for a
49 period of ten years, with eligibility for parole as
50 provided in chapter 906. The special sentence imposed

Page 16

1 under this section shall commence upon completion of
2 the sentence imposed under any applicable criminal
3 sentencing provisions for the underlying criminal
4 offense and the person shall begin the sentence under
5 supervision as if on parole. The person shall be
6 placed on the corrections continuum in chapter 901B,
7 and the terms and conditions of the special sentence,
8 including violations, shall be subject to the same set
9 of procedures set out in chapters 901B, 905, 906, and
10 908, and rules adopted under those chapters for
11 persons on parole. The revocation of release shall
12 not be for a period greater than two years upon any
13 first revocation, and five years upon any second or
14 subsequent revocation. A special sentence shall be
15 considered a category "A" sentence for purposes of
16 calculating earned time under section 903A.2.
17 Sec. 39. Section 903B.1, subsection 3, Code 2005,
18 is amended by striking the subsection.
19 Sec. 40. Section 906.15, unnumbered paragraph 1,
20 Code 2005, is amended to read as follows:
21 Unless sooner discharged, a person released on
22 parole shall be discharged when the person's term of
23 parole equals the period of imprisonment specified in
24 the person's sentence, less all time served in
25 confinement. Discharge from parole may be granted
26 prior to such time, when an early discharge is
27 appropriate. The board shall periodically review all
28 paroles, and when the board determines that any person
29 on parole is able and willing to fulfill the
30 obligations of a law-abiding citizen without further
31 supervision, the board shall discharge the person from
32 parole. A parole officer shall periodically review
33 all paroles assigned to the parole officer, and when
34 the parole officer determines that any person assigned
35 to the officer is able and willing to fulfill the
36 obligations of a law-abiding citizen without further
37 supervision, the officer may discharge the person from
38 parole after notification and approval of the district
39 director and notification of the board of parole. In
40 any event, discharge from parole shall terminate the
41 person's sentence. <u>If a person has been sentenced to</u>
42 <u>a special sentence under section 903B.0A or 903B.0B,</u>
43 <u>the person may be discharged early from the sentence</u>
44 <u>in the same manner as any other person on parole.</u>
45 However, a person convicted of a violation of section
46 709.3, 709.4, or 709.8 committed on or with a child,
47 or a person serving a sentence under section 902.12,
48 shall not be discharged from parole until the person's
49 term of parole equals the period of imprisonment
50 specified in the person's sentence, less all time

1 served in confinement.
2 Sec. 41. Section 908.5, Code 2005, is amended to
3 read as follows:
4 908.5 DISPOSITION.
5 1. If a violation of parole is established, the
6 administrative parole judge may continue the parole
7 with or without any modification of the conditions of
8 parole. The administrative parole judge may revoke
9 the parole and require the parolee to serve the
10 sentence originally imposed, or may revoke the parole
11 and reinstate the parolee's work release status.
12 2. If the person is serving a special sentence
13 under chapter 903B, the administrative parole judge
14 may revoke the release. Upon the revocation of
15 release, the person shall not serve the entire length
16 of the special sentence imposed, and the revocation
17 shall be for a period not to exceed two years in a
18 correctional institution upon a first revocation and
19 for a period not to exceed five years in a
20 correctional institution upon a second or subsequent
21 revocation.
22 3. The order of the administrative parole judge
23 shall contain findings of fact, conclusions of law,
24 and a disposition of the matter.
25 DIVISION IV
26 VICTIM RIGHTS
27 Sec. 42. NEW SECTION. 235D.1 CRIMINAL HISTORY
28 CHECK — APPLICANTS AT DOMESTIC ABUSE OR SEXUAL
29 ASSAULT CENTERS.
30 An applicant for employment at a domestic abuse or
31 sexual assault center shall be subject to a national
32 criminal history check through the federal bureau of
33 investigation. The domestic abuse or sexual assault
34 center shall request the criminal history check and
35 shall provide the applicant's fingerprints to the
36 department of public safety for submission through the
37 state criminal history repository to the federal
38 bureau of investigation. The applicant shall
39 authorize release of the results of the criminal
40 history check to the domestic abuse or sexual assault
41 center. The applicant shall pay the actual cost of
42 the fingerprinting and criminal history check, if any.
43 Unless the criminal history check was completed within
44 the ninety calendar days prior to the date the
45 application is received by the domestic abuse or
46 sexual assault center, the center shall reject and
47 return the application to the applicant. The results
48 of a criminal history check conducted pursuant to this
49 subsection shall not be considered a public record
50 under chapter 22. For purposes of this section,

Page 18

1 "domestic abuse or sexual assault center" means a
2 facility which is used to house victims of domestic
3 abuse or sexual assault, and is owned, operated, or
4 maintained by a nonprofit organization.
5 Sec. 43. NEW SECTION. 709.22 PREVENTION OF
6 FURTHER SEXUAL ASSAULT — NOTIFICATION OF RIGHTS.
7 If a peace officer has reason to believe that a
8 sexual assault as defined in section 915.40 has
9 occurred, the officer shall use all reasonable means
10 to prevent further violence including but not limited
11 to the following:
12 1. If requested, remaining on the scene of the
13 alleged sexual assault as long as there is a danger to
14 the victim's physical safety without the presence of a
15 peace officer, including but not limited to staying in
16 the dwelling unit, or if unable to remain on the
17 scene, assisting the victim in leaving the residence.
18 2. Assisting a victim in obtaining medical
19 treatment necessitated by the sexual assault,
20 including providing assistance to the victim in
21 obtaining transportation to the emergency room of the
22 nearest hospital.
23 3. Providing a victim with immediate and adequate
24 notice of the victim's rights. The notice shall
25 consist of handing the victim a copy of the following
26 statement written in English and Spanish, asking the
27 victim to read the statement, and asking whether the
28 victim understands the rights:
29 "You have the right to ask the court for help with
30 any of the following on a temporary basis:
31 a. Keeping your attacker away from you, your home,
32 and your place of work.
33 b. The right to stay at your home without
34 interference from your attacker.
35 c. The right to seek a no-contact order under
36 section 709.20 or 915.22, if your attacker is arrested
37 for sexual assault.
38 You have the right to register as a victim with the
39 county attorney under section 915.12.
40 You have the right to file a complaint for threats,
41 assaults, or other related crimes.
42 You have the right to seek restitution against your
43 attacker for harm to you or your property.
44 You have the right to apply for victim
45 compensation.
46 You have the right to contact the county attorney
47 or local law enforcement to determine the status of
48 your case.
49 If you are in need of medical treatment, you have
50 the right to request that the officer present assist

Page 19

1 you in obtaining transportation to the nearest
2 hospital or otherwise assist you.
3 You have the right to a sexual assault examination
4 performed at state expense.
5 If you believe that police protection is needed for
6 your physical safety, you have the right to request
7 that the officer present remain at the scene until you
8 and other affected parties can leave or until safety
9 is otherwise ensured."
10 The notice shall also contain the telephone numbers
11 of shelters, support groups, and crisis lines
12 operating in the area.
13 Sec. 44. Section 915.10, subsections 1 and 2, Code
14 2005, are amended to read as follows:
15 1. "Notification" means mailing by regular mail or
16 providing for hand delivery of appropriate information
17 or papers. However, this notification procedure does
18 not prohibit an office, agency, or department from
19 also providing appropriate information to a registered
20 victim by telephone, electronic mail, or other means.
21 2. "Registered" means having provided the county
22 attorney with the victim's written request for
23 registration and current mailing address and telephone
24 number. If an automated victim notification system is
25 implemented pursuant to section 915.10A, "registered"
26 also means having filed a request for registration
27 with the system.
28 Sec. 45. NEW SECTION. 915.10A AUTOMATED VICTIM
29 NOTIFICATION SYSTEM.
30 1. An automated victim notification system may be
31 utilized to assist public officials in informing crime
32 victims, the victim's family, or other interested
33 persons as provided in this subchapter and where
34 otherwise specifically provided. The system shall
35 disseminate the information to registered users
36 through telephonic, electronic, or other means of
37 access.
38 2. An office, agency, or department may satisfy a
39 notification obligation to registered victims required
40 by this subchapter through participation in the system
41 to the extent information is available for
42 dissemination through the system. Nothing in this
43 section shall relieve a notification obligation under
44 this subchapter due to the unavailability of
45 information for dissemination through the system.
46 3. Notwithstanding section 232.147, information
47 concerning juveniles charged with a felony offense
48 shall be released to the extent necessary to comply
49 with this section.
50 Sec. 46. Section 915.11, Code 2005, is amended to

Page 20

read as follows:

915.11 INITIAL NOTIFICATION BY LAW ENFORCEMENT.

A local police department or county sheriff's department shall advise a victim of the right to register with the county attorney, and shall provide a request-for-registration form to each victim. If an automated victim notification system is available pursuant to section 915.10A, a local police department or county sheriff's department shall provide a telephone number and website to each victim to register with the system.

Sec. 47. Section 915.12, Code 2005, is amended to read as follows:

915.12 REGISTRATION.

~~1. The county attorney shall be the sole registrar of victims under this subchapter.~~

~~2.~~ 1. A victim may register by filing a written request-for-registration form with the county attorney. The county attorney shall notify the victims in writing and advise them of their registration and rights under this subchapter.

~~3.~~ The county attorney shall provide a registered victim list to the offices, agencies, and departments required to provide information under this subchapter for notification purposes.

2. If an automated victim notification system, the victim's family, is available pursuant to section 915.10A, a victim, the victim's family, or other interested person may register with the system by filing a request for registration through written, telephonic, or electronic means.

~~4.~~ 3. Notwithstanding chapter 22 or any other contrary provision of law, ~~a victim's~~ the registration of a victim, victim's family, or other interested person shall be strictly maintained in a separate confidential file or other confidential medium, and shall be available only to the offices, agencies, and departments required to provide information under this subchapter.

Sec. 48. Section 915.29, Code 2005, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The notification required pursuant to this section may occur through the automated victim notification system referred to in section 915.10A to the extent such information is available for dissemination through the system.

Sec. 49. Section 915.45, Code 2005, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The notification required pursuant to this section may occur through

Page 21

1 the automated victim notification system referred to
2 in section 915.10A to the extent such information is
3 available for dissemination through the system.
4 DIVISION V
5 TASK FORCE
6 Sec. 50. SEX OFFENDER TREATMENT AND SUPERVISION
7 TASK FORCE.
8 1. The division of criminal and juvenile justice
9 planning shall establish a task force to study and
10 make periodic recommendations for treating and
11 supervising sex offenders in correctional institutions
12 and in the community. The task force shall file a
13 report with recommendations with the general assembly
14 by January 15, 2006. The task force shall study the
15 effectiveness of electronic monitoring and the
16 potential effects and costs associated with the
17 special sentence created in this Act. The task force
18 shall study risk assessment models created for sex
19 offenders. The task force shall also review this
20 state's efforts and the efforts of other states to
21 implement treatment programs and make recommendations
22 as to the best treatment options available for sex
23 offenders. The task force shall also develop a plan
24 to integrate state government databases for the
25 purpose of updating addresses of persons on the sex
26 offender registry.
27 2. Members of the task force shall include
28 representatives of the following state agencies and
29 organizations:
30 a. One representative of the department of human
31 services.
32 b. One representative of the department of public
33 safety.
34 c. One representative of the Iowa state sheriffs
35 and deputies association.
36 d. One representative of the Iowa county attorneys
37 association.
38 e. One representative of the department of
39 corrections.
40 f. One representative of the board of parole.
41 g. One representative of a judicial district
42 department of correctional services.
43 h. One representative of the department of
44 justice.
45 i. One representative of the state public
46 defender.
47 j. One representative of the Iowa coalition
48 against sexual assault.
49 DIVISION VI
50 STATE MANDATE

Page 22

1 Sec. 51. IMPLEMENTATION OF ACT. Section 25B.2,
2 subsection 3, shall not apply to this Act."
3 2. Title page, by striking lines 1 through 5 and
4 inserting the following: "An Act relating to criminal
5 sentencing, victim notification, and the sex offender
6 registry, by establishing a special sentence for
7 certain offenders, requiring DNA testing of certain
8 offenders and lengthening the time an information or
9 indictment may be found in certain offenses where DNA
10 evidence is available, requiring sex offender
11 treatment in order to accumulate earned time,
12 restricting certain persons from residing with sex
13 offenders, establishing a sex offender treatment and
14 supervision task force, providing penalties, and
15 providing effective dates."

ROBERT E. DVORSKY
CHARLES W. LARSON, JR.
NANCY J. BOETTGER
GENE FRAISE
WALLY E. HORN
LARRY McKIBBEN
KEITH A. KREIMAN
DAVID MILLER

S–3239

1 Amend House File 711, as amended, passed, and
2 reprinted by the House, as follows:
3 1. By striking page 1, line 30, through page 2,
4 line 12.
5 2. By renumbering as necessary.

KEITH A. KREIMAN

S–3240

1 Amend the House amendment, S–3218, to Senate File
2 413, as passed by the Senate, as follows:
3 1. By striking page 1, line 7, through page 2,
4 line 10.
5 2. By striking page 10, line 36, through page 11,
6 line 7.

MICHAEL CONNOLLY
MARK ZIEMAN

S–3241

1 Amend the amendment, S–3230, to Senate File 414 as
2 follows:
3 1. Page 1, by striking line 4, and inserting the
4 following:
5 "Sec. ___. Section 97A.6, subsection 16, Code
6 2005, is amended by adding the following new
7 paragraph:
8 NEW PARAGRAPH. c. There is appropriated annually
9 from the general fund of the state to the board of
10 trustees an amount sufficient to pay death benefit
11 claims under this subsection.
12 Sec. ___. Section 411.6, subsection 15, Code".
13 2. Page 1, line 13, by inserting after the word
14 "for" the following: "members of the peace officers'
15 retirement, accident, and disability system and for".
16 3. By renumbering as necessary.

JEFF DANIELSON

S–3242

1 Amend the amendment, S–3238, to House File 619, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 12, by inserting after line 45 the
5 following:
6 "Sec. ___. Section 903B.1, Code 2005, is amended
7 by adding the following new subsection:
8 NEW SUBSECTION. 7. A person who administers
9 medroxyprogesterone acetate or any other
10 pharmaceutical agent shall not be liable for civil
11 damages for administering such pharmaceutical agents
12 pursuant to this chapter."
13 2. By renumbering as necessary.

BOB BRUNKHORST
BRAD ZAUN

S–3243

1 Amend House File 841, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 3, line 8, by inserting after the word
4 "on" the following: "or after".
5 2. Page 5, line 31, by inserting after the word
6 "the" the following: "health risk assessment, the".
7 3. Page 6, line 20, by inserting after the word
8 "clinic" the following: "or rural health clinic".
9 4. Page 6, lines 21 and 22, by striking the words
10 "or rural health clinics".

11 5. Page 7, line 33, by striking the word "ten"
12 and inserting the following: "twenty".
13 6. By striking page 13, line 32, through page 14,
14 line 6, and inserting the following: "pursuant to
15 section 249A.3, and also meet the criteria specified
16 in section 234.7, subsection 2, if enacted in the 2005
17 legislative session."
18 7. By striking page 14, line 8, through page 15,
19 line 7, and inserting the following:
20 "1. The department of human services shall submit
21 an amendment to the home and community-based services
22 waiver for the elderly to the centers for Medicare and
23 Medicaid services of the United States department of
24 health and human services to provide for inclusion of
25 case management as a medical assistance covered
26 service. The department of human services shall
27 develop the amendment in collaboration with the
28 department of elder affairs.
29 2. If the request for an amendment to the waiver
30 is approved, the department of elder affairs shall use
31 existing funding for case management as nonfederal
32 matching funds. The department of elder affairs, in
33 collaboration with the department of human services,
34 shall determine the amount of existing funding that
35 would be eligible for use as nonfederal matching funds
36 so that sufficient funding is retained to also provide
37 case management services for frail elders who are not
38 eligible for the medical assistance program.
39 3. The department of human services, in
40 collaboration with the department of elder affairs,
41 shall establish a reimbursement rate for case
42 management for the frail elderly such that the amount
43 of state funding necessary to pay for such case
44 management does not exceed the amount appropriated to
45 the department of elder affairs for case management
46 for the frail elderly in the fiscal year beginning
47 July 1, 2005. Any state savings realized from
48 including case management under the home and
49 community-based services waiver for the elderly shall
50 be used for services for the frail elderly and for

Page 2

1 substitute decision-making services to eligible
2 individuals pursuant to chapter 231E, if enacted by
3 the Eighty-first General Assembly.
4 4. The department of human services, in
5 collaboration with the department of elder affairs,
6 shall determine whether case management for the frail
7 elderly should continue to be provided through a sole
8 source contract or if a request for proposals process
9 should be initiated to provide the services. The

10 departments shall submit their recommendations to the
11 general assembly by January 1, 2006."
12 8. Page 16, line 17, by inserting after the word
13 "department" the following: ", in collaboration with
14 Iowa department of public health programs relating to
15 tobacco use prevention and cessation,".
16 9. Page 16, line 35, by striking the word "date"
17 and inserting the following: "data".
18 10. Page 19, line 12, by striking the word
19 "Costs" and inserting the following: "The department
20 shall inform the members of the task force that
21 costs".
22 11. Page 19, line 13, by striking the word
23 "shall" and inserting the following: "may".
24 12. Page 26, line 7, by inserting after the
25 figure "262.28" the following: "or any provision of
26 this chapter to the contrary".
27 13. Page 26, line 10, by inserting after the word
28 "installments" the following: "based upon the amount
29 appropriated or allocated, as applicable to a specific
30 public hospital, in a specific fiscal year".
31 14. Page 26, line 32, by inserting after the word
32 "account." the following: "The agreement shall
33 include provisions relating to exceptions to the
34 deadline for submission of clean claims as required
35 pursuant to section 249J.7 and provisions relating to
36 data reporting requirements regarding the expansion
37 population."
38 15. Page 27, line 3, by inserting after the
39 figure "4." the following: "Notwithstanding the
40 specified amount of proceeds to be transferred under
41 this subsection, if the amount allocated that does not
42 require federal matching funds under an appropriation
43 in a subsequent fiscal year to such hospital for
44 medical and surgical treatment of indigent patients,
45 for provision of services to expansion population
46 members, and for medical education, is reduced from
47 the amount allocated that does not require federal
48 matching funds under the appropriation for the fiscal
49 year beginning July 1, 2005, the amount of proceeds
50 required to be transferred under this subsection in

Page 3

1 that subsequent fiscal year shall be reduced in the
2 same amount as the amount allocated that does not
3 require federal matching funds under that
4 appropriation."
5 16. Page 27, line 9, by inserting after the word
6 "account." the following: "The agreement shall
7 include provisions relating to exceptions to the
8 deadline for submission of clean claims as required

9 pursuant to section 249J.7 and provisions relating to
10 data reporting requirements regarding the expansion
11 population."
12 17. Page 46, by striking line 33, and inserting
13 the following: "services to members of the".
14 18. Page 47, by striking lines 10 and 11 and
15 inserting the following: "indigent patients, for
16 provision of services to members of the expansion
17 population".
18 19. Page 47, line 16, by striking the figure
19 "36,000,000" and inserting the following:
20 "37,000,000".
21 20. Page 47, line 20, by striking the figure
22 "36,000,000" and inserting the following:
23 "37,000,000".
24 21. Page 47, by striking line 31, and inserting
25 the following: "members of the expansion".
26 22. Page 48, by striking line 2, and inserting
27 the following: "members of the expansion".
28 23. Page 48, by striking line 8, and inserting
29 the following: "members of the expansion".
30 24. Page 48, by striking line 14, and inserting
31 the following: "services to members of the".
32 25. By renumbering as necessary.

JEFF LAMBERTI
MICHAEL E. GRONSTAL

S–3244

1 Amend House File 825, as amended, passed, and
2 reprinted by the House, as follows:
3 1. By striking page 15, line 35, through page 16,
4 line 7.
5 2. By renumbering as necessary.

JOHN PUTNEY

S–3245

1 Amend House File 825, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 25, by inserting after line 26, the
4 following:
5 "___. The general assembly finds that it is
6 important for adequate, comprehensive mental health
7 services to be available to the children of this
8 state; that Iowa is seeking to develop a coordinated
9 system of mental health care for children through a
10 redesign of the children's mental health system; that
11 Iowa is one of only two states that have not
12 participated in the comprehensive community mental

13 health services program for children and their
14 families grant offered by the substance abuse and
15 mental health services administration (SAMHSA) of the
16 United States department of health and human services;
17 and that implementing such an initiative requires
18 long-term sustainability and support. The general
19 assembly expresses appreciation to the department for
20 applying to SAMHSA for the comprehensive services
21 program grant to implement a six-year project located
22 in northeast Iowa. The purpose of the project is to
23 create a family-driven, coordinated system of care for
24 children with mental illness to serve as a model for
25 developing a statewide approach based on family-
26 provider partnerships and long-term sustainability.
27 The general assembly strongly supports the grant
28 application and implementation of the project as vital
29 steps in redesigning the children's mental health
30 system."
31 2. By renumbering as necessary.

MICHAEL CONNOLLY

S–3246

1 Amend House File 841, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 49, by inserting after line 15, the
4 following:
5 "Sec. ___. GENERAL FUND APPROPRIATION. There is
6 appropriated from the general fund of the state to the
7 department of human services two million dollars for
8 each fiscal year of the fiscal period beginning July
9 1, 2005, and ending June 30, 2008, to be used for the
10 increased costs associated with rebasing of inpatient
11 and outpatient hospital services rates for the rebase
12 period effective in the fiscal period beginning July
13 1, 2005, and ending June 30, 2008, as provided in this
14 section.
15 Any rebasing of hospital inpatient and outpatient
16 services rates under this section shall not increase
17 the total payments for hospital inpatient and
18 outpatient services rates in excess of the amount
19 appropriated under this section."
20 2. By renumbering as necessary.

JAMES A. SEYMOUR
JACK HATCH

S–3247

Amend House File 841, as amended, passed, and reprinted by the House, as follows:

1. Page 47, line 1, by striking the figure "27,284,584" and inserting the following: "28,284,584".

ROBERT E. DVORSKY
JOE BOLKCOM
JACK HATCH

S–3248

Amend House File 810, as amended, passed, and reprinted by the House, as follows:

1. Page 4, by striking lines 16 and 17, and inserting the following:

"..... $ 6,793,223
..... FTEs 71.00"

2. Page 5, by striking lines 17 and 18, and inserting the following:

"..... $ 836,921
..... FTEs 12.75

Of the appropriation made and FTEs authorized in this subsection, $54,250 and 0.75 FTEs are contingent upon the enactment of 2005 Iowa Acts, Senate File 405."

3. Page 7, by striking line 1, and inserting the following:

"..... $ 1,729,857"

4. Page 15, by inserting after line 14 the following:

"3. BIENNIAL REPORTING.

For administering the biennial reporting requirements for limited liability companies as required in section 490A.131, if enacted by 2005 Iowa Acts, House File 859:

..... $ 275,000"

5. By renumbering as necessary.

ROGER STEWART
JOHN PUTNEY
ROBERT E. DVORSKY
JEFF ANGELO

S–3249

Amend House File 882, as amended, passed, and reprinted by the House, as follows:

1. Page 18, by inserting after line 11 the following:

"Sec. ___. Section 99B.10, subsection 1, Code 2005, is amended to read as follows:

1. A prize of ~~merchandise exceeding five dollars in value or~~ cash shall not be awarded for use of the device. However, a mechanical or amusement device may be designed or adapted to award a prize or one or more free games or portions of games without payment of additional consideration by the participant.

Sec. ___. Section 99B.10, subsection 4, Code 2005, is amended to read as follows:

4. Each electrical and mechanical amusement device in operation or distributed in this state that awards a prize, as provided in this section, where the outcome is not primarily determined by the skill or knowledge of the operator, is registered by the department as provided by this subsection and is only located on premises for which a class "A", class "B", class "C", or class "D" liquor control license or class "B" or class "C" beer permit has been issued pursuant to chapter 123. ~~For an organization that meets the requirements of section 99B.7, subsection 1, paragraph "m", no more than four, and for all other persons, no more than two electrical and mechanical amusement devices registered as provided by this subsection shall be permitted or offered for use in any single location or premises for which a class "A", class "B", class "C", or class "D" liquor control license or class "B" or class "C" beer permit has been issued pursuant to chapter 123.~~ Each person owning an electrical and mechanical amusement device in this state shall obtain a registration tag for each electrical and mechanical amusement device owned that is required to be registered as provided in this subsection. Upon receipt of an application and a fee of twenty-five dollars for each device required to be registered, the department shall issue an annual registration tag which tag shall be displayed as required by rules adopted by the department. The application shall be submitted on forms designated by the department and contain the information required by rule of the department. A registration may be renewed annually upon submission of a registration application and payment of the annual registration fee and compliance with this chapter and the rules adopted pursuant to this chapter. ~~However, the number of electrical and mechanical amusement devices registered by the department under this subsection shall not exceed the total number of devices registered by the department as of April 28, 2004. In addition, the~~

~~department shall not initially register an electrical and mechanical amusement device that is required to be registered as provided in this subsection to an owner for a location for which only a class "B" or class "C" beer permit has been issued pursuant to chapter 123 on or after April 28, 2004.~~ A person owning or leasing an electrical and mechanical amusement device required to be registered under this subsection shall only own or lease an electrical and mechanical amusement device that is required to be registered that has been purchased from a manufacturer, manufacturer's representative, or distributor registered with the department under section 99B.10A and shall not advertise or promote the availability of the device to the public as anything other than an electrical and mechanical amusement device pursuant to rules adopted by the department. ~~In addition, an owner at a location for which only a class "B" or class "C" beer permit has been issued pursuant to chapter 123 shall not relocate an amusement device registered as provided in this subsection to a location other than the location of the device on April 28, 2004, and shall not transfer, assign, sell, or lease an amusement device registered as provided in this subsection to another person for which only a class "B" or class "C" beer permit has been issued pursuant to chapter 123 after April 28, 2004.~~"

2. By renumbering as necessary.

JEFF ANGELO

S–3250

Amend the House amendment, S–3208, to Senate File 200, as passed by the Senate, as follows:

1. By striking page 1, line 8, through page 4, line 33, and inserting the following:

"Sec. ___. NEW SECTION. 455B.118 WATERSHED IMPROVEMENT FUND.

1. A watershed improvement fund is created in the state treasury under the joint administrative control of the department of natural resources and the department of agriculture and land stewardship. Moneys appropriated to the fund and any other moneys available to and obtained or accepted by either department for placement in the fund shall be deposited in the fund. Additionally, payments of interest, recaptures of awards, and other repayments to the fund shall be deposited in the fund. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund. Notwithstanding section 8.33, moneys in the

20 fund that remain unencumbered or unobligated at the
21 end of the fiscal year shall not revert, but shall
22 remain available for the same purpose in the
23 succeeding fiscal year. Moneys appropriated to either
24 department and deposited in the fund shall not be used
25 for administrative purposes.
26 2. The purposes of the watershed improvement fund
27 are the following:
28 a. Enhancement of water quality in the state
29 through a variety of impairment-based, locally
30 directed watershed improvement grant projects.
31 b. Positively affecting the management and use of
32 water for the purposes of drinking, agriculture,
33 recreation, sport, and economic development in the
34 state.
35 c. Ensuring public participation in the process of
36 determining priorities related to water quality
37 including but not limited to all of the following:
38 (1) Agricultural runoff and drainage.
39 (2) Stream bank erosion.
40 (3) Municipal discharge.
41 (4) Stormwater runoff.
42 (5) Unsewered communities.
43 (6) Industrial discharge.
44 (7) Livestock runoff.
45 3. A watershed improvement review committee is
46 established consisting of all of the following voting
47 members, appointed by the named entity or entities and
48 approved by the governor:
49 a. One member of the agribusiness association of
50 Iowa.

Page 2

1 b. One member of the Iowa association of water
2 agencies.
3 c. One member of the Iowa environmental council.
4 d. One member of the Iowa farm bureau federation.
5 e. One member of the Iowa pork producers
6 association.
7 f. One member of the Iowa rural water association.
8 g. One member of the Iowa soybean association.
9 h. One member representing soil and water
10 conservation districts of Iowa.
11 i. One member of the Iowa association of county
12 conservation boards.
13 j. One person representing the department of
14 agriculture and land stewardship.
15 k. One person representing the department of
16 natural resources.
17 4. The watershed improvement review committee
18 shall do all of the following:

19 a. Award local watershed improvement grants and
20 monitor the progress of local watershed improvement
21 projects awarded grants. A local watershed
22 improvement grant may be awarded for a period not to
23 exceed three years. Each local watershed improvement
24 grant awarded shall not exceed ten percent of the
25 moneys appropriated for the grants during a fiscal
26 year.
27 b. Assist with the development of monitoring plans
28 for local watershed improvement projects.
29 c. Review monitoring results before, during, and
30 after completion of a local watershed improvement
31 project.
32 d. Review costs and benefits of mitigation
33 practices utilized by a project.
34 e. By January 31, annually, submit an electronic
35 report to the governor and the general assembly
36 regarding the progress of the watershed improvement
37 projects during the previous calendar year.
38 f. Elicit the expertise of their organizations for
39 technical assistance in the work of the review
40 committee.
41 g. Adopt administrative rules pursuant to chapter
42 17A to administer this section.
43 5. A watershed improvement review committee member
44 who also serves on a local watershed improvement
45 committee shall abstain from voting on a local
46 watershed improvement grant application submitted by
47 the same local watershed improvement committee of
48 which the person is a member.
49 6. a. A local watershed improvement committee
50 shall be organized for the purposes of applying for a

Page 3

1 local watershed improvement grant and implementing a
2 local watershed improvement project. Each local
3 watershed improvement grant application shall include
4 a methodology for attaining measurable, observable,
5 and performance-based results. A majority of the
6 members of the local watershed improvement committee
7 shall represent a cause for the impairment of the
8 watershed. The committee shall be authorized as a
9 not-for-profit organization by the secretary of state.
10 Soil and water conservation districts may also be
11 eligible and apply for and receive local watershed
12 improvement grants.
13 b. A local watershed improvement committee shall
14 be responsible for application for and implementation
15 of an approved local watershed improvement grant,
16 including providing authorization for project bids and
17 project expenditures under the grant. A portion of

18 the grant moneys may be used to engage engineering
19 expertise related to the project. The committee shall
20 monitor local performance throughout the local
21 watershed grant project and shall submit a report at
22 six-month intervals regarding the progress and
23 findings of the project as required by the watershed
24 improvement review committee."
25 ___. Title page, by striking lines 1 through 3
26 and inserting the following: "An Act relating to
27 agriculture by providing for the powers and duties of
28 the department of agriculture and land stewardship and
29 watershed improvement.""

BRIAN SCHOENJAHN
STEVE KETTERING
DENNIS H. BLACK
HUBERT HOUSER
GENE FRAISE
E. THURMAN GASKILL

S–3251

1 Amend House File 807, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 4, by inserting after line 4 the
4 following:
5 "Sec. ___. Section 607A.8, Code 2005, is amended
6 to read as follows:
7 607A.8 FEES AND EXPENSES FOR JURORS.
8 Grand jurors and petit jurors in all courts shall
9 receive ten dollars as compensation for each day's
10 service or attendance, including attendance required
11 for the purpose of being considered for service,
12 reimbursement for mileage expenses at the rate
13 specified in section 602.1509 for each mile traveled
14 each day to and from their residences to the place of
15 service or attendance, and reimbursement for actual
16 expenses of parking, as determined by the clerk. <u>The</u>
17 <u>supreme court may adopt rules that allow additional</u>
18 <u>compensation for jurors whose attendance and service</u>
19 <u>exceeds seven days.</u> A juror who is a person with a
20 disability may receive reimbursement for the costs of
21 alternate transportation from the juror's residence to
22 the place of service or attendance. A juror shall not
23 receive reimbursement for mileage expenses or actual
24 expenses of parking when the juror travels in a
25 vehicle for which another juror is receiving
26 reimbursement for mileage and parking expenses."

ROBERT E. DVORSKY
DAVID MILLER
JEFF ANGELO
GENE FRAISE

S–3252

Amend House File 828, as amended, passed, and reprinted by the House, as follows:

1. Page 2, line 20, by striking the word "thirty" and inserting the following: "thirty-six".
2. Page 2, line 27, by striking the word "sixty" and inserting the following: "seventy-five".
3. Page 2, by striking line 29 and inserting the following: "more, one hundred fifty dollars."

COMMITTEE ON WAYS AND MEANS
JOE BOLKCOM, Co-chair
MARK ZIEMAN, Co-chair

S–3253

Amend the amendment, S–3250, to the House amendment, S–3208, to Senate File 200, as amended, passed, and reprinted by the Senate, as follows:

1. Page 2, line 38, by striking the word "their" and inserting the following: "other".

BRIAN SCHOENJAHN

S–3254

Amend House File 841, as amended, passed, and reprinted by the House, as follows:

1. Page 8, by striking lines 17 through 20, and inserting the following:

"1. Beginning July 1, 2005, each expansion population member whose family income equals or exceeds one hundred percent of the federal poverty level as defined by the most recently revised poverty income guidelines published by the United States department of health and human services shall pay a monthly premium not to exceed one-twelfth of five percent of the member's annual family income, and each expansion population member whose family income is less than one hundred percent of the federal poverty level as defined by the most recently revised poverty income guidelines published by the United States department of health and human services shall pay a monthly premium not to exceed one-twelfth of two percent of the member's annual family income. All premiums shall be paid on the last day of the month of coverage. The department".

2. Page 9, line 6, by inserting after the word "member." the following: "The department shall also waive the required out-of-pocket expenditures for an individual expansion population member based upon a

26 hardship that would accrue from imposing such required
27 expenditures."
28 3. Page 9, by inserting after line 26, the
29 following:
30 "4. The department shall track the impact of the
31 out-of-pocket expenditures on patient enrollment and
32 shall report the findings on at least a quarterly
33 basis to the medical assistance projections and
34 assessment council established pursuant to section
35 249J.19. The findings shall include estimates of the
36 number of expansion population members complying with
37 payment of required out-of-pocket expenditures, the
38 number of expansion population members not complying
39 with payment of required out-of-pocket expenditures
40 and the reasons for noncompliance, any impact as a
41 result of the out-of-pocket requirements on the
42 provision of services to the populations previously
43 served, the administrative time and cost associated
44 with administering the out-of-pocket requirements, and
45 the benefit to the state resulting from the out-of-
46 pocket expenditures. To the extent possible, the
47 department shall track the income level of the member,
48 the health condition of the member, and the family
49 status of the member relative to the out-of-pocket
50 information."

Page 2

1 4. By renumbering as necessary.

JACK HATCH
MICHAEL E. GRONSTAL

S–3255

1 Amend House File 816, as amended, passed, and
2 reprinted by the House, as follows:
3 1. By striking page 17, line 28, through page 18,
4 line 1.
5 2. Page 23, by inserting after line 7 the
6 following:
7 "f. College of veterinary medicine
8 For use in reducing the operating fees charged by
9 the veterinary diagnostic laboratory and in meeting
10 the deficits in current operating expenses of the
11 laboratory:
12 ..... $ 127,000
13 The Iowa state university of science and technology
14 shall prepare a report on the operation of the
15 veterinary diagnostic laboratory which shall include,
16 but shall not be limited to, the following
17 information:

18 (1) The current business structure of the
19 veterinary diagnostic laboratory, along with a
20 comparison to business structures of similar
21 laboratories at other institutions of higher learning.
22 (2) Recent trends in fees for services charged by
23 the veterinary diagnostic laboratory and by similar
24 laboratories at other institutions of higher learning.
25 (3) The use of other funding sources, including
26 state general fund appropriations for the veterinary
27 diagnostic laboratory and a comparison to funding
28 sources at similar laboratories at other institutions
29 of higher learning.
30 (4) Recommendations for changes in the business
31 structure and methods of funding for the veterinary
32 diagnostic laboratory.
33 The report shall be submitted to the governor and
34 the general assembly not later than October 1, 2005."
35 3. By renumbering as necessary.

FRANK B. WOOD
HERMAN C. QUIRMBACH

S–3256

1 Amend House File 875, as passed by the House, as
2 follows:
3 1. Page 22, by inserting after line 3, the
4 following:
5 "Sec. ___. Notwithstanding any other provision to
6 the contrary, there is appropriated from the railroad
7 revolving loan and grant fund to the railway finance
8 authority for the fiscal period beginning July 1,
9 2005, and ending June 30, 2007, the amount of all loan
10 repayments that accrue to the fund for the fiscal
11 period beginning July 1, 2005, and ending June 30,
12 2007, or so much thereof as is necessary, not to
13 exceed $800,000, to be used to make loans to cities
14 with a population exceeding one hundred fifty thousand
15 to implement quiet zone legislation."
16 2. By renumbering as necessary.

MATT McCOY

S–3257

1 Amend House File 816, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 31, by inserting before line 15 the
4 following:
5 "Sec. ___. Section 257.17, Code 2005, is amended
6 to read as follows:
7 257.17 AID REDUCTION FOR EARLY SCHOOL STARTS.

State aid payments made pursuant to section 257.16 for a fiscal year shall be reduced by one one-hundred-eightieth for each day of that fiscal year for which the school district begins school before the earliest starting date specified in section 279.10, subsection 1. ~~However, this section does not apply to a school district that has received approval from the director of the department of education under section 279.10, subsection 4, to commence classes for regularly established elementary and secondary schools in advance of the starting date established in section 279.10, subsection 1.~~"

2. Page 33, by inserting after line 23 the following:

"Sec. ___. Section 279.10, subsection 1, Code 2005, is amended to read as follows:

1. The school year shall begin on the first day of July and each regularly established elementary and secondary school shall begin no sooner than ~~a day during the calendar week in which the first day of September falls~~ August 22 but no later than the first Monday in December. ~~However, if the first day of September falls on a Sunday, school may begin on a day during the calendar week which immediately precedes the first day of September.~~ School shall continue for at least one hundred eighty days, except as provided in subsection 3, and may be maintained during the entire calendar year. However, if the board of directors of a district extends the school calendar because inclement weather caused the district to temporarily close school during the regular school calendar, the district may excuse a graduating senior who has met district or school requirements for graduation from attendance during the extended school calendar. A school corporation may begin employment of personnel for in-service training and development purposes before the date to begin elementary and secondary school.

Sec. ___. Section 279.10, subsection 4, Code 2005, is amended by striking the subsection."

3. By renumbering as necessary.

JOHN PUTNEY

S–3258

Amend House File 875, as amended, passed, and reprinted by the House, as follows:

1. Page 1, by striking lines 13 through 15 and inserting the following:

"b. For rent payments for the community-based corrections facility located in Davenport and the

department of corrections training center:"

2. Page 1, by inserting after line 28, the following:

"DIVISION ___

STORMWATER DISCHARGE PERMIT FEES

Sec. ___. STORMWATER DISCHARGE PERMIT FEES APPROPRIATION — AIR QUALITY MONITORING. Notwithstanding any contrary provision of state law, there is appropriated from stormwater discharge permit fees as authorized to be collected pursuant to section 455B.103A to the department of natural resources for the fiscal year beginning July 1, 2005, and ending June 30, 2006, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For full-time personnel to conduct air quality monitoring, which may include but is not limited to staffing required to perform field monitoring and laboratory functions, including salaries, support, maintenance, and miscellaneous purposes:

..... $ 275,000"

3. Page 2, line 2, by inserting after the word "projects" the following: ", notwithstanding section 8.57, subsection 6, paragraph "c"".

4. Page 2, line 13, by inserting after the word "payments" the following: ", notwithstanding section 8.57, subsection 6, paragraph "c"".

5. Page 2, line 16, by inserting after the word "facilities" the following: ", notwithstanding section 8.57, subsection 6, paragraph "c"".

6. Page 2, line 22, by striking the figure "3,291,891" and inserting the following: "291,891".

7. Page 2, line 31, by striking the figure "1,311,045" and inserting the following: "1,161,045".

8. Page 3, line 11, by striking the figure "1,090,000" and inserting the following: "940,000".

9. Page 3, line 15, by inserting after the figure "103,000" the following: ", notwithstanding section 8.57, subsection 6, paragraph "c"".

10. Page 3, line 20, by inserting after the word "Illinois" the following: ", notwithstanding section 8.57, subsection 6, paragraph "c"".

11. Page 3, line 30, by inserting after the word "program" the following: ", notwithstanding section

Page 2

8.57, subsection 6, paragraph "c"".

12. Page 3, line 31, by striking the figure "600,000" and inserting the following: "700,000".

13. Page 3, line 33, by inserting after the word "network" the following: ", notwithstanding section

8.57, subsection 6, paragraph "c"".

14. Page 4, line 1, by inserting after the word "transmitters" the following: ", notwithstanding section 8.57, subsection 6, paragraph "c"".

15. Page 4, line 18, by inserting after the word "initiative" the following: ", notwithstanding section 8.57, subsection 6, paragraph "c"".

16. Page 4, line 19, by striking the figure "500,000" and inserting the following: "400,000".

17. Page 4, by inserting after line 27 the following:

"The national program for playground safety shall submit a report by January 15, 2006, to the joint appropriations subcommittee on transportation, infrastructure, and capitals detailing the use of the moneys appropriated in this subsection. The report shall specify the projects for which moneys were used and the cost of each project including the amounts spent on administration."

18. By striking page 4, line 29, through page 5, line 9, and inserting the following:

"For lake dredging and the construction of bike trails at Lake Cornelia in Wright county, notwithstanding section 8.57, subsection 6, paragraph "c":

..... $ 429,000"

19. Page 5, line 18, by inserting after the figure "28K" the following: ", notwithstanding section 8.57, subsection 6, paragraph "c"".

20. Page 5, by inserting after line 19 the following:

"___. For costs associated with the planning, design, and construction of a destination park:

..... $ 3,000,000"

21. Page 5, line 23, by inserting after the word "system" the following: ", notwithstanding section 8.57, subsection 6, paragraph "c"".

22. Page 5, line 27, by striking the words "a regional training facility" and inserting the following: "fire training facilities".

23. Page 5, line 28, by striking the figure "500,000" and inserting the following: "800,000".

24. Page 5, line 30, by striking the figure "100,000" and inserting the following: "300,000".

25. Page 5, by striking lines 31 through 33 and

Page 3

inserting the following: "training center.

Of the amount appropriated in this lettered paragraph, $200,000 shall be allocated to the Dubuque fire training center.

The division of fire safety shall submit a report by January 15, 2006, to the joint appropriations subcommittee on transportation, infrastructure, and capitals detailing the use of the moneys appropriated in this subsection."

26. Page 6, line 1, by inserting after the word "departments" the following: ", notwithstanding section 8.57, subsection 6, paragraph "c"".

27. Page 6, line 4, by inserting after the word "For" the following: "major".

28. Page 6, line 12, by inserting after the word "program" the following: ", notwithstanding section 8.57, subsection 6, paragraph "c"".

29. Page 6, by inserting after line 17 the following:

"In awarding assistance under the vertical infrastructure improvement grant program, the department shall give preference to projects that demonstrate a collaborative effort between airports."

30. Page 7, line 4, by striking the figure "1,371,045" and inserting the following: "1,521,045".

31. Page 7, line 11, by striking the figure "1,690,000" and inserting the following: "1,840,000".

32. Page 9, by striking lines 3 through 7.

33. Page 9, by inserting after line 20, the following:

"Sec. ___. Section 328.1, subsection 9, Code 2005, is amended to read as follows:

9. "Airport" means any landing area used regularly by aircraft for receiving or discharging passengers or cargo, and all appurtenant areas used or suitable for airport buildings or other airport facilities, and all appurtenant rights of way, whether heretofore or hereafter established. <u>"Airport" includes land within a city with a population greater than one hundred seventy-five thousand which is acquired to replace or mitigate land used in an airport runway project at an existing airport when federal law, grant, or action requires such replacement or mitigation.</u>"

34. Page 12, line 31, by striking the word "each" and inserting the following: "the hungry canyons".

35. Page 12, line 33, by inserting after the word "costs." the following: "No more than 10 percent of the moneys allocated to the loess hills alliance account in this lettered paragraph may be used for administrative costs."

36. Page 14, by inserting after line 23 the following:

"Sec. ___. Section 161A.80, subsection 2, paragraphs a and b, Code 2005, are amended to read as follows:

a. This section is repealed on July 1, ~~2005~~ 2015.

b. The principal and interest from any blufflands protection loan outstanding on July 1, ~~2005~~ 2015, and payable to the blufflands protection revolving fund, shall be paid to the administrative director of the division of soil conservation on or after July 1, ~~2005~~ 2015, pursuant to the terms of the loan agreement and shall be credited to the rebuild Iowa infrastructure fund."

37. Page 15, by striking lines 22 through 35 and inserting the following: "the statehouse that experienced such water damage."

38. Page 16, by inserting after line 12 the following:

"(__) For major renovation and major repair needs, including health, life, and fire safety needs, and for compliance with the federal Americans With Disabilities Act, for state buildings and facilities under the purview of the department:

..... $ 3,000,000"

39. Page 17, line 6, by inserting after the word "network" the following: "notwithstanding section 12E.12, subsection 1, paragraph "b", subparagraph (1)".

40. Page 18, line 18, by inserting after the word "institutions" the following: "notwithstanding section 12E.12, subsection 1, paragraph "b", subparagraph (1)".

41. Page 18, line 28, by inserting after the figure "16.177" the following: "notwithstanding section 12E.12, subsection 1, paragraph "b", subparagraph (1)".

42. Page 18, by striking lines 30 through 35.

43. Page 19, line 12, by inserting before the word "section" the following: "section 25, subsection 3, paragraph "b", and".

44. Page 19, by inserting after line 17 the following:

"Sec. ___. 2002 Iowa Acts, chapter 1173, section 1, subsection 7, paragraph a, as amended by 2004 Iowa Acts, chapter 1175, section 310, is amended to read as follows:

a. For parking improvements and provision of street access for the judicial building:

FY 2002–2003 ..... $ 700,000
FY 2003–2004 ..... $ 0
FY 2004–2005 ..... $ 0

Page 5

FY 2005–2006 ..... $ 0

Of the amount appropriated in this lettered

3 paragraph for FY 2002–2003, up to $330,000 may be used
4 for costs associated with ~~operation of the judicial~~
5 ~~building, notwithstanding section 12E.12, subsection~~
6 ~~1, paragraph "b", subparagraph (1)~~ site work in the
7 vicinity of the judicial building.
8 Sec. ___. 2003 Iowa Acts, chapter 177, section 22,
9 subsection 6, paragraph a, is amended by striking the
10 paragraph."
11 45. Page 19, by inserting after line 21 the
12 following:
13 "Sec. ___. EFFECTIVE DATE. The section of this
14 division of this Act amending 2002 Iowa Acts, chapter
15 1173, section 1, subsection 7, being deemed of
16 immediate importance, takes effect upon enactment.
17 Sec. ___. EFFECTIVE DATE. The section of this
18 division of this Act amending 2003 Iowa Acts, chapter
19 177, section 22, subsection 6, being deemed of
20 immediate importance, takes effect upon enactment."
21 46. Page 20, line 35, by inserting after the word
22 "facilities" the following: ", notwithstanding
23 section 8.57B, subsection 3".
24 47. Page 24, by inserting after line 14 the
25 following:
26 "DIVISION ___
27 IOWA COMMUNICATIONS NETWORK
28 Sec. ___. Section 8D.3, subsection 3, paragraph i,
29 Code 2005, is amended to read as follows:
30 i. Evaluate existing and projected rates for use
31 of the system and ensure that rates are sufficient to
32 pay for the operation of the system excluding the cost
33 of construction and lease costs for Parts I, II, and
34 III. The commission shall establish all hourly rates
35 to be charged to all authorized users for the use of
36 the network and shall consider all costs of the
37 network in establishing the rates. A fee established
38 by the commission to be charged to a hospital licensed
39 pursuant to chapter 135B, a physician clinic, or the
40 federal government shall be at an appropriate rate so
41 that, at a minimum, there is no state subsidy related
42 to the costs of the connection or use of the network
43 related to such user.
44 Sec. ___. Section 8D.13, subsection 11, Code 2005,
45 is amended to read as follows:
46 11. The fees charged for use of the network and
47 state communications shall be based on the ongoing
48 ~~operational costs~~ expenses of the network and of
49 providing state communications ~~only~~. For the services
50 rendered to state agencies by the commission, the

Page 6

1 commission shall prepare a statement of services
2 rendered and the agencies shall pay in a manner
3 consistent with procedures established by the
4 department of administrative services."
5 48. Page 24, by inserting after line 14, the
6 following:
7 "DIVISION ___
8 ACCESS IOWA HIGHWAYS
9 Sec. ___.
10 1. INTENT. It is the intent of the general
11 assembly to formulate an access Iowa plan which shall
12 designate portions of the commercial and industrial
13 network of highways as access Iowa highways. The goal
14 of the access Iowa plan shall be to enhance the
15 existing Iowa economy and ensure its continuing
16 development and growth in the national and global
17 competitive marketplace by providing for early
18 completion of the construction of the most important
19 portions of the Iowa highway system. These portions
20 of the system shall be those that are essential for
21 support of intrastate transportation and commerce and
22 essential for ensuring Iowans direct access to the
23 nation's system of interstate highways and
24 transportation services.
25 The general assembly's past actions are consistent
26 with the access Iowa plan. The general assembly has
27 set general policy guidelines for the state
28 transportation commission's planning and programming
29 development, directed that road service be equalized
30 throughout the state, determined that a commercial and
31 industrial network of highways would benefit Iowa
32 transportation services, directed the commission to
33 focus at least part of their legislatively provided
34 resources on the commercial and industrial network,
35 and directed that the commission consider equalization
36 of accessibility for economic development as one of
37 the factors in establishing its plan and program
38 priorities for the commercial and industrial network.
39 These actions recognize that interstate commerce and
40 national economic development are furthered and
41 supported by the national system of interstate and
42 defense highways and the national highway system, and
43 that Iowa commerce and economic development are
44 supported by Iowa's commercial and industrial network
45 of highways.
46 2. ACCESS IOWA HIGHWAY DESIGNATION. The state
47 department of transportation shall designate portions
48 of the commercial and industrial network of highways
49 as access Iowa highways and shall expedite and
50 accelerate development of access Iowa highways. When

Page 7

1 designating those portions of the commercial and
2 industrial network as access Iowa highways, the
3 department shall consider the direct and priority
4 linkages between economic centers within the state
5 with populations of 20,000 or more and the enhancement
6 of intrastate mobility and Iowa regional accessibility
7 and national accessibility.
8 3. REPEAL. This section is repealed effective
9 July 1, 2015."
10 49. Page 24, by inserting before line 15, the
11 following:
12 "DIVISION ___
13 HONEY CREEK PREMIER DESTINATION
14 PARK BOND PROGRAM
15 Sec. ___. Section 12.30, subsection 1, paragraph
16 a, Code 2005, is amended to read as follows:
17 a. "Authority" means a department, or public or
18 quasi-public instrumentality of the state including,
19 but not limited to, the authority created under
20 chapter 12E, 16, 16A, 175, 257C, 261A, ~~or~~ 327I, <u>or</u>
21 <u>463C,</u> which has the power to issue obligations, except
22 that "authority" does not include the state board of
23 regents or the Iowa finance authority to the extent it
24 acts pursuant to chapter 260C.
25 Sec. ___. <u>NEW SECTION</u>. 463C.1 TITLE.
26 This chapter shall be known and may be cited as the
27 "Honey Creek Premier Destination Park Bond Program".
28 Sec. ___. <u>NEW SECTION</u>. 463C.2 DEFINITIONS.
29 As used in this chapter, unless the context
30 otherwise requires:
31 1. "Authority" means the honey creek premier
32 destination park authority created in section 463C.4.
33 2. "Board" means the governing board of the
34 authority.
35 3. "Bonds" means bonds, notes, and other
36 obligations and financing arrangements issued or
37 entered into by the authority pursuant to this
38 chapter.
39 4. "Department" means the department of natural
40 resources.
41 5. "Fund" means the honey creek premier
42 destination park bond fund created in section 463C.11.
43 6. "Program" means the honey creek premier
44 destination park bond program established in section
45 463C.10.
46 Sec. ___. <u>NEW SECTION</u>. 463C.3 LEGISLATIVE
47 FINDINGS.
48 1. The establishment of the honey creek premier
49 destination park bond program and honey creek premier
50 destination park authority is in all respects for the

Page 8

1 benefit of the people of the state of Iowa, for the
2 improvement of their health and welfare, and for the
3 promotion of the economy, which are public purposes.
4 2. The authority will be performing an essential
5 governmental function in the exercise of the powers
6 and duties conferred upon it by this chapter.
7 3. The authority will assist in the establishment
8 of the honey creek premier destination park in the
9 state which will provide important recreational and
10 economic benefits to the state.
11 4. Current efforts to develop the honey creek
12 premier destination park in the state have fallen
13 short and the creation of an authority which has the
14 mission of engaging and assisting in these efforts
15 will increase the likelihood of reaching the desired
16 goal.
17 5. It is necessary to create the honey creek
18 premier destination park bond program and authority to
19 encourage the investment of private capital to
20 stimulate the development and construction of the park
21 including lodges, campgrounds, cabins, and golf
22 courses through the use of public financing, and to
23 this extent it is the public policy of this state to
24 support the honey creek premier destination park bond
25 program in the procurement of necessary moneys for
26 deposit into the honey creek premier destination park
27 bond fund.
28 Sec. ___. NEW SECTION. 463C.4 ESTABLISHMENT OF
29 HONEY CREEK PREMIER DESTINATION PARK AUTHORITY.
30 1. The honey creek premier destination park
31 authority is created and constitutes a public
32 instrumentality and agency of the state, separate and
33 distinct from the state, exercising public and
34 essential governmental functions.
35 2. The purposes of the authority include all of
36 the following:
37 a. To implement and administer the honey creek
38 premier destination park bond program and to establish
39 a stable source of revenue to be used for the purposes
40 designated in this chapter.
41 b. To issue bonds and enter into funding options,
42 consistent with this chapter, including refunding and
43 refinancing its debt and obligations.
44 c. To provide for and secure the issuance and
45 repayment of its bonds.
46 d. To invest funds available under this chapter to
47 provide for a source of revenue in accordance with the
48 program plan.
49 e. To refund and refinance the authority's debts
50 and obligations, and to manage its funds, obligations,

Page 9

1 and investments as necessary and if consistent with
2 its purpose.
3 f. To implement the purposes of this chapter.
4 3. The authority shall invest its funds and
5 accounts in accordance with this chapter and shall not
6 take action or invest in any manner that would cause
7 the state to become a stockholder in any corporation
8 or that would cause the state to assume or agree to
9 pay the debt or liability of any corporation in
10 violation of the United States Constitution or the
11 Constitution of the State of Iowa.
12 4. The authority shall not create any obligation
13 of this state or any political subdivision of this
14 state within the meaning of any constitutional or
15 statutory debt limitation.
16 5. The authority shall not pledge the credit or
17 taxing power of this state or any political
18 subdivision of this state, or make its debts payable
19 out of any moneys except those of the authority
20 specifically pledged for their payment.
21 Sec. ___. NEW SECTION. 463C.5 GOVERNING BOARD.
22 1. The powers of the authority are vested in and
23 shall be exercised by a board consisting of the
24 treasurer of state, the auditor of state, and the
25 director of the department of management.
26 Notwithstanding the provisions of section 12.30,
27 subsection 2, regarding ex officio nonvoting status,
28 the treasurer of state shall act as a voting member of
29 the authority.
30 2. Two members of the board constitute a quorum.
31 3. The members shall elect a chairperson, vice
32 chairperson, and secretary, annually, and other
33 officers as the members determine necessary. The
34 treasurer of state shall serve as treasurer of the
35 authority.
36 4. Meetings of the board shall be held at the call
37 of the chairperson or when a majority of the members
38 so requests.
39 5. The members of the board shall not receive
40 compensation by reason of their membership on the
41 board.
42 Sec. ___. NEW SECTION. 463C.6 STAFF —
43 ASSISTANCE BY STATE OFFICERS, AGENCIES, AND
44 DEPARTMENTS.
45 1. The staff of the office of the treasurer of
46 state shall also serve as staff of the authority under
47 the supervision of the treasurer.
48 2. State officers, agencies, and departments may
49 render services to the authority within their
50 respective functions, as requested by the authority.

Page 10

1 Sec. ___. NEW SECTION. 463C.7 LIMITATION OF
2 LIABILITY.
3 Members of the board and persons acting on the
4 authority's behalf, while acting within the scope of
5 their employment or agency, are not subject to
6 personal liability resulting from carrying out the
7 powers and duties conferred on them under this
8 chapter.
9 Sec. ___. NEW SECTION. 463C.8 GENERAL POWERS OF
10 AUTHORITY.
11 1. The authority has all the general powers
12 necessary to carry out its purposes and duties and to
13 exercise its specific powers, including but not
14 limited to all of the following powers:
15 a. The power to issue its bonds and to enter into
16 other funding options as provided in this chapter.
17 b. The power to have perpetual succession as a
18 public instrumentality and agency of the state, until
19 dissolved in accordance with this chapter.
20 c. The power to sue and be sued in its own name.
21 d. The power to make and execute agreements,
22 contracts, and other instruments, with any public or
23 private person, in accordance with this chapter.
24 e. The power to hire and compensate legal counsel,
25 notwithstanding chapter 13.
26 f. The power to hire investment advisors and other
27 persons as necessary to fulfill its purpose.
28 g. The power to invest or deposit moneys of or
29 held by the authority in any manner determined by the
30 authority, notwithstanding chapter 12B or 12C.
31 h. The power to procure insurance, other credit
32 enhancements, and other financing arrangements, and to
33 execute instruments and contracts and to enter into
34 agreements convenient or necessary to facilitate
35 financing arrangements of the authority and to fulfill
36 the purposes of the authority under this chapter,
37 including but not limited to such arrangements,
38 instruments, contracts, and agreements as bond
39 insurance, liquidity facilities, interest rate
40 agreements, and letters of credit.
41 i. The power to accept appropriations, gifts,
42 grants, loans, or other aid from public or private
43 entities.
44 j. The power to adopt rules consistent with this
45 chapter and in accordance with chapter 17A, as the
46 board determines necessary.
47 k. The power to acquire, own, hold, administer,
48 and dispose of property.
49 l. The power to determine, in connection with the
50 issuance of bonds, and subject to the sales agreement,

Page 11

1 the terms and other details of financing, and the
2 method of implementation of the program plan.
3 m. The power to perform any act not inconsistent
4 with federal or state law necessary to carry out the
5 purposes of the authority.
6 2. The authority is exempt from the requirements
7 of chapter 8A, subchapter III.
8 Sec. ___. NEW SECTION. 463C.9 POWERS NOT
9 RESTRICTED — LAW COMPLETE IN ITSELF.
10 This chapter shall not restrict or limit the powers
11 which the authority has under any other law of this
12 state, but is cumulative as to any such powers. A
13 proceeding, notice, or approval is not required for
14 the creation of the authority or the issuance of
15 obligations or an instrument as security, except as
16 provided in this chapter.
17 Sec. ___. NEW SECTION. 463C.10 HONEY CREEK
18 PREMIER DESTINATION PARK BOND PROGRAM.
19 The authority shall assist in the development and
20 expansion of the honey creek premier destination park
21 in the state through the establishment of the honey
22 creek premier destination park bond program. The
23 authority may issue its bonds or notes, or series of
24 bonds or notes, for the purpose of defraying the cost
25 of one or more projects for the development and
26 expansion of the honey creek premier destination park
27 in the state, including lodges, campgrounds, cabins,
28 and golf courses, and make secured and unsecured loans
29 for the acquisition and construction of such projects
30 on terms the authority determines.
31 Sec. ___. NEW SECTION. 463C.11 HONEY CREEK
32 PREMIER DESTINATION PARK BOND FUND.
33 1. The honey creek premier destination park bond
34 fund is established as a separate and distinct fund in
35 the state treasury consisting of honey creek premier
36 destination park revenues, any moneys appropriated by
37 the general assembly to the fund, and any other moneys
38 available to and obtained or accepted by the authority
39 for placement in the fund. The moneys in the fund
40 shall be used to develop the honey creek premier
41 destination park in the state by funding the
42 development and construction of facilities in the park
43 including but not limited to lodges, campgrounds,
44 cabins, and golf courses.
45 2. Payments of interest, repayments of moneys
46 loaned pursuant to this chapter, and recaptures of
47 awards shall be deposited in the fund.
48 3. Moneys in the fund may be used by the authority
49 for the purpose of providing grants, loans, forgivable
50 loans, loan guarantees under the honey creek premier

Page 12

1 destination park bond program established in this
2 chapter, and otherwise funding the development and
3 construction of facilities in the park including but
4 not limited to lodges, campgrounds, cabins, and golf
5 courses. The moneys in the fund shall be used for the
6 development and construction of facilities in the
7 honey creek premier destination park.
8 4. The authority, in consultation with the
9 department, shall determine which projects qualify for
10 assistance from the fund, and which projects shall be
11 funded.
12 Sec. ___. NEW SECTION. 463C.12 PREMIER
13 DESTINATION PARK BONDS.
14 1. The authority may issue bonds for the purpose
15 of funding the honey creek premier destination park
16 bond fund established in section 463C.11 and for the
17 purpose of refunding any bonds issued under this
18 section. The authority may issue bonds in principal
19 amounts which, in the opinion of the board, are
20 necessary to provide sufficient funds for the honey
21 creek premier destination park bond fund established
22 in section 463C.11, the payment of interest on the
23 bonds, the establishment of reserves to secure the
24 bonds, the costs of issuance of the bonds, other
25 expenditures of the authority incident to and
26 necessary or convenient to carry out the bond issue
27 for the fund, and all other expenditures of the board
28 necessary or convenient to administer the fund;
29 provided, however, excluding the issuance of refunding
30 bonds, bonds issued pursuant to this section shall not
31 be issued in an aggregate principal amount which
32 exceeds twenty-eight million dollars.
33 2. The bonds are investment securities and
34 negotiable instruments within the meaning of and for
35 the purposes of the uniform commercial code.
36 3. The authority may pledge amounts deposited in
37 the honey creek premier destination park bond fund
38 established in section 463C.11 as security for the
39 payment of the principal of premium, if any, and
40 interest on the bonds. Bonds issued under this
41 section are payable solely and only out of the moneys,
42 assets, or revenues of the honey creek premier
43 destination park bond fund and any bond reserve funds
44 established pursuant to section 463C.13, all of which
45 may be deposited with trustees or depositories in
46 accordance with bond or security documents, and are
47 not an indebtedness of this state, or a charge against
48 the general credit or general fund of the state, and
49 the state shall not be liable for the bonds except
50 from amounts on deposit in the funds. Bonds issued

Page 13

1 under this section shall contain a statement that the
2 bonds do not constitute an indebtedness of the state.
3 4. The bonds shall be:
4 a. In a form, issued in denominations, executed in
5 a manner, payable over terms and with rights of
6 redemption, and subject to such other terms and
7 conditions as prescribed in the trust indenture,
8 resolution, or other instrument authorizing their
9 issuance.
10 b. Negotiable instruments under the laws of this
11 state and may be sold at prices, at public or private
12 sale, and in a manner as prescribed by the authority.
13 Chapters 73A, 74, 74A, and 75 do not apply to the sale
14 or issuance of the bonds.
15 c. Subject to the terms, conditions, and covenants
16 providing for the payment of the principal, redemption
17 premiums, if any, interest, and other terms,
18 conditions, covenants, and protective provisions
19 safeguarding payment, not inconsistent with this
20 section and as determined by the trust indenture,
21 resolution, or other instrument authorizing their
22 issuance.
23 5. The bonds are securities in which public
24 officers and bodies of this state, political
25 subdivisions of this state, insurance companies and
26 associations and other persons carrying on an
27 insurance business, banks, trust companies, savings
28 associations, savings and loan associations, and
29 investment companies, administrators, guardians,
30 executors, trustees, and other fiduciaries, and other
31 persons authorized to invest in bonds or other
32 obligations of the state, may properly and legally
33 invest funds, including capital, in their control or
34 belonging to them.
35 6. Bonds must be authorized by a trust indenture,
36 resolution, or other instrument of the authority that
37 is approved by the authority. However, a trust
38 indenture, resolution, or other instrument authorizing
39 the issuance of bonds may delegate to an officer of
40 the authority the power to negotiate and fix the
41 details of an issuance of bonds.
42 7. Neither the resolution, trust agreement, or any
43 other instrument by which a pledge is created is
44 required to be recorded or filed under the uniform
45 commercial code to be valid, binding, or effective.
46 8. All bonds issued by the authority in connection
47 with the program are exempt from taxation by the state
48 of Iowa and the interest on the bonds is exempt from
49 state income taxes and state inheritance and estate
50 taxes.

Page 14

1 9. The authority may issue bonds for the purpose
2 of refunding any bonds or notes issued pursuant to
3 this section then outstanding, including the payment
4 of any redemption premiums thereon and any interest
5 accrued or to accrue to the date of redemption of the
6 outstanding bonds or notes. Until the proceeds of
7 bonds issued for the purpose of refunding outstanding
8 bonds or notes are applied to the purchase or
9 retirement of outstanding bonds or notes or the
10 redemption of outstanding bonds or notes, the proceeds
11 may be placed in escrow and be invested and reinvested
12 in accordance with the provisions of this section.
13 The interest, income, and profits earned or realized
14 on an investment may also be applied to the payment of
15 the outstanding bonds or notes to be refunded by
16 purchase, retirement, or redemption. After the terms
17 of the escrow have been fully satisfied and carried
18 out, any balance of proceeds and interest earned or
19 realized on the investments may be returned to the
20 board for deposit in the honey creek premier
21 destination park bond fund established in section
22 463C.11. All refunding bonds shall be issued and
23 secured and subject to the provisions of this chapter
24 in the same manner and to the same extent as other
25 bonds issued pursuant to this section.
26 Sec. ___. NEW SECTION. 463C.13 BOND RESERVE
27 FUNDS.
28 1. The authority may create and establish one or
29 more special funds, to be known as bond reserve funds,
30 and shall pay into each bond reserve fund any moneys
31 appropriated and made available by the authority for
32 the purpose of the bond reserve fund, any proceeds of
33 sale of notes or bonds to the extent provided in the
34 trust indenture, resolution, or other instrument of
35 the treasurer of state authorizing their issuance, and
36 any other moneys which may be available to the
37 authority for the purpose of the bond reserve fund
38 from any other sources. All moneys held in a bond
39 reserve fund, except as otherwise provided in this
40 section, shall be used as required solely for the
41 payment of the principal of bonds secured in whole or
42 in part by the bond reserve fund or of the sinking
43 fund payments with respect to the bonds, the purchase
44 or redemption of the bonds, the payment of interest on
45 the bonds, or the payments of any redemption premium
46 required to be paid when the bonds are redeemed prior
47 to maturity.
48 2. Moneys in a bond reserve fund shall not be
49 withdrawn from the bond reserve fund at any time in an
50 amount that will reduce the amount of the bond reserve

Page 15

1 fund to less than the bond reserve fund requirement
2 established for the bond reserve fund, as provided in
3 this section, except for the purpose of making, with
4 respect to bonds secured in whole or in part by the
5 bond reserve fund, payment when due of principal,
6 interest, redemption premiums, and the sinking fund
7 payments with respect to the bonds for the payment of
8 which other moneys are not available. Any income or
9 interest earned by, or incremental to, a bond reserve
10 fund due to the investment of moneys in the bond
11 reserve fund may be transferred by the authority to
12 other reserve funds or the honey creek premier
13 destination park bond fund to the extent the transfer
14 does not reduce the amount of that bond reserve fund
15 below the bond reserve fund requirement for the bond
16 reserve fund.
17 3. The authority shall not at any time issue
18 bonds, secured in whole or in part by a bond reserve
19 fund, if, upon the issuance of the bonds, the amount
20 in the bond reserve fund will be less than the bond
21 reserve fund requirement for the bond reserve fund,
22 unless the authority at the time of issuance of the
23 bonds deposits in the bond reserve fund from the
24 proceeds of the bonds issued or from other sources an
25 amount which, together with the amount then in the
26 bond reserve fund, will not be less than the bond
27 reserve fund requirement for the bond reserve fund.
28 For the purposes of this section, the term "bond
29 reserve fund requirement" means, as of any particular
30 date of computation, an amount of money, as provided
31 in the trust indenture, resolution, or other
32 instrument of the authority authorizing the bonds with
33 respect to which the bond reserve fund is established,
34 equal to not more than ten percent of the outstanding
35 principal amount of bonds secured in whole or in part
36 by the bond reserve fund.
37 4. To assure the continued operation and solvency
38 of the authority for the carrying out of its corporate
39 purposes, provision is made in subsection 1 for the
40 accumulation in each bond reserve fund of an amount
41 equal to the bond reserve fund requirement for the
42 fund. In order further to assure maintenance of the
43 bond reserve funds, the chairperson of the authority
44 shall, on or before July 1 of each calendar year, make
45 and deliver to the governor the chairperson's
46 certificate stating the sum, if any, required to
47 restore each bond reserve fund to the bond reserve
48 fund requirement for that fund. Within thirty days
49 after the beginning of the session of the general
50 assembly next following the delivery of the

Page 16

1 certificate, the governor may submit to both houses
2 printed copies of a budget including the sum, if any,
3 required to restore each bond reserve fund to the bond
4 reserve fund requirement for that fund. Any sums
5 appropriated by the general assembly and paid to the
6 authority pursuant to this section shall be deposited
7 by the authority in the applicable bond reserve fund.
8 Sec. ___. NEW SECTION. 463C.14 PLEDGES.
9 It is the intention of the general assembly that a
10 pledge made in respect of bonds or notes shall be
11 valid and binding from the time the pledge is made,
12 that the money or property so pledged and received
13 after the pledge by the treasurer of state shall
14 immediately be subject to the lien of the pledge
15 without physical delivery or further act, and that the
16 lien of the pledge shall be valid and binding as
17 against all parties having claims of any kind in tort,
18 contract, or otherwise against the treasurer of state
19 whether or not the parties have notice of the lien.
20 Sec. ___ . NEW SECTION. 463C.15 MONEYS OF THE
21 AUTHORITY.
22 1. Moneys of the authority from whatever source
23 derived, except as otherwise provided in this chapter,
24 shall be paid to the authority and shall be deposited
25 in the honey creek premier destination park bond fund.
26 The moneys shall be withdrawn on the order of the
27 person authorized by the authority. Deposits shall,
28 if required by the authority, be secured in the manner
29 determined by the authority. The auditor of state and
30 the auditor's legally authorized representatives may
31 periodically examine the accounts and books of the
32 authority, including its receipts, disbursements,
33 contracts, leases, sinking funds, investments and any
34 other records and papers relating to its financial
35 standing, and the authority shall not be required to
36 pay a fee for the examination.
37 2. The authority may contract with holders of its
38 bonds or notes as to the custody, collection,
39 security, investment, and payment of moneys of the
40 authority, of moneys held in trust or otherwise for
41 the payment of bonds or notes, and to carry out the
42 contract. Moneys held in trust or otherwise for the
43 payment of bonds or notes or in any way to secure
44 bonds or notes and deposits of the moneys may be
45 secured in the same manner as moneys of the authority,
46 and banks and trust companies may give security for
47 the deposits.
48 3. Subject to the provisions of any contract with
49 bondholders or noteholders and to the approval of the
50 director of the department of administrative services,

Page 17

1 the authority shall prescribe a system of accounts.
2 4. The authority shall submit to the governor, the
3 auditor of state, the department of management, and
4 the department of administrative services, within
5 thirty days of its receipt by the authority, a copy of
6 the report of every external examination of the books
7 and accounts of the authority other than copies of the
8 reports of examinations made by the auditor of state.
9 Sec. ___. NEW SECTION. 463C.16 ANNUAL REPORT.
10 1. The authority shall submit to the governor, the
11 general assembly, and the attorney general, on or
12 before December 31, annually, a report including
13 information regarding all of the following:
14 a. Its operations and accomplishments.
15 b. Its receipts and expenditures during the
16 previous fiscal year, in accordance with
17 classifications it establishes for its operating and
18 capital accounts.
19 c. Its assets and liabilities at the end of the
20 previous fiscal year and the status of reserve,
21 special, and other funds.
22 d. A schedule of its bonds outstanding at the end
23 of the previous fiscal year, and a statement of the
24 amounts redeemed and issued during the previous fiscal
25 year.
26 e. A statement of its proposed and projected
27 activities.
28 f. Recommendations to the governor and the general
29 assembly, as deemed necessary.
30 g. A statement of all projects funded in the
31 previous fiscal year.
32 h. Any other information deemed necessary.
33 2. The annual report shall identify performance
34 goals of the authority, and clearly indicate the
35 extent of progress during the reporting period in
36 attaining these goals.
37 Sec. ___. NEW SECTION. 463C.17 EXEMPTION FROM
38 COMPETITIVE BID LAWS.
39 The authority and contracts entered into by the
40 authority in carrying out its public and essential
41 governmental functions are exempt from the laws of the
42 state which provide for competitive bids and hearings
43 in connection with contracts, except as provided in
44 section 12.30.
45 Sec. ___. NEW SECTION 463C.18 BANKRUPTCY.
46 Prior to the date which is three hundred sixty-six
47 days after which the authority no longer has any bonds
48 outstanding, the authority is prohibited from filing a
49 voluntary petition under chapter 9 of the federal
50 bankruptcy code or such corresponding chapter or

Page 18

1 section as may, from time to time, be in effect, and a
2 public official or organization, entity, or other
3 person shall not authorize the authority to be or
4 become a debtor under chapter 9 or any successor or
5 corresponding chapter or sections during such periods.
6 The provisions of this section shall be part of any
7 contractual obligation owed to the holders of bonds
8 issued under this chapter. Any such contractual
9 obligation shall not subsequently be modified by state
10 law, during the period of the contractual obligation.
11 Sec. ___. NEW SECTION. 463C.19 DISSOLUTION OF
12 THE AUTHORITY.
13 The authority shall dissolve no later than two
14 years after the date of final payment of all
15 outstanding bonds and the satisfaction of all
16 outstanding obligations of the authority, except to
17 the extent necessary to remain in existence to fulfill
18 any outstanding covenants or provisions with
19 bondholders or third parties made in accordance with
20 this chapter. Upon dissolution of the authority, all
21 assets of the authority shall be returned to the state
22 and shall be deposited in the general fund of the
23 state, unless otherwise directed by the general
24 assembly, and the authority shall execute any
25 necessary assignments or instruments, including any
26 assignment of any right, title, or ownership to the
27 state for receipt of payments.
28 Sec. ___. NEW SECTION. 463C.20 LIBERAL
29 INTERPRETATION.
30 This chapter, being deemed necessary for the
31 welfare of the state and its people, shall be
32 liberally construed to effect its purpose.
33 Sec. ___. MATCHING FUNDS. Moneys appropriated in
34 this Act, if enacted, to be used for the purpose of
35 funding the development and construction of the honey
36 creek premier destination park shall be available only
37 for projects that contain a match of four dollars of
38 private funds for each three dollars of state funds.
39 Sec. ___. EFFECTIVE DATE. This division of this
40 Act, being deemed of immediate importance, takes
41 effect upon enactment."
42 50. Title page, line 5, by inserting after the
43 word "matters," the following: "and creating the
44 honey creek premier destination park bond program and
45 authority and providing for the issuance of tax-exempt
46 bonds,".
47 51. By renumbering, relettering, or redesignating
48 and correcting internal references as necessary.

STEVE WARNSTADT
STEVE KETTERING
DARYL BEALL
JEFF ANGELO

S–3259

Amend House File 825, as amended, passed, and reprinted by the House, as follows:

1. Page 1, line 23, by striking the figure "2,791,522" and inserting the following: "2,792,116".

2. By striking page 1, line 34, through page 2, line 1, and inserting the following:

"2. Of the funds appropriated in this section, $174,198 shall be".

3. Page 2, by inserting after line 4, the following:

"___. Of the funds appropriated in this section, $61,594 shall be used by the department of elder affairs for a statewide coordinator for the program of all-inclusive care for the elderly as defined in section 249H.3. The coordinator shall work in collaboration with the department of human services in carrying out the coordinator's duties."

4. Page 2, line 17, by striking the figure "1,258,710" and inserting the following: "2,259,020".

5. Page 2, by inserting after line 24, the following:

"Of the moneys appropriated in this subsection, $30,310 shall be used to continue to provide funding to local communities that have previously received funding from the centers for disease control and prevention of the United States department of health and human services for secondhand smoke education initiatives."

6. Page 3, line 14, by striking the figure "1,264,299" and inserting the following: "1,274,299".

7. Page 3, by inserting after line 19, the following:

"Of the funds appropriated in this subsection, $10,000 shall be used to continue the grant to a free clinic, as defined in section 135.24, operating in one county to continue the partnership and test program for a buying cooperative approach for purchasing prescription drugs at a price less than retail. The prescription drugs purchased through the approach shall be provided to patients of the free clinic who are uninsured or underinsured."

8. By striking page 3, line 30, through page 4, line 1, and inserting the following:

"The amount appropriated in this subsection includes $150,000 in additional funding for childhood

46 lead poisoning prevention activities for counties not
47 receiving federal funding for this purpose, and of
48 this amount, $50,000 is allocated for a pilot project
49 to address lead poisoning prevention and remediation
50 activities in a three-county program in north central

Page 2

1 Iowa with a combined population of at least 50,000."
2 9. Page 4, line 13, by striking the figure
3 "1,044,151" and inserting the following: "1,379,258".
4 10. Page 4, line 16, by striking the figure
5 "335,107" and inserting the following: "670,214".
6 11. Page 4, line 18, by inserting after the
7 figure "135.106." the following: "The department
8 shall transfer the funding allocated for the HOPES-HFI
9 program to the Iowa empowerment board for distribution
10 and shall assist the board in managing the contracting
11 for the funding. The funding shall be distributed to
12 renew the grants that were provided to the grantees
13 that operated the program during the fiscal year
14 ending June 30, 2005."
15 12. Page 4, line 26, by striking the figure
16 "6,820,423" and inserting the following: "6,964,033".
17 13. Page 4, by inserting after line 27 the
18 following:
19 "The office of the state medical examiner and the
20 commissioner of public safety shall give consideration
21 to a proposal offered by Polk county for the state
22 criminalistics laboratory to share facilities with
23 Polk county."
24 14. Page 4, line 32, by striking the figure
25 "994,442" and inserting the following: "1,124,684".
26 15. Page 4, by inserting after line 33, the
27 following:
28 "11B. SAFETY NET PROVIDERS
29 The purpose of this subsection is to create a
30 formal network of providers to preserve and expand the
31 health care safety net for vulnerable Iowans, to
32 recognize that safety net providers are the means of
33 access to health care for the uninsured in this state,
34 and to provide a mechanism to identify the extent to
35 which the uninsured in the state access health care
36 safety net providers. Of the amount appropriated in
37 this division of this Act for the medical assistance
38 program, $1,100,000 is transferred to the
39 appropriation made in this subsection.
40 a. For provision of developmental support services
41 to safety net providers as provided in this
42 subsection:
43 ..... $ 450,000
44 The Iowa department of public health shall contract

45 with the Iowa/Nebraska primary care association to
46 administer a network of community health centers
47 (CHCs), rural health clinics (RHCs), and free clinics,
48 with use of the free clinics as sources of referral to
49 the CHCs and RHCs, to provide developmental support
50 services including all of the following:

Page 3

1 (1) Promotion of the concept of quality, primary,
2 preventive, and ameliorative health care through a
3 comprehensive primary health care delivery system.
4 (2) Provision of a forum to allow primary care
5 practitioners, health care center and clinic
6 administrators, health department professionals, and
7 political and community leaders to interact and share
8 information.
9 (3) Partnering with existing relevant
10 organizations and associations to monitor federal and
11 state legislation to assure that the primary care
12 needs of Iowans are adequately reflected in public
13 policy.
14 (4) Partnering with existing relevant
15 organizations and associations to sponsor conferences,
16 training opportunities, and workshops on topics of
17 interest.
18 (5) Provision of a linkage between the safety net
19 providers and the expansion population under chapter
20 249J, if enacted by 2005 Iowa Acts, House File 841.
21 b. For incubation grants to community health
22 centers that receive a total score of 85 based on the
23 evaluation criteria of the federal health resources
24 and services administration:
25 ..... $ 650,000
26 A recipient of an incubation grant under this
27 paragraph "b" shall provide a local match of twenty-
28 five percent of the grant funds received."
29 16. Page 6, by striking line 28, and inserting
30 the following: "Iowa commission on volunteer service
31 created pursuant to chapter 15H to utilize local
32 veterans affairs".
33 17. Page 12, line 2, by striking the figure
34 "40,250,000" and inserting the following:
35 "40,222,720".
36 18. Page 13, line 6, by striking the figure
37 "524,800,000" and inserting the following:
38 "507,250,212".
39 19. Page 15, by striking lines 22 through 34.
40 20. Page 16, by inserting after line 28, the
41 following:
42 "___. The department shall expand coverage under
43 the medical assistance program to cover smoking

44 cessation drugs.
45 ___. The department shall expand coverage under
46 the medical assistance program to cover weight
47 reduction treatments and drugs.
48 ___. The department shall adopt rules to require
49 that if a product is to be considered by the
50 pharmaceutical and therapeutics committee established

Page 4

1 pursuant to section 249A.20A for inclusion on the
2 preferred drug list, the pharmaceutical and
3 therapeutics committee shall respond to all inquiries
4 regarding the process at least 72 hours prior to a
5 meeting of the committee to consider inclusion of the
6 product. Additionally, the rules shall require that
7 the committee provide a pharmaceutical manufacturer of
8 a product with 20 days' prior written notice of
9 consideration of the manufacturer's product for
10 inclusion on the preferred drug list to allow adequate
11 time for preparation of appropriate materials to be
12 submitted to the committee for review. The rules
13 shall also require that adequate time be provided for
14 each interested individual to address the committee
15 regarding a product to be considered for inclusion on
16 the preferred drug list by the committee. A final
17 decision regarding inclusion of a product on the
18 preferred drug list shall not be made in an executive
19 session of the committee."
20 21. Page 18, line 29, by striking the figure
21 "8,350,752" and inserting the following:
22 "17,750,752".
23 22. Page 18, line 31, by striking the figure
24 "7,325,228" and inserting the following:
25 "16,325,228".
26 23. Page 19, line 6, by striking the figure
27 "500,000" and inserting the following: "900,000".
28 24. Page 20, line 31, by striking the figure
29 "76,400,000" and inserting the following:
30 "81,908,683".
31 25. Page 22, line 25, by striking the figure
32 "2,000,000" and inserting the following: "3,000,000".
33 26. Page 25, line 12, by striking the figure
34 "300,000" and inserting the following: "1,000,000".
35 27. Page 25, by inserting after line 26 the
36 following:
37 "___. Of the amount appropriated in this section,
38 the following amounts are allocated for the indicated
39 child welfare system improvements:
40 a. For family team meetings and other family
41 engagement efforts:
42 ..... $ 900,000

43 b. For recruiting, training, and development of
44 additional resource families, including but not
45 limited to families providing kinship, foster, and
46 adoptive care:
47 ..... $ 325,000
48 c. For field staff working with families to have
49 flexible funding to purchase services and other
50 support and to fill urgent family needs:

Page 5

1 ..... $ 750,000
2 d. For funding of shelter care so that 15
3 emergency beds are available statewide for the fiscal
4 year within the statewide average of 288 beds
5 addressed in the department's shelter care plan:
6 ..... $ 200,000
7 e. For expansion of community partnerships to
8 prevent child abuse:
9 ..... $ 100,000"
10 28. Page 25, line 34, by striking the figure
11 "32,250,000" and inserting the following:
12 "32,275,732".
13 29. Page 27, by inserting after line 6 the
14 following:
15 "___. For continuation of the department's
16 minority youth and family projects under the redesign
17 of the child welfare system:
18 ..... $ 375,000"
19 30. Page 29, line 6, by striking the figure
20 "12,600,000" and inserting the following:
21 "12,650,344".
22 31. Page 29, line 9, by striking the figure
23 "7,050,000" and inserting the following: "7,073,088".
24 32. Page 30, line 10, by striking the figure "1."
25 33. Page 30, line 19, by striking the figure
26 "10,514,619" and inserting the following:
27 "11,014,619".
28 34. Page 30, by striking lines 20 through 31.
29 35. Page 32, by inserting after line 16 the
30 following:
31 "___. If the department has data indicating that a
32 geographic area has a substantial number of persons
33 with mental illness who are homeless and are not being
34 served by an existing grantee for that area under the
35 formula grant from the federal alcohol, drug abuse,
36 and mental health administration to provide mental
37 health services for the homeless and the existing
38 grantee has expressed a desire to no longer provide
39 services or the grantee's contract was terminated by
40 the department for nonperformance, the department
41 shall issue a request for proposals to replace the

42 grantee. Otherwise, the department shall maximize
43 available funding by continuing to contract to the
44 extent possible with those persons who are grantees as
45 of October 1, 2005. The department shall issue a
46 request for proposals if additional funding becomes
47 available for expansion to persons who are not being
48 served and it is not possible to utilize existing
49 grantees."
50 36. Page 33, line 13, by striking the figure

Page 6

1 "53,505,000" and inserting the following:
2 "53,924,358".
3 37. Page 33, line 25, by striking the figure
4 "13,312,196" and inserting the following:
5 "13,342,196".
6 38. Page 33, line 26, by striking the figure
7 "292.00" and inserting the following: "293.00".
8 39. Page 33, by inserting after line 29, the
9 following:
10 "Of the funds appropriated in this section, $30,000
11 is allocated to the department of human services for a
12 statewide coordinator for the program of all-inclusive
13 care for the elderly as defined in section 249H.3.
14 The coordinator shall work in collaboration with the
15 department of elder affairs in carrying out the
16 coordinator's duties."
17 40. Page 35, line 2, by striking the word "be"
18 and inserting the following: "not be less than".
19 41. Page 36, line 16, by striking the figure "3"
20 and inserting the following: "6".
21 42. Page 39, line 23, by striking the figure
22 "1998" and inserting the following: "2002".
23 43. Page 40, by striking lines 2 through 6.
24 44. Page 40, by inserting after line 8, the
25 following:
26 "Sec. ___. SHELTER CARE REQUEST FOR PROPOSALS.
27 The department of human services shall amend the
28 request for proposals issued on April 15, 2005, for a
29 program to provide for the statewide availability of
30 emergency juvenile shelter care during the fiscal year
31 beginning July 1, 2005, to increase the statewide
32 daily average number of beds covered under the request
33 to 288 beds in order to include 15 unallocated beds
34 statewide for emergency placements. However, if the
35 date of enactment of this Act does not allow
36 sufficient time for the department to amend the
37 request for proposals as otherwise required by this
38 section, the department shall apply the requirement in
39 the negotiations with the program awarded the contract
40 and shall include the requirement in the final

41 contract."
42 45. Page 41, by inserting after line 25, the
43 following:
44 "Sec. ___. 2003 Iowa Acts, chapter 178, section
45 45, unnumbered paragraph 3, as enacted by 2004 Iowa
46 Acts, chapter 1175, section 160, is amended to read as
47 follows:
48 Notwithstanding section 8.33, moneys appropriated
49 in this section that remain unencumbered or
50 unobligated at the close of the fiscal year shall not

Page 7

1 revert but shall remain available for expenditure for
2 the child and family services until the close of the
3 ~~succeeding~~ fiscal year beginning July 1, 2005."
4 46. Page 43, by inserting after line 29, the
5 following:
6 "___. The provision directing the department of
7 human services to amend the request for proposals
8 issued on April 15, 2005, to provide for statewide
9 emergency juvenile shelter care.
10 ___. The provision amending 2003 Iowa Acts,
11 chapter 178, section 45, unnumbered paragraph 3, as
12 enacted by 2004 Iowa Acts, chapter 1175, section 160."
13 47. Page 45, line 15, by striking the figure
14 "50,200,000" and inserting the following:
15 "77,753,926".
16 48. Page 46, by striking lines 23 and 24, and
17 inserting the following: "to only those persons who
18 meet the nursing facility level of care for home and
19 community-based services waiver services as
20 established on or after July 1, 2005."
21 49. Page 48, line 17, by striking the figure
22 "14,507,362" and inserting the following:
23 "19,167,111".
24 50. Page 49, by inserting after line 32, the
25 following:
26 "Sec. ___. NEW SECTION. 16.184 TRANSITIONAL
27 HOUSING REVOLVING LOAN PROGRAM FUND.
28 1. A transitional housing revolving loan program
29 fund is created within the authority to further the
30 availability of affordable housing for parents that
31 are reuniting with their children while completing or
32 participating in substance abuse treatment. The
33 moneys in the fund are annually appropriated to the
34 authority to be used for the development and operation
35 of a revolving loan program to provide financing to
36 construct affordable transitional housing, including
37 through new construction or acquisition and
38 rehabilitation of existing housing. The housing
39 provided shall be geographically located in close

40 proximity to licensed substance abuse treatment
41 programs. Preference in funding shall be given to
42 projects that reunite mothers with the mothers'
43 children.
44 2. Moneys transferred by the authority for deposit
45 in the transitional housing revolving loan program
46 fund, moneys appropriated to the transitional housing
47 revolving loan program, and any other moneys available
48 to and obtained or accepted by the authority for
49 placement in the fund shall be deposited in the fund.
50 Additionally, payment of interest, recaptures of

Page 8

1 awards, and other repayments to the transitional
2 housing revolving loan program fund shall be credited
3 to the fund. Notwithstanding section 12C.7,
4 subsection 2, interest or earnings on moneys in the
5 transitional housing revolving loan program fund shall
6 be credited to the fund. Notwithstanding section
7 8.33, moneys that remain unencumbered or unobligated
8 at the close of the fiscal year shall not revert but
9 shall remain available for the same purpose in the
10 succeeding fiscal year.
11 3. The authority shall annually allocate moneys
12 available in the transitional housing revolving loan
13 program fund for the development of affordable
14 transitional housing for parents that are reuniting
15 with the parents' children while completing or
16 participating in substance abuse treatment. The
17 authority shall develop a joint application process
18 for the allocation of federal low-income housing tax
19 credits and the funds available under this section.
20 Moneys allocated to such projects may be in the form
21 of loans, grants, or a combination of loans and
22 grants.
23 4. The authority shall adopt rules pursuant to
24 chapter 17A to administer this section."
25 51. Page 68, by inserting after line 32 the
26 following:
27 "Sec. ___. Section 154A.22, Code 2005, is amended
28 to read as follows:
29 154A.22 ~~DEPOSIT~~ RECEIPT OF FEES.
30 1. ~~The~~ Except as otherwise provided in subsection
31 2, the department shall deposit all fees collected
32 under the provisions of this chapter in the general
33 fund of the state. Compensation and travel expenses
34 of members and employees of the board, and other
35 expenses necessary for the board to administer and
36 carry out the provisions of this chapter shall be paid
37 from funds appropriated from the general fund of the
38 state.

39 2. The department may retain ninety percent of the
40 revenue generated from an increase in licensure and
41 permit fees established pursuant to section 154A.17
42 above the licensure and permit fees in effect as of
43 June 30, 2005. The moneys retained by the department
44 shall be used for any of the board's duties, including
45 but not limited to addition of full-time equivalent
46 positions for program services and investigations.
47 Revenues retained by the department pursuant to this
48 subsection shall be considered repayment receipts as
49 defined in section 8.2.
50 Sec. ___. Section 155.6, Code 2005, is amended to

Page 9

1 read as follows:
2 155.6 ~~FUND CREATED~~ RECEIPT OF FEES.
3 1. ~~All~~ Except as otherwise provided in subsection
4 2, all fees collected under the provisions of this
5 chapter shall be paid to the treasurer of state who
6 shall deposit the fees in the general fund of the
7 state. Funds shall be appropriated to the board to be
8 used and expended by the board to pay the compensation
9 and travel expenses of members and employees of the
10 board, and other expenses necessary for the board to
11 administer and carry out the provisions of this
12 chapter.
13 2. The board may retain ninety percent of the
14 revenue generated from an increase in examination,
15 licensure, and renewal of licensure fees established
16 pursuant to section 155.15 above the examination,
17 licensure, and renewal of licensure fees in effect as
18 of June 30, 2005. The moneys retained by the board
19 shall be used for any of the board's duties, including
20 but not limited to addition of full-time equivalent
21 positions for program services and investigations.
22 Revenues retained by the department pursuant to this
23 subsection shall be considered repayment receipts as
24 defined in section 8.2."
25 52. Page 73, by inserting after line 33 the
26 following:
27 "Sec. ___. Section 227.4, Code 2005, is amended to
28 read as follows:
29 227.4 STANDARDS FOR CARE OF PERSONS WITH MENTAL
30 ILLNESS OR ~~DEVELOPMENTAL DISABILITIES~~ MENTAL
31 RETARDATION IN COUNTY CARE FACILITIES.
32 The administrator, in cooperation with the
33 department of inspections and appeals, shall recommend
34 and the mental health, mental retardation,
35 developmental disabilities, and brain injury
36 commission created in section 225C.5 shall adopt
37 standards for the care of and services to persons with

38 mental illness or ~~developmental disabilities~~ mental
39 retardation residing in county care facilities. The
40 standards shall be enforced by the department of
41 inspections and appeals as a part of the licensure
42 inspection conducted pursuant to chapter 135C. The
43 objective of the standards is to ensure that persons
44 with mental illness or ~~developmental disabilities~~
45 mental retardation who are residents of county care
46 facilities are not only adequately fed, clothed, and
47 housed, but are also offered reasonable opportunities
48 for productive work and recreational activities suited
49 to their physical and mental abilities and offering
50 both a constructive outlet for their energies and, if

Page 10

1 possible, therapeutic benefit. When recommending
2 standards under this section, the administrator shall
3 designate an advisory committee representing
4 administrators of county care facilities, county
5 mental health and developmental disabilities regional
6 planning councils, and county care facility resident
7 advocate committees to assist in the establishment of
8 standards."
9 53. Page 74, by inserting after line 27 the
10 following:
11 "Sec. ___. NEW SECTION. 231E.1 TITLE.
12 This chapter shall be known and may be cited as the
13 "Iowa Substitute Decision Maker Act".
14 Sec. ___. NEW SECTION. 231E.2 OFFICE OF
15 SUBSTITUTE DECISION MAKER — FINDINGS AND INTENT.
16 1. a. The general assembly finds that many adults
17 in this state are unable to meet essential
18 requirements to maintain their physical health or to
19 manage essential aspects of their financial resources
20 and are in need of substitute decision-making
21 services. However, a willing and responsible person
22 may not be available to serve as a private substitute
23 decision maker or the adult may not have adequate
24 income or resources to compensate a private substitute
25 decision maker.
26 b. The general assembly further finds that a
27 process should exist to assist individuals in finding
28 alternatives to substitute decision-making services
29 and less intrusive means of assistance before an
30 individual's independence or rights are limited.
31 c. The general assembly further finds that a
32 substitute decision maker may be necessary to finalize
33 a person's affairs after death when there is no
34 willing and appropriate person available to serve as
35 the person's personal representative.
36 2. a. It is, therefore, the intent of the general

37 assembly to establish a state office of substitute
38 decision maker and authorize the establishment of
39 local offices of substitute decision maker to provide
40 substitute decision-making services to adults and
41 their estates after their deaths, when no private
42 substitute decision maker is available.
43 b. It is also the intent of the general assembly
44 that the office of substitute decision maker provide
45 assistance to both public and private substitute
46 decision makers throughout the state in securing
47 necessary services for their wards, principals,
48 clients, and decedents and to assist substitute
49 decision makers, wards, principals, clients, courts,
50 and attorneys in the orderly and expeditious handling

Page 11

1 of substitute decision-making proceedings.
2 Sec. ___. NEW SECTION. 231E.3 DEFINITIONS.
3 As used in this chapter, unless the context
4 otherwise requires:
5 1. "Client" means an individual for whom a
6 representative payee is appointed.
7 2. "Commission" means the commission of elder
8 affairs.
9 3. "Conservator" means conservator as defined in
10 section 633.3.
11 4. "Court" means court as defined in section
12 633.3.
13 5. "Decedent" means the individual for whom an
14 estate is administered or executed.
15 6. "Department" means the department of elder
16 affairs established in section 231.21.
17 7. "Director" means the director of the department
18 of elder affairs.
19 8. "Estate" means estate as defined in section
20 633.3.
21 9. "Guardian" means guardian as defined in section
22 633.3.
23 10. "Incompetent" means incompetent as defined in
24 section 633.3.
25 11. "Local office" means a local office of
26 substitute decision maker.
27 12. "Local substitute decision maker" means an
28 individual under contract with the department to act
29 as a substitute decision maker.
30 13. "Personal representative" means personal
31 representative as defined in section 633.3.
32 14. "Planning and service area" means a geographic
33 area of the state designated by the commission for the
34 purpose of planning, developing, delivering, and
35 administering services for elders.

36 15. "Power of attorney" means a durable power of
37 attorney for health care as defined in section 144B.1
38 or a power of attorney that becomes effective upon the
39 disability of the principal as described in section
40 633.705.
41 16. "Principal" means an individual for whom a
42 power of attorney is established.
43 17. "Representative payee" means an individual
44 appointed by a government entity to receive funds on
45 behalf of a client pursuant to federal regulation.
46 18. "State agency" means any executive department,
47 commission, board, institution, division, bureau,
48 office, agency, or other executive entity of state
49 government.
50 19. "State office" means the state office of

Page 12

1 substitute decision maker.
2 20. "State substitute decision maker" means the
3 administrator of the state office of substitute
4 decision maker.
5 21. "Substitute decision maker" means a guardian,
6 conservator, representative payee, attorney in fact
7 under a power of attorney, or personal representative.
8 22. "Substitute decision making" or "substitute
9 decision-making services" means the provision of
10 services of a guardian, conservator, representative
11 payee, attorney in fact under a power of attorney, or
12 personal representative.
13 23. "Ward" means the individual for whom a
14 guardianship or conservatorship is established.
15 Sec. ___. NEW SECTION. 231E.4 STATE OFFICE OF
16 SUBSTITUTE DECISION MAKER — ESTABLISHED — DUTIES —
17 DEPARTMENT RULES.
18 1. A state office of substitute decision maker is
19 established within the department to create and
20 administer a statewide network of substitute decision
21 makers who provide substitute decision-making services
22 if other substitute decision makers are not available
23 to provide the services.
24 2. The director shall appoint an administrator of
25 the state office who shall serve as the state
26 substitute decision maker. The state substitute
27 decision maker shall be qualified for the position by
28 training and expertise in substitute decision-making
29 law. The state substitute decision maker shall also
30 have knowledge of social services available to meet
31 the needs of persons adjudicated incompetent or in
32 need of substitute decision making.
33 3. The state office shall do all of the following:
34 a. Select persons through a request for proposals

35 process to establish local offices of substitute
36 decision maker in each of the planning and service
37 areas. Local offices shall be established statewide
38 on or before July 1, 2015.
39 b. Monitor and terminate contracts with local
40 offices based on criteria established by rule of the
41 department.
42 c. Retain oversight responsibilities for all local
43 substitute decision makers.
44 d. Act as substitute decision maker if a local
45 office is not available to so act.
46 e. Work with the department of human services, the
47 Iowa department of public health, the governor's
48 developmental disabilities council, and other agencies
49 to establish a referral system for the provision of
50 substitute decision-making services.

Page 13

1 f. Develop and maintain a current listing of
2 public and private services and programs available to
3 assist wards, principals, clients, personal
4 representatives, and their families and establish and
5 maintain relationships with public and private
6 entities to assure the availability of effective
7 substitute decision-making services for wards,
8 principals, clients, and estates.
9 g. Provide information and referrals to the public
10 regarding substitute decision-making services.
11 h. Provide personal representatives for estates
12 where a person is not available for that purpose.
13 i. Maintain statistical data on the local offices
14 including various methods of funding, the types of
15 services provided, and the demographics of the wards,
16 principals, clients, and decedents and report to the
17 general assembly on or before November 1, annually,
18 regarding the local offices and recommend any
19 appropriate legislative action.
20 j. Develop, in cooperation with the judicial
21 council as established in section 602.1202, a
22 substitute decision-maker education and training
23 program. The program may be offered to both public
24 and private substitute decision makers. The state
25 office shall establish a curriculum committee, which
26 includes but is not limited to probate judges, to
27 develop the education and training program.
28 4. The state office may do any of the following:
29 a. Accept and receive gifts, grants, or donations
30 from any public or private entity in support of the
31 state office.
32 b. Accept the services of individual volunteers
33 and volunteer organizations.

34 c. Employ staff necessary to administer the state
35 office and enter into contracts as necessary.
36 5. The department shall provide administrative
37 support to the state office.
38 6. The department shall adopt rules in accordance
39 with chapter 17A necessary to create and administer
40 the state and local offices, relating to but not
41 limited to all of the following:
42 a. An application and intake process and standards
43 for receipt of substitute decision-making services
44 from the state or a local office.
45 b. A process for the removal or termination of the
46 state or a local substitute decision maker.
47 c. An ideal range of staff-to-client ratios for
48 the state and local substitute decision makers.
49 d. Minimum training and experience requirements
50 for professional staff and volunteers.

Page 14

1 e. A fee schedule. The department may establish
2 by rule a schedule of reasonable fees for the costs of
3 substitute decision-making services provided under
4 this chapter. The fee schedule established may be
5 based upon the ability of the ward, principal, client,
6 or estate to pay for the services but shall not exceed
7 the actual cost of providing the services. The state
8 office or a local office may waive collection of a fee
9 upon a finding that collection is not economically
10 feasible. The rules may provide that the state office
11 or a local office may investigate the financial status
12 of a ward, principal, or client who, or an estate that
13 requests substitute decision-making services or for
14 whom or which the state or a local substitute decision
15 maker has been appointed for the purpose of
16 determining the fee to be charged by requiring the
17 ward, principal, client, or estate to provide any
18 written authorizations necessary to provide access to
19 records of public or private sources, otherwise
20 confidential, needed to evaluate the individual's or
21 estate's financial eligibility. The rules may also
22 provide that the state or a local substitute decision
23 maker may, upon request and without payment of fees
24 otherwise required by law, obtain information
25 necessary to evaluate the individual's or estate's
26 financial eligibility from any office of the state or
27 of a political subdivision or agency of the state that
28 possesses public records. In estate proceedings, the
29 state or local decision maker shall be compensated
30 pursuant to chapter 633, division III, part 8.
31 f. Standards and performance measures for
32 evaluation of local offices.

33 g. Recordkeeping and accounting procedures to
34 ensure that the state office and local offices
35 maintain confidential, accurate, and up-to-date
36 financial, case, and statistical records. The rules
37 shall require each local office to file with the state
38 office, on an annual basis, an account of all public
39 and private funds received and a report regarding the
40 operations of the local office for the preceding
41 fiscal year.
42 h. Procedures for the sharing of records held by
43 the court or a state agency with the state office,
44 which are necessary to evaluate the state office or
45 local offices, to assess the need for additional
46 substitute decision makers, or to develop required
47 reports.
48 Sec. ___. NEW SECTION. 231E.5 LOCAL OFFICE OF
49 SUBSTITUTE DECISION MAKER.
50 1. The state substitute decision maker shall

Page 15

1 select persons to provide local substitute decision-
2 making services in each of the planning and service
3 areas, based upon a request for proposals process
4 developed by the department.
5 2. The local office shall comply with all
6 requirements established for the local office by the
7 department and shall do all of the following:
8 a. Maintain a staff of professionally qualified
9 individuals to carry out the substitute decision-
10 making functions.
11 b. Identify client needs and local resources to
12 provide necessary support services to recipients of
13 substitute decision-making services.
14 c. Collect program data as required by the state
15 office.
16 d. Meet standards established for the local
17 office.
18 e. Comply with minimum staffing requirements and
19 caseload restrictions.
20 f. Conduct background checks on employees and
21 volunteers.
22 g. With regard to a proposed ward, the local
23 office shall do all of the following:
24 (1) Determine the most appropriate form of
25 substitute decision making needed, if any, giving
26 preference to the least restrictive alternative.
27 (2) Determine whether the needs of the proposed
28 ward require the appointment of guardian or
29 conservator.
30 (3) Assess the financial resources of the proposed
31 ward based on the information supplied to the local

32 office at the time of the determination.
33 (4) Inquire and, if appropriate, search to
34 determine whether any other person may be willing and
35 able to serve as the proposed ward's guardian or
36 conservator.
37 (5) Determine the form of guardianship or
38 conservatorship to request of a court, if any, giving
39 preference to the least restrictive form.
40 (6) If determined necessary, file a petition for
41 the appointment of a guardian or conservator pursuant
42 to chapter 633.
43 h. With regard to an estate, the local office may
44 appoint a personal representative to file a petition
45 to open an estate who shall do all of the following:
46 (1) Retain legal counsel as described in section
47 231E.12 to be compensated from the proceeds of the
48 estate pursuant to chapter 633, division III, part 8.
49 (2) Liquidate all assets of the estate.
50 (3) Distribute the assets of the estate pursuant

Page 16

1 to chapter 633, division VII, parts 7 and 8, and other
2 applicable provisions of law.
3 3. A local office may do any of the following:
4 a. Contract for or arrange for provision of
5 services necessary to carry out the duties of a local
6 substitute decision maker.
7 b. Accept the services of volunteers or
8 consultants and reimburse them for necessary expenses.
9 c. Employ staff and delegate to members of the
10 staff the powers and duties of the local substitute
11 decision maker. However, the local office shall
12 retain responsibility for the proper performance of
13 the delegated powers and duties. All delegations
14 shall be to persons who meet the eligibility
15 requirements of the specific type of substitute
16 decision maker.
17 4. An individual acting as the state or a local
18 substitute decision maker shall comply with applicable
19 requirements for guardians, conservators, or personal
20 representatives pursuant to chapter 633, attorneys in
21 fact under a power of attorney pursuant to chapter 633
22 or a durable power of attorney for health care
23 pursuant to chapter 144B, or representative payees
24 pursuant to federal law and regulations.
25 5. Notwithstanding any provision to the contrary,
26 an individual acting as the state or a local
27 substitute decision maker shall not be subject to the
28 posting of a bond pursuant to chapter 633. An
29 individual acting as the state or a local substitute
30 decision maker shall complete at least eight hours of

31 training annually as certified by the department.
32 Sec. ___. NEW SECTION. 231E.6 COURT-INITIATED OR
33 PETITION-INITIATED APPOINTMENT OF STATE OR LOCAL
34 SUBSTITUTE DECISION MAKER — GUARDIANSHIP OR
35 CONSERVATORSHIP — DISCHARGE.
36 The court may appoint on its own motion or upon
37 petition of any person, the state office or local
38 office of substitute decision maker, to serve as
39 guardian or conservator for any proposed ward in cases
40 in which the court determines that the proceeding will
41 establish the least restrictive form of substitute
42 decision making suitable for the proposed ward and if
43 the proposed ward meets all of the following criteria:
44 1. Is a resident of the planning and service area
45 in which the local office is located from which
46 services would be provided or is a resident of the
47 state, if the state office would provide the services.
48 2. Is eighteen years of age or older.
49 3. Does not have suitable family or another
50 appropriate entity willing and able to serve as

Page 17

1 guardian or conservator.
2 4. Is incompetent.
3 5. Is an individual for whom guardianship or
4 conservatorship services are the least restrictive
5 means of meeting the individual's needs.
6 Sec. ___. NEW SECTION. 231E.7 SUBSTITUTE
7 DECISION MAKER-INITIATED APPOINTMENT.
8 The state office or local office may on its own
9 motion or at the request of the court intervene in a
10 guardianship or conservatorship proceeding if the
11 state office or local office or the court considers
12 the intervention to be justified because of any of the
13 following:
14 1. An appointed guardian or conservator is not
15 fulfilling prescribed duties or is subject to removal
16 under section 633.65.
17 2. A willing and qualified guardian or conservator
18 is not available.
19 3. The best interests of the ward require the
20 intervention.
21 Sec. ___. NEW SECTION. 231E.8 PROVISIONS
22 APPLICABLE TO ALL APPOINTMENTS AND DESIGNATIONS —
23 DISCHARGE.
24 1. The court shall only appoint or intervene on
25 its own motion or act upon the petition of any person
26 under section 231E.6 or 231E.7 if such appointment or
27 intervention would comply with staffing ratios
28 established by the department and if sufficient
29 resources are available to the state office or local

30 office. Notice of the proposed appointment shall be
31 provided to the state office or local office prior to
32 the granting of such appointment.
33 2. The state office or local office shall maintain
34 reasonable personal contact with each ward, principal,
35 or client for whom the state office or local office is
36 appointed or designated in order to monitor the
37 ward's, principal's, or client's care and progress.
38 For any estates in which the state office or local
39 office is involved, the state office or local office
40 shall move estate proceedings forward in a reasonable
41 and expeditious manner and shall monitor the progress
42 of any legal counsel retained on a regular basis.
43 3. Notwithstanding any provision of law to the
44 contrary, the state office or local office appointed
45 by the court or designated under a power of attorney
46 document may access all confidential records
47 concerning the ward or principal for whom the state
48 office or local office is appointed or designated,
49 including medical records and abuse reports.
50 4. In any proceeding in which the state or local

1 office is appointed or is acting as guardian or
2 conservator, the court shall waive court costs or
3 filing fees, if the state office or local office
4 certifies to the court that the state office or local
5 office has waived its fees in their entirety based
6 upon the ability of the ward to pay for the services
7 of the state office or local office. In any estate
8 proceeding, the court costs shall be paid in
9 accordance with chapter 633, division VII, part 7.
10 5. The state or a local substitute decision maker
11 shall be subject to discharge or removal, by the
12 court, on the grounds and in the manner in which other
13 guardians, conservators, or personal representatives
14 are discharged or removed pursuant to chapter 633.
15 Sec. ___. NEW SECTION. 231E.9 FEES —
16 APPROPRIATED.
17 Fees received by the state office and by local
18 offices for services provided as state or local
19 substitute decision maker shall be deposited in the
20 general fund of the state and the amounts received are
21 appropriated to the department for the purposes of
22 administering this chapter.
23 Sec. ___. NEW SECTION. 231E.10 CONFLICTS OF
24 INTEREST — LIMITATIONS.
25 Notwithstanding section 633.63 or any other
26 provision to the contrary, a local substitute decision
27 maker shall not provide direct services to or have an
28 actual or the appearance of any conflict of interest

29 relating to any individual for whom the local
30 substitute decision maker acts in a substitute
31 decision-making capacity unless such provision of
32 direct services or the appearance of a conflict of
33 interest is approved and monitored by the state office
34 in accordance with rules adopted by the department.
35 Sec. ___. NEW SECTION. 231E.11 DUTY OF ATTORNEY
36 GENERAL, COUNTY ATTORNEY, OR OTHER COUNSEL.
37 1. The attorney general shall advise the state
38 office on legal matters and represent the state office
39 in legal proceedings.
40 2. Upon the request of the attorney general, a
41 county attorney may represent the state office or a
42 local office in connection with the filing of a
43 petition for appointment as guardian or conservator
44 and with routine, subsequent appearances.
45 3. A local attorney experienced in probate matters
46 may represent the personal representative for all
47 routine matters associated with probating an estate.
48 Sec. ___. NEW SECTION. 231E.12 LIABILITY.
49 All employees and volunteers of the state office
50 and local offices operating under this chapter and

Page 19

1 other applicable chapters and pursuant to rules
2 adopted under this and other applicable chapters are
3 considered employees of the state and state volunteers
4 for the purposes of chapter 669 and shall be afforded
5 protection under section 669.21 or 669.24, as
6 applicable. This section does not relieve a guardian
7 or conservator from performing duties prescribed under
8 chapter 633.
9 Sec. ___. NEW SECTION. 231E.13 IMPLEMENTATION.
10 Implementation of this chapter is subject to
11 availability of funding as determined by the
12 department. The department shall notify the Code
13 editor upon implementation of this chapter."
14 54. Page 74, by inserting after line 34 the
15 following:
16 "Sec. ___. Section 232.107, Code 2005, is amended
17 by adding the following new unnumbered paragraph:
18 NEW UNNUMBERED PARAGRAPH. If a breastfeeding
19 infant is removed from the child's home in accordance
20 with an order entered under this division, unless the
21 court finds that substantial evidence exists to
22 believe that reasonable visitation or supervised
23 visitation would cause an imminent risk to the
24 infant's life or health, the order shall allow the
25 infant's mother reasonable visitation or supervised
26 visitation for purposes of breastfeeding the infant.
27 The department or other person with custody of the

infant shall make every reasonable effort to comply with the order."

55. By striking page 75, line 31, through page 76, line 2, and inserting the following:

"Sec. ___. Section 234.12A, subsection 1, Code 2005, is amended to read as follows:

1. The department of human services ~~may establish~~ shall maintain an electronic benefits transfer program utilizing electronic funds transfer systems. The program~~, if established,~~ shall at a minimum provide ~~for all of the following:~~

~~a. A~~ that a retailer shall not be required ~~to make cash disbursements or~~ to provide, purchase, or upgrade electronic funds transfer system equipment as a condition of participation in the program.

~~b. A retailer providing electronic funds transfer system equipment for transactions pursuant to the program shall be reimbursed seven cents for each approved transaction pursuant to the program utilizing the retailer's equipment.~~

~~c. A retailer that provides electronic funds transfer system equipment for transactions pursuant to the program and who makes cash disbursements pursuant~~

~~to the program utilizing the retailer's equipment shall be paid a fee of seven cents by the department for each cash disbursement transaction by the retailer.~~"

56. Page 76, by inserting before line 3 the following:

"Sec. ___. Section 235B.6, subsection 2, paragraph e, Code 2005, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (11) The state office or a local office of substitute decision maker as defined in section 231E.3, appointed by the court as a guardian or conservator of the adult named in a report as the victim of abuse or the person designated to be responsible for performing or obtaining protective services on behalf of a dependent adult pursuant to section 235B.18."

57. Page 86, by inserting after line 3 the following:

"Sec. ___. Section 633.63, subsection 3, Code 2005, is amended to read as follows:

3. A private nonprofit corporation organized under chapter 504, Code 1989, or current chapter 504 or 504A is qualified to act as a guardian, as defined in section 633.3, ~~subsection 20,~~ or a conservator, as defined in section 633.3, ~~subsection 7, where the~~

27 ~~assets subject to the conservatorship at the time when~~
28 ~~such corporation is appointed conservator are less~~
29 ~~than or equal to seventy five thousand dollars and~~ if
30 the corporation does not possess a proprietary or
31 legal interest in an organization which provides
32 direct services to the individual.
33 Sec. ___. Section 633.63, Code 2005, is amended by
34 adding the following new subsection:
35 NEW SUBSECTION. 4. The state or a local
36 substitute decision maker as defined in section 231E.3
37 is authorized to act in a fiduciary capacity in this
38 state in accordance with chapter 231E."

JACK HATCH
MAGGIE TINSMAN

S–3260

1 Amend House File 875, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 14, by inserting after line 1 the
4 following:
5 "Of the amount appropriated in this lettered
6 paragraph, $100,000 shall be allocated for the five
7 island lake in Palo Alto county."

STEWART E. IVERSON, JR.
MICHAEL E. GRONSTAL

S–3261

1 Amend House File 811, 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 FY 2005–2006 APPROPRIATIONS
7 JUSTICE SYSTEM
8 Section 1. DEPARTMENT OF JUSTICE.
9 1. There is appropriated from the general fund of
10 the state to the department of justice for the fiscal
11 year beginning July 1, 2005, and ending June 30, 2006,
12 the following amounts, or so much thereof as is
13 necessary, to be used for the purposes designated:
14 a. For the general office of attorney general for
15 salaries, support, maintenance, miscellaneous purposes
16 including the prosecuting attorneys training program,
17 victim assistance grants, office of drug control
18 policy (ODCP) prosecuting attorney program, legal
19 services for persons in poverty grants as provided in
20 section 13.34, odometer fraud enforcement, and for not
21 more than the following full-time equivalent

22 positions:
23 ..... $ 8,024,280
24 ..... FTEs 214.50
25 It is the intent of the general assembly that as a
26 condition of receiving the appropriation provided in
27 this lettered paragraph, the department of justice
28 shall maintain a record of the estimated time incurred
29 representing each agency or department.
30 b. For victim assistance grants:
31 ..... $ 305,000
32 The funds appropriated in this lettered paragraph
33 shall be used to provide grants to care providers
34 providing services to crime victims of domestic abuse
35 or to crime victims of rape and sexual assault.
36 c. For legal services for persons in poverty
37 grants as provided in section 13.34:
38 ..... $ 750,000
39 2. In addition to the funds appropriated in
40 subsection 1, there is appropriated from the general
41 fund of the state to the department of justice for the
42 fiscal year beginning July 1, 2005, and ending June
43 30, 2006, an amount not exceeding $200,000 to be used
44 for the enforcement of the Iowa competition law. The
45 funds appropriated in this subsection are contingent
46 upon receipt by the general fund of the state of an
47 amount at least equal to the expenditure amount from
48 either damages awarded to the state or a political
49 subdivision of the state by a civil judgment under
50 chapter 553, if the judgment authorizes the use of the

Page 2

1 award for enforcement purposes or costs or attorneys
2 fees awarded the state in state or federal antitrust
3 actions. However, if the amounts received as a result
4 of these judgments are in excess of $200,000, the
5 excess amounts shall not be appropriated to the
6 department of justice pursuant to this subsection.
7 The department of justice shall report the
8 department's actual costs and an estimate of the time
9 incurred enforcing the competition law, to the co-
10 chairpersons and ranking members of the joint
11 appropriations subcommittee on the justice system, and
12 to the legislative services agency by November 15,
13 2005.
14 3. In addition to the funds appropriated in
15 subsection 1, there is appropriated from the general
16 fund of the state to the department of justice for the
17 fiscal year beginning July 1, 2005, and ending June
18 30, 2006, an amount not exceeding $1,125,000 to be
19 used for public education relating to consumer fraud
20 and for enforcement of section 714.16, and an amount

21 not exceeding $75,000 for investigation, prosecution,
22 and consumer education relating to consumer and
23 criminal fraud against older Iowans. The funds
24 appropriated in this subsection are contingent upon
25 receipt by the general fund of the state of an amount
26 at least equal to the expenditure amount from damages
27 awarded to the state or a political subdivision of the
28 state by a civil consumer fraud judgment or
29 settlement, if the judgment or settlement authorizes
30 the use of the award for public education on consumer
31 fraud. However, if the funds received as a result of
32 these judgments and settlements are in excess of
33 $1,200,000, the excess funds shall not be appropriated
34 to the department of justice pursuant to this
35 subsection. The department of justice shall report to
36 the co-chairpersons and ranking members of the joint
37 appropriations subcommittee on the justice system, and
38 to the legislative services agency by November 15,
39 2005, the department's actual costs and an estimate of
40 the time incurred in providing education pursuant to
41 and enforcing this subsection.
42 4. The balance of the victim compensation fund
43 established in section 915.94 may be used to provide
44 salary and support of not more than 22 FTEs and to
45 provide maintenance for the victim compensation
46 functions of the department of justice.
47 5. a. The department of justice, in submitting
48 budget estimates for the fiscal year commencing July
49 1, 2006, pursuant to section 8.23, shall include a
50 report of funding from sources other than amounts

Page 3

1 appropriated directly from the general fund of the
2 state to the department of justice or to the office of
3 consumer advocate. These funding sources shall
4 include, but are not limited to, reimbursements from
5 other state agencies, commissions, boards, or similar
6 entities, and reimbursements from special funds or
7 internal accounts within the department of justice.
8 The department of justice shall report actual
9 reimbursements for the fiscal year commencing July 1,
10 2004, and actual and expected reimbursements for the
11 fiscal year commencing July 1, 2005.
12 b. The department of justice shall include the
13 report required under paragraph "a", as well as
14 information regarding any revisions occurring as a
15 result of reimbursements actually received or expected
16 at a later date, in a report to the co-chairpersons
17 and ranking members of the joint appropriations
18 subcommittee on the justice system and the legislative
19 services agency. The department of justice shall

20 submit the report on or before January 15, 2006.
21 6. In addition to the funds appropriated in
22 subsection 1, there is appropriated from the general
23 fund of the state to the department of justice for the
24 fiscal year beginning July 1, 2005, and ending June
25 30, 2006, an amount not exceeding $150,000 to be used
26 for legal services for persons in poverty grants as
27 provided in section 13.34, and an amount not exceeding
28 $95,000 for legal services related to the department
29 of elder affairs legal hotline. The funds
30 appropriated in this subsection are contingent upon
31 receipt by the general fund of the state of an amount
32 at least equal to the expenditure amount from costs or
33 attorney fees awarded the state in settlement of its
34 antitrust action against Microsoft brought under
35 chapter 553. However, if the amounts received as a
36 result of this settlement are in excess of $245,000,
37 the excess amounts shall not be appropriated to the
38 department of justice pursuant to this paragraph.
39 Sec. 2. DEPARTMENT OF JUSTICE — ENVIRONMENTAL
40 CRIMES INVESTIGATION AND PROSECUTION — FUNDING.
41 There is appropriated from the environmental crime
42 fund of the department of justice, consisting of
43 court-ordered fines and penalties awarded to the
44 department arising out of the prosecution of
45 environmental crimes, to the department of justice for
46 the fiscal year beginning July 1, 2005, and ending
47 June 30, 2006, an amount not exceeding $20,000 to be
48 used by the department, at the discretion of the
49 attorney general, for the investigation and
50 prosecution of environmental crimes, including the

Page 4

1 reimbursement of expenses incurred by county,
2 municipal, and other local governmental agencies
3 cooperating with the department in the investigation
4 and prosecution of environmental crimes.
5 The funds appropriated in this section are
6 contingent upon receipt by the environmental crime
7 fund of the department of justice of an amount at
8 least equal to the appropriations made in this section
9 and received from contributions, court-ordered
10 restitution as part of judgments in criminal cases,
11 and consent decrees entered into as part of civil or
12 regulatory enforcement actions. However, if the funds
13 received during the fiscal year are in excess of
14 $20,000, the excess funds shall be deposited in the
15 general fund of the state.
16 Notwithstanding section 8.33, moneys appropriated
17 in this section that remain unencumbered or
18 unobligated at the close of the fiscal year shall not

19 revert but shall remain available for expenditure for
20 the purpose designated until the close of the
21 succeeding fiscal year.
22 Sec. 3. OFFICE OF CONSUMER ADVOCATE. There is
23 appropriated from the general fund of the state to the
24 office of consumer advocate of the department of
25 justice for the fiscal year beginning July 1, 2005,
26 and ending June 30, 2006, the following amount, or so
27 much thereof as is necessary, to be used for the
28 purposes designated:
29 For salaries, support, maintenance, miscellaneous
30 purposes, and for not more than the following full-
31 time equivalent positions:
32 ..... $ 2,810,442
33 ..... FTEs 27.00
34 Sec. 4. DEPARTMENT OF CORRECTIONS — FACILITIES.
35 1. There is appropriated from the general fund of
36 the state to the department of corrections for the
37 fiscal year beginning July 1, 2005, and ending June
38 30, 2006, the following amounts, or so much thereof as
39 is necessary, to be used for the purposes designated:
40 For the operation of adult correctional
41 institutions, reimbursement of counties for certain
42 confinement costs, and federal prison reimbursement,
43 to be allocated as follows:
44 a. For the operation of the Fort Madison
45 correctional facility, including salaries, support,
46 maintenance, and miscellaneous purposes:
47 ..... $ 38,923,261
48 b. For the operation of the Anamosa correctional
49 facility, including salaries, support, maintenance,
50 and miscellaneous purposes:

Page 5

1 ..... $ 27,257,452
2 Moneys are provided within this appropriation for
3 one full-time substance abuse counselor for the Luster
4 Heights facility, for the purpose of certification of
5 a substance abuse program at that facility.
6 c. For the operation of the Oakdale correctional
7 facility, including salaries, support, maintenance,
8 and miscellaneous purposes:
9 ..... $ 25,730,278
10 d. For the operation of the Newton correctional
11 facility, including salaries, support, maintenance,
12 and miscellaneous purposes:
13 ..... $ 25,073,632
14 e. For the operation of the Mt. Pleasant
15 correctional facility, including salaries, support,
16 maintenance, and miscellaneous purposes:
17 ..... $ 23,753,340

18 f. For the operation of the Rockwell City
19 correctional facility, including salaries, support,
20 maintenance, and miscellaneous purposes:
21 ..... $ 8,096,378
22 g. For the operation of the Clarinda correctional
23 facility, including salaries, support, maintenance,
24 and miscellaneous purposes:
25 ..... $ 22,904,497
26 Moneys received by the department of corrections as
27 reimbursement for services provided to the Clarinda
28 youth corporation are appropriated to the department
29 and shall be used for the purpose of operating the
30 Clarinda correctional facility.
31 h. For the operation of the Mitchellville
32 correctional facility, including salaries, support,
33 maintenance, and miscellaneous purposes:
34 ..... $ 14,002,603
35 i. For the operation of the Fort Dodge
36 correctional facility, including salaries, support,
37 maintenance, and miscellaneous purposes:
38 ..... $ 26,315,943
39 j. For reimbursement of counties for temporary
40 confinement of work release and parole violators, as
41 provided in sections 901.7, 904.908, and 906.17 and
42 for offenders confined pursuant to section 904.513:
43 ..... $ 674,954
44 k. For federal prison reimbursement,
45 reimbursements for out-of-state placements, and
46 miscellaneous contracts:
47 ..... $ 241,293
48 2. The department of corrections shall use funds
49 appropriated in subsection 1 to continue to contract
50 for the services of a Muslim imam.

Page 6

1 Sec. 5. DEPARTMENT OF CORRECTIONS —
2 ADMINISTRATION.
3 1. There is appropriated from the general fund of
4 the state to the department of corrections for the
5 fiscal year beginning July 1, 2005, and ending June
6 30, 2006, the following amounts, or so much thereof as
7 is necessary, to be used for the purposes designated:
8 a. For general administration, including salaries,
9 support, maintenance, employment of an education
10 director to administer a centralized education program
11 for the correctional system, and miscellaneous
12 purposes:
13 ..... $ 2,829,708
14 (1) It is the intent of the general assembly that
15 as a condition of receiving the appropriation provided
16 in this lettered paragraph, the department of

17 corrections shall not, except as otherwise provided in
18 subparagraph (3), enter into a new contract, unless
19 the contract is a renewal of an existing contract, for
20 the expenditure of moneys in excess of $100,000 during
21 the fiscal year beginning July 1, 2005, for the
22 privatization of services performed by the department
23 using state employees as of July 1, 2005, or for the
24 privatization of new services by the department,
25 without prior consultation with any applicable state
26 employee organization affected by the proposed new
27 contract and prior notification of the co-
28 chairpersons and ranking members of the joint
29 appropriations subcommittee on the justice system.
30 (2) It is the intent of the general assembly that
31 each lease negotiated by the department of corrections
32 with a private corporation for the purpose of
33 providing private industry employment of inmates in a
34 correctional institution shall prohibit the private
35 corporation from utilizing inmate labor for partisan
36 political purposes for any person seeking election to
37 public office in this state and that a violation of
38 this requirement shall result in a termination of the
39 lease agreement.
40 (3) It is the intent of the general assembly that
41 as a condition of receiving the appropriation provided
42 in this lettered paragraph, the department of
43 corrections shall not enter into a lease or
44 contractual agreement pursuant to section 904.809 with
45 a private corporation for the use of building space
46 for the purpose of providing inmate employment without
47 providing that the terms of the lease or contract
48 establish safeguards to restrict, to the greatest
49 extent feasible, access by inmates working for the
50 private corporation to personal identifying

Page 7

1 information of citizens.
2 b. For educational programs for inmates at state
3 penal institutions:
4 ..... $ 1,008,358
5 It is the intent of the general assembly that
6 moneys appropriated in this lettered paragraph shall
7 be used solely for the purpose indicated and that the
8 moneys shall not be transferred for any other purpose.
9 In addition, it is the intent of the general assembly
10 that the department shall consult with the community
11 colleges in the areas in which the institutions are
12 located to utilize moneys appropriated in this
13 lettered paragraph to fund the high school completion,
14 high school equivalency diploma, adult literacy, and
15 adult basic education programs in a manner so as to

16 maintain these programs at the institutions.
17 To maximize the funding for educational programs,
18 the department shall establish guidelines and
19 procedures to prioritize the availability of
20 educational and vocational training for inmates based
21 upon the goal of facilitating an inmate's successful
22 release from the correctional institution.
23 The director of the department of corrections may
24 transfer moneys from Iowa prison industries for use in
25 educational programs for inmates.
26 Notwithstanding section 8.33, moneys appropriated
27 in this lettered paragraph that remain unobligated or
28 unexpended at the close of the fiscal year shall not
29 revert but shall remain available for expenditure only
30 for the purpose designated in this lettered paragraph
31 until the close of the succeeding fiscal year.
32 c. For the development of the Iowa corrections
33 offender network (ICON) data system:
34 ..... $ 427,700
35 2. It is the intent of the general assembly that
36 the department of corrections shall continue to
37 operate the correctional farms under the control of
38 the department at the same or greater level of
39 participation and involvement as existed as of January
40 1, 2005, shall not enter into any rental agreement or
41 contract concerning any farmland under the control of
42 the department that is not subject to a rental
43 agreement or contract as of January 1, 2005, without
44 prior legislative approval, and shall further attempt
45 to provide job opportunities at the farms for inmates.
46 The department shall attempt to provide job
47 opportunities at the farms for inmates by encouraging
48 labor-intensive farming or gardening where
49 appropriate, using inmates to grow produce and meat
50 for institutional consumption, researching the

Page 8

1 possibility of instituting food canning and cook-and-
2 chill operations, and exploring opportunities for
3 organic farming and gardening, livestock ventures,
4 horticulture, and specialized crops.
5 3. The department shall work to increase produce
6 gardening by inmates under the control of the
7 correctional institutions, and, if appropriate, may
8 use the central distribution network at the Woodward
9 state resource center. The department shall file a
10 report with the co-chairpersons and ranking members of
11 the joint appropriations subcommittee on the justice
12 system by December 1, 2005, regarding the feasibility
13 of expanding the number of acres devoted to organic
14 gardening and to the growing of organic produce for

15 sale.
16 4. The department of corrections shall submit a
17 report to the general assembly by January 1, 2006,
18 concerning moneys recouped from inmate earnings for
19 the reimbursement of operational expenses of the
20 applicable facility during the fiscal year beginning
21 July 1, 2004, for each correctional institution and
22 judicial district department of correctional services.
23 In addition, each correctional institution and
24 judicial district department of correctional services
25 shall continue to submit a report to the legislative
26 services agency on a monthly basis concerning moneys
27 recouped from inmate earnings pursuant to sections
28 904.702, 904.809, and 905.14.
29 5. It is the intent of the general assembly that
30 as a condition of receiving the appropriation provided
31 in this lettered paragraph, the department shall not
32 enter into any agreement with a private sector
33 nongovernmental entity for the purpose of housing
34 inmates committed to the custody of the director of
35 the department, without express authorization of the
36 general assembly to do so.
37 Sec. 6. JUDICIAL DISTRICT DEPARTMENTS OF
38 CORRECTIONAL SERVICES.
39 1. There is appropriated from the general fund of
40 the state to the department of corrections for the
41 fiscal year beginning July 1, 2005, and ending June
42 30, 2006, the following amounts, or so much thereof as
43 is necessary, to be allocated as follows:
44 a. For the first judicial district department of
45 correctional services, including the treatment and
46 supervision of probation and parole violators who have
47 been released from the department of corrections
48 violator program, the following amount, or so much
49 thereof as is necessary:
50 ..... $ 10,718,695

Page 9

1 b. For the second judicial district department of
2 correctional services, including the treatment and
3 supervision of probation and parole violators who have
4 been released from the department of corrections
5 violator program, the following amount, or so much
6 thereof as is necessary:
7 ..... $ 8,308,209
8 c. For the third judicial district department of
9 correctional services, including the treatment and
10 supervision of probation and parole violators who have
11 been released from the department of corrections
12 violator program, the following amount, or so much
13 thereof as is necessary:

14 ..... $ 4,983,792
15 d. For the fourth judicial district department of
16 correctional services, including the treatment and
17 supervision of probation and parole violators who have
18 been released from the department of corrections
19 violator program, the following amount, or so much
20 thereof as is necessary:
21 ..... $ 4,443,392
22 e. For the fifth judicial district department of
23 correctional services, including the treatment and
24 supervision of probation and parole violators who have
25 been released from the department of corrections
26 violator program, the following amount, or so much
27 thereof as is necessary:
28 ..... $ 14,678,288
29 f. For the sixth judicial district department of
30 correctional services, including the treatment and
31 supervision of probation and parole violators who have
32 been released from the department of corrections
33 violator program, the following amount, or so much
34 thereof as is necessary:
35 ..... $ 10,598,160
36 g. For the seventh judicial district department of
37 correctional services, including the treatment and
38 supervision of probation and parole violators who have
39 been released from the department of corrections
40 violator program, the following amount, or so much
41 thereof as is necessary:
42 ..... $ 6,010,963
43 h. For the eighth judicial district department of
44 correctional services, including the treatment and
45 supervision of probation and parole violators who have
46 been released from the department of corrections
47 violator program, the following amount, or so much
48 thereof as is necessary:
49 ..... $ 6,164,249
50 As a condition of the funds appropriated in this

Page 10

1 paragraph, the eighth judicial district department of
2 correctional services shall establish a drug court
3 that uses the community-panel model.
4 2. Each judicial district department of
5 correctional services, within the funding available,
6 shall continue programs and plans established within
7 that district to provide for intensive supervision,
8 sex offender treatment, diversion of low-risk
9 offenders to the least restrictive sanction available,
10 job development, and expanded use of intermediate
11 criminal sanctions.
12 3. Each judicial district department of

13 correctional services shall provide alternatives to
14 prison consistent with chapter 901B. The alternatives
15 to prison shall ensure public safety while providing
16 maximum rehabilitation to the offender. A judicial
17 district department may also establish a day program.
18 4. The governor's office of drug control policy
19 shall consider federal grants made to the department
20 of corrections for the benefit of each of the eight
21 judicial district departments of correctional services
22 as local government grants, as defined pursuant to
23 federal regulations.
24 5. The department of corrections shall continue to
25 contract with a judicial district department of
26 correctional services to provide for the rental of
27 electronic monitoring equipment which shall be
28 available statewide.
29 Sec. 7. INTENT — REPORTS.
30 1. The department of corrections shall submit a
31 report on inmate labor to the general assembly, to the
32 co-chairpersons and the ranking members of the joint
33 appropriations subcommittee on the justice system, and
34 to the legislative services agency by January 15,
35 2006. The report shall specifically address the
36 progress the department has made in implementing the
37 requirements of section 904.701, inmate labor on
38 capital improvement projects, community work crews,
39 inmate produce gardening, and private-sector
40 employment.
41 2. The department in cooperation with townships,
42 the Iowa cemetery associations, and other nonprofit or
43 governmental entities may use inmate labor to restore
44 or preserve rural cemeteries and historical landmarks.
45 The department in cooperation with the counties may
46 also use inmate labor to clean up roads, major water
47 sources, and other water sources around the state.
48 3. Each month the department shall provide a
49 status report regarding private-sector employment to
50 the legislative services agency beginning on July 1,

Page 11

1 2005. The report shall include the number of
2 offenders employed in the private sector, the combined
3 number of hours worked by the offenders, and the total
4 amount of allowances, and the distribution of
5 allowances pursuant to section 904.702, including any
6 moneys deposited in the general fund of the state.
7 Sec. 8. ELECTRONIC MONITORING REPORT. The
8 department of corrections shall submit a report on
9 electronic monitoring to the general assembly, to the
10 co-chairpersons and the ranking members of the joint
11 appropriations subcommittee on the justice system, and

12 to the legislative services agency by January 15,
13 2006. The report shall specifically address the
14 number of persons being electronically monitored and
15 break down the number of persons being electronically
16 monitored by offense committed. The report shall also
17 include a comparison of any data from the prior fiscal
18 year with the current year.
19 Sec. 9. STATE AGENCY PURCHASES FROM PRISON
20 INDUSTRIES.
21 1. As used in this section, unless the context
22 otherwise requires, "state agency" means the
23 government of the state of Iowa, including but not
24 limited to all executive branch departments, agencies,
25 boards, bureaus, and commissions, the judicial branch,
26 the general assembly and all legislative agencies,
27 institutions within the purview of the state board of
28 regents, and any corporation whose primary function is
29 to act as an instrumentality of the state.
30 2. State agencies are hereby encouraged to
31 purchase products from Iowa state industries, as
32 defined in section 904.802, when purchases are
33 required and the products are available from Iowa
34 state industries. State agencies shall obtain bids
35 from Iowa state industries for purchases of office
36 furniture exceeding $5,000 or in accordance with
37 applicable administrative rules related to purchases
38 for the agency.
39 Sec. 10. STATE PUBLIC DEFENDER. There is
40 appropriated from the general fund of the state to the
41 office of the state public defender of the department
42 of inspections and appeals for the fiscal year
43 beginning July 1, 2005, and ending June 30, 2006, the
44 following amounts, or so much thereof as is necessary,
45 to be allocated as follows for the purposes
46 designated:
47 1. For salaries, support, maintenance, and
48 miscellaneous purposes, and for not more than the
49 following full-time equivalent positions:
50 ..... $ 18,444,964

Page 12

1 ..... FTEs 202.00
2 2. For the fees of court-appointed attorneys for
3 indigent adults and juveniles, in accordance with
4 section 232.141 and chapter 815:
5 ..... $ 21,163,082
6 Sec. 11. IOWA LAW ENFORCEMENT ACADEMY.
7 1. There is appropriated from the general fund of
8 the state to the Iowa law enforcement academy for the
9 fiscal year beginning July 1, 2005, and ending June
10 30, 2006, the following amount, or so much thereof as

11 is necessary, to be used for the purposes designated:
12 For salaries, support, maintenance, miscellaneous
13 purposes, including jailer training and technical
14 assistance, and for not more than the following full-
15 time equivalent positions:
16 ..... $ 1,075,138
17 ..... FTEs 30.05
18 It is the intent of the general assembly that the
19 Iowa law enforcement academy may provide training of
20 state and local law enforcement personnel concerning
21 the recognition of and response to persons with
22 Alzheimer's disease.
23 The Iowa law enforcement academy may temporarily
24 exceed and draw more than the amount appropriated and
25 incur a negative cash balance as long as there are
26 receivables equal to or greater than the negative
27 balance and the amount appropriated in this subsection
28 is not exceeded at the close of the fiscal year.
29 2. The Iowa law enforcement academy may select at
30 least five automobiles of the department of public
31 safety, division of the Iowa state patrol, prior to
32 turning over the automobiles to the department of
33 administrative services to be disposed of by public
34 auction and the Iowa law enforcement academy may
35 exchange any automobile owned by the academy for each
36 automobile selected if the selected automobile is used
37 in training law enforcement officers at the academy.
38 However, any automobile exchanged by the academy shall
39 be substituted for the selected vehicle of the
40 department of public safety and sold by public auction
41 with the receipts being deposited in the depreciation
42 fund to the credit of the department of public safety,
43 division of the Iowa state patrol.
44 Sec. 12. BOARD OF PAROLE. There is appropriated
45 from the general fund of the state to the board of
46 parole for the fiscal year beginning July 1, 2005, and
47 ending June 30, 2006, the following amount, or so much
48 thereof as is necessary, to be used for the purposes
49 designated:
50 For salaries, support, maintenance, miscellaneous

Page 13

1 purposes, and for not more than the following full-
2 time equivalent positions:
3 ..... $ 1,121,044
4 ..... FTEs 17.50
5 Sec. 13. DEPARTMENT OF PUBLIC DEFENSE. There is
6 appropriated from the general fund of the state to the
7 department of public defense for the fiscal year
8 beginning July 1, 2005, and ending June 30, 2006, the
9 following amounts, or so much thereof as is necessary,

to be used for the purposes designated:

1. MILITARY DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 5,130,040

..... FTEs 312.55

The military division may temporarily exceed and draw more than the amount appropriated and incur a negative cash balance as long as there are receivables of federal funds equal to or greater than the negative balance and the amount appropriated in this subsection is not exceeded at the close of the fiscal year.

2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 1,172,230

..... FTEs 24.75

Sec. 14. DEPARTMENT OF PUBLIC SAFETY. There is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 2005, and ending June 30, 2006, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the department's administrative functions, including the criminal justice information system, and for not more than the following full-time equivalent positions:

..... $ 3,370,033

..... FTEs 38.00

2. For the division of criminal investigation and bureau of identification, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of 17 percent of the salaries for which the funds are appropriated, to meet federal fund matching requirements, and for not more than the following full-time equivalent positions:

..... $ 15,682,052

..... FTEs 225.50

In addition to the funds appropriated in this subsection, there is appropriated from the general fund of the state to the department of public safety, division of criminal investigation and bureau of identification for the fiscal year beginning July 1, 2005, and ending June 30, 2006, an amount not exceeding $304,206 to be used for the purchase of DNA

9 profiling equipment. The funds appropriated in this
10 paragraph are contingent upon receipt by the general
11 fund of the state of an amount at least equal to the
12 expenditure amount from costs or attorney fees awarded
13 the state in settlement of its antitrust action
14 against Microsoft brought under chapter 553. However,
15 if the amounts received as a result of this settlement
16 are in excess of $304,206, the excess amounts shall
17 not be appropriated to the department pursuant to this
18 paragraph.
19 3. For the criminalistics laboratory fund, if
20 created in section 602.8108:
21 ..... $ 342,000
22 In addition to the funds appropriated in this
23 subsection, there is appropriated from the general
24 fund of the state to the department of public safety
25 for the fiscal year beginning July 1, 2005, and ending
26 June 30, 2006, an amount not exceeding $390,000 to be
27 used for the purchase of crime laboratory equipment.
28 The funds appropriated in this paragraph are
29 contingent upon receipt by the general fund of the
30 state of an amount at least equal to the expenditure
31 amount from costs or attorney fees awarded the state
32 in settlement of its antitrust action against
33 Microsoft brought under chapter 553. However, if the
34 amounts received as a result of this settlement are in
35 excess of $390,000, the excess amounts shall not be
36 appropriated to the department pursuant to this
37 paragraph.
38 The department of public safety, with the approval
39 of the department of management, may employ no more
40 than two special agents and four gaming enforcement
41 officers for each additional riverboat regulated after
42 July 1, 2005, and one special agent for each racing
43 facility which becomes operational during the fiscal
44 year which begins July 1, 2005. One additional gaming
45 enforcement officer, up to a total of four per
46 riverboat, may be employed for each riverboat that has
47 extended operations to 24 hours and has not previously
48 operated with a 24-hour schedule. Positions
49 authorized in this paragraph are in addition to the
50 full-time equivalent positions otherwise authorized in

1 this subsection.
2 4. a. For the division of narcotics enforcement,
3 including the state's contribution to the peace
4 officers' retirement, accident, and disability system
5 provided in chapter 97A in the amount of 17 percent of
6 the salaries for which the funds are appropriated, to
7 meet federal fund matching requirements, and for not

more than the following full-time equivalent positions:

..... $ 4,701,141

..... FTEs 75.00

b. For the division of narcotics enforcement for undercover purchases:

..... $ 123,343

5. a. For the state fire marshal's office, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of 17 percent of the salaries for which the funds are appropriated, and for not more than the following full-time equivalent positions:

..... $ 2,181,998

..... FTEs 39.00

b. For the state fire marshal's office, for fire protection services as provided through the state fire service and emergency response council as created in the department, and for not more than the following full-time equivalent positions:

..... $ 638,021

..... FTEs 10.00

Of the amount appropriated in this paragraph, the state fire marshal shall allocate $200 for the mailing of a notice to all affected agencies or emergency services providers informing the agencies or providers about the requirement of an autopsy under section 144.56A.

6. For the division of the Iowa state patrol of the department of public safety, for salaries, support, maintenance, workers' compensation costs, and miscellaneous purposes, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of 17 percent of the salaries for which the funds are appropriated, and for not more than the following full-time equivalent positions:

..... $ 43,747,973

..... FTEs 531.00

In addition to the funds appropriated in this subsection, there is appropriated from the general fund of the state to the division of the Iowa state

patrol for the fiscal year beginning July 1, 2005, and ending June 30, 2006, an amount not exceeding $700,000 to be used for motor vehicle depreciation, and an amount not exceeding $75,000 for the purchase of weapons. The funds appropriated in this paragraph are contingent upon receipt by the general fund of the

7 state of an amount at least equal to the expenditure
8 amount from costs or attorney fees awarded the state
9 in settlement of its antitrust action against
10 Microsoft brought under chapter 553. However, if the
11 amounts received as a result of this settlement are in
12 excess of $775,000, the excess amounts shall not be
13 appropriated to the division of the Iowa state patrol
14 pursuant to this paragraph.
15 It is the intent of the general assembly that
16 members of the Iowa state patrol be assigned to patrol
17 the highways and roads in lieu of assignments for
18 inspecting school buses for the school districts.
19 7. For deposit in the public safety law
20 enforcement sick leave benefits fund established under
21 section 80.42, for all departmental employees eligible
22 to receive benefits for accrued sick leave under the
23 collective bargaining agreement:
24 ..... $ 316,179
25 An employee of the department of public safety who
26 retires after July 1, 2005, but prior to June 30,
27 2006, is eligible for payment of life or health
28 insurance premiums as provided for in the collective
29 bargaining agreement covering the public safety
30 bargaining unit at the time of retirement if that
31 employee previously served in a position which would
32 have been covered by the agreement. The employee
33 shall be given credit for the service in that prior
34 position as though it were covered by that agreement.
35 The provisions of this subsection shall not operate to
36 reduce any retirement benefits an employee may have
37 earned under other collective bargaining agreements or
38 retirement programs.
39 8. For costs associated with the training and
40 equipment needs of volunteer fire fighters and for not
41 more than the following full-time equivalent position:
42 ..... $ 699,587
43 ..... FTEs 1.00
44 Notwithstanding section 8.33, moneys appropriated
45 in this subsection that remain unobligated or
46 unexpended at the close of the fiscal year shall not
47 revert but shall remain available for expenditure only
48 for the purpose designated in this subsection until
49 the close of the succeeding fiscal year.
50 Sec. 15. CIVIL RIGHTS COMMISSION. There is

Page 17

1 appropriated from the general fund of the state to the
2 Iowa state civil rights commission for the fiscal year
3 beginning July 1, 2005, and ending June 30, 2006, the
4 following amount, or so much thereof as is necessary,
5 to be used for the purposes designated:

6 For salaries, support, maintenance, miscellaneous
7 purposes, and for not more than the following full-
8 time equivalent positions:
9 ..... $ 1,000,788
10 ..... FTEs 27.50
11 The Iowa state civil rights commission may enter
12 into a contract with a nonprofit organization to
13 provide legal assistance to resolve civil rights
14 complaints.
15 Sec. 16. DIVISION OF CRIMINAL AND JUVENILE JUSTICE
16 PLANNING. In addition to any other funds appropriated
17 to the division of criminal and juvenile justice
18 planning of the department of human rights, there is
19 appropriated from the general fund of the state to the
20 division of criminal and juvenile justice planning for
21 the fiscal year beginning July 1, 2005, and ending
22 June 30, 2006, the following amount, or so much
23 thereof as is necessary, to be used for the purposes
24 designated:
25 For the establishment and administration of the sex
26 offender treatment and supervision task force:
27 ..... $ 75,000
28 Sec. 17. HOMELAND SECURITY AND EMERGENCY
29 MANAGEMENT DIVISION. There is appropriated from the
30 wireless E911 emergency communications fund to the
31 administrator of the homeland security and emergency
32 management division of the department of public
33 defense for the fiscal year beginning July 1, 2005,
34 and ending June 30, 2006, an amount not exceeding two
35 hundred thousand dollars to be used for
36 implementation, support, and maintenance of the
37 functions of the administrator and program manager
38 under chapter 34A and to employ the auditor of the
39 state to perform an annual audit of the wireless E911
40 emergency communications fund.
41 Sec. 18. IOWA LAW ENFORCEMENT ACADEMY — FEES.
42 Notwithstanding section 80B.11B, the Iowa law
43 enforcement academy may charge more than one-half the
44 cost of providing the basic training course if a
45 majority of the Iowa law enforcement academy council
46 authorizes charging more than one-half of the cost of
47 providing basic training. This section is repealed on
48 June 30, 2006.
49 Sec. 19. NEW SECTION. 144.56A PUBLIC SAFETY
50 OFFICER DEATH — REQUIRED NOTICE — AUTOPSY.

Page 18

1 A person who is authorized to pronounce individuals
2 dead is required to inform one of the persons
3 authorized to request an autopsy, as provided in
4 section 144.56, that an autopsy will be required if

the individual who died was a public safety officer who may have died in the line of duty and an eligible beneficiary of the deceased seeks to claim a federal public safety officer death benefit.

Sec. 20. Section 158.2, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 7. Offenders committed to the custody of the director of the department of corrections who cut the hair, or trim or shave the beard of any other offender within a correctional facility, without receiving direct compensation from the person receiving the service.

DIVISION II

SUPPLEMENTAL APPROPRIATIONS

DEPARTMENT OF CORRECTIONS — FACILITIES

Sec. 21. Section 804.21, subsection 1, Code 2005, as amended by 2005 Iowa Acts, Senate File 169, section 7, is amended to read as follows:

1. A person arrested in obedience to a warrant shall be taken without unnecessary delay before the nearest or most accessible magistrate. The officer shall at the same time deliver to the magistrate the warrant with the officer's return endorsed on it and subscribed by the officer with the officer's official title. However, this section, and sections 804.22 and 804.23, do not preclude the release of an arrested person within the period of time the person would otherwise remain incarcerated while waiting to be taken before a magistrate if the release is pursuant to pretrial release guidelines or a bond schedule promulgated by the judicial council, unless the person is charged with manufacture~~, delivery,~~ or possession with intent to ~~deliver, or distribution of~~ manufacture methamphetamine. If, however, a person is released pursuant to pretrial release guidelines, a magistrate must, within twenty-four hours of the release, or as soon as practicable on the next subsequent working day of the court, either approve in writing of the release, or disapprove of the release and issue a warrant for the person's arrest.

Sec. 22. Section 804.22, unnumbered paragraph 2, Code 2005, as amended by 2005 Iowa Acts, Senate File 169, section 8, is amended to read as follows:

This section and the rules of criminal procedure do not affect the provisions of chapter 805 authorizing the release of a person on citation or bail prior to

initial appearance, unless the person is charged with manufacture~~, delivery,~~ or possession with intent to ~~deliver, or distribution of~~ manufacture

methamphetamine. The initial appearance of a person so released shall be scheduled for a time not more than thirty days after the date of release.

Sec. 23. Section 811.2, subsection 1, unnumbered paragraph 2, Code 2005, as amended by 2005 Iowa Acts, Senate File 169, section 10, is amended to read as follows:

Any bailable defendant who is charged with unlawful possession, manufacture, delivery, or distribution of a controlled substance or other drug under chapter 124 and is ordered released shall be required, as a condition of that release, to submit to a substance abuse evaluation and follow any recommendations proposed in the evaluation for appropriate substance abuse treatment. However, if a bailable defendant is charged with manufacture, ~~delivery,~~ or possession with the intent to ~~deliver, or distribution of~~ manufacture methamphetamine, its salts, optical isomers, and salts of its optical isomers, the defendant shall, in addition to a substance abuse evaluation, remain under supervision and be required to undergo random drug tests as a condition of release.

Sec. 24. Section 811.2, subsection 3, Code 2005, as amended by 2005 Iowa Acts, Senate File 169, section 11, is amended to read as follows:

3. RELEASE AT INITIAL APPEARANCE. This chapter does not preclude the release of an arrested person as authorized by section 804.21, unless the arrested person is charged with manufacture~~, delivery,~~ or possession with the intent to ~~deliver, or distribution of~~ manufacture methamphetamine.

Sec. 25. 2004 Iowa Acts, chapter 1175, section 183, subsection 1, paragraph c, is amended to read as follows:

c. For the operation of the Oakdale correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... $ ~~23,536,936~~
23,636,936

Of the funds allocated in this paragraph "c", $100,000 is allocated for the costs of remodeling and construction to establish a specialized 24-bed mental health unit for offenders who are not ordered to inpatient mental health treatment. The unit shall operate as an adjunct to the licensed hospital program within the Oakdale correctional facility.

DEPARTMENT OF CORRECTIONS — ADMINISTRATION

Sec. 26. 2004 Iowa Acts, chapter 1175, section 184, subsection 1, paragraph a, unnumbered paragraph

1, is amended to read as follows:

For general administration, including salaries, support, maintenance, employment of an education director to administer a centralized education program for the correctional system, and miscellaneous purposes:

..... $ ~~2,784,393~~
3,198,809

JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL SERVICES

Sec. 27. 2004 Iowa Acts, chapter 1175, section 185, subsection 1, is amended to read as follows:

1. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2004, and ending June 30, 2005, the following amounts, or so much thereof as is necessary, to be allocated as follows:

a. For the first judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:

..... $ ~~10,090,207~~
10,142,332

b. For the second judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:

..... $ ~~7,755,402~~
7,803,027

c. For the third judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:

..... $ ~~4,631,423~~
4,668,548

d. For the fourth judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:

..... $ ~~4,248,965~~

Page 21

1 4,268,465
2 e. For the fifth judicial district department of
3 correctional services, including the treatment and
4 supervision of probation and parole violators who have
5 been released from the department of corrections
6 violator program, the following amount, or so much
7 thereof as is necessary:
8 ..... $ ~~12,982,837~~
9 13,105,462
10 f. For the sixth judicial district department of
11 correctional services, including the treatment and
12 supervision of probation and parole violators who have
13 been released from the department of corrections
14 violator program, the following amount, or so much
15 thereof as is necessary:
16 ..... $ ~~10,064,717~~
17 10,105,217
18 g. For the seventh judicial district department of
19 correctional services, including the treatment and
20 supervision of probation and parole violators who have
21 been released from the department of corrections
22 violator program, the following amount, or so much
23 thereof as is necessary:
24 ..... $ ~~5,677,314~~
25 5,700,939
26 h. For the eighth judicial district department of
27 correctional services, including the treatment and
28 supervision of probation and parole violators who have
29 been released from the department of corrections
30 violator program, the following amount, or so much
31 thereof as is necessary:
32 ..... $ ~~5,574,865~~
33 5,606,740
34 The appropriations made in this subsection include
35 additional funding for costs to address additional
36 methamphetamine drug offenders under supervision.
37 MILITARY DIVISION
38 Sec. 28. 2004 Iowa Acts, chapter 1175, section
39 191, subsection 1, unnumbered paragraph 1, is amended
40 to read as follows:
41 For salaries, support, maintenance, miscellaneous
42 purposes, and for not more than the following full-
43 time equivalent positions:
44 ..... $ ~~5,084,143~~
45 10,837,143
46 ..... FTEs 310.80
47 Of the amount appropriated in this section
48 $5,753,000 is allocated for repayment of grant funding
49 and accrued interest to the federal government.
50 Sec. 29. 2004 Iowa Acts, chapter 1175, section

Page 22

188, is amended to read as follows:

SEC. 188. STATE PUBLIC DEFENDER. There is appropriated from the general fund of the state to the office of the state public defender of the department of inspections and appeals for the fiscal year beginning July 1, 2004, and ending June 30, 2005, the following amounts, or so much thereof as is necessary, to be allocated as follows for the purposes designated:

1. For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ ~~16,663,446~~
18,247,561
..... FTEs 202.00

2. For the fees of court-appointed attorneys for indigent adults and juveniles, in accordance with section 232.141 and chapter 815:

..... $ ~~19,355,297~~
25,251,339

Sec. 30. 2004 Iowa Acts, chapter 1175, section 192, subsection 2, unnumbered paragraph 1, is amended to read as follows:

For the division of criminal investigation and bureau of identification, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of 17 percent of the salaries for which the funds are appropriated, to meet federal fund matching requirements, and for not more than the following full-time equivalent positions:

..... $ ~~14,058,510~~
14,208,510
..... FTEs 221.50

Sec. 31. 2004 Iowa Acts, chapter 1175, section 193, is amended to read as follows:

SEC. 193. CIVIL RIGHTS COMMISSION. There is appropriated from the general fund of the state to the Iowa state civil rights commission for the fiscal year beginning July 1, 2004, and ending June 30, 2005, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ ~~825,752~~
911,752
..... FTEs 28.00

The Iowa state civil rights commission may enter into a contract with a nonprofit organization to

Page 23

1 provide legal assistance to resolve civil rights
2 complaints.
3 Sec. 32. EFFECTIVE DATE. This division of this
4 Act, being deemed of immediate importance, takes
5 effect upon enactment."
6 2. Title page, line 2, by inserting after the
7 word "system" the following: ", revising pretrial
8 release requirements for certain criminal offenses,".

GENE FRAISE
LARRY McKIBBEN

S–3262

1 Amend the amendment, S–3259, to House File 825, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 3, by inserting after line 38, the
5 following:
6 "___. Page 15, by striking lines 18 through 21."

JACK HATCH

S–3263

1 Amend the amendment, S–3259, to House File 825, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 3, line 35, by striking the figure
5 "40,222,720" and inserting the following:
6 "40,556,413".
7 2. Page 3, line 38, by striking the figure
8 "507,250,212" and inserting the following:
9 "506,916,519".
10 3. By striking page 19, line 30, through page 20,
11 line 4.

JEFF ANGELO

S–3264

1 Amend House File 729, as amended, passed, and
2 reprinted by the House, as follows:
3 1. By striking page 1, line 14 through page 2,
4 line 2, and inserting the following:
5 "2. For purposes of this section, unless the
6 context otherwise requires:
7 a. "Applicable employee percentage" is as follows:
8 (1) Prior to July 1, 2006, three and seven-tenths
9 percent.

(2) Beginning on or after July 1, 2006, but before July 1, 2007, four and eight hundredths percent.
(3) Beginning on or after July 1, 2007, but before July 1, 2008, four and forty-six hundredths percent.
(4) Beginning on or after July 1, 2008, but before July 1, 2009, four and eighty-four hundredths percent.
(5) Beginning on or after July 1, 2009, but before July 1, 2010, five and twenty-two hundredths percent.
(6) Beginning on or after July 1, 2010, but before July 1, 2011, five and six-tenths percent.
(7) Beginning on or after July 1, 2011, but before July 1, 2012, five and ninety-eight hundredths percent.
(8) Beginning on or after July 1, 2012, but before July 1, 2013, six and thirty-six hundredths percent.
(9) Beginning on or after July 1, 2013, but before July 1, 2014, six and seventy-five hundredths percent.
(10) Beginning on or after July 1, 2014, fifty percent of the total required percentage.
b. "Applicable employer percentage" is as follows:
(1) Prior to July 1, 2006, five and seventy-five hundredths percent.
(2) Beginning on or after July 1, 2006, but before July 1, 2007, six and twenty-five hundredths percent.
(3) Beginning on or after July 1, 2007, but before July 1, 2014, six and seventy-five hundredths percent.
(4) Beginning on or after July 1, 2014, fifty percent of the total required percentage.
c. "Total required percentage" for a fiscal year means the percentage rate equal to the applicable employee percentage and the applicable employer percentage for the prior fiscal year unless any of the following applies:
(1) If the system determines, based upon the most recent actuarial valuation of the retirement system, that the total required percentage for the prior fiscal year is insufficient to amortize the unfunded actuarial liability of the retirement system within thirty years, the total required percentage for the next fiscal year shall be the lesser, as determined by the system's actuary, of the percentage rate needed to

amortize the unfunded actuarial liability of the retirement system in thirty years or a percentage rate equal to one percentage point greater than the total required percentage for the prior fiscal year.
(2) If the system determines, based upon the most recent actuarial valuation of the retirement system, that the total required percentage for the prior fiscal year is sufficient to amortize the unfunded

actuarial liability of the retirement system within ten years or less, the total required percentage for the next fiscal year shall be the greater, as determined by the system, of the following:

(a) One percentage point less than the total required percentage for the prior fiscal year.

(b) The percentage rate equal to the normal cost rate as certified by the system's actuary plus that percentage necessary, but in no event less than seventy-five hundredths of one percent, to amortize any unfunded actuarial liability of the retirement system within twenty years.

3. For each fiscal year beginning on or after July 1, 2014, the applicable employee percentage and the applicable employer percentage for a particular fiscal year shall be determined by the system, by rule, following a determination by the system's actuary as to the total required percentage for that fiscal year based upon the most recent actuarial valuation of the retirement system by the system's actuary.

Sec. ___. Section 97B.49B, subsection 3, Code 2005, is amended to read as follows:

3. ~~ADDITIONAL~~ CONTRIBUTIONS.

a. Annually, the system shall actuarially determine the cost of the ~~additional~~ benefits provided for members covered under this section as a percentage of the covered wages of the employees covered by this section. ~~Sixty~~ Notwithstanding any provision of section 97B.11 to the contrary, sixty percent of the cost shall be paid by the employers of employees covered under this section and forty percent of the cost shall be paid by the employees. The employer and employee contributions required under this paragraph ~~are in addition to the~~ shall be treated as contributions paid under sections 97B.11 and 97B.11A.

b. (1) For the fiscal year commencing July 1, 1988, and each succeeding fiscal year, there is appropriated from the state fish and game protection fund to the system the amount necessary to pay the employer share of the cost of the ~~additional~~ benefits provided to employees covered under subsection 1, paragraph "e", subparagraph (1).

(2) Annually, during each fiscal year commencing with the fiscal year beginning July 1, 1988, each applicable city shall pay to the system the amount necessary to pay the employer share of the cost of the ~~additional~~ benefits provided to employees of that city covered under subsection 1, paragraph "e", subparagraphs (2) and (4).

8 (3) For the fiscal year commencing July 1, 1988,
9 and each succeeding fiscal year, the department of
10 corrections shall pay to the system from funds
11 appropriated to the Iowa department of corrections,
12 the amount necessary to pay the employer share of the
13 cost of the ~~additional~~ benefits provided to employees
14 covered under subsection 1, paragraph "e",
15 subparagraph (3).
16 (4) For the fiscal year commencing July 1, 1990,
17 and each succeeding fiscal year, the state department
18 of transportation shall pay to the system, from funds
19 appropriated to the state department of transportation
20 from the road use tax fund and the primary road fund,
21 the amount necessary to pay the employer share of the
22 cost of the ~~additional~~ benefits provided to employees
23 covered under subsection 1, paragraph "e",
24 subparagraph (5).
25 (5) For the fiscal year commencing July 1, 1992,
26 and each succeeding fiscal year, the department of
27 public safety shall pay to the system from funds
28 appropriated to the department of public safety, the
29 amount necessary to pay the employer share of the cost
30 of the ~~additional~~ benefits provided to a fire
31 prevention inspector peace officer pursuant to
32 subsection 1, paragraph "e", subparagraph (6).
33 (6) For the fiscal year commencing July 1, 1994,
34 and each succeeding fiscal year through the fiscal
35 year ending June 30, 1998, each judicial district
36 department of correctional services shall pay to the
37 system from funds appropriated to that judicial
38 district department of correctional services, the
39 amount necessary to pay the employer share of the cost
40 of the ~~additional~~ benefits provided to employees of a
41 judicial district department of correctional services
42 who are employed as a probation officer III or a
43 parole officer III.
44 (7) For the fiscal year commencing July 1, 2004,
45 and each succeeding fiscal year, there is appropriated
46 from the general fund of the state to the system, from
47 funds not otherwise appropriated, an amount necessary
48 to pay the employer share of the cost of the
49 ~~additional~~ benefits provided to airport fire fighters
50 under this section."

Page 4

1 2. By renumbering as necessary.

STEWART E. IVERSON, JR.

S–3265

Amend House File 882, as amended, passed, and reprinted by the House, as follows:

1. Page 18, by inserting after line 27 the following:

"Sec. ___. Section 147.105, subsection 8, paragraph a, subparagraph (2), as enacted by 2005 Iowa Acts, House File 418, section 1, is amended to read as follows:

(2) Cytopathology, meaning the examination of cells from fluids, aspirates, washings, brushings, or smears, ~~including~~ excluding the pap test examination, performed by a physician or under the supervision of a physician."

2. By renumbering as necessary.

STEVE WARNSTADT

S–3266

Amend House File 882, as amended, passed, and reprinted by the House, as follows:

1. Page 19, by inserting after line 12 the following:

"Sec. ___. Section 423.3, subsection 10, Code 2005, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. This exemption also applies to vehicles subject to registration that are transferred from an S corporation to another S corporation where both S corporations are engaged in the business of transportation or relocation of residential and commercial tangible personal property and the ownership of the S corporations engaged in the transfer of the vehicles subject to registration are identical."

2. Page 24, by inserting before line 1 the following:

"Sec. ___. REFUNDS. Refunds of taxes, interest, or penalties which arise from claims resulting from the amendment to section 423.3, subsection 10, in this division of this Act, for the transfer of vehicles subject to registration occurring between January 1, 2001, and the effective date of the section amending section 423.3, subsection 10, in this division of this Act, shall be limited to twenty-five thousand dollars in the aggregate and shall not be allowed unless refund claims are filed prior to October 1, 2005, notwithstanding any other provision of law. If the amount of claims totals more than twenty-five thousand dollars in the aggregate, the department of revenue

32 shall prorate the twenty-five thousand dollars among
33 all claimants in relation to the amounts of the
34 claimants' valid claims.
35 Sec. ___. RETROACTIVE APPLICABILITY. The section
36 of this division of this Act amending section 423.3,
37 subsection 10, being deemed of immediate importance,
38 takes effect upon enactment, and applies retroactively
39 to January 1, 2001."
40 3. Title page, line 1, by inserting after the
41 word "Act" the following: "relating to state finances
42 by providing for certain tax exemptions and".

DAVE MULDER

S–3267

1 Amend House File 868, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 18, by inserting after the figure
4 "1." the following: "a."
5 2. Page 1, by striking lines 22 through 24 and
6 inserting the following: "percent of the average
7 county wage.
8 b. For purposes of this section, unless the
9 context otherwise requires:
10 (1) "Average county wage" means the annualized,
11 average hourly wage based on wage information compiled
12 by the department of workforce development.
13 (2) "Benefits" means all of the following:
14 (a) Medical and dental insurance plans.
15 (b) Pension and profit sharing plans.
16 (c) Child care services.
17 (d) Life insurance coverage.
18 (e) Other benefits identified by rule of the
19 department of economic development."
20 3. Page 45, by striking lines 30 through 32 and
21 inserting the following:
22 "b. "Average county wage" means the annualized,
23 average hourly wage based on wage information compiled
24 by the department of workforce development.
25 c. "Benefits" means all of the following:
26 (1) Medical and dental insurance plans.
27 (2) Pension and profit sharing plans.
28 (3) Child care services.
29 (4) Life insurance coverage.
30 (5) Other benefits identified by rule of the
31 department."
32 4. Page 47, by striking lines 8 through 17.
33 5. By striking page 48, line 26, through page 53,
34 line 4, and inserting the following:
35 "Sec. ___. NEW SECTION. 15E.321 TARGETED
36 INDUSTRY TAX INCENTIVES.

37 1. To be eligible to receive tax incentives under
38 this section, a business must meet all of the
39 following criteria:
40 a. The business is within one of the cluster areas
41 of advanced manufacturing, information systems, and
42 life sciences.
43 b. The business has an annual payroll of between
44 two hundred thousand dollars and five million dollars.
45 c. The business pays an average wage, including
46 benefits, of at least one hundred thirty percent of
47 the average county wage. For purposes of this
48 section, "average county wage" and "benefits" mean the
49 same as defined in section 15.335A.
50 2. A business must apply to the department for tax

Page 2

1 incentives under this section.
2 3. An eligible business may claim a tax credit
3 equal to five percent of the payroll of the eligible
4 business. The tax credit shall be allowed against
5 taxes imposed under chapter 422, division II, III, or
6 V. If the business is a partnership, S corporation,
7 limited liability company, cooperative organized under
8 chapter 501 and filing as a partnership for federal
9 tax purposes, or estate or trust electing to have the
10 income taxed directly to the individual, an individual
11 may claim the tax credit allowed. The amount claimed
12 by the individual shall be based upon the pro rata
13 share of the individual's earnings of the partnership,
14 S corporation, limited liability company, cooperative
15 organized under chapter 501 and filing as a
16 partnership for federal tax purposes, or estate or
17 trust. Any tax credit in excess of the tax liability
18 for the tax year may be credited to the tax liability
19 for the following five years or until depleted,
20 whichever occurs first.
21 4. a. An eligible business may claim a tax credit
22 equal to thirty-three percent of research and
23 development costs, as defined by the department. The
24 tax credit shall be allowed against taxes imposed
25 under chapter 422, division II, III, or V. If the
26 business is a partnership, S corporation, limited
27 liability company, cooperative organized under chapter
28 501 and filing as a partnership for federal tax
29 purposes, or estate or trust electing to have the
30 income taxed directly to the individual, an individual
31 may claim the tax credit allowed. The amount claimed
32 by the individual shall be based upon the pro rata
33 share of the individual's earnings of the partnership,
34 S corporation, limited liability company, cooperative
35 organized under chapter 501 and filing as a

36 partnership for federal tax purposes, or estate or
37 trust. Any tax credit in excess of the tax liability
38 for the tax year may be credited to the tax liability
39 for the following five years or until depleted,
40 whichever occurs first.
41 b. Upon approval of eligibility by the department,
42 the department shall issue a tax credit certificate
43 for the amount of the tax credit approved by the
44 department. A tax credit certificate shall contain
45 the taxpayer's name, address, tax identification
46 number, the date of project completion, the amount of
47 the tax credit, and other information required by the
48 department of revenue. A tax credit under this
49 subsection may be transferred.
50 5. a. An eligible business shall be entitled to a

Page 3

1 refund of the sales and use taxes paid under chapter
2 423 for gas, electricity, water, or sewer utility
3 services, goods, wares, or merchandise, or on services
4 rendered, furnished, or performed to or for a
5 contractor or subcontractor and used in the
6 fulfillment of a written contract relating to the
7 construction or equipping of a facility of the
8 eligible business. Taxes attributable to intangible
9 property and furniture and furnishings shall not be
10 refunded.
11 b. To receive the refund a claim must be filed by
12 the eligible business with the department of revenue
13 as follows:
14 (1) The contractor or subcontractor shall state
15 under oath, on forms provided by the department, the
16 amount of the sales of goods, wares, or merchandise or
17 services rendered, furnished, or performed including
18 water, sewer, gas, and electric utility services for
19 use upon which sales or use tax has been paid prior to
20 the project completion, and shall file the forms with
21 the eligible business before final settlement is made.
22 (2) The eligible business shall, not more than one
23 year after project completion, make application to the
24 department for any refund of the amount of the sales
25 and use taxes paid pursuant to chapter 423 upon any
26 goods, wares, or merchandise, or services rendered,
27 furnished, or performed, including water, sewer, gas,
28 and electric utility services. The application shall
29 be made in the manner and upon forms to be provided by
30 the department, and the department shall audit the
31 claim and, if approved, issue a warrant to the
32 eligible business in the amount of the sales or use
33 tax which has been paid to the state of Iowa under a
34 contract. A claim filed by the eligible business in

35 accordance with this subsection shall not be denied by
36 reason of a limitation provision set forth in chapter
37 421 or 423.
38 (3) A contractor or subcontractor who willfully
39 makes a false report of tax paid under the provisions
40 of this subsection is guilty of a simple misdemeanor
41 and in addition is liable for the payment of the tax
42 and any applicable penalty and interest."
43 6. By striking page 53, line 28, through page 54,
44 line 2.
45 7. Page 54, by striking lines 24 through 31.
46 8. Page 55, by striking lines 8 through 14.
47 9. Title page, line 5, by inserting after the
48 word "provisions" the following: "and providing for
49 penalties".
50 10. By renumbering as necessary.

JACK HATCH

S–3268

1 Amend House File 816, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 15, by striking line 33, and inserting
4 the following:
5 "..... $ 40,000,000"

HERMAN C. QUIRMBACH
WILLIAM A. DOTZLER, JR.
ROBERT E. DVORSKY
JEFF DANIELSON
JACK HATCH
JOE BOLKCOM

S–3269

1 Amend House File 882, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 19, by inserting after line 12 the
4 following:
5 "Sec. ___. Section 422.12, subsection 1, paragraph
6 c, Code 2005, is amended to read as follows:
7 c. For each dependent, an additional ~~forty~~ eighty
8 dollars. As used in this section, the term
9 "dependent" has the same meaning as provided by the
10 Internal Revenue Code."
11 2. Page 24, by inserting after line 27 the
12 following:
13 "Sec. ___. RETROACTIVE AND APPLICABILITY DATE.
14 The section of this division of this Act amending

section 422.12, subsection 1, applies retroactively to January 1, 2005, for tax years beginning on or after that date."

DAVE MULDER

S–3270

Amend House File 882, as amended, passed, and reprinted by the House, as follows:

1. Page 18, by inserting after line 30 the following:

"Sec. ___. Section 257.17, Code 2005, is amended to read as follows:

257.17 AID REDUCTION FOR EARLY SCHOOL STARTS.

State aid payments made pursuant to section 257.16 for a fiscal year shall be reduced by one one-hundred-eightieth for each day of that fiscal year for which the school district begins school before the earliest starting date specified in section 279.10, subsection 1. ~~However, this section does not apply to a school district that has received approval from the director of the department of education under section 279.10, subsection 4, to commence classes for regularly established elementary and secondary schools in advance of the starting date established in section 279.10, subsection 1.~~

Sec. ___. Section 279.10, subsection 1, Code 2005, is amended to read as follows:

1. The school year shall begin on the first day of July and each regularly established elementary and secondary school shall begin no sooner than ~~a day during the calendar week in which the first day of September falls~~ August 22 but no later than the first Monday in December. ~~However, if the first day of September falls on a Sunday, school may begin on a day during the calendar week which immediately precedes the first day of September.~~ School shall continue for at least one hundred eighty days, except as provided in subsection 3, and may be maintained during the entire calendar year. However, if the board of directors of a district extends the school calendar because inclement weather caused the district to temporarily close school during the regular school calendar, the district may excuse a graduating senior who has met district or school requirements for graduation from attendance during the extended school calendar. A school corporation may begin employment of personnel for in-service training and development purposes before the date to begin elementary and secondary school."

2. Page 18, by inserting before line 31 the

45 following:
46 "Sec. ___. Section 279.10, subsection 4, Code
47 2005, is amended by striking the subsection."
48 3. By renumbering as necessary.

JOHN PUTNEY

S–3271

1 Amend House File 882, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 5, by inserting after line 11 the
4 following:
5 "Sec. ___. DEPARTMENT OF CULTURAL AFFAIRS —
6 NONPROFIT MUSIC ENTITIES. There is appropriated from
7 the general fund of the state to the department of
8 cultural affairs for the fiscal year beginning July 1,
9 2005, and ending June 30, 2006, fifty thousand dollars
10 for purposes of providing two twenty-five thousand
11 dollar grants to nonprofit music entities. A
12 recipient of a grant shall be a nonprofit entity that
13 is formed with members including local musicians,
14 music promoters, representatives of music venues and
15 businesses, community leaders, and live music
16 enthusiasts who discuss, assess, and expedite the
17 implementation of a unified music agenda for a local
18 community and aggressively advocates, sponsors, and
19 develops an independent, progressive live music
20 economy in a local community."
21 2. By renumbering as necessary.

MICHAEL E. GRONSTAL
JEFF LAMBERTI

S–3272

1 Amend House File 882, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 24, by inserting after line 29, the
4 following:
5 "Sec. ___. CRIMINAL CODE REVISIONS INTERIM STUDY
6 COMMITTEE. There is appropriated from the general
7 fund of the state to the legislative council for the
8 fiscal year beginning July 1, 2005, and ending June
9 30, 2006, the following amount, or so much thereof as
10 is necessary, to be used for the purpose designated:
11 For a criminal code revisions interim study
12 committee:
13 ..... $ 75,000
14 The funds appropriated in this section are
15 contingent upon receipt by the general fund of the
16 state of an amount not exceeding $75,000 from costs or

17 attorney fees awarded the state in settlement of its
18 antitrust action against Microsoft brought under
19 chapter 553. However, if the amounts received as a
20 result of this settlement are in excess of $75,000,
21 the excess amounts shall not be appropriated to the
22 legislative council pursuant to this section. If the
23 appropriation made in this section occurs, the amount
24 appropriated from the same source to the department of
25 public safety for the same fiscal year to be used for
26 vehicle depreciation, in accordance with 2005 Iowa
27 Acts, House File 811, is reduced by $75,000."
28 2. By renumbering as necessary.

DAVID MILLER

S–3273

1 Amend House File 868, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 18, by inserting after line 11 the
4 following:
5 "Historic preservation and cultural and
6 entertainment district tax credit certificates shall
7 not be issued during a fiscal year unless the required
8 amounts are transferred to the senior living trust
9 fund pursuant to section 8.55, subsection 2, paragraph
10 "c", as adjusted by section 8.57, subsection 2,
11 paragraph "d", at the conclusion of the prior fiscal
12 year."

PAUL McKINLEY
JERRY BEHN
DAVID MILLER

S–3274

1 Amend House File 882, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 48, by inserting after line 26 the
4 following:
5 "DIVISION ___
6 REAL ESTATE TRANSFER TAX RECEIPTS
7 Sec. ___. Section 428A.8, Code 2005, is amended to
8 read as follows:
9 428A.8 REMITTANCE TO STATE TREASURER — PORTION
10 RETAINED IN COUNTY.
11 1. On or before the tenth day of each month the
12 county recorder shall determine and pay to the
13 treasurer of state eighty-two and three-fourths
14 percent of the receipts from the real estate transfer
15 tax collected during the preceding month and the
16 treasurer of state shall deposit ~~ninety-five percent~~

17 ~~of the receipts in the general fund of the state~~ and
18 transfer ~~five percent of~~ the receipts ~~to the shelter~~
19 ~~assistance fund created in section 15.349~~ as provided
20 in subsection 2.
21 The county recorder shall deposit the remaining
22 seventeen and one-fourth percent of the receipts in
23 the county general fund.
24 Any tax or additional tax found to be due shall be
25 collected by the county recorder. If the county
26 recorder is unable to collect the tax, the director of
27 revenue shall collect the tax in the same manner as
28 taxes are collected in chapter 422, division III. If
29 collected by the director of revenue, the director
30 shall pay the county its proportionate share of the
31 tax. Section 422.25, subsections 1, 2, 3, and 4, and
32 sections 422.26, 422.28 through 422.30, and 422.73,
33 consistent with this chapter, apply with respect to
34 the collection of any tax or additional tax found to
35 be due, in the same manner and with the same effect as
36 if the deed, instrument, or writing were an income tax
37 return within the meaning of those statutes.
38 The county recorder shall keep records and make
39 reports with respect to the real estate transfer tax
40 as the director of revenue prescribes.
41 2. The treasurer of state shall deposit or
42 transfer the receipts paid the treasurer of state
43 pursuant to subsection 1 to either the general fund of
44 the state, the housing trust fund created in section
45 16.181, or the shelter assistance fund created in
46 section 15.349 as follows:
47 a. For the fiscal year beginning July 1, 2005,
48 ninety-five percent of the receipts shall be deposited
49 in the general fund and five percent of the receipts
50 shall be transferred to the shelter assistance fund.

Page 2

1 b. For the fiscal year beginning July 1, 2006,
2 ninety-five percent of the receipts, less one million
3 dollars which shall be transferred to the housing
4 trust fund, shall be deposited in the general fund and
5 five percent of the receipts shall be transferred to
6 the shelter assistance fund.
7 c. For the fiscal year beginning July 1, 2007,
8 ninety-five percent of the receipts, less two million
9 dollars which shall be transferred to the housing
10 trust fund, shall be deposited in the general fund and
11 five percent of the receipts shall be transferred to
12 the shelter assistance fund.
13 d. For the fiscal year beginning July 1, 2008,
14 seventy percent of the receipts shall be deposited in
15 the general fund, twenty-five percent of the receipts

shall be transferred to the housing trust fund, and five percent of the receipts shall be transferred to the shelter assistance fund.

e. For the fiscal year beginning July 1, 2009, sixty-five percent of the receipts shall be deposited in the general fund, thirty percent of the receipts shall be transferred to the housing trust fund, and five percent of the receipts shall be transferred to the shelter assistance fund.

f. For the fiscal year beginning July 1, 2010, sixty percent of the receipts shall be deposited in the general fund, thirty-five percent of the receipts shall be transferred to the housing trust fund, and five percent of the receipts shall be transferred to the shelter assistance fund.

g. For the fiscal year beginning July 1, 2011, fifty-five percent of the receipts shall be deposited in the general fund, forty percent of the receipts shall be transferred to the housing trust fund, and five percent of the receipts shall be transferred to the shelter assistance fund.

h. For the fiscal year beginning July 1, 2012, and each fiscal year thereafter, fifty percent of the receipts shall be deposited in the general fund, forty-five percent of the receipts shall be transferred to the housing trust fund, and five percent of the receipts shall be transferred to the shelter assistance fund."

2. By renumbering as necessary.

ROGER STEWART

S–3275

Amend House File 882, as amended, passed, and reprinted by the House, as follows:

1. Page 48, by inserting after line 26, the following:

"DIVISION ___

PUBLIC RETIREMENT SYSTEMS

Sec. ___. Section 97B.11, Code 2005, is amended to read as follows:

97B.11 CONTRIBUTIONS BY EMPLOYER AND EMPLOYEE.

1. Each employer shall deduct from the wages of each member of the retirement system a contribution in the amount of ~~three and seven-tenths percent~~ the applicable employee percentage of the covered wages paid by the employer, until the member's termination from employment. The contributions of the employer shall be in the amount of ~~five and seventy-five hundredths percent~~ the applicable employer percentage of the covered wages of the member.

2. For purposes of this section, unless the context otherwise requires:

a. "Applicable employee percentage" means the percentage rate equal to three and seven-tenths percent plus forty percent of the total additional percentage.

b. "Applicable employer percentage" means the percentage rate equal to five and seventy-five hundredths percent plus sixty percent of the total additional percentage.

c. "Total additional percentage" means as follows:

(1) For the fiscal period beginning July 1, 2006, through June 30, 2014, the total additional percentage for a fiscal year shall be the total additional percentage for the prior fiscal year plus, only if the total comparison percentage is greater than the total of the applicable employee percentage and the applicable employer percentage for the prior fiscal year, one-half percentage point.

(2) For each fiscal year beginning on or after July 1, 2014, the total additional percentage shall be the total additional percentage for the prior fiscal year.

d. "Total comparison percentage" means the percentage rate that the system determines, based upon the most recent actuarial valuation of the retirement system, would be sufficient to amortize the unfunded actuarial liability of the retirement system in ten years.

Sec. ___. Section 97B.49C, subsection 3, paragraph a, Code 2005, is amended to read as follows:

a. Annually, the system shall actuarially

Page 2

determine the cost of the benefits provided for members covered under this section as a percentage of the covered wages of the employees covered by this section. ~~Fifty~~ Notwithstanding any provision of section 97B.11 to the contrary, fifty percent of the cost shall be paid by the employers of employees covered under this section and fifty percent of the cost shall be paid by the employees. The employer and employee contributions required under this paragraph ~~are in lieu of the~~ shall be treated as contributions paid under sections 97B.11 and 97B.11A.

Sec. ___. Section 97B.50A, subsection 12, Code 2005, is amended to read as follows:

12. ~~ADDITIONAL~~ CONTRIBUTIONS. The expenses incurred in the administration of this section by the system shall be paid through ~~additional~~ contributions as determined pursuant to section 97B.49B, subsection

18 3, or section 97B.49C, subsection 3, as applicable.
19 Sec. ___. PUBLIC RETIREMENT SYSTEMS COMMITTEE —
20 PENSION FLEXIBILITY REVIEW — REPORT.
21 1. The public retirement systems committee
22 (committee) established by section 97D.4 shall conduct
23 a review of various options to provide persons covered
24 under the Iowa public employees' retirement system
25 (IPERS) additional flexibility in plan design with
26 features incorporating aspects of defined contribution
27 type vehicles. In conducting its review, the
28 committee shall consider previous studies and reports
29 on pension flexibility issues in Iowa and across the
30 country, and shall solicit input on pension
31 flexibility issues from IPERS staff, the IPERS
32 benefits advisory committee, and other interested
33 parties.
34 2. The committee's review of pension flexibility
35 issues shall consider, among other ideas, the
36 following:
37 a. Ways in which IPERS can assist employers in
38 expanding existing supplemental plans offered by
39 public employers.
40 b. Ways in which IPERS could offer its own defined
41 contribution type supplementary plan vehicle to
42 complement its core defined benefit plan.
43 c. Ways in which IPERS could provide a cost of
44 living or favorable experience dividend benefit to
45 members through either defined contribution or
46 alternative defined benefit type plans.
47 d. Various hybrid plan designs incorporating
48 features of both defined benefit and defined
49 contribution plan vehicles, including, but not limited
50 to, an integrated defined benefit and defined

Page 3

1 contribution plan, a floor-offset plan, or a pension
2 equity plan.
3 3. The committee shall submit a report to the
4 general assembly by January 1, 2006, which report
5 shall contain, in addition to any other findings and
6 recommendations concerning public retirement systems
7 in Iowa, its findings and recommendations concerning
8 its review of pension flexibility issues, including
9 any proposal or proposals regarding adding additional
10 flexibility in IPERS' plan design for the benefit of
11 IPERS covered employees and employers.
12 Sec. ___. Section 602.9104, Code 2005, is amended
13 to read as follows:
14 602.9104 DEDUCTIONS FROM JUDGES' SALARIES —
15 CONTRIBUTIONS BY STATE.
16 1. a. A judge to whom this article applies shall

be paid an amount equal to ~~ninety five percent of~~ the basic salary of the judge as set by the general assembly~~. An~~ reduced by an amount ~~equal to five percent of the basic salary of the judge as set by the general assembly is~~ designated as the judge's required contribution to the judicial retirement fund~~, and~~. The amount designated as the judge's required contribution shall be paid by the state in the manner provided in subsection 2.

b. The state shall contribute annually to the judicial retirement fund an amount equal to the state's required contribution for all judges covered under this article. The state's required contribution shall be appropriated directly to the judicial retirement fund by the general assembly.

2. The amount designated ~~in subsection 1~~ as the judge's required contribution to the judicial retirement fund shall be paid by the department of administrative services from the general fund of the state to the court administrator for deposit with the treasurer of state to the credit of the judicial retirement fund. Moneys in the fund are appropriated for the payment of annuities, refunds, and allowances provided by this article, except that the amount of the appropriations affecting payment of annuities, refunds, and allowances to judges of the municipal and superior court is limited to that part of the fund accumulated for their benefit as provided in this article. The corpus and income of the fund shall be used only for the exclusive benefit of the judges covered under this article, their survivors, or an alternate payee who is assigned benefits pursuant to a domestic relations order.

3. A judge covered under this article is deemed to

Page 4

consent to the reduction in basic salary as provided in subsection 1.

4. ~~a.~~ As used in this ~~subsection~~ section, unless the context otherwise requires:

~~(1)~~ a. "Actuarial valuation" means an actuarial valuation of the judicial retirement system or an annual actuarial update of an actuarial valuation, as required pursuant to section 602.9116.

~~(2)~~ b. "Fully funded status" means that the most recent actuarial valuation reflects that, using the projected unit credit method in accordance with generally recognized and accepted actuarial principles and practices set forth by the American academy of actuaries, the funded status of the system is at least ~~one hundred~~ ninety percent, based upon the benefits

provided for judges through the judicial retirement system as of July 1, 2005.

c. "Judge's required contribution" means an amount equal to the basic salary of the judge multiplied by the following applicable percentage:

(1) For the fiscal year beginning July 1, 2005, and for each subsequent fiscal year until the system attains fully funded status, six percent multiplied by a fraction equal to the actual percentage rate contributed by the state for that fiscal year divided by twenty-three and seven-tenths percent.

(2) Commencing with the first fiscal year in which the system attains fully funded status, and for each subsequent fiscal year, the percentage rate equal to fifty percent of the required contribution rate.

~~(3)~~ d. "Required contribution rate" means that percentage of the basic salary of all judges covered under this article which~~, in addition to the judge's contribution established in subsection 1,~~ the actuary of the system determines is necessary, using the projected unit credit method in accordance with generally recognized and accepted actuarial principles and practices set forth by the American academy of actuaries, to ~~maintain fully funded status~~ amortize the unfunded actuarial liability of the judicial retirement system within twenty years.

e. "State's required contribution" means an amount equal to the basic salary of all judges covered under this article multiplied by the following applicable percentage:

(1) For the fiscal year beginning July 1, 2005, and for each subsequent fiscal year until the system attains fully funded status, twenty-three and seven-tenths percent.

(2) Commencing with the first fiscal year in which

the system attains fully funded status, and for each subsequent fiscal year, the percentage rate equal to fifty percent of the required contribution rate.

~~b. Effective with the fiscal year commencing July 1, 1994, and for each subsequent fiscal year until the system attains fully funded status, based upon the benefits provided for judges through the judicial retirement system as of July 1, 2001, the state shall contribute annually to the judicial retirement fund an amount equal to at least twenty-three and seven-tenths percent of the basic salary of all judges covered under this article. Commencing with the first fiscal year in which the system attains fully funded status, based upon the benefits provided for judges~~

~~through the judicial retirement system as of July 1, 2001, and for each subsequent fiscal year, the state shall contribute to the judicial retirement fund the required contribution rate. The state's contribution shall be appropriated directly to the judicial retirement fund.~~

Sec. ___. Section 602.9106, Code 2005, is amended to read as follows:

602.9106 RETIREMENT.

Any person who shall have become separated from service as a judge of any of the courts included in this article and who has had an aggregate of at least ~~six~~ four years of service as a judge of one or more of such courts and shall have attained the age of sixty-five years or who has had ~~twenty-five~~ twenty years of consecutive service as a judge of one or more of said courts and shall have attained the age of fifty years, and who shall have otherwise qualified as provided in this article, shall be entitled to an annuity as hereinafter provided.

Sec. ___. Section 602.9107, subsection 1, paragraph a, Code 2005, is amended to read as follows:

a. The annual annuity of a judge under this system is an amount equal to three and one-fourth percent of the judge's average annual basic salary for the judge's highest three years as a judge of one or more of the courts included in this article, multiplied by the judge's years of service as a judge of one or more of the courts for which contributions were made to the system. However, an annual annuity shall not exceed an amount equal to a specified percentage of the highest basic annual salary which the judge is receiving or had received as of the time the judge became separated from service. Forfeitures shall not be used to increase the annuities a judge or survivor would otherwise receive under the system.

Page 6

Sec. ___. Section 602.9107, subsection 1, paragraph b, subparagraph (4), Code 2005, is amended to read as follows:

(4) For judges who retire and receive an annuity on or after July 1, 2001, but before July 1, 2005, the specified percentage shall be sixty percent.

Sec. ___. Section 602.9107, subsection 1, paragraph b, Code 2005, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (5) For judges who retire and receive an annuity on or after July 1, 2005, the specified percentage shall be sixty-five percent.

Sec. ___. Section 602.9107C, subsection 1, Code

2005, is amended to read as follows:

1. A judge under this system who has at least ~~six~~ four years of service as a judge of any of the courts included in this article and who was a member of the Iowa public employees' retirement system as provided in chapter 97B, but who was not retired under that system, upon submitting verification of membership and service in the Iowa public employees' retirement system to the court administrator, including proof that the judge has no further claim upon a retirement benefit from that public system, may make contributions as provided by this section to the system either for the entire period of service in the other public system, or for partial service in the other public system in increments of one or more calendar quarters, and receive credit for that service under the system.

Sec. ___. Section 602.9108, Code 2005, is amended to read as follows:

602.9108 INDIVIDUAL ACCOUNTS — REFUNDING.

The amount designated as the judge's contribution to the judicial retirement fund in section 602.9104, ~~subsection 1,~~ and all amounts paid into the fund by a judge shall be credited to the individual account of the judge. If a judge covered under this article becomes separated from service as a judge before the judge completes an aggregate of ~~six~~ four years of service as a judge of one or more of the courts, the total amount in the judge's individual account shall be returned to the judge or the judge's legal representatives within one year of the separation. If a judge, who is covered under this article and who has completed an aggregate of ~~six~~ four years or more of service as a judge of one or more of the courts, dies before retirement, without a survivor, the total amount in the judge's individual account shall be paid in one sum to the judge's legal representatives within

Page 7

one year of the judge's death. If an annuitant under this section dies without a survivor, and without having received in annuities an amount equal to the total amount in the judge's individual account at the time of separation from service, the amount remaining to the annuitant's credit shall be paid in one sum to the annuitant's legal representatives within one year of the annuitant's death.

Sec. ___. Section 602.9112, Code 2005, is amended to read as follows:

602.9112 VOLUNTARY RETIREMENT FOR DISABILITY.

Any judge of the supreme, district or municipal

13 court, including a district associate judge, or a
14 judge of the court of appeals, who shall have served
15 as a judge of one or more of such courts for a period
16 of ~~six~~ four years in the aggregate and who believes
17 the judge has become permanently incapacitated,
18 physically or mentally, to perform the duties of the
19 judge's office may personally or by the judge's next
20 friend or guardian file with the court administrator a
21 written application for retirement. The application
22 shall be filed in duplicate and accompanied by an
23 affidavit as to the duration and particulars of the
24 judge's service and the nature of the judge's
25 incapacity. The court administrator shall forthwith
26 transmit one copy of the application and affidavit to
27 the chief justice who shall request the attorney
28 general in writing to cause an investigation to be
29 made relative to the claimed incapacity and report
30 back the results thereof in writing. If the chief
31 justice finds from the report of the attorney general
32 that the applicant is permanently incapacitated,
33 physically or mentally, to perform the duties of the
34 applicant's office the chief justice shall by
35 endorsement thereon declare the applicant retired, and
36 the office vacant, and shall file the report in the
37 office of the court administrator, and a copy in the
38 office of the secretary of state. From the date of
39 such filing the applicant shall be deemed retired from
40 the applicant's office and entitled to the benefits of
41 this article to the same extent as if the applicant
42 had retired under the provisions of section 602.9106.
43 Sec. ___. Section 602.9115A, unnumbered paragraphs
44 1 and 3, Code 2005, are amended to read as follows:
45 In lieu of the annuities and refunds provided for
46 judges and judges' survivors under sections 602.9107,
47 ~~602.9107A,~~ 602.9108, 602.9115, 602.9204, 602.9208, and
48 602.9209, judges may elect to receive an optional
49 retirement annuity during the judge's lifetime and
50 have the optional retirement annuity, or a designated

Page 8

1 fraction of the optional retirement annuity, continued
2 and paid to the judge's survivor after the judge's
3 death and during the lifetime of the survivor.
4 The optional retirement annuity shall be the
5 actuarial equivalent of the amounts of the annuities
6 payable to judges and survivors under sections
7 602.9107, ~~602.9107A,~~ 602.9115, 602.9204, 602.9208, and
8 602.9209. The actuarial equivalent shall be based on
9 the mortality and interest assumptions set out in
10 section 602.9107, subsection 3.
11 Sec. ___. Section 602.9116, subsection 1, Code

2005, is amended to read as follows:

1. The court administrator shall cause an actuarial valuation to be made of the assets and liabilities of the judicial retirement fund at least once every four years commencing with the fiscal year beginning July 1, 1981. For each fiscal year in which an actuarial valuation is not conducted, the court administrator shall cause an annual actuarial update to be prepared for the purpose of determining the adequacy of the contribution rates specified in section 602.9104~~, subsection 4~~. The court administrator shall adopt mortality tables and other necessary factors for use in the actuarial calculations required for the valuation upon the recommendation of the actuary. Following the actuarial valuation or annual actuarial update, the court administrator shall determine the condition of the system and shall report its findings and recommendations to the general assembly.

Sec. ___. Section 602.9203, subsection 2, paragraph b, Code 2005, is amended to read as follows:

b. Meets the minimum requirements for entitlement to an annuity as specified in section 602.9106. However, a judge who elects to retire prior to attaining the age of sixty-five and who has not had ~~twenty-five~~ twenty years of consecutive service, may serve as a senior judge, but shall not be paid an annuity pursuant to section 602.9204 until attaining age sixty-five.

Sec. ___. Section 602.9204, subsection 1, Code 2005, is amended to read as follows:

1. A judge who retires on or after July 1, 1994, and who is appointed a senior judge under section 602.9203 shall be paid a salary as determined by the general assembly. A senior judge or retired senior judge shall be paid an annuity under the judicial retirement system in the manner provided in section 602.9109, but computed under this section in lieu of section 602.9107, as follows: The annuity paid to a

senior judge or retired senior judge shall be an amount equal to ~~three percent~~ the applicable percentage multiplier of the basic senior judge salary, multiplied by the judge's years of service prior to retirement as a judge of one or more of the courts included under this article, for which contributions were made to the system, except the annuity of the senior judge or retired senior judge shall not exceed an amount equal to the applicable specified percentage of the basic senior judge salary

11 used in calculating the annuity. However, following
12 the twelve-month period during which the senior judge
13 or retired senior judge attains seventy-eight years of
14 age, the annuity paid to the person shall be an amount
15 equal to ~~three percent~~ the applicable percentage
16 multiplier of the basic senior judge salary cap,
17 multiplied by the judge's years of service prior to
18 retirement as a judge of one or more of the courts
19 included under this article, for which contributions
20 were made to the system, except that the annuity shall
21 not exceed an amount equal to the applicable specified
22 percentage of the basic senior judge salary cap. A
23 senior judge or retired senior judge shall not receive
24 benefits calculated using a basic senior judge salary
25 established after the twelve-month period in which the
26 senior judge or retired senior judge attains seventy-
27 eight years of age. The state shall provide,
28 regardless of age, to an active senior judge or a
29 senior judge with six years of service as a senior
30 judge and to the judge's spouse, and pay for medical
31 insurance until the judge attains the age of seventy-
32 eight years.
33 Sec. ___. Section 602.9204, subsection 2, Code
34 2005, is amended by adding the following new
35 paragraph:
36 NEW PARAGRAPH. 0a. "Applicable percentage
37 multiplier" means as follows:
38 (1) For a senior judge or retired senior judge who
39 retired as a judge and received an annuity prior to
40 July 1, 2005, three percent.
41 (2) For a senior judge or a retired senior judge
42 who retired as a judge and received an annuity on or
43 after July 1, 2005, three and one-fourth percent.
44 Sec. ___. Section 602.9107A, Code 2005, is
45 repealed."
46 2. By renumbering as necessary.

MICHAEL CONNOLLY
JOHN P. KIBBIE

S–3276

1 Amend House File 761, 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 IOWA EMPOWERMENT BOARD
7 Section 1. Section 28.2, subsection 3, Code 2005,
8 is amended to read as follows:
9 3. To achieve the initial set of desired results,
10 the initiative's primary focus shall first be on the

11 efforts of the state and communities to work together
12 to improve the efficiency and effectiveness of early
13 care, education, health, and human services provided
14 to families with children from birth through age five
15 years.
16 Sec. 2. Section 28.3, subsections 1 and 2, Code
17 2005, are amended to read as follows:
18 1. An Iowa empowerment board is created to
19 facilitate state and community efforts involving
20 community empowerment areas, including strategic
21 planning, funding identification, and guidance, and to
22 promote collaboration among state and local early
23 care, education, health, and human services programs.
24 2. The Iowa board shall consist of eighteen voting
25 members with thirteen citizen members and five state
26 agency members. The five state agency members shall
27 be the directors of the following departments:
28 economic development, education, human rights, human
29 services, and public health. The thirteen citizen
30 members shall be appointed by the governor, subject to
31 confirmation by the senate. The governor's
32 appointments of citizen members shall be made in a
33 manner so that each of the state's congressional
34 districts is represented by two citizen members and so
35 that all the appointments as a whole reflect the
36 ethnic, cultural, social, and economic diversity of
37 the state. ~~The governor's appointees shall be~~
38 ~~selected from individuals nominated by community~~
39 ~~empowerment area boards. The nominations shall~~
40 ~~reflect the range of interests represented on the~~
41 ~~community boards so that the~~ The governor ~~is able to~~
42 shall appoint one or more members each for early care,
43 education, health, human services, business, faith,
44 and public interests. At least one of the citizen
45 members shall be a service consumer or the parent of a
46 service consumer. Terms of office of all citizen
47 members are three years. A vacancy on the board shall
48 be filled in the same manner as the original
49 appointment for the balance of the unexpired term.
50 Sec. 3. Section 28.3, subsection 5, Code 2005, is

Page 2

1 amended to read as follows:
2 5. A community empowerment assistance team or
3 teams of state agency representatives shall be
4 designated to provide technical assistance and other
5 support to community empowerment areas and for the
6 board's efforts to address early care, education,
7 health, and human services. A technical assistance
8 system shall be developed using local representatives
9 of the state agencies represented on the Iowa board

and other state agencies and individuals involved with local ~~community empowerment areas~~ early care, education, health, and human services. ~~The technical assistance shall be available in at least three levels of support as follows:~~

~~a. Support to areas experienced in operating an innovation zone or decategorization project with an extensive record of success in collaboration between education, health, or human services interests.~~

~~b. Support to areas experienced in operating an innovation zone or decategorization project.~~

~~c. Support to areas forming an initial community empowerment area with no previous experience operating an innovation zone or decategorization project.~~

Sec. 4. Section 28.3, subsection 6, paragraph b, Code 2005, is amended to read as follows:

b. In addition, a community empowerment office is established as a division of the department of management to provide a center for facilitation, communication, and coordination for community empowerment activities and funding and for improvement of the early care, education, health, and human services systems. Staffing for the community empowerment office shall be provided by a facilitator appointed by the governor, subject to confirmation by the senate, and who serves at the pleasure of the governor. A deputy and support staff may be designated, subject to appropriation made for this purpose. The facilitator shall submit reports to the governor, the Iowa board, and the general assembly. The facilitator shall provide primary staffing to the board, coordinate state technical assistance activities and implementation of the technical assistance system, and other communication and coordination functions to move authority and decision-making responsibility from the state to communities and individuals.

Sec. 5. Section 28.3, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 6A. The director of the department of management shall appoint an early care

coordinator to coordinate efforts to improve early care of young children. The coordinator shall work with the community empowerment initiative and with the shared visions program and other efforts to address child development that are provided under the auspices of the child development coordinating council under chapter 256A. The coordinator shall serve as a member of the community empowerment assistance team. The

9 coordinator's duties shall include but are not limited
10 to all of the following:
11 a. Developing and disseminating measures for
12 assessing the outcomes produced by the programs and
13 other efforts of the department of education and the
14 community empowerment initiative to improve early care
15 of young children, including but not limited to shared
16 visions and other programs provided under the auspices
17 of the child development coordinating council, high-
18 quality preschool programs, head start programs, and
19 school ready children grant programs. The initial
20 measures utilized shall be the individual growth and
21 development indicators developed by the early
22 childhood research institute on measuring growth and
23 development or other measures of high quality to be
24 authorized by law.
25 b. Collecting, interpreting, and redisseminating
26 data collected from the measures for assessing
27 outcomes under paragraph "a". Factors subject to
28 interpretation may include area demographics, relative
29 expenditures, collaboration between programs in an
30 area, and other factors impacting the outcomes
31 produced by an individual program.
32 c. Annually issuing a report to the governor and
33 general assembly regarding the outcomes produced by
34 individual programs.
35 Sec. 6. Section 28.4, subsection 4, Code 2005, is
36 amended to read as follows:
37 4. Identify boards, commissions, committees, and
38 other bodies in state government with overlapping and
39 similar purposes which contribute to redundancy and
40 fragmentation in early care, education, health, and
41 human services programs provided to the public. The
42 board shall also make recommendations and provide an
43 annually updated strategic plan to the governor and
44 general assembly as appropriate for increasing
45 coordination between these bodies, for eliminating
46 bureaucratic duplication, for consolidation where
47 appropriate, ~~and~~ for improving the efficiency of
48 working with federally mandated bodies, for
49 integration of services and service quality functions
50 to achieve improved results, and for integration of

Page 4

1 state-administered funding streams directed to
2 community empowerment areas and other community-based
3 efforts for providing early care, education, health,
4 and human services.
5 Sec. 7. Section 28.4, subsection 12, Code 2005, is
6 amended by striking the subsection and inserting in
7 lieu thereof the following:

8 12. Integrate statewide quality standards and
9 results indicators adopted by other boards and
10 commissions into the Iowa empowerment board's funding
11 requirements for investments in early care, education,
12 health, and human services.
13 Sec. 8. Section 28.4, Code 2005, is amended by
14 adding the following new subsection:
15 NEW SUBSECTION. 13. With the assistance of the
16 state departments represented on the Iowa empowerment
17 board and the community empowerment office, develop
18 and implement requirements for community empowerment
19 areas and the state administrators of programs
20 providing early care or early care services to
21 annually report to the public and the early care
22 coordinator regarding the results produced by the
23 community empowerment initiative and by the programs.
24 Source data shall be made available to the early care
25 coordinator.
26 Sec. 9. Section 28.5, subsection 1, Code 2005, is
27 amended to read as follows:
28 1. The purpose of a community empowerment area is
29 to enable local citizens to lead collaborative efforts
30 involving early care, education, health, and human
31 services programs on behalf of the children, families,
32 and other citizens residing in the area. Leadership
33 functions may include but are not limited to strategic
34 planning for and oversight and managing of such
35 programs and the funding made available to the
36 community empowerment area for such programs from
37 federal, state, local, and private sources. The
38 initial focus of the purpose is to improve results for
39 families with young children.
40 Sec. 10. Section 28.6, subsection 1, paragraph a,
41 Code 2005, is amended to read as follows:
42 a. Community empowerment area functions shall be
43 performed under the authority of a community
44 empowerment area board. A majority of the members of
45 a community board shall be elected officials and
46 members of the public who are not employed by a
47 provider of services to or for the community board.
48 At least one member shall be a service consumer or the
49 parent of a service consumer. Terms of office of
50 community board members shall be not more than three

Page 5

1 years and the terms shall be staggered. The
2 membership of a community empowerment area board shall
3 include members with early care, education, health,
4 human services, business, faith, and public interests.
5 Sec. 11. Section 28.8, subsection 5, paragraph a,
6 Code 2005, is amended to read as follows:

a. A school ready children grant shall be awarded to a community board for a three-year period, with annual payments made to the community board. The Iowa empowerment board may grant an extension from the award date and any application deadlines based upon the award date, to allow for a later implementation date in the initial year in which a community board submits a comprehensive school ready grant plan to the Iowa empowerment board. However, receipt of continued funding is subject to submission of the required annual report and the Iowa board's determination that the community board is measuring, through the use of performance and results indicators developed by the Iowa board with input from community boards, progress toward and is achieving the desired results identified in the grant plan. If progress is not measured through the use of performance and results indicators toward achieving the identified results, that grant shall not receive any increase in funding from the state and the Iowa board may request a plan of corrective action or may withdraw grant funding.

Sec. 12. Section 28.8, subsection 5, paragraph c, unnumbered paragraph 1, Code 2005, is amended to read as follows:

A community board's readiness shall be ascertained by evidence of successful collaboration among public or private early care, education, ~~human services, or~~ health, or human services interests or a documented program design evincing a strong likelihood of leading to a successful collaboration between these interests. Other criteria which may be used by the Iowa board to ascertain readiness and to determine funding amounts include one or more of the following:

Sec. 13. Section 28.8, subsection 5, Code 2005, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. The Iowa empowerment board shall establish and implement limits on the carryforward of school ready children grant funding that has been identified by the department of management as being an unreasonably high amount, including provision for redistribution or other redirection of the funding.

Sec. 14. NEW SECTION. 28.10 EARLY CHILDHOOD AND EARLY CARE.

Page 6

1. The Iowa empowerment board shall provide for the operation of an internet webpage for purposes of widely distributing early childhood and early care information provided by the departments represented on the board and the public and private agencies

6 addressing early childhood and early care issues.
7 2. Information provided on the internet webpage
8 shall include but is not limited to all of the
9 following:
10 a. The early learning standards for children ages
11 three to five proposed by the early learning standards
12 group created pursuant to federal child care and
13 development block grant requirements and with
14 assistance from the Iowa child care and early
15 education network, department of education, department
16 of human services, Iowa head start association, and
17 Iowa state university of science and technology, as
18 integrated with standards and recommendations issued
19 by the United States department of education regarding
20 early childhood cognitive development and learning and
21 preschool and research-based standards for high-
22 quality early care, including but not limited to the
23 practices identified by the institute of education
24 sciences of the United States department of education.
25 As early learning standards are identified in law, the
26 proposed standards posted on the webpage shall be
27 replaced with the standards identified in law.
28 b. A link to a special webpage directed to
29 parents, including parent-specific information on
30 early childhood and early care, information regarding
31 the tuition tax credit for early childhood development
32 expenses under section 422.12, and links to other
33 resources available on the internet and from other
34 sources.
35 c. Program standards for early childhood or early
36 care that have been approved by state agencies.
37 3. The Iowa empowerment board shall include
38 information regarding the extent and frequency of
39 usage of the webpage or webpages in the board's annual
40 report to the governor and general assembly.
41 Sec. 15. NEW SECTION. 279.60 KINDERGARTEN
42 ASSESSMENT.
43 Each school district shall administer the dynamic
44 indicators of basic early literacy skills kindergarten
45 benchmark assessment to every kindergarten student
46 enrolled in the district not later than October 1.
47 The school district shall also collect information
48 from each parent, guardian, or legal custodian of a
49 kindergarten student enrolled in the district,
50 including but not limited to whether the student

1 attended preschool, factors identified by the early
2 care coordinator pursuant to section 28.3, and other
3 demographic factors. Each school district shall
4 report the results of the assessment and the preschool

5 information collected to the department of education
6 in the manner prescribed by the department not later
7 than January 1 of that school year. The early care
8 coordinator appointed pursuant to section 28.3 shall
9 have access to the raw data. The department shall
10 review the information submitted pursuant to this
11 section and shall submit its findings and
12 recommendations annually in a report to the governor,
13 the general assembly, the Iowa empowerment board, and
14 the community empowerment area boards.
15 DIVISION II
16 CHILD CARE QUALITY RATING
17 Sec. 16. Section 237A.30, Code 2005, is amended by
18 striking the section and inserting in lieu thereof the
19 following:
20 237A.30 CHILD CARE QUALITY RATING SYSTEM.
21 1. The department shall work with the community
22 empowerment office of the department of management
23 established in section 28.3 and the state child care
24 advisory council in designing and implementing a
25 quality rating system for each provider type of child
26 care facility.
27 2. The quality rating system shall be voluntary
28 and composed of multiple ratings based upon the rating
29 criteria adopted for the system. The initial system
30 shall provide for five levels; however, the department
31 may periodically revise the system to change the
32 number of levels and make other changes to improve the
33 system. The department shall identify the period for
34 which a rating is awarded and the means by which a
35 rating may be withdrawn or modified.
36 3. The criteria utilized for the rating system may
37 include but are not limited to any of the following:
38 facility type; provider staff experience, education,
39 training, and credentials; facility director education
40 and training; an environmental rating score or other
41 direct assessment environmental methodology; national
42 accreditation; facility history of compliance with law
43 and rules; child-to-staff ratio; curriculum, including
44 the extent to which the curriculum focuses on the
45 stages of child development and on child outcomes;
46 business practices; staff retention rates; evaluation
47 of staff members and program practices; staff
48 compensation and benefit practices; provider and staff
49 membership in professional early childhood
50 organizations; and parental involvement with the

1 facility.
2 4. The department may directly administer or
3 contract for the administration of the quality rating

4 system. A facility's quality rating may be included
5 on the internet page and in the consumer information
6 provided by the department pursuant to section 237A.25
7 and shall be identified in the child care provider
8 referrals made by child care resource and referral
9 service grantees under section 237A.26.
10 5. For reimbursement paid under the state child
11 care assistance program established in section
12 237A.13, the department may implement a reimbursement
13 rate methodology applicable to child care facilities
14 participating in the rating system in which the
15 reimbursement rate varies based upon the rating of a
16 facility. A reimbursement rate methodology applicable
17 to child care facilities shall not cause a child care
18 facility to receive a lower reimbursement rate than
19 was paid under the prior methodology. In addition, as
20 part of the quality rating system, the department may
21 pay an achievement bonus to providers that are awarded
22 a quality rating.
23 Sec. 17. PHASED IMPLEMENTATION.
24 1. Effective July 1, 2005, the department of human
25 services shall no longer accept applications for the
26 gold seal quality designation for child care providers
27 under section 237A.30, Code 2005. However, if a child
28 care provider has been awarded the designation prior
29 to July 1, 2005, the designation may continue to be
30 utilized for that provider until the designated period
31 of nationally recognized accreditation for which the
32 gold seal designation was awarded has ended.
33 2. The department of human services shall commence
34 implementation of the child care quality rating system
35 under section 237A.30, as amended by this division of
36 this Act, by awarding ratings beginning on or after
37 January 1, 2006. The department may modify
38 implementation of the rating system and the rating
39 system itself as necessary to conform to the funding
40 made available for the rating system for the fiscal
41 year beginning July 1, 2005.
42 DIVISION III
43 EARLY CHILDHOOD TAX CREDIT
44 Sec. 18. Section 422.12, subsection 2, Code 2005,
45 is amended to read as follows:
46 2. a. A tuition credit equal to twenty-five
47 percent of the first one thousand dollars which the
48 taxpayer has paid to others for each dependent in
49 grades kindergarten through twelve, for tuition and
50 textbooks of each dependent in attending an elementary

or secondary school situated in Iowa, which school is accredited or approved under section 256.11, which is not operated for profit, and which adheres to the provisions of the federal Civil Rights Act of 1964 and chapter 216.

(1) As used in this ~~subsection~~ paragraph "a", "textbooks" means books and other instructional materials and equipment used in elementary and secondary schools in teaching only those subjects legally and commonly taught in public elementary and secondary schools in this state and does not include instructional books and materials used in the teaching of religious tenets, doctrines, or worship, the purpose of which is to inculcate those tenets, doctrines, or worship. "Textbooks" includes books or materials used for extracurricular activities including sporting events, musical or dramatic events, speech activities, driver's education, or programs of a similar nature. ~~Notwithstanding any other provision, all other credits allowed under this section and section 422.12B shall be deducted before the tuition credit under this subsection. The department, when conducting an audit of a taxpayer's return, shall also audit the tuition tax credit portion of the tax return.~~

(2) As used in this ~~subsection~~ paragraph "a", "tuition" means any charges for the expenses of personnel, buildings, equipment and materials other than textbooks, and other expenses of elementary or secondary schools which relate to the teaching only of those subjects legally and commonly taught in public elementary and secondary schools in this state and which do not relate to the teaching of religious tenets, doctrines, or worship, the purpose of which is to inculcate those tenets, doctrines, or worship. "Tuition" includes those expenses which relate to extracurricular activities including sporting events, musical or dramatic events, speech activities, driver's education, or programs of a similar nature.

b. In addition to the tuition credit authorized in paragraph "a", a tuition credit equal to twenty-five percent of the first one thousand dollars which the taxpayer has paid to others for each dependent ages three through five for early childhood development expenses. As used in this subsection, "early childhood development expenses" means services provided to the dependent by a preschool, as defined in section 237A.1, materials, and other activities as follows:

(1) Books that improve child development,

Page 10

1 including textbooks, music books, art books, teacher's
2 editions, and reading books.
3 (2) Instructional materials required to be used in
4 a child development or educational lesson activity,
5 including but not limited to paper, notebooks,
6 pencils, and art supplies.
7 (3) Lesson plans and curricula.
8 (4) Child development and educational activities
9 outside the home, including drama, art, music, and
10 museum activities, and the entrance fees for such
11 activities, but not including food or lodging,
12 membership fees, or other nonacademic expenses.
13 "Early childhood development expenses" does not
14 include services, materials, or activities for the
15 teaching of religious tenets, doctrines, or worship,
16 the purpose of which is to inculcate those tenets,
17 doctrines, or worship.
18 c. Each taxpayer intending to claim a credit under
19 paragraph "b" shall apply for the credit by filing a
20 notice with the department by January 21 following the
21 end of the tax year to which the credit is applicable.
22 The notice shall provide supporting documentation as
23 required by the department. The department shall
24 compute the total amount of credits contained in the
25 notices received by the department. The total amount
26 of credits that may be approved for any fiscal year
27 for purposes of paragraph "b" is limited to five
28 million dollars. If tax credits under paragraph "b"
29 exceed this limit, the amount of credit available to
30 each taxpayer shall be prorated. The department shall
31 notify the taxpayer of the amount of the taxpayer's
32 credit by February 28 following the deadline for
33 receipt of the notice.
34 d. Notwithstanding any other provision, all other
35 credits allowed under this section and section 422.12B
36 shall be deducted before the tuition credits under
37 this subsection. The department, when conducting an
38 audit of a taxpayer's return, shall also audit the
39 tuition tax credit portion of the tax return.
40 Sec. 19. APPLICABILITY DATE. This division of
41 this Act applies to tax years beginning on or after
42 January 1, 2006."
43 2. Title page, by striking lines 1 through 5 and
44 inserting the following: "An Act relating to
45 improvement of the early care, child care services,
46 education, health, and human services systems under
47 the oversight of the departments of education and
48 human services, the Iowa empowerment board, and the
49 child development coordinating council, expanding the
50 tuition and textbook tax credit, and providing an

Page 11

1 applicability date."
2 3. By renumbering as necessary.

FRANK B. WOOD
NANCY J. BOETTGER
BRIAN SCHOENJAHN
DAVE MULDER

S–3277

1 Amend House File 868, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 59, by inserting after line 35 the
4 following:
5 "Sec. ___. Section 452A.3, Code 2005, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 1B. An excise tax of seventeen
8 cents is imposed on each gallon of E-85 gasoline,
9 which contains at least eighty-five percent denatured
10 alcohol by volume from the first day of April until
11 the last day of October or seventy percent denatured
12 alcohol from the first day of November until the last
13 day of March, used for the privilege of operating
14 motor vehicles in this state."
15 2. Title page, line 2, by inserting after the
16 word "credits," the following: "to excise taxes on E-
17 85 gasoline,".
18 3. By renumbering as necessary.

HUBERT HOUSER
JOHN P. KIBBIE
BRIAN SCHOENJAHN
E. THURMAN GASKILL
DAVE MULDER
TOM RIELLY
THOMAS G. COURTNEY
DARYL BEALL
JAMES A. SEYMOUR
NANCY J. BOETTGER
JERRY BEHN
DAVID JOHNSON

S–3278

1 Amend Senate File 416 as follows:
2 1. Page 1, by striking lines 1 through 13 and
3 inserting the following:
4 "Sec. ___. Section 257.1, subsection 2, unnumbered
5 paragraph 2, Code 2005, is amended by striking the
6 unnumbered paragraph and inserting in lieu thereof the
7 following:

8 The regular program foundation base per pupil is
9 the following:
10 a. For the budget year commencing July 1, 2005,
11 the regular program foundation base per pupil is
12 ninety and five hundredths percent of the regular
13 program state cost per pupil.
14 b. For the budget year commencing July 1, 2006,
15 the regular program foundation base per pupil is
16 ninety-two and four hundredths percent of the regular
17 program state cost per pupil.
18 c. For the budget year commencing July 1, 2007,
19 the regular program foundation base per pupil is
20 ninety-four and three hundredths percent of the
21 regular program state cost per pupil.
22 d. For the budget year commencing July 1, 2008,
23 the regular program foundation base per pupil is
24 ninety-six and two hundredths percent of the regular
25 program state cost per pupil.
26 e. For the budget year commencing July 1, 2009,
27 the regular program foundation base per pupil is
28 ninety-eight and one hundredth percent of the regular
29 program state cost per pupil.
30 f. For the budget year commencing July 1, 2010,
31 and succeeding budget years, the regular program
32 foundation base per pupil is one hundred percent of
33 the regular program state cost per pupil.
34 For each budget year the special education support
35 services foundation base is seventy-nine percent of
36 the special education support services state cost per
37 pupil. The combined foundation base is the sum of the
38 regular program foundation base and the special
39 education support services foundation base."
40 2. By renumbering as necessary.

CHARLES W. LARSON, JR.
DAVID JOHNSON
BRAD ZAUN
MARK ZIEMAN
HUBERT HOUSER
JAMES F. HAHN
LARRY McKIBBEN
E. THURMAN GASKILL
JOHN PUTNEY
STEVE KETTERING
RON WIECK
DAVE MULDER
PAT WARD
JERRY BEHN
DAVID MILLER
JAMES A. SEYMOUR
MARY LUNDBY
DOUG SHULL

S–3279

Amend Senate File 416 as follows:

1. By striking page 1, line 14 through page 5, line 1 and inserting the following:

"Sec. ___. NEW SECTION. 260C.26 WORKFORCE TRAINING, ECONOMIC DEVELOPMENT, AND TUITION REPLACEMENT — APPROPRIATION — SUPPLEMENTAL FUND ESTABLISHED.

1. A workforce training, economic development, and tuition replacement supplemental fund is created for each community college. Moneys shall be deposited and expended from the fund as provided under this section.

2. For the fiscal year beginning July 1, 2006, and succeeding fiscal years, there is appropriated annually from the general fund of the state to the department of education ten million dollars, or so much thereof as is necessary, for the purposes specified in subsection 3. The department shall allocate the moneys appropriated pursuant to this section to the community college workforce training, economic development, and tuition replacement supplemental funds utilizing the same distribution formula used for the allocation of state general aid to the community colleges. For the fiscal year beginning July 1, 2007, and succeeding fiscal years, the amount appropriated pursuant to this section shall annually increase in an amount equal to the state percent of growth applicable for the fiscal year multiplied by the amount appropriated by this section for the previous fiscal year.

3. Moneys deposited in the fund are at the".

2. Page 7, by striking lines 1 through 9.

3. Page 7, by striking lines 25 through 33.

4. Page 8, by striking lines 4 through 7 and inserting the following:

"2. The section of this Act relating to the appropriation to and creation of a workforce training, economic development, and tuition replacement supplemental fund in each community college takes effect January 1, 2006, and is applicable for the fiscal year beginning July 1, 2006."

5. Title page, by striking lines 3 through 7 and inserting the following: "establishing a workforce training, economic development, and tuition replacement supplemental fund, making an appropriation, increasing the state cigarette tax, and including effective and applicability date provisions."

6. By renumbering as necessary.

HUBERT HOUSER
MARK ZIEMAN
LARRY McKIBBEN
JAMES F. HAHN
MAGGIE TINSMAN
STEVE KETTERING
RON WIECK

S–3280

Amend House File 868, as amended, passed, and reprinted by the House, as follows:

1. Page 49, by striking line 1.
2. By renumbering as necessary.

WILLIAM A. DOTZLER, JR.

S–3281

Amend Senate File 416 as follows:

1. Page 1, by striking lines 1 through 13, and inserting the following:

"DIVISION I
EDUCATION FUNDING AND PROPERTY TAXATION

Section 1. Section 257.1, subsection 2, unnumbered paragraph 2, Code 2005, is amended to read as follows:

For the budget year commencing July 1, ~~1999~~ 2005, and for each succeeding budget year, the regular program foundation base per pupil is ~~eighty-seven and five-tenths~~ one hundred percent of the regular program state cost per pupil. For the budget year commencing July 1, ~~1991~~ 2005, and for each succeeding budget year, the special education support services foundation base is ~~seventy-nine~~ one hundred percent of the special education support services state cost per pupil. The combined foundation base is the sum of the regular program foundation base and the special education support services foundation base.

Sec. ___. Section 257.3, subsection 1, unnumbered paragraph 1, Code 2005, is amended to read as follows:

Except as provided in subsections 1A, 2, and 3, a school district shall cause to be levied each year, for the school general fund, a foundation property tax equal to ~~five~~ eight dollars and ~~forty~~ eighty-six cents per thousand dollars of assessed valuation on all taxable property in the district. The county auditor shall spread the foundation levy over all taxable property in the district.

Sec. ___. Section 257.3, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. For the school budget year beginning July 1, 2005, and succeeding budget years,

there shall be a credit on all taxable property of ten cents per thousand dollars of assessed valuation applicable against the foundation property tax levy rate specified in subsection 1 or 2, as applicable.

Sec. ___. Section 257.3, subsection 2, paragraphs a and b, Code 2005, are amended to read as follows:

a. Notwithstanding subsection 1, a reorganized school district shall cause a foundation property tax of ~~four~~ seven dollars and ~~forty~~ eighty-six cents per thousand dollars of assessed valuation to be levied on all taxable property which, in the year preceding a reorganization, was within a school district affected by the reorganization as defined in section 275.1, or in the year preceding a dissolution was a part of a school district that dissolved if the dissolution proposal has been approved by the director of the department of education pursuant to section 275.55.

Page 2

b. In succeeding school years, the foundation property tax levy on that portion shall be increased to the rate of ~~four~~ eight dollars and ~~ninety~~ thirty-six cents per thousand dollars of assessed valuation the first succeeding year, ~~five~~ eight dollars and ~~fifteen~~ sixty-one cents per thousand dollars of assessed valuation the second succeeding year, and ~~five~~ eight dollars and ~~forty~~ eighty-six cents per thousand dollars of assessed valuation the third succeeding year and each year thereafter.

Sec. ___. Section 257.16, subsection 1, Code 2005, is amended to read as follows:

1. There is appropriated each year from the general fund of the state an amount necessary to pay the foundation aid, supplementary aid pursuant to subsection 5 of this section, and supplementary aid under section 257.4, subsection 2.

Sec. ___. Section 257.16, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 5. a. For the school budget year beginning July 1, 2005, the department of management shall calculate for each district the difference between the sum of the revenues generated by the foundation property tax and the additional property tax in the district calculated at the rates applicable for the budget year beginning July 1, 2005, and the revenues that would have been generated by the foundation property tax and the additional property tax in that district at the rates applicable for the budget year beginning July 1, 2004. If the property tax revenues for a district calculated at the rates applicable for the budget year beginning July 1, 2005,

33 exceed the property tax revenues for that district
34 which would have been generated calculated at the
35 rates applicable for the budget year beginning July 1,
36 2004, the department of management shall reduce the
37 revenues raised by the foundation property tax and the
38 additional property tax levy in that district by that
39 difference and the department of education shall pay
40 property tax adjustment aid to the district equal to
41 that difference from moneys appropriated for property
42 tax adjustment aid.
43 b. For the budget year beginning July 1, 2006, and
44 succeeding budget years, the department of education
45 shall pay property tax adjustment aid to a school
46 district equal to the amount paid to the district for
47 the base year. The department of management shall
48 adjust the rate of the foundation property tax and the
49 additional property tax accordingly and notify the
50 department of education of the amount of aid to be

Page 3

1 paid to each district from moneys appropriated for
2 property tax adjustment aid.
3 c. There is appropriated from the general fund of
4 the state to the department of education, for each
5 fiscal year, an amount necessary to pay property tax
6 adjustment aid to school districts under this section.
7 Property tax adjustment aid shall be paid to school
8 districts in the manner provided in this section.
9 d. For purposes of this subsection, "the rates
10 applicable" means the rates specified in section
11 257.3, subsection 1 or 2, and section 257.4."
12 2. By striking page 1, line 14 through page 5,
13 line 1 and inserting the following:
14 "Sec. ___. NEW SECTION. 260C.26 WORKFORCE
15 TRAINING, ECONOMIC DEVELOPMENT, AND TUITION
16 REPLACEMENT — APPROPRIATION — SUPPLEMENTAL FUND
17 ESTABLISHED.
18 1. A workforce training, economic development, and
19 tuition replacement supplemental fund is created for
20 each community college. Moneys shall be deposited and
21 expended from the fund as provided under this section.
22 2. For the fiscal year beginning July 1, 2006, and
23 succeeding fiscal years, there is appropriated
24 annually from the general fund of the state to the
25 department of education ten million dollars, or so
26 much thereof as is necessary, for the purposes
27 specified in subsection 3. The department shall
28 allocate the moneys appropriated by this section to
29 the community college workforce training, economic
30 development, and tuition replacement supplemental
31 funds utilizing the same distribution formula used for

32 the allocation of state general aid to the community
33 colleges. For the fiscal year beginning July 1, 2007,
34 and succeeding fiscal years, the amount appropriated
35 by this section shall annually increase in an amount
36 equal to the state percent of growth applicable for
37 the fiscal year multiplied by the amount appropriated
38 by this section for the previous fiscal year.
39 3. Moneys deposited in the fund are at the".
40 3. Page 7, by striking lines 1 through 9.
41 4. Page 7, by inserting before line 10 the
42 following:
43 "Sec. ___. Section 384.4, Code 2005, is amended by
44 adding the following new subsection:
45 NEW SUBSECTION. 5. Principal and interest on
46 obligations issued prior to July 1, 2005, for urban
47 renewal project activities under chapter 403, but only
48 to the extent necessary to make up any shortfall in
49 the revenues allocated to the special fund of the city
50 pursuant to section 403.19, subsection 2, which

Page 4

1 results from the increase in the regular program
2 foundation base pursuant to section 257.1, subsection
3 2, as amended by this Act. Notwithstanding section
4 384.18, a municipality may, before June 1, 2005, amend
5 its budget to provide for certification of the portion
6 of the debt service levy allowed under this
7 subsection. This subsection is repealed effective
8 January 1, 2025.
9 Sec. ___. Section 425A.3, subsection 1, Code 2005,
10 is amended to read as follows:
11 1. The family farm tax credit fund shall be
12 apportioned each year in the manner provided in this
13 chapter so as to give a credit against the tax on each
14 eligible tract of agricultural land within the several
15 school districts of the state in which the levy for
16 the general school fund exceeds ~~five~~ eight dollars and
17 ~~forty~~ seventy-six cents per thousand dollars of
18 assessed value. The amount of the credit on each
19 eligible tract of agricultural land shall be the
20 amount the tax levied for the general school fund
21 exceeds the amount of tax which would be levied on
22 each eligible tract of agricultural land were the levy
23 for the general school fund ~~five~~ eight dollars and
24 ~~forty~~ seventy-six cents per thousand dollars of
25 assessed value for the previous year. However, in the
26 case of a deficiency in the family farm tax credit
27 fund to pay the credits in full, the credit on each
28 eligible tract of agricultural land in the state shall
29 be proportionate and applied as provided in this
30 chapter.

31 Sec. ___. Section 425A.5, Code 2005, is amended to
32 read as follows:
33 425A.5 COMPUTATION BY COUNTY AUDITOR.
34 The family farm tax credit allowed each year shall
35 be computed as follows: On or before April 1, the
36 county auditor shall list by school districts all
37 tracts of agricultural land which are entitled to
38 credit, the taxable value for the previous year, the
39 budget from each school district for the previous
40 year, and the tax rate determined for the general fund
41 of the school district in the manner prescribed in
42 section 444.3 for the previous year, and if the tax
43 rate is in excess of ~~five~~ eight dollars and ~~forty~~
44 seventy-six cents per thousand dollars of assessed
45 value, the auditor shall multiply the tax levy which
46 is in excess of ~~five~~ eight dollars and ~~forty~~ seventy-
47 six cents per thousand dollars of assessed value by
48 the total taxable value of the agricultural land
49 entitled to credit in the school district, and on or
50 before April 1, certify the total amount of credit and

Page 5

1 the total number of acres entitled to the credit to
2 the department of revenue.
3 Sec. ___. Section 426.3, Code 2005, is amended to
4 read as follows:
5 426.3 WHERE CREDIT GIVEN.
6 The agricultural land credit fund shall be
7 apportioned each year in the manner hereinafter
8 provided so as to give a credit against the tax on
9 each tract of agricultural lands within the several
10 school districts of the state in which the levy for
11 the general school fund exceeds ~~five~~ eight dollars and
12 ~~forty~~ seventy-six cents per thousand dollars of
13 assessed value; the amount of such credit on each
14 tract of such lands shall be the amount the tax levied
15 for the general school fund exceeds the amount of tax
16 which would be levied on said tract of such lands were
17 the levy for the general school fund ~~five~~ eight
18 dollars and ~~forty~~ seventy-six cents per thousand
19 dollars of assessed value for the previous year,
20 except in the case of a deficiency in the agricultural
21 land credit fund to pay said credits in full, in which
22 case the credit on each eligible tract of such lands
23 in the state shall be proportionate and shall be
24 applied as hereinafter provided.
25 Sec. ___. Section 426.6, unnumbered paragraph 1,
26 Code 2005, is amended to read as follows:
27 The agricultural land tax credit allowed each year
28 shall be computed as follows: On or before April 1,
29 the county auditor shall list by school districts all

30 tracts of agricultural lands which are entitled to
31 credit, together with the taxable value for the
32 previous year, together with the budget from each
33 school district for the previous year, and the tax
34 rate determined for the general fund of the district
35 in the manner prescribed in section 444.3 for the
36 previous year, and if such tax rate is in excess of
37 ~~five~~ eight dollars and ~~forty~~ seventy-six cents per
38 thousand dollars of assessed value, the auditor shall
39 multiply the tax levy which is in excess of ~~five~~ eight
40 dollars and ~~forty~~ seventy-six cents per thousand
41 dollars of assessed value by the total taxable value
42 of the agricultural lands entitled to credit in the
43 district, and on or before April 1, certify the amount
44 to the department of revenue."
45 5. By striking page 7, line 25, through page 8,
46 line 3, and inserting the following:
47 "1. The sections of this division of this Act
48 increasing the regular program foundation base and the
49 special education support services foundation base,
50 increasing the foundation property tax, and providing

Page 6

1 for property tax adjustment aid pursuant to section
2 257.16, subsection 5, being deemed of immediate
3 importance, take effect upon enactment and apply to
4 school budget years beginning on or after July 1,
5 2005."
6 6. Page 8, by striking lines 4 through 7 and
7 inserting the following:
8 "2. The section of this division of this Act
9 relating to the appropriation to and creation of a
10 workforce training, economic development, and tuition
11 replacement supplemental fund in each community
12 college takes effect January 1, 2006, and is
13 applicable for the fiscal year beginning July 1,
14 2006."
15 7. Page 8, line 8, by inserting after the word
16 "sections" the following: "of this division".
17 8. Page 8, by inserting after line 10, the
18 following:
19 "___. The sections of this division of this Act
20 amending provisions relating to the family farm tax
21 credit under chapter 425A and the agricultural land
22 tax credit under chapter 426 take effect January 1,
23 2007, for taxes due and payable in fiscal years
24 beginning on or after July 1, 2007."
25 9. Page 8, by inserting after line 10 the
26 following:
27 "DIVISION II
28 FOUNDATION PROPERTY TAX — URBAN RENEWAL

29 Sec. ___. Section 403.19, subsection 2, Code 2005,
30 is amended to read as follows:
31 2. That portion of the taxes each year in excess
32 of such amount shall be allocated to and when
33 collected be paid into a special fund of the
34 municipality to pay the principal of and interest on
35 loans, moneys advanced to, or indebtedness, whether
36 funded, refunded, assumed, or otherwise, including
37 bonds issued under the authority of section 403.9,
38 subsection 1, incurred by the municipality to finance
39 or refinance, in whole or in part, an urban renewal
40 project within the area, and to provide assistance for
41 low and moderate income family housing as provided in
42 section 403.22~~, except that~~. However, taxes for the
43 regular and voter-approved physical plant and
44 equipment levy of a school district imposed pursuant
45 to section 298.2, ~~and~~ taxes for the payment of bonds
46 and interest of each taxing district ~~must~~, and the
47 foundation property tax imposed pursuant to section
48 257.3, subsection 1, but only as provided in
49 subsection 8, shall be collected against all taxable
50 property within the taxing district without limitation

Page 7

1 by the provisions of this subsection. ~~However~~ In
2 addition, all or a portion of the taxes for the
3 physical plant and equipment levy shall be paid by the
4 school district to the municipality if the auditor
5 certifies to the school district by July 1 the amount
6 of such levy that is necessary to pay the principal
7 and interest on bonds issued by the municipality to
8 finance an urban renewal project, which bonds were
9 issued before July 1, 2001. Indebtedness incurred to
10 refund bonds issued prior to July 1, 2001, shall not
11 be included in the certification. Such school
12 district shall pay over the amount certified by
13 November 1 and May 1 of the fiscal year following
14 certification to the school district. Unless and
15 until the total assessed valuation of the taxable
16 property in an urban renewal area exceeds the total
17 assessed value of the taxable property in such area as
18 shown by the last equalized assessment roll referred
19 to in subsection 1, all of the taxes levied and
20 collected upon the taxable property in the urban
21 renewal area shall be paid into the funds for the
22 respective taxing districts as taxes by or for the
23 taxing districts in the same manner as all other
24 property taxes. When such loans, advances,
25 indebtedness, and bonds, if any, and interest thereon,
26 have been paid, all moneys thereafter received from
27 taxes upon the taxable property in such urban renewal

28 area shall be paid into the funds for the respective
29 taxing districts in the same manner as taxes on all
30 other property.
31 Sec. ___. Section 403.19, Code 2005, is amended by
32 adding the following new subsection:
33 NEW SUBSECTION. 8. a. For urban renewal plans
34 adopted on or after the effective date of this Act,
35 taxes collected under subsection 2 shall not include
36 the foundation property tax imposed pursuant to
37 section 257.3, subsection 1.
38 b. For urban renewal plans adopted before the
39 effective date of this Act, taxes collected under
40 subsection 2 shall not include the foundation property
41 tax imposed pursuant to section 257.3, subsection 1,
42 for fiscal years beginning on or after July 1, 2025.
43 c. On or before January 1, 2006, a municipality
44 shall report to the department of management the
45 status of any loans, advances, indebtedness, or bonds
46 issued or incurred before the effective date of this
47 Act for urban renewal purposes and payable from the
48 special fund in section 403.19, subsection 2. The
49 report shall include a schedule of payments for such
50 loans, advances, indebtedness, or bonds. Based on the

Page 8

1 information in the reports, the governor shall
2 recommend to the general assembly legislation
3 necessary to address tax increment financing revenue
4 shortfalls that may result from exempting the
5 foundation property tax levy from collection as tax
6 increment financing revenue.
7 Sec. ___. EFFECTIVE DATE. This division of this
8 Act, being deemed of immediate importance, takes
9 effect upon enactment.
10 DIVISION III
11 TASK FORCE ON LOCAL ECONOMIC DEVELOPMENT
12 Sec. ___.
13 1. On or before August 1, 2005, the department of
14 economic development shall initiate and coordinate the
15 establishment of a local economic development task
16 force. The chairperson of the task force shall be the
17 director of the department of economic development or
18 the director's designee. Participants on the task
19 force shall be appointed by the director and shall
20 include representatives of the Iowa state association
21 of counties, representatives of the Iowa league of
22 cities, and other participants deemed appropriate by
23 the director. The department of economic development
24 shall provide staffing assistance to the task force.
25 2. The task force shall identify and study the
26 economic development programs currently available to

27 cities and counties. Such programs shall include
28 those operated by the state and those implemented by
29 cities and counties pursuant to statutory authority.
30 The task force shall analyze the effectiveness of
31 these programs.
32 3. On or before January 15, 2006, and on or before
33 January 15, 2007, the task force shall report its
34 findings to the general assembly and to the office of
35 the governor."
36 10. Title page, by striking lines 1 through 7 and
37 inserting the following: "An Act related to property
38 taxation and related aspects of education funding by
39 increasing the state regular program and special
40 education support services foundation base per pupil,
41 by increasing the foundation property tax, by
42 establishing a workforce training, economic
43 development, and tuition replacement supplemental
44 fund, making an appropriation, increasing the state
45 cigarette tax, adjusting the calculations for the
46 family farm and agricultural land tax credits,
47 modifying provisions relating to urban renewal
48 projects, establishing a task force to develop
49 recommendations regarding economic development tools
50 for municipalities, and including effective and

Page 9

1 applicability date provisions."

BOB BRUNKHORST

S–3282

1 Amend House File 882, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 48, by inserting after line 26 the
4 following:
5 "DIVISION ___
6 RENEWABLE ENERGY GENERATION AND TAX CREDITS
7 Sec. ___. Section 422.11J, Code 2005, is amended
8 to read as follows:
9 422.11J ~~WIND ENERGY PRODUCTION~~ TAX ~~CREDIT~~ CREDITS
10 FOR WIND ENERGY PRODUCTION AND RENEWABLE ENERGY.
11 The taxes imposed under this division, less the
12 credits allowed under sections 422.12 and 422.12B,
13 shall be reduced by ~~a wind energy production~~ tax
14 ~~credit~~ credits for wind energy production allowed
15 under chapter 476B and for renewable energy allowed
16 under chapter 476C.
17 Sec. ___. Section 422.33, subsection 16, Code
18 2005, is amended to read as follows:
19 16. The taxes imposed under this division shall be

20 reduced by ~~a wind energy production~~ tax ~~credit~~ credits
21 for wind energy production allowed under chapter 476B
22 and for renewable energy allowed under chapter 476C.
23 Sec. ___. Section 422.60, subsection 8, Code 2005,
24 is amended to read as follows:
25 8. The taxes imposed under this division shall be
26 reduced by ~~a wind energy production~~ tax ~~credit~~ credits
27 for wind energy production allowed under chapter 476B
28 and for renewable energy allowed under chapter 476C.
29 Sec. ___. Section 423.4, Code 2005, is amended by
30 adding the following new subsection:
31 NEW SUBSECTION. 4. A person in possession of a
32 renewable energy tax credit certificate issued
33 pursuant to chapter 476C may apply to the director for
34 refund of the amount of sales or use tax imposed and
35 paid upon purchases made by the applicant.
36 a. The refunds may be obtained only in the
37 following manner and under the following conditions:
38 (1) On forms furnished by the department and filed
39 by January 31 after the end of the calendar year in
40 which the tax credit certificate is to be applied, the
41 applicant shall report to the department the total
42 amount of sales and use tax paid during the reporting
43 period on purchases made by the applicant.
44 (2) The applicant shall separately list the
45 amounts of sales and use tax paid during the reporting
46 period.
47 (3) If required by the department, the applicant
48 shall prove that the person making the sales has
49 included the amount thereof in the computation of the
50 sales price of such person and that such person has

Page 2

1 paid the tax levied by this subchapter or subchapter
2 III, based upon such computation of the sales price.
3 (4) The applicant shall provide the tax credit
4 certificates issued pursuant to chapter 476C to the
5 department with the forms required by this paragraph
6 "a".
7 b. If satisfied that the foregoing conditions and
8 requirements have been complied with, the director
9 shall refund the amount claimed by the applicant for
10 an amount not greater than the amount of tax credits
11 issued in tax credit certificates pursuant to chapter
12 476C.
13 Sec. ___. Section 432.12E, Code 2005, is amended
14 to read as follows:
15 432.12E ~~WIND ENERGY PRODUCTION~~ TAX ~~CREDIT~~ CREDITS
16 FOR WIND ENERGY PRODUCTION AND RENEWABLE ENERGY.
17 The taxes imposed under this chapter shall be
18 reduced by ~~a wind energy production~~ tax ~~credit~~ credits

19 for wind energy production allowed under chapter 476B
20 and for renewable energy allowed under chapter 476C.
21 Sec. ___. NEW SECTION. 437A.17B REIMBURSEMENT
22 FOR RENEWABLE ENERGY.
23 A person in possession of a renewable energy tax
24 credit certificate issued pursuant to chapter 476C may
25 apply to the director for a reimbursement of the
26 amount of taxes imposed and paid by the person
27 pursuant to this chapter in an amount not more than
28 the person received in renewable energy tax credit
29 certificates pursuant to chapter 476C. To obtain the
30 reimbursement, the person shall attach to the return
31 required under section 437A.8 the renewable energy tax
32 credit certificates issued to the person pursuant to
33 chapter 476C, and provide any other information the
34 director may require. The director shall direct a
35 warrant to be issued to the person for an amount equal
36 to the tax imposed and paid by the person pursuant to
37 this chapter but for not more than the amount of the
38 renewable energy tax credit certificates attached to
39 the return.
40 Sec. ___. NEW SECTION. 476C.1 DEFINITIONS.
41 For purposes of this chapter, unless the context
42 otherwise requires:
43 1. "Anaerobic digester system" means a system of
44 components that processes plant or animal materials
45 based on the absence of oxygen and produces methane or
46 other biogas used to generate electricity, hydrogen
47 fuel, or heat for a commercial purpose.
48 2. "Biogas recovery facility" means an anaerobic
49 digester system that is located in this state.
50 3. "Biomass conversion facility" means a facility

1 in this state that converts plant-derived organic
2 matter including, but not limited to, agricultural
3 food and feed crops, crop wastes and residues, wood
4 wastes and residues, or aquatic plants to generate
5 electricity, hydrogen fuel, or heat for a commercial
6 purpose.
7 4. "Board" means the utilities board within the
8 utilities division of the department of commerce.
9 5. "Department" means the department of revenue.
10 6. "Eligible renewable energy facility" means a
11 wind energy conversion facility, a biogas recovery
12 facility, a biomass conversion facility, a methane gas
13 recovery facility, or a solar energy conversion
14 facility that meets all of the following requirements:
15 a. Is located in this state.
16 b. Is at least fifty-one percent owned by one or
17 more of any combination of the following:

(1) A resident of this state.
(2) Any of the following as defined in section 9H.1:
(a) An authorized farm corporation.
(b) An authorized limited liability company.
(c) An authorized trust.
(d) A family farm corporation.
(e) A family farm limited liability company.
(f) A family trust.
(g) A revocable trust.
(h) A testamentary trust.
(3) A small business as defined in section 15.102.
(4) An electric cooperative association organized pursuant to chapter 499 that sells electricity to end users located in this state.
(5) An electric cooperative association that has one or more members organized pursuant to chapter 499.
(6) A cooperative corporation organized pursuant to chapter 497 or a limited liability corporation organized pursuant to chapter 490A whose shares and membership are held by an entity that is not prohibited from owning agricultural land under chapter 9H.
(7) A school district located in this state.
c. Has at least one owner that meets the requirements of paragraph "b" for each two and one-half megawatts of nameplate generating capacity or the energy production capacity equivalent for hydrogen fuel or heat for a commercial purpose of the otherwise eligible renewable energy facility.
d. Was initially placed into service on or after July 1, 2005, and before January 1, 2011, or on or after February 1, 2005, and before January 1, 2011, if

the facility meets the requirements of subsection 6, paragraph "b", subparagraph (7).
7. "Energy production capacity equivalent" means the amount of energy in a standard cubic foot of hydrogen gas or the number of British thermal units that are equal to the energy in a kilowatt-hour of electricity. For the purposes of this chapter, one kilowatt-hour shall be deemed equivalent to three thousand three hundred thirty-three British thermal units of heat or ten and forty-five one hundredths of standard cubic feet of hydrogen gas.
8. "Heat for a commercial purpose" means the heat in British thermal unit equivalents from methane or other biogas produced in this state sold to a purchaser of renewable energy for use for a commercial purpose.

17 9. "Hydrogen fuel" means hydrogen produced in this
18 state from a renewable source that is used in a fuel
19 cell or hydrogen-powered internal combustion engine.
20 10. "Methane gas recovery facility" means a
21 facility in this state which is used in connection
22 with a sanitary landfill or which uses wastes that
23 would otherwise be deposited in a sanitary landfill,
24 that collects methane gas or other gases and converts
25 the gas into energy to generate electricity, hydrogen
26 fuel, or heat for a commercial purpose.
27 11. "Producer of renewable energy" means a person
28 who owns an eligible renewable energy facility.
29 12. "Purchaser of renewable energy" means a person
30 who buys electric energy, hydrogen fuel, methane gas
31 or other biogas used to generate electricity, or heat
32 for a commercial purpose from an eligible renewable
33 energy facility.
34 13. "Solar energy conversion facility" means a
35 solar energy facility in this state that collects and
36 converts incident solar radiation into energy to
37 generate electricity.
38 14. "Wind energy conversion facility" means a wind
39 energy conversion system in this state that collects
40 and converts wind into energy to generate electricity.
41 Sec. ___. NEW SECTION. 476C.2 TAX CREDIT AMOUNT
42 — LIMITATIONS.
43 1. A producer or purchaser of renewable energy may
44 receive renewable energy tax credits under this
45 chapter in an amount equal to one and one-half cents
46 per kilowatt-hour of electricity, or four dollars and
47 fifty cents per million British thermal units of heat
48 for a commercial purpose, or four dollars and fifty
49 cents per million British thermal units of methane gas
50 or other biogas used to generate electricity, or one

Page 5

1 dollar and forty-four cents per one thousand standard
2 cubic feet of hydrogen fuel generated by and purchased
3 from an eligible renewable energy facility.
4 2. The renewable energy tax credit shall not be
5 allowed for any kilowatt-hour of electricity, British
6 thermal unit of heat for a commercial purpose, British
7 thermal unit of methane gas or other biogas used to
8 generate electricity, or standard cubic foot of
9 hydrogen fuel that is purchased from an eligible
10 renewable energy facility by a related person. For
11 purposes of this subsection, persons shall be treated
12 as related to each other if either person owns an
13 eighty percent or more equity interest in the other
14 person.
15 Sec. ___. NEW SECTION. 476C.3 DETERMINATION OF

16 ELIGIBILITY.
17 1. A producer or purchaser of renewable energy may
18 apply to the board for a written determination
19 regarding whether a facility is an eligible renewable
20 energy facility by submitting to the board a written
21 application containing all of the following:
22 a. Information regarding the ownership of the
23 facility including the percentage of equity interest
24 held by each owner.
25 b. The nameplate generating capacity of the
26 facility or energy production capacity equivalent.
27 c. Information regarding the facility's initial
28 placement in service.
29 d. Information regarding the type of facility and
30 what type of renewable energy the facility will
31 produce.
32 e. A copy of the power purchase agreement or other
33 agreement to purchase electricity, hydrogen fuel,
34 methane or other biogas, or heat for a commercial
35 purpose which shall designate either the producer or
36 purchaser of renewable energy as eligible to apply for
37 the renewable energy tax credit.
38 f. Any other information the board may require.
39 2. The board shall review the application and
40 supporting information and shall make a preliminary
41 determination regarding whether the facility is an
42 eligible renewable energy facility. The board shall
43 notify the applicant of the approval or denial of the
44 application within thirty days of receipt of the
45 application and information required. If the board
46 fails to notify the applicant of the approval or
47 denial within thirty days, the application shall be
48 deemed denied. An applicant who receives a
49 determination denying an application may file an
50 appeal with the board within thirty days from the date

Page 6

1 of the denial pursuant to the provisions of chapter
2 17A. In the absence of a timely appeal, the
3 preliminary determination shall be final. If the
4 application is incomplete, the board may grant an
5 extension of time for the provision of additional
6 information.
7 3. A facility that is not operational within
8 eighteen months after issuance of an approval for the
9 facility by the board shall cease to be an eligible
10 renewable energy facility. A facility that is granted
11 and thereafter loses approval may reapply to the board
12 for a new determination.
13 4. The maximum amount of nameplate generating
14 capacity of all wind energy conversion facilities the

15 board may find eligible under this chapter shall not
16 exceed ninety megawatts of nameplate generating
17 capacity. The maximum amount of energy production
18 capacity equivalent of all other facilities the board
19 may find eligible under this chapter shall not exceed
20 a combined output of ten megawatts of nameplate
21 generating capacity.
22 5. An owner meeting the requirements of section
23 476C.1, subsection 6, paragraph "b" shall not be an
24 owner of more than two eligible renewable energy
25 facilities.
26 Sec. ___. NEW SECTION. 476C.4 TAX CREDIT
27 CERTIFICATE PROCEDURE.
28 1. A producer or purchaser of renewable energy may
29 apply to the board for the renewable energy tax credit
30 by submitting to the board all of the following:
31 a. A completed application in a form prescribed by
32 the board.
33 b. A copy of the determination granting approval
34 of the facility as an eligible renewable energy
35 facility by the board.
36 c. A copy of a signed power purchase agreement or
37 other agreement to purchase electricity, hydrogen
38 fuel, methane or other biogas, or heat for a
39 commercial purpose from an eligible renewable energy
40 facility which shall designate either the producer or
41 purchaser of renewable energy as eligible to apply for
42 the renewable energy tax credit.
43 d. Sufficient documentation that the electricity,
44 heat for a commercial purpose, methane gas or other
45 biogas, or hydrogen fuel has been generated by the
46 eligible renewable energy facility and sold to the
47 purchaser of renewable energy.
48 e. Any other information the board deems
49 necessary.
50 2. The board shall notify the department of the

Page 7

1 amount of kilowatt-hours, British thermal units of
2 heat for a commercial purpose, British thermal units
3 of methane gas or other biogas used to generate
4 electricity, or standard cubic feet of hydrogen fuel
5 generated and purchased from an eligible renewable
6 energy facility. The department shall calculate the
7 amount of the tax credit for which the applicant is
8 eligible and shall issue the tax credit certificate
9 for that amount or notify the applicant in writing of
10 its refusal to do so. An applicant whose application
11 is denied may file an appeal with the department
12 within sixty days from the date of the denial pursuant
13 to the provisions of chapter 17A.

14 3. Each tax credit certificate shall contain the
15 person's name, address, and tax identification number,
16 the amount of tax credits, the first taxable year the
17 certificate may be used, the type of tax to which the
18 tax credits shall be applied, and any other
19 information required by the department. The tax
20 credit certificate shall only list one type of tax to
21 which the amount of the tax credit may be applied.
22 Once issued by the department, the tax credit
23 certificate shall not be terminated or rescinded.
24 4. If the tax credit application is filed by a
25 partnership, limited liability company, S corporation,
26 estate, trust, or other reporting entity all of the
27 income of which is taxed directly to its equity
28 holders or beneficiaries, for the taxes imposed under
29 chapter 422, division II or III, the tax credit
30 certificate shall be issued directly to equity holders
31 or beneficiaries of the applicant in proportion to
32 their pro rata share of the income of such entity.
33 The applicant shall, in the application made under
34 this section, identify its equity holders or
35 beneficiaries, and the percentage of such entity's
36 income that is allocable to each equity holder or
37 beneficiary. If the tax credit application is filed
38 by a partnership, limited liability company, S
39 corporation, estate, trust, or other reporting entity,
40 all of whose income is taxed directly to its equity
41 holders or beneficiaries for the taxes imposed under
42 chapter 422, division V, or under chapter 423, 432, or
43 437A, the tax credit certificate shall be issued
44 directly to the partnership, limited liability
45 company, S corporation, estate, trust, or other
46 reporting entity.
47 5. The department shall not issue a tax credit
48 certificate if the facility approved by the board as
49 an eligible renewable energy facility is not
50 operational within eighteen months after the approval

Page 8

1 is issued.
2 6. The department shall not issue a tax credit
3 certificate to any person who has received a tax
4 credit pursuant to chapter 476B.
5 7. Once a tax credit certificate is issued
6 pursuant to this section, the tax credit may only be
7 claimed against the type of tax reflected on the
8 certificate.
9 Sec. ___. NEW SECTION. 476C.5 CERTIFICATE
10 ISSUANCE PERIOD.
11 A producer or purchaser of renewable energy may
12 receive renewable energy tax credit certificates for a

13 ten-year period for each eligible renewable energy
14 facility under this chapter. The ten-year period for
15 issuance of the tax credit certificates begins with
16 the date the purchaser of renewable energy first
17 purchases electricity, hydrogen fuel, methane gas or
18 other biogas used to generate electricity, or heat for
19 commercial purposes from the eligible renewable energy
20 facility for which a tax credit is issued under this
21 chapter. Renewable energy tax credit certificates
22 shall not be issued for renewable energy purchased
23 after December 31, 2020.
24 Sec. ___. NEW SECTION. 476C.6 TRANSFERABILITY
25 AND USE OF TAX CREDIT CERTIFICATES — REGISTRATION.
26 1. Renewable energy tax credit certificates issued
27 under this chapter may be transferred to any person.
28 A tax credit certificate shall only be transferred
29 once. However, for purposes of this transfer
30 provision, a decision between a producer and purchaser
31 of renewable energy regarding who claims the tax
32 credit issued pursuant to this chapter shall not be
33 considered a transfer and must be set forth in the
34 application for the tax credit pursuant to section
35 476C.4. Within thirty days of transfer, the
36 transferee must submit the transferred tax credit
37 certificate to the department along with a statement
38 containing the transferee's name, tax identification
39 number, and address, and the denomination that each
40 new certificate is to carry and any other information
41 required by the department. Within thirty days of
42 receiving the transferred tax credit certificate and
43 the transferee's statement, the department shall issue
44 one or more replacement tax credit certificates to the
45 transferee. Each replacement tax credit certificate
46 must contain the information required under section
47 476C.4, subsection 3, and must have the same effective
48 taxable year and the same expiration date that
49 appeared in the transferred tax credit certificate.
50 Tax credit certificate amounts of less than the

Page 9

1 minimum amount established by rule shall not be
2 transferable. A tax credit shall not be claimed by a
3 transferee under this chapter until a replacement tax
4 credit certificate identifying the transferee as the
5 proper holder has been issued. The replacement tax
6 credit certificate may reflect a different type of tax
7 than the type of tax noted on the original tax credit
8 certificate.
9 The transferee may use the amount of the tax credit
10 transferred against taxes imposed under chapter 422,
11 divisions II, III, and V, and chapter 432 for any tax

12 year the original transferor could have claimed the
13 tax credit. The transferee may claim a refund under
14 chapter 423 or 437A for any tax year within the time
15 period set forth in section 423.47 or 437A.14 for
16 which the original transferor could have claimed the
17 refund. Any consideration received for the transfer
18 of the tax credit shall not be included as income
19 under chapter 422, divisions II, III, and V. Any
20 consideration paid for the transfer of the tax credit
21 shall not be deducted from income under chapter 422,
22 divisions II, III, and V.
23 2. To claim a renewable energy tax credit under
24 this chapter, a taxpayer must attach one or more tax
25 credit certificates to the taxpayer's tax return, or
26 if used against taxes imposed under chapter 423, the
27 taxpayer shall comply with section 423.4, or if used
28 against taxes imposed under chapter 437A, the taxpayer
29 shall comply with section 437A.17B, subsection 4. A
30 tax credit certificate shall not be used or attached
31 to a return filed for a taxable year beginning prior
32 to July 1, 2006. The tax credit certificate or
33 certificates attached to the taxpayer's tax return
34 shall be issued in the taxpayer's name, expire on or
35 after the last day of the taxable year for which the
36 taxpayer is claiming the tax credit, and show a tax
37 credit amount equal to or greater than the tax credit
38 claimed on the taxpayer's tax return. Any tax credit
39 in excess of the taxpayer's tax liability for the
40 taxable year may be credited to the taxpayer's tax
41 liability for the following seven tax years or until
42 the credit is depleted, whichever is earlier. If the
43 tax credit is applied against the taxes imposed under
44 chapter 423 or 437A, any credit in excess of the
45 taxpayer's tax liability is carried over and can be
46 filed with the refund claim for the following seven
47 tax years or until depleted, whichever is earlier.
48 However, the certificate shall not be used to reduce
49 tax liability for a tax period ending after the
50 expiration date of the certificate.

Page 10

1 3. The department shall develop a system for the
2 registration of the renewable energy tax credit
3 certificates issued or transferred under this chapter
4 and a system that permits verification that any tax
5 credit claimed on a tax return is valid and that
6 transfers of the tax credit certificates are made in
7 accordance with the requirements of this chapter. The
8 tax credit certificates issued under this chapter
9 shall not be classified as a security pursuant to
10 chapter 502.

11 Sec. ___. NEW SECTION. 476C.7 RULES.
12 The department and the board may adopt rules
13 pursuant to chapter 17A for the administration and
14 enforcement of this chapter.
15 Sec. ___. EFFECTIVE DATE. This division of this
16 Act, being deemed of immediate importance, takes
17 effect upon enactment."
18 2. Title page, line 2, by inserting after the
19 word "fees," the following: "providing for the
20 generation and purchase of and tax credits for
21 renewable energy,".

JOHN P. KIBBIE
HUBERT HOUSER

S–3283

1 Amend House File 868, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 4, by striking the words "A grow"
4 and inserting the following: "1. A grow".
5 2. Page 1, by striking lines 12 through 14 and
6 inserting the following: "assembly. Payments of
7 interest, repayments of moneys loaned".
8 3. Page 1, by inserting after line 16 the
9 following:
10 "2. In awarding financial assistance in a fiscal
11 year from moneys appropriated to the grow Iowa values
12 fund, the department shall commit, obligate, or
13 promise not more than fifty percent of the moneys
14 appropriated from the grow Iowa values fund pursuant
15 to section 15G.111, subsection 1, if enacted, for use
16 during the first fiscal year following the fiscal year
17 in which the financial assistance is awarded and not
18 more than twenty-five percent of the moneys
19 appropriated from the grow Iowa values fund pursuant
20 to section 15G.111, subsection 1, if enacted, for use
21 during the second fiscal year following the fiscal
22 year in which the financial assistance is awarded.
23 Sec. ___. Section 15G.111, subsection 2, if
24 enacted by 2005 Iowa Acts, House File 809, is amended
25 by adding the following new unnumbered paragraph after
26 unnumbered paragraph 2:
27 NEW UNNUMBERED PARAGRAPH. The department may
28 expend additional moneys that may become available for
29 purposes of financial assistance to a single
30 bioscience development organization determined by the
31 department to possess expertise in the promotion and
32 commercialization of biotechnology entrepreneurship as
33 described in and for the purposes set forth in
34 unnumbered paragraph 2."
35 4. Page 2, line 3, by striking the word "eleven"

and inserting the following: "~~eleven~~ fifteen".

5. Page 2, line 22, by striking the word "six" and inserting the following: "~~six~~ eight".

6. Page 2, line 23, by inserting after the word "party." the following: "Beginning with the first appointment to the board made after the effective date of this Act, at least one voting member shall have been less than thirty years of age at the time of appointment."

7. Page 3, line 19, by striking the word "six" and inserting the following: "~~six~~ eight".

8. Page 4, by striking line 33, and inserting the following:

"a. The number of net new jobs created as of the time of reporting. For purposes of this paragraph,

Page 2

"net new jobs" means the number of jobs that have been created pursuant to the new or retained positions identified in the contract."

9. Page 5, by inserting after line 8 the following:

"g. The number of jobs retained as of the time of reporting."

10. Page 5, line 17, by inserting after the word "businesses." the following: "This subsection is repealed June 30, 2007."

11. Page 5, line 26, by inserting after the word "businesses." the following: "This subsection is repealed June 30, 2007."

12. Page 12, line 12, by striking the word "two" and inserting the following: "three".

13. Page 18, by striking lines 29 through 31 and inserting the following: "for a fiscal year under this chapter shall not exceed two million four hundred thousand".

14. Page 19, by striking lines 2 through 9 and inserting the following: "section 303.3B. Any of the additional".

15. Page 19, by striking lines 12 and 13 and inserting the following: "during a fiscal year ~~may be carried over to the succeeding fiscal year~~ shall be applied to reserved tax credits issued in accordance with section 404A.3 in order of original reservation. The department of cultural affairs shall".

16. Page 19, line 20, by inserting after the word "available." the following: "With the exception of tax credits issued pursuant to contracts entered into prior to July 1, 2005, tax credits shall not be reserved for more than five years."

17. Page 21, line 19, by inserting after the word

35 "energy." the following: "At least one member of the
36 technology commercialization committee shall be a
37 member of the economic development board."
38 18. Page 24, by inserting after line 18, the
39 following:
40 "3. Each January 15, the state board of regents
41 shall submit a written report to the general assembly
42 detailing the patents and licenses held by each
43 institution of higher learning under the control of
44 the state board of regents and by nonprofit
45 foundations acting solely for the support of
46 institutions governed by the state board of regents."
47 19. Page 51, line 33, by inserting after the word
48 "section." the following: "Preference in issuing
49 these tax credit certificates shall be given to
50 businesses applying for the credit for retained

Page 3

1 qualified new jobs."
2 20. Page 52, line 34, by inserting after the word
3 and figure "part 13" the following: "or moneys from
4 the grow Iowa values fund".
5 21. Page 59, by inserting after line 35 the
6 following:
7 "DIVISION ___
8 IOWA GREAT PLACES
9 Sec. ___. NEW SECTION. 303.3C IOWA GREAT PLACES
10 PROGRAM.
11 1. a. The department of cultural affairs shall
12 establish and administer an Iowa great places program
13 for purposes of combining resources of state
14 government in an effort to showcase the unique and
15 authentic qualities of communities, regions,
16 neighborhoods, and districts that make such places
17 exceptional places to work and live. The department
18 of cultural affairs shall provide administrative
19 assistance to the Iowa great places board. The
20 department of cultural affairs shall coordinate the
21 efforts of the Iowa great places board with the
22 efforts of state agencies participating in the program
23 which shall include, but not be limited to, the
24 department of economic development, the Iowa finance
25 authority, the department of human rights, the
26 department of natural resources, the department of
27 transportation, and the department of workforce
28 development.
29 b. The program shall combine resources from state
30 government to capitalize on all of the following
31 aspects of the chosen Iowa great places:
32 (1) Arts and culture.
33 (2) Historic fabric.

34 (3) Architecture.
35 (4) Natural environment.
36 (5) Housing options.
37 (6) Amenities.
38 (7) Entrepreneurial incentive for business
39 development.
40 (8) Diversity.
41 c. Initially, three Iowa great places projects
42 shall be identified by the Iowa great places board.
43 Two years after the third project is identified by the
44 board, the board may identify additional Iowa great
45 places for participation under the program.
46 2. a. The Iowa great places board is established
47 consisting of twelve members. The board shall be
48 located for administrative purposes within the
49 department of cultural affairs and the director shall
50 provide office space, staff assistance, and necessary

Page 4

1 supplies and equipment for the board. The director
2 shall budget moneys to pay the compensation and
3 expenses of the board. In performing its functions,
4 the board is performing a public function on behalf of
5 the state and is a public instrumentality of the
6 state.
7 b. The members of the board shall be appointed by
8 the governor, subject to confirmation by the senate.
9 At least one member shall be less than thirty years
10 old on the date the member is appointed by the
11 governor. The board shall include representatives of
12 cities and counties, local government officials,
13 cultural leaders, housing developers, business owners,
14 and parks officials.
15 c. The chairperson and vice chairperson shall be
16 elected by the board members from the membership of
17 the board. In the case of the absence or disability
18 of the chairperson and vice chairperson, the members
19 of the board shall elect a temporary chairperson by a
20 majority vote of those members who are present and
21 voting, provided a quorum is present.
22 d. Members of the board shall be appointed to
23 three-year staggered terms and the terms shall
24 commence and end as provided in section 69.19. If a
25 vacancy occurs, a successor shall be appointed in the
26 same manner and subject to the same qualifications as
27 the original appointment to serve the unexpired term.
28 e. A majority of the members of the board
29 constitutes a quorum.
30 f. A member of the board shall abstain from voting
31 on the provision of financial assistance to a project
32 which is located in the county in which the member of

33 the board resides.
34 g. The members of the board are entitled to
35 receive reimbursement for actual expenses incurred
36 while engaged in the performance of official duties. A
37 board member may also be eligible to receive
38 compensation as provided in section 7E.6.
39 3. The board shall do all of the following:
40 a. Organize.
41 b. Identify three Iowa great places for purposes
42 of receiving a package of resources under the program.
43 c. Identify a combination of state resources which
44 can be provided to Iowa great places."
45 22. By renumbering as necessary.

BOB BRUNKHORST
MARK ZIEMAN
WILLIAM A. DOTZLER, JR.
JACK HATCH

S–3284

1 Amend House File 868, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 52, by inserting after line 34, the
4 following:
5 "Sec. ___. NEW SECTION. 421.58 SALE OR TRANSFER
6 OF NET OPERATING LOSS CARRYOVER.
7 1. As used in this section, unless the context
8 otherwise requires:
9 a. "Biotechnology enterprise" means the same as
10 defined in section 15E.202.
11 b. "Department" means the department of revenue.
12 c. "Net operating loss" means the same as defined
13 in section 172 of the Internal Revenue Code. "Net
14 operating loss" may include up to a maximum salary
15 allocation of one hundred thirty percent of the
16 average annual county wage.
17 d. "Targeted industry business" means the same as
18 defined in section 15E.223.
19 2. The department shall establish and administer a
20 tax credit certificate transfer program for purposes
21 of allowing a biotechnology enterprise or a targeted
22 industry business with twenty or fewer employees to
23 transfer a tax credit certificate to another taxpayer
24 in return for private financial assistance for a net
25 operating loss carryover.
26 3. A biotechnology enterprise or a targeted
27 industry business with twenty-five or fewer employees
28 that has a net operating loss carryover in a single
29 tax year may apply to the department for the issuance
30 of a tax credit certificate in the amount of the loss
31 carryover for sale under this section to a qualifying,

32 nonaffiliated business. Upon the department's
33 approval of an application, a tax credit certificate
34 shall be issued containing the taxpayer's name,
35 address, tax identification number, the amount of the
36 tax credit, and other information required by the
37 department. The proceeds from the sale of a tax
38 credit shall be used by the biotechnology enterprise
39 or targeted industry business for expenses including,
40 but not limited to, the expenses of fixed assets such
41 as the acquisition, development, and construction of
42 real property, materials, salaries, and research and
43 development expenditures.
44 4. A taxpayer willing to enter into an agreement
45 to receive a tax credit certificate from a
46 biotechnology enterprise or a targeted industry
47 business in exchange for providing private financial
48 assistance shall submit an application to the
49 department. The application to receive a tax credit
50 certificate shall identify the amount of private

Page 2

1 financial assistance that the applicant is willing to
2 provide in exchange for a tax credit certificate.
3 5. A taxpayer willing to exchange private
4 financial assistance to a biotechnology enterprise or
5 targeted industry business may use the amount of the
6 tax credit transferred against the taxes imposed under
7 chapter 422, division II, III, or V, or chapter 432
8 for any tax year the original transferor could have
9 claimed the net operating loss carryover. Any
10 consideration received for the transfer of the tax
11 credit shall not be included as income under chapter
12 422, division II, III, or V. Any consideration paid
13 for the transfer of a tax credit under this section
14 shall not be deducted from income under chapter 422,
15 division II, III, or V. Any tax credit in excess of
16 the tax liability for the tax year may be credited to
17 the tax liability for the following seven years or
18 until depleted, whichever occurs first.
19 6. The department shall adopt rules pursuant to
20 chapter 17A to establish the procedures for the
21 application, review, selection, issuance, and transfer
22 of tax credit certificates and to provide for the
23 method to be used to determine for which fiscal year
24 the tax credits are available.
25 7. The department or a designee shall match
26 applications submitted under this section in a manner
27 that can best stimulate and encourage the extension of
28 private financial assistance to biotechnology
29 enterprises or targeted industry businesses in the
30 state. As part of approving an application, the

31 department shall require all of the following from
32 applicants:
33 a. A written agreement concerning the terms and
34 conditions of providing private financial assistance
35 in exchange for a tax credit certificate issued
36 pursuant to this section.
37 b. Private financial assistance supplied by a
38 taxpayer must be equal to at least seventy-five
39 percent of the value of the tax credit certificate
40 issued pursuant to this section.
41 c. Private financial assistance received under
42 this section shall be used for the operation or
43 expansion of a biotechnology enterprise or a targeted
44 industry business.
45 8. The total amount of tax credits that may be
46 approved for a fiscal year under this section shall
47 not exceed one million five hundred thousand dollars.
48 A biotechnology enterprise or a targeted industry
49 business shall not receive more than one hundred fifty
50 thousand dollars in any fiscal year of private

Page 3

1 financial assistance under the program. However, an
2 enterprise or business shall not receive, in the
3 aggregate, for all fiscal years more than four hundred
4 fifty thousand dollars of private financial assistance
5 under the program. Tax credits issued under this
6 section shall not be prorated.
7 9. A biotechnology enterprise or a targeted
8 industry business receiving private financial
9 assistance under the program shall not receive a wage-
10 benefits tax credit under section 15H.2, if enacted."
11 2. By renumbering as necessary.

WILLIAM A. DOTZLER, JR.
DAVID MILLER

S–3285

1 Amend the amendment, S–3283, to House File 868, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 2, by inserting after line 15 the
5 following:
6 "___. Page 16, by inserting after line 12 the
7 following:
8 "Sec. ___. Section 15F.203, Code 2005, is amended
9 by adding the following new subsection:
10 NEW SUBSECTION. 3A. The review committee shall
11 give extra consideration or extra points in the
12 application of rating or evaluation criteria to a

community attraction and tourism program application that includes a project located in a cultural and entertainment district certified pursuant to section 303.3B.""

2. By renumbering as necessary.

WILLIAM A. DOTZLER, JR.
JACK HATCH

S–3286

Amend the amendment, S–3283, to House File 868, as amended, passed, and reprinted by the House, as follows:

1. Page 2, by striking lines 18 and 19 and inserting the following: "this chapter shall not exceed ~~two~~ <u>five</u> million ~~four hundred thousand~~"."

WILLIAM A. DOTZLER, JR.
JACK HATCH

S–3287

Amend House File 868, as amended, passed, and reprinted by the House, as follows:

1. Page 59, by inserting after line 35 the following:

"Sec. ___. Section 452A.3, Code 2005, is amended by adding the following new subsection:

<u>NEW SUBSECTION</u>. 1B. An excise tax of seventeen cents is imposed on each gallon of E-85 gasoline, which contains at least eighty-five percent denatured alcohol by volume from the first day of April until the last day of October or seventy percent denatured alcohol from the first day of November until the last day of March, used for the privilege of operating motor vehicles in this state."

2. Title page, line 2, by inserting after the word "credits," the following: "to excise taxes on E-85 gasoline,".

3. By renumbering as necessary.

HUBERT HOUSER
JOHN P. KIBBIE
BRIAN SCHOENJAHN
E. THURMAN GASKILL
DAVE MULDER
TOM RIELLY
THOMAS G. COURTNEY
DARYL BEALL
JAMES A. SEYMOUR
NANCY J. BOETTGER

JERRY BEHN
DAVID JOHNSON
AMANDA RAGAN

S–3288

1 Amend the amendment, S–3283, to House File 868, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by striking lines 5 through 7.
5 2. By renumbering as necessary.

WILLIAM A. DOTZLER, JR.

S–3289

1 Amend the amendment, S–3283, to House File 868, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 4, line 11, by inserting after the word
5 "governor" the following: "and own an Iowa-based
6 business".

MATT McCOY

S–3290

1 Amend House File 882, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 33, by inserting after line 33, the
4 following:
5 "Sec. ___. NEW SECTION. 297A.1 STATE POLICY.
6 The general assembly finds that investment in
7 energy conservation measures by public facilities can
8 reduce the amount of energy consumed by the facilities
9 and produce both immediate and long-term cost savings.
10 It is the policy of this state to encourage school
11 districts, area education agencies, community
12 colleges, public universities, municipalities,
13 counties, and state institutions to invest in facility
14 technology infrastructure upgrades and energy
15 conservation measures that reduce energy consumption,
16 produce a cost savings, or improve the quality of
17 indoor air, or when economically feasible, to build,
18 operate, maintain, or renovate public facilities in a
19 manner which will minimize energy consumption or
20 maximize energy savings. It is additionally the
21 policy of this state to encourage reinvestment of
22 energy savings resulting from energy conservation
23 measures and facility technology infrastructure
24 upgrades into additional and continued energy
25 conservation efforts, including but not limited to

26 school instructional computer hardware, software, and
27 other technology equipment or training needs to
28 maintain or operate technology systems. The
29 department of natural resources, in consultation with
30 the department of education, shall adopt rules
31 pursuant to chapter 17A for the administration of this
32 chapter.
33 Sec. ___. NEW SECTION. 297A.2 DEFINITIONS.
34 As used in this chapter, unless the context
35 otherwise requires:
36 1. "Energy conservation measure or facility
37 technology infrastructure upgrade" means an employee
38 training program, facility alteration, or equipment to
39 be used in new construction, including an addition to
40 an existing facility, that reduces energy costs and
41 includes, but is not limited to, any of the following:
42 a. Insulation of the facility structure or systems
43 within the facility.
44 b. Storm windows or doors, caulking or weather
45 stripping, multiple-glazed windows or doors, heat-
46 absorbing or heat-reflective glazed and coated window
47 or door systems, additional glazing, reductions in
48 glass area, or other window and door system
49 modifications that reduce energy consumption.
50 c. Automated or computerized energy control

Page 2

1 systems including related software-required network
2 communication wiring, computer devices, wiring and
3 support services for building maintenance or delivery
4 of energy conservation services. Any cost for support
5 services that will continue beyond the length of the
6 contract shall be identified specifically in the
7 energy performance-based evaluation, including but not
8 limited to continuation of personnel costs. Energy
9 control system technology infrastructure may be used,
10 as applicable, for other public corporation technology
11 needs. Other technology infrastructure improvements
12 may be implemented if the cost is supported by the
13 energy savings generated by other energy conservation
14 measures or facility technology infrastructure
15 upgrades.
16 d. Heating, ventilating, or air conditioning
17 system modifications or replacements.
18 e. Replacement or modification of lighting
19 fixtures to increase the energy efficiency of the
20 lighting system which, at a minimum, shall conform to
21 the applicable state or local building code.
22 f. Energy recovery systems.
23 g. Renewable energy systems, such as solar,
24 biomass, and wind.

25 h. Devices that reduce water consumption or sewer
26 charges.
27 i. Any measure not otherwise defined that produces
28 energy cost savings or British thermal unit
29 reductions.
30 An energy conservation measure or facility
31 technology infrastructure upgrade as defined in this
32 subsection shall be outside the scope of routine
33 maintenance and installation of existing equipment.
34 2. "Energy cost savings" means a measured
35 reduction in fuel, energy, or operation and
36 maintenance cost savings created from the
37 implementation of one or more energy conservation
38 measures or facility technology infrastructure
39 upgrades when compared with an established baseline
40 for previous fuel, energy, or operation and
41 maintenance costs.
42 3. "Energy performance-based contract" means a
43 contract for the recommendation and implementation of
44 energy conservation measures or facility technology
45 infrastructure upgrades which includes, at a minimum,
46 all of the following:
47 a. The design and installation of equipment to
48 implement one or more energy conservation measures or
49 facility technology infrastructure upgrades, and, if
50 applicable, operation and maintenance of such measures

1 or upgrades.
2 b. The amount of any actual annual energy and
3 operational cost savings. The amount shall be
4 guaranteed in the contract by the qualified provider
5 and verified by a professional engineer or registered
6 architect who is not employed or has contracted with
7 the qualified provider. The verification shall occur
8 using a process established by the department of
9 natural resources.
10 4. "Energy performance-based evaluation" means
11 performance of an energy audit, data collection, or
12 other related analyses preliminary to the undertaking
13 of energy conservation measures or facility technology
14 infrastructure upgrades, and maintenance of project
15 monitoring and data collection to verify
16 postinstallation energy consumption and energy-related
17 operating costs. The department of natural resources
18 shall establish performance guidelines that consider
19 federal energy management program guidelines. Any
20 cost for support services for building maintenance or
21 delivery of energy conservation services that will
22 continue beyond the length of an energy
23 performance-based contract shall be identified

24 specifically in the energy performance-based
25 evaluation.
26 5. "Maintenance cost savings" means auditable
27 operating expenses eliminated and future capital
28 replacement expenditures avoided as a result of new
29 equipment installed or services performed by the
30 qualified provider including, but not limited to,
31 savings which can be measured by an itemization of the
32 maintenance savings cost between operational savings
33 and personnel savings.
34 6. "Public corporation" means a school district as
35 described in chapter 274, a community college as
36 defined in chapter 260C, a public university, city,
37 county, or state agency.
38 7. "Qualified provider" means a business or person
39 that has been qualified by the department of natural
40 resources. The department of natural resources shall
41 adopt rules pursuant to chapter 17A to establish a
42 qualifications process. The process shall consider
43 accreditation by the national association of energy
44 service companies, certification by the association of
45 energy engineers, or professional licensure as an
46 engineer or registered architect in Iowa. A business
47 or person accredited by the national association of
48 energy service companies shall be qualified in Iowa.
49 Sec. ___. NEW SECTION. 297A.3 REQUESTS FOR
50 PROPOSALS EVALUATION.

Page 4

1 1. Prior to entering into an energy
2 performance-based contract as provided in section
3 297A.4, a public corporation shall announce a request
4 for proposals. A request for proposals shall be
5 advertised for public bidding and let publicly. The
6 model request for proposals format developed by the
7 department of natural resources shall be made
8 available for use by public corporations. A public
9 corporation shall administer the public bidding and
10 letting, requesting innovative solutions and proposals
11 for energy conservation measures and facility
12 technology infrastructure upgrades. Proposals
13 submitted shall be sealed. If the model request for
14 proposals format is not used, the request for
15 proposals shall include, at a minimum, all of the
16 following:
17 a. Name and address of the public corporation.
18 b. Name, address, title, and telephone number of a
19 contact person for the public corporation.
20 c. Notice indicating that the public corporation
21 is requesting qualified providers to propose energy
22 conservation measures and facility technology

23 infrastructure upgrades to be provided pursuant to an
24 energy performance-based contract.
25 d. Date, time, and place where proposals must be
26 received.
27 e. Evaluation criteria for assessing the
28 proposals.
29 f. Any other stipulations and clarifications the
30 public corporation may require.
31 2. The public corporation shall evaluate any
32 sealed proposal from a qualified provider. Sealed
33 proposals shall be opened by a designated member or
34 employee of the governing body of the public
35 corporation at a public meeting during which the
36 contents of the proposals shall be announced. Each
37 person submitting a sealed proposal must receive at
38 least ten days' notice of the time and place of the
39 public meeting at which the public corporation
40 proposes to award an energy performance-based
41 contract. The public corporation shall analyze each
42 qualified provider's estimate of the cost of design,
43 engineering, installation, maintenance, repairs, debt
44 service, conversions to a different energy or fuel
45 source, and postinstallation project monitoring, data
46 collection, and reporting. The evaluation shall
47 include a detailed analysis of whether the energy
48 consumed or the operating costs, or both, will be
49 reduced. Selection of the qualified provider shall,
50 through either a request for proposals process or

Page 5

1 other purchasing method, constitute selection of the
2 best value based on life cycle cost analysis of the
3 component parts and systems to the public corporation.
4 Preference shall be given to proposals that utilize
5 local or Iowa-based financial institutions.
6 Preference may also be given to proposals that
7 minimize a negative impact on school staffing. The
8 public corporation may enter into an energy
9 performance-based contract.
10 Sec. ___. NEW SECTION. 297A.4 AWARD OF
11 GUARANTEED ENERGY COST SAVINGS CONTRACT.
12 1. A public corporation shall select a qualified
13 provider that best meets the needs of the public
14 corporation based on life cycle cost analysis. After
15 completing its evaluation of the proposals received
16 pursuant to section 297A.3, the public corporation
17 shall provide public notice of the public meeting at
18 which it proposes to award an energy performance-based
19 contract. The public notice shall contain the names
20 of the parties to the proposed contract and the
21 purpose of the contract. The public notice shall be

22 published at least ten days prior to the public
23 meeting. A public corporation may enter into an
24 energy performance-based contract with a qualified
25 provider if it finds, after evaluating the proposal
26 pursuant to section 297A.3, that the total amount the
27 public corporation would spend on the design,
28 implementation, financing, and performance management
29 of the energy conservation measures or facility
30 technology infrastructure upgrades and modernization
31 measures recommended in the proposal would not exceed
32 the amount to be saved in either energy or operational
33 costs, or both, within a twenty-year period from the
34 date of installation of such measures or upgrades,
35 based on life-cycle costing calculations, if the
36 recommendations in the proposal are followed. Each
37 individual improvement must pay for itself within the
38 useful life of the equipment, as determined by the
39 American society of heating, refrigeration, and air
40 conditioning engineers.
41 2. A public corporation may enter into a financing
42 agreement as provided in sections 473.19, 473.20, and
43 473.20A, for the purchase and installation of energy
44 conservation measures, or facility technology
45 infrastructure upgrades and modernization measures, or
46 may secure financing through a third party for the
47 purchase and installation of energy conservation
48 measures, facility technology infrastructure upgrades,
49 or modernization measures. Energy performance-based
50 contracts may extend beyond the fiscal year in which

Page 6

1 they become effective, and may be automatically
2 renewed annually for up to twenty years.
3 3. A qualified provider shall be responsible for
4 the measurement and verification of the savings
5 generated by the energy conservation measures or
6 facility technology infrastructure upgrades and
7 modernization measures. The process to be used for
8 the measurement and verification shall follow the
9 guidelines of the federal energy management program.
10 A public corporation shall have these savings verified
11 by a qualified independent third party on an annual
12 basis. The verification shall also include an annual
13 reconciliation of the guaranteed energy cost savings
14 for the life of any financing agreement obligations or
15 until the project is repaid from energy savings. The
16 cost of this verification shall be a part of the
17 contract with the qualified provider. The department
18 of natural resources shall establish the
19 qualifications necessary for a business or person to
20 become a qualified independent third party. A

21 business or person accredited by the national
22 association of energy service companies shall be
23 qualified in Iowa.
24 4. A selected qualified provider shall provide a
25 one hundred percent performance guarantee bond to the
26 public corporation for the installation and faithful
27 performance of the installed energy conservation
28 measures or facility technology infrastructure
29 upgrades as outlined in the energy performance-based
30 contract.
31 5. A public corporation has the right to terminate
32 an energy performance-based contract at any time
33 provided that written notice to the qualified provider
34 is provided at least thirty days prior to termination.
35 All qualified providers shall include clear statements
36 and requirements regarding contract termination as
37 part of the contract documentation. The documentation
38 shall clearly state the options of the public
39 corporation to satisfy the contract early and include
40 all associated costs. The documentation shall also
41 state the rights of a public corporation under a
42 contract for terminating the contract due to
43 nonperformance, for exercising rights pursuant to the
44 performance guarantee bond, and for listing all costs
45 and responsibilities for payment of any remaining debt
46 associated with energy and operational savings
47 projects already implemented. The information and
48 associated costs described in this subsection shall be
49 provided to a public corporation before an energy
50 performance-based contract is approved.

Page 7

1 6. An energy performance-based contract shall
2 include a written guarantee by a qualified provider
3 that the amount of any actual energy and operational
4 savings shall be guaranteed. The amount must also
5 meet or exceed the total annual contract payments,
6 including financing charges, made by the public
7 corporation over the life of the contract. A
8 qualified provider shall reimburse a public
9 corporation for any shortfall of guaranteed energy
10 cost savings projected in the contract. Actual
11 savings documentation shall be reconciled on an annual
12 basis as provided in the contract. Any savings
13 shortfall shall be made whole by the qualified
14 provider within sixty days. Excess documented and
15 mutually agreed upon savings may be carried over to
16 future years. A qualified provider shall provide the
17 public corporation with a one hundred percent
18 performance guarantee bond for installation and
19 retrofit projects. A qualified provider shall

20 guarantee the savings for the length of the contract
21 and shall also provide the guaranteed performance
22 bonds on an annual basis renewed each year for the
23 term of the contract. An energy performance-based
24 contract may provide for payments over a period of
25 time, not to exceed twenty years.
26 7. Nothing in this chapter shall be construed to
27 prohibit public corporations, school corporations,
28 community colleges, or institutions under the control
29 of the state board of regents from utilizing savings
30 resulting from energy conservation measures, in excess
31 of the amount needed to pay for the measures, for
32 discretionary budget operations including but not
33 limited to school instructional computer hardware,
34 software, technology training, upgrades, or other
35 similar uses."

THOMAS G. COURTNEY
MARY LUNDBY

S–3291

1 Amend House File 882, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 19, by inserting after line 12 the
4 following:
5 "Sec. ___. NEW SECTION. 422.11K SCHOOL TUITION
6 ORGANIZATION TAX CREDIT.
7 1. The taxes imposed under this division less the
8 credits allowed under sections 422.12 and 422.12B
9 shall be reduced by a school tuition organization tax
10 credit equal to fifty percent of the amount of the
11 voluntary cash contributions made by the taxpayer
12 during the fiscal year ending in the tax year.
13 2. To be eligible for this credit, all of the
14 following shall apply:
15 a. A deduction pursuant to section 170 of the
16 Internal Revenue Code for any amount of the
17 contribution is not taken for state tax purposes.
18 b. The contribution does not designate that any
19 part of the contribution be used for the direct
20 benefit of any dependent of the taxpayer or for any
21 other student designated by the taxpayer.
22 c. Each school tuition organization shall apply
23 for tax credits on behalf of the taxpayers making
24 contributions to the organization. The application
25 shall be filed with the department by August 15
26 following the end of the fiscal year and shall contain
27 a listing of each taxpayer, the taxpayer's
28 contribution, and each of the ratios that the
29 contributions used for allowable expenditures for
30 public and private nonprofit preschools, public school

31 districts, and nonpublic elementary and secondary
32 schools are to the total allowable expenditures. The
33 department shall compute the amount of credits
34 attributable to the contributions benefiting each of
35 the three types of qualified schools. The total
36 amount of tax credits that may be approved for any
37 fiscal year is fifteen million dollars with a limit of
38 five million dollars in tax credits for each type of
39 qualified school. However, if all the tax credits
40 available for one type of qualified school are not
41 used, the excess shall be evenly distributed to
42 increase the limit for the other types. If tax
43 credits exceed the limit, the amount available to each
44 taxpayer shall be prorated.
45 Notwithstanding any other provision, the maximum
46 tax credit a taxpayer may receive shall not exceed an
47 amount equal to fifty thousandths of one percent of
48 the combined available credits for all types for
49 married taxpayers filing jointly or equal to twenty-
50 five thousandths of one percent of the combined

Page 2

1 available credits for all types for all other
2 taxpayers.
3 The department shall notify the school tuition
4 organization of the amount of each taxpayer's tax
5 credit by November 1 of the tax year. The school
6 tuition organization shall notify the taxpayers of
7 their amount of tax credit by December 1 of the tax
8 year.
9 3. Any credit in excess of the tax liability is
10 not refundable but the excess for the tax year may be
11 credited to the tax liability for the following five
12 tax years or until depleted, whichever is the earlier.
13 4. Married taxpayers who file separate returns or
14 file separately on a combined return form must
15 determine the tax credit based upon their combined net
16 income and allocate the total credit amount to each
17 spouse in the proportion that each spouse's respective
18 net income bears to the total combined net income.
19 Nonresidents or part-year residents of Iowa must
20 determine their tax credit in the ratio of their Iowa
21 source net income to their all source net income.
22 Nonresidents or part-year residents who are married
23 and elect to file separate returns or to file
24 separately on a combined return form must allocate the
25 tax credit between the spouses in the ratio of each
26 spouse's Iowa source net income to the combined Iowa
27 source net income of the taxpayers.
28 5. For purposes of this section:
29 a. "Allowable expenditures" means either of the

30 following:
31 (1) In the case of public school districts,
32 curricular expenses associated with attendance at an
33 elementary or secondary school comparable to items
34 covered by tuition at a nonpublic school, including,
35 but not limited to, fees for summer school, tutoring,
36 driver education, and postsecondary enrollment
37 options.
38 (2) In the case of public and private nonprofit
39 preschools and nonpublic elementary and secondary
40 schools, tuition grants and scholarships.
41 b. "Qualified school" means a public or private
42 nonprofit preschool, as defined in section 237A.1, in
43 this state, a public school district in this state, or
44 a nonpublic elementary or secondary school in this
45 state which is accredited under section 256.11 and
46 adheres to the provisions of the federal Civil Rights
47 Act of 1964 and chapter 216.
48 c. (1) "School tuition organization" means a
49 charitable organization in this state that is exempt
50 from federal income taxation under section 501(c)(3)

Page 3

1 of the Internal Revenue Code and that allocates at
2 least ninety percent of its annual revenue for
3 allowable expenditures to children to allow them to
4 attend any qualified school of their parents' choice.
5 (2) A school tuition organization shall only award
6 allowable expenditures to children who reside in Iowa.
7 In addition, to qualify as a school tuition
8 organization, the charitable organization shall
9 provide allowable expenditures to students without
10 limiting availability to only students of one school
11 and shall prioritize the provision of such allowable
12 expenditures to students from families whose incomes
13 are less than two hundred percent of the federal
14 poverty level, as defined by the most recently revised
15 income guidelines published by the United States
16 department of health and human services.
17 6. A school tuition organization that receives a
18 voluntary cash contribution pursuant to this section
19 shall report to the department, in a form prescribed
20 by the department, by August 15 of each fiscal year
21 all of the following information:
22 a. The name, address, and contact name of the
23 school tuition organization.
24 b. The total number of contributions received
25 during the previous fiscal year.
26 c. The total dollar amount of contributions
27 received during the previous fiscal year.
28 d. The total number of children awarded allowable

29 expenditures during the previous fiscal year.
30 e. The total dollar amount of allowable
31 expenditures awarded during the previous fiscal year.
32 f. For each school or school district to which
33 allowable expenditures were awarded all of the
34 following shall be provided:
35 (1) The name and address of the school.
36 (2) The number of allowable expenditures awarded
37 during the previous fiscal year.
38 (3) The total dollar amount of allowable
39 expenditures awarded during the previous fiscal year."
40 2. Page 24, by inserting after line 27 the
41 following:
42 "Sec. ___. APPLICABILITY DATE. The section of
43 this division of this Act enacting section 422.11K
44 applies to tax years beginning on or after January 1,
45 2006."

DAVID JOHNSON
DAVE MULDER

S–3292

1 Amend House File 816, as amended, passed, and
2 reprinted by the House, as follows:
3 1. By striking everything after the enacting
4 clause and inserting the following:
5 "DEPARTMENT FOR THE BLIND
6 Section 1. ADMINISTRATION. There is appropriated
7 from the general fund of the state to the department
8 for the blind for the fiscal year beginning July 1,
9 2005, and ending June 30, 2006, the following amount,
10 or so much thereof as is necessary, to be used for the
11 purposes designated:
12 For salaries, support, maintenance, miscellaneous
13 purposes and for not more than the following full-time
14 equivalent positions:
15 ..... $ 1,886,842
16 ..... FTEs 109.50
17 COLLEGE STUDENT AID COMMISSION
18 Sec. 2. There is appropriated from the general
19 fund of the state to the college student aid
20 commission for the fiscal year beginning July 1, 2005,
21 and ending June 30, 2006, the following amounts, or so
22 much thereof as may be necessary, to be used for the
23 purposes designated:
24 1. GENERAL ADMINISTRATION
25 For salaries, support, maintenance, miscellaneous
26 purposes, and for not more than the following full-
27 time equivalent positions:
28 ..... $ 349,494
29 ..... FTEs 4.30

30 2. STUDENT AID PROGRAMS
31 For payments to students for the Iowa grant
32 program:
33 ..... $ 1,029,784
34 3. DES MOINES UNIVERSITY — OSTEOPATHIC MEDICAL
35 CENTER
36 a. For forgivable loans to Iowa students attending
37 the Des Moines university — osteopathic medical
38 center under the forgivable loan program pursuant to
39 section 261.19:
40 ..... $ 100,000
41 To receive funds appropriated pursuant to this
42 paragraph, Des Moines university — osteopathic
43 medical center shall match the funds with
44 institutional funds on a dollar-for-dollar basis.
45 b. For the Des Moines university — osteopathic
46 medical center for an initiative in primary health
47 care to direct primary care physicians to shortage
48 areas in the state:
49 ..... $ 346,451
50 4. NATIONAL GUARD EDUCATIONAL ASSISTANCE PROGRAM

Page 2

1 For purposes of providing national guard
2 educational assistance under the program established
3 in section 261.86:
4 ..... $ 3,800,000
5 5. TEACHER SHORTAGE FORGIVABLE LOAN PROGRAM
6 For the teacher shortage forgivable loan program
7 established in section 261.111:
8 ..... $ 285,000
9 Sec. 3. COLLEGE STUDENT AID COMMISSION STUDY —
10 STATE AID FOR STUDENTS ENROLLED IN ACCREDITED PRIVATE
11 INSTITUTIONS. The college student aid commission
12 shall develop, in consultation with representatives
13 from accredited private institutions whose income is
14 not exempt from taxation under section 501(c) of the
15 Internal Revenue Code, recommendations for a policy
16 regarding the protection of educational consumers for
17 inclusion in the definition of "accredited private
18 institution" under section 261.9. It is the intent of
19 the general assembly to consider such a policy as it
20 might apply to private institutions whose income is
21 not exempt, and those private institutions whose
22 income is exempt, from taxation under section 501(c)
23 of the Internal Revenue Code. In determining its
24 recommendations, the commission shall include a review
25 of information that includes, but is not limited to,
26 the percent of students who are enrolled in each
27 institution who have high school graduation diplomas,
28 the percentage of students enrolled in each

29 institution who have high school equivalency diplomas,
30 the percentage of low-income students enrolled in each
31 institution, the percentage of nontraditional students
32 enrolled in each institution, the graduation and job
33 placement rates of each institution, and each
34 institution's official cohort default rate, which is
35 released annually by the United States department of
36 education. The commission shall submit its findings
37 and recommendations to the governor and the general
38 assembly by January 10, 2006.
39 DEPARTMENT OF CULTURAL AFFAIRS
40 Sec. 4. There is appropriated from the general
41 fund of the state to the department of cultural
42 affairs for the fiscal year beginning July 1, 2005,
43 and ending June 30, 2006, the following amounts, or so
44 much thereof as is necessary, to be used for the
45 purposes designated:
46 1. ADMINISTRATION
47 For salaries, support, maintenance, and
48 miscellaneous purposes:
49 ..... $ 235,636
50 The department of cultural affairs shall coordinate

Page 3

1 activities with the tourism office of the department
2 of economic development to promote attendance at the
3 state historical building and at this state's historic
4 sites.
5 2. COMMUNITY CULTURAL GRANTS
6 For planning and programming for the community
7 cultural grants program established under section
8 303.3:
9 ..... $ 299,240
10 3. HISTORICAL DIVISION
11 For salaries, support, maintenance, miscellaneous
12 purposes, and for not more than the following full-
13 time equivalent positions:
14 ..... $ 3,040,920
15 ..... FTEs 65.00
16 4. HISTORIC SITES
17 For salaries, support, maintenance, and
18 miscellaneous purposes:
19 ..... $ 526,459
20 5. ARTS DIVISION
21 For salaries, support, maintenance, miscellaneous
22 purposes, including funds to match federal grants and
23 for not more than the following full-time equivalent
24 positions:
25 ..... $ 1,157,486
26 ..... FTEs 11.25
27 6. GREAT PLACES

28 For salaries, support, maintenance, and
29 miscellaneous purposes:
30 ..... $ 200,000
31 7. ARCHIVE IOWA GOVERNORS' RECORDS
32 For archiving the records of Iowa governors:
33 ..... $ 75,000
34 DEPARTMENT OF EDUCATION
35 Sec. 5. There is appropriated from the general
36 fund of the state to the department of education for
37 the fiscal year beginning July 1, 2005, and ending
38 June 30, 2006, the following amounts, or so much
39 thereof as may be necessary, to be used for the
40 purposes designated:
41 1. GENERAL ADMINISTRATION
42 For salaries, support, maintenance, miscellaneous
43 purposes, and for not more than the following full-
44 time equivalent positions:
45 ..... $ 5,139,542
46 ..... FTEs 76.27
47 The director of the department of education shall
48 ensure that all school districts are aware of the
49 state education resources available on the state
50 website for listing teacher job openings and shall

Page 4

1 make every reasonable effort to enable qualified
2 practitioners to post their resumes on the state
3 website. The department shall administer the posting
4 of job vacancies for school districts, accredited
5 nonpublic schools, and area education agencies on the
6 state website. The department may coordinate this
7 activity with the Iowa school board association or
8 other interested education associations in the state.
9 The department shall strongly encourage school
10 districts to seek direct claiming under the medical
11 assistance program for funding of school district
12 nursing services for students.
13 2. VOCATIONAL EDUCATION ADMINISTRATION
14 For salaries, support, maintenance, miscellaneous
15 purposes, and for not more than the following full-
16 time equivalent positions:
17 ..... $ 514,828
18 ..... FTEs 13.80
19 3. VOCATIONAL REHABILITATION SERVICES DIVISION
20 a. For salaries, support, maintenance,
21 miscellaneous purposes, and for not more than the
22 following full-time equivalent positions:
23 ..... $ 4,475,050
24 ..... FTEs 273.50
25 The division of vocational rehabilitation services
26 shall seek funding from other sources, such as local

27 funds, for purposes of matching the state's federal
28 vocational rehabilitation allocation, as well as for
29 matching other federal vocational rehabilitation
30 funding that may become available.
31 Except where prohibited under federal law, the
32 division of vocational rehabilitation services of the
33 department of education shall accept client
34 assessments, or assessments of potential clients,
35 performed by other agencies in order to reduce
36 duplication of effort.
37 Notwithstanding the full-time equivalent position
38 limit established in this lettered paragraph, for the
39 fiscal year ending June 30, 2006, if federal funding
40 is received to pay the costs of additional employees
41 for the vocational rehabilitation services division
42 who would have duties relating to vocational
43 rehabilitation services paid for through federal
44 funding, authorization to hire not more than 4.00
45 additional full-time equivalent employees shall be
46 provided, the full-time equivalent position limit
47 shall be exceeded, and the additional employees shall
48 be hired by the division.
49 b. For matching funds for programs to enable
50 persons with severe physical or mental disabilities to

Page 5

1 function more independently, including salaries and
2 support, and for not more than the following full-time
3 equivalent position:
4 ..... $ 54,150
5 ..... FTEs 1.00
6 The highest priority use for the moneys
7 appropriated under this lettered paragraph shall be
8 for programs that emphasize employment and assist
9 persons with severe physical or mental disabilities to
10 find and maintain employment to enable them to
11 function more independently.
12 4. STATE LIBRARY
13 a. For salaries, support, maintenance,
14 miscellaneous purposes, and for not more than the
15 following full-time equivalent positions:
16 ..... $ 1,378,555
17 ..... FTEs 18.00
18 b. For the enrich Iowa program:
19 ..... $ 1,698,432
20 (1) Funds allocated for purposes of the enrich
21 Iowa program as provided in this lettered paragraph
22 shall be distributed by the division of libraries and
23 information services to provide support for Iowa's
24 libraries. The commission of libraries shall develop
25 rules governing the allocation of funds provided by

26 the general assembly for the enrich Iowa program to
27 provide direct state assistance to public libraries
28 and to fund the open access and access plus programs.
29 Direct state assistance to eligible public libraries
30 is provided as an incentive to improve library
31 services and to reduce inequities among communities in
32 the delivery of library services based on recognized
33 and adopted performance measures. Funds distributed
34 as direct state assistance shall be distributed to
35 eligible public libraries that are in compliance with
36 performance measures adopted by rule by the commission
37 of libraries. The funds allocated as provided in this
38 lettered paragraph shall not be used for the costs of
39 administration by the division. The amount of direct
40 state assistance distributed to each eligible public
41 library shall be based upon the following:
42 (a) The level of compliance by the eligible public
43 library with the performance measures adopted by the
44 commission as provided in this subparagraph.
45 (b) The number of people residing within an
46 eligible library's geographic service area for whom
47 the library provides services.
48 (c) The amount of other funding the eligible
49 public library received in the previous fiscal year
50 for providing services to rural residents and to

Page 6

1 contracting communities.
2 (2) Moneys received by a public library under this
3 lettered paragraph shall supplement, not supplant, any
4 other funding received by the library.
5 (3) For purposes of this section, "eligible public
6 library" means a public library that meets all of the
7 following requirements:
8 (a) Submits to the division all of the following:
9 (i) The report provided for under section 256.51,
10 subsection 1, paragraph "h".
11 (ii) An application and accreditation report, in a
12 format approved by the commission, that provides
13 evidence of the library's compliance with at least one
14 level of the standards established in accordance with
15 section 256.51, subsection 1, paragraph "k".
16 (iii) Any other application or report the division
17 deems necessary for the implementation of the enrich
18 Iowa program.
19 (b) Participates in the library resource and
20 information sharing programs established by the state
21 library.
22 (c) Is a public library established by city
23 ordinance or a library district as provided in chapter
24 336.

25 (4) Each eligible public library shall maintain a
26 separate listing within its budget for payments
27 received and expenditures made pursuant to this
28 lettered paragraph, and shall annually submit this
29 listing to the division.
30 (5) By January 15, 2007, the division shall submit
31 a program evaluation report to the general assembly
32 and the governor detailing the uses and the impacts of
33 funds allocated under this lettered paragraph.
34 (6) A public library that receives funds in
35 accordance with this lettered paragraph shall have an
36 internet use policy in place, which may or may not
37 include internet filtering. The library shall submit
38 a report describing the library's internet use efforts
39 to the division.
40 (7) A public library that receives funds in
41 accordance with this lettered paragraph shall provide
42 open access, the reciprocal borrowing program, as a
43 service to its patrons, at a reimbursement rate
44 determined by the state library.
45 5. LIBRARY SERVICE AREA SYSTEM
46 For state aid:
47 ..... $ 1,376,558
48 6. PUBLIC BROADCASTING DIVISION
49 For salaries, support, maintenance, capital
50 expenditures, miscellaneous purposes, and for not more

Page 7

1 than the following full-time equivalent positions:
2 ..... $ 7,356,722
3 ..... FTEs 86.00
4 7. REGIONAL TELECOMMUNICATIONS COUNCILS
5 For state aid:
6 ..... $ 1,240,478
7 The regional telecommunications councils
8 established in section 8D.5 shall use the funds
9 appropriated in this subsection to provide technical
10 assistance for network classrooms, planning and
11 troubleshooting for local area networks, scheduling of
12 video sites, and other related support activities.
13 8. VOCATIONAL EDUCATION TO SECONDARY SCHOOLS
14 For reimbursement for vocational education
15 expenditures made by secondary schools:
16 ..... $ 2,936,904
17 Funds appropriated in this subsection shall be used
18 for expenditures made by school districts to meet the
19 standards set in sections 256.11, 258.4, and 260C.14
20 as a result of the enactment of 1989 Iowa Acts,
21 chapter 278. Funds shall be used as reimbursement for
22 vocational education expenditures made by secondary
23 schools in the manner provided by the department of

24 education for implementation of the standards set in
25 1989 Iowa Acts, chapter 278.
26 9. SCHOOL FOOD SERVICE
27 For use as state matching funds for federal
28 programs that shall be disbursed according to federal
29 regulations, including salaries, support, maintenance,
30 and miscellaneous purposes:
31 ..... $ 2,509,683
32 10. IOWA EMPOWERMENT FUND
33 For deposit in the school ready children grants
34 account of the Iowa empowerment fund created in
35 section 28.9:
36 ..... $ 23,781,594
37 a. From the moneys deposited in the school ready
38 children grants account for the fiscal year beginning
39 July 1, 2005, and ending June 30, 2006, not more than
40 $300,000 is allocated for the community empowerment
41 office and other technical assistance activities and
42 of that amount, not more than $50,000 shall be used to
43 administer the early childhood coordinator's position
44 pursuant to section 28.3, subsection 6A, if enacted by
45 2005 Iowa Acts, House File 761, and not more than
46 $50,000 shall be used to implement an early childhood
47 Iowa website for wide dissemination of early care and
48 early childhood learning information and assistance.
49 It is the intent of the general assembly that regional
50 technical assistance teams will be established and

Page 8

1 will include staff from various agencies, as
2 appropriate, including the area education agencies,
3 community colleges, and the Iowa state university of
4 science and technology cooperative extension service
5 in agriculture and home economics. The Iowa
6 empowerment board shall direct staff to work with the
7 advisory council to inventory technical assistance
8 needs. Funds allocated under this lettered paragraph
9 may be used by the Iowa empowerment board for the
10 purpose of skills development and support for ongoing
11 training of the regional technical assistance teams.
12 However, funds shall not be used for additional staff
13 or for the reimbursement of staff.
14 b. Notwithstanding any other provision of law to
15 the contrary, the community empowerment office shall
16 use the documentation created by the legislative
17 services agency to continue the implementation of the
18 four-year phase-in period of the distribution formula
19 approved by the community empowerment board.
20 c. As a condition of receiving funding
21 appropriated in this subsection, each community
22 empowerment area board shall report to the Iowa

23 empowerment board progress on each of the state
24 indicators approved by the state board, as well as
25 progress on local indicators. The community
26 empowerment area board must also submit a written plan
27 amendment extending by one year the area's
28 comprehensive school ready children grant plan
29 developed for providing services for children from
30 birth through five years of age and provide other
31 information specified by the Iowa empowerment board.
32 The amendment may also provide for changes in the
33 programs and services provided under the plan. The
34 Iowa empowerment board shall establish a submission
35 deadline for the plan amendment that allows a
36 reasonable period of time for preparation of the plan
37 amendment and for review and approval or request for
38 modification of the plan amendment by the Iowa
39 empowerment board. In addition, the community
40 empowerment board must continue to comply with
41 reporting provisions and other requirements adopted by
42 the Iowa empowerment board in implementing section
43 28.8.
44 d. Of the amount appropriated in this subsection
45 for deposit in the school ready children grants
46 account of the Iowa empowerment fund that is used for
47 distribution to areas, $4,650,000 shall be used to
48 assist low-income parents with preschool tuition.
49 e. Of the amount appropriated in this subsection
50 for deposit in the school ready children grants

Page 9

1 account of the Iowa empowerment fund that is used for
2 distribution to areas, $1,000,000 shall be used to
3 collaborate with area education agencies and community
4 colleges to provide both child care and preschool
5 providers with ready access to high-quality
6 professional development.
7 11. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS
8 To provide funds for costs of providing textbooks
9 to each resident pupil who attends a nonpublic school
10 as authorized by section 301.1. The funding is
11 limited to $20 per pupil and shall not exceed the
12 comparable services offered to resident public school
13 pupils:
14 ..... $ 614,058
15 12. STUDENT ACHIEVEMENT AND TEACHER QUALITY
16 PROGRAM
17 For purposes, as provided in law, of the student
18 achievement and teacher quality program established
19 pursuant to chapter 284:
20 ..... $ 69,593,894
21 13. COMMUNITY COLLEGES

22 For general state financial aid to merged areas as
23 defined in section 260C.2 in accordance with chapters
24 258 and 260C:
25 ..... $ 146,063,888
26 The funds appropriated in this subsection shall be
27 allocated as provided under section 260C.18C, as
28 enacted by this Act, as follows:
29 a. Merged Area I ..... $ 7,043,136
30 b. Merged Area II ..... $ 8,139,764
31 c. Merged Area III ..... $ 7,546,392
32 d. Merged Area IV ..... $ 3,695,536
33 e. Merged Area V ..... $ 7,913,500
34 f. Merged Area VI ..... $ 7,164,571
35 g. Merged Area VII ..... $ 10,403,251
36 h. Merged Area IX ..... $ 12,820,428
37 i. Merged Area X ..... $ 20,697,708
38 j. Merged Area XI ..... $ 21,467,229
39 k. Merged Area XII ..... $ 8,467,199
40 l. Merged Area XIII ..... $ 8,618,079
41 m. Merged Area XIV ..... $ 3,740,768
42 n. Merged Area XV ..... $ 11,760,384
43 o. Merged Area XVI ..... $ 6,585,943
44 Sec. 6. STATEWIDE TEACHER INTERN PROGRAM —
45 FEDERAL GRANT APPLICATION COORDINATION.
46 The department shall work cooperatively with the
47 state board of regents and other appropriate eligible
48 grantees to obtain any available federal funding,
49 including grants that may be available for the
50 establishment and operation of a teacher intern

Page 10

1 program.
2 Sec. 7. BOARD OF EDUCATIONAL EXAMINERS LICENSING
3 FEES. Notwithstanding section 272.10, for the fiscal
4 year beginning July 1, 2005, and ending June 30, 2006,
5 the executive director of the board of educational
6 examiners shall deposit at least 20 percent of the
7 fees collected annually with the treasurer of state
8 which shall be credited to the general fund of the
9 state. The remaining licensing fees collected during
10 the fiscal year beginning July 1, 2005, and retained
11 are appropriated to the board for the purposes related
12 to the board's duties. Notwithstanding section 8.33,
13 licensing fees retained by and appropriated to the
14 board pursuant to this section that remain
15 unencumbered or unobligated at the close of the fiscal
16 year in an amount of not more than 10 percent of the
17 total licensing fees collected by the board by the
18 close of the fiscal year shall not revert but shall
19 remain available for expenditure for the purposes
20 designated until the close of the succeeding fiscal

21 year.
22 Sec. 8. EDUCATOR LICENSING REVIEW WORKING GROUP.
23 1. The board of educational examiners, in
24 consultation with the department of education, shall
25 convene a working group whose work shall be conducted
26 over a three-year period to identify and recommend
27 measures to improve Iowa's current teacher and
28 administrator preparation and licensing practices.
29 The working group shall review the current teacher and
30 administrator preparation and licensing processes to
31 identify essential standards to maintain quality
32 preparation and licensing requirements for teachers
33 and administrators. The review shall also do the
34 following:
35 a. Identify state laws and agency rules that are
36 no longer essential to maintain quality.
37 b. Compare Iowa's teacher and administrator
38 preparation and licensing practices with those of
39 neighboring states, and identify those areas where
40 Iowa's practices differ from, or are consistent with,
41 the practices of the states neighboring Iowa.
42 c. Identify potential barriers preventing teacher
43 and administrator candidates from neighboring states
44 from applying for licensure in Iowa.
45 d. Review federal laws and regulations relating to
46 teachers and teacher licensure in order to ensure
47 compliance with federal laws and regulations,
48 especially those relating to highly qualified
49 teachers.
50 2. The working group shall consist of teachers,

Page 11

1 administrators, and representatives of the department
2 of education, the state board of education, the board
3 of educational examiners, and practitioner preparation
4 institutions.
5 3. The working group shall annually submit its
6 findings and recommendations to the chairpersons and
7 ranking members of the senate and house standing
8 education committees and the joint appropriations
9 subcommittee on education by January 15.
10 Sec. 9. MINIMUM TEACHER SALARY REQUIREMENTS — FY
11 2005–2006.
12 1. Notwithstanding section 284.7, subsection 1,
13 paragraph "a", subparagraph (2), the minimum teacher
14 salary paid by a school district or area education
15 agency for purposes of teacher compensation in
16 accordance with chapter 284, for the fiscal year
17 beginning July 1, 2005, and ending June 30, 2006,
18 shall be the minimum salary amount the school district
19 or area education agency paid to a first-year

20 beginning teacher or, the minimum salary amount the
21 school district or area education agency would have
22 paid a first-year beginning teacher if the school
23 district or area education agency had participated in
24 the program in the 2001–2002 school year, in
25 accordance with section 284.7, subsection 1, Code
26 Supplement 2001. If the school district or area
27 education agency did not employ a first-year beginning
28 teacher in the 2001–2002 school year, the minimum
29 salary is the amount that the district would have paid
30 a first-year beginning teacher under chapter 284 in
31 the 2001–2002 school year.
32 2. Notwithstanding section 284.7, subsection 1,
33 paragraph "b", subparagraph (2), the minimum career
34 teacher salary paid to a career teacher who was a
35 beginning teacher in the 2004–2005 school year, by a
36 school district or area education agency participating
37 in the student achievement and teacher quality
38 program, for the school year beginning July 1, 2005,
39 and ending June 30, 2006, shall be, unless the school
40 district has a minimum career teacher salary that
41 exceeds thirty thousand dollars, one thousand dollars
42 greater than the minimum salary amount the school
43 district or area education agency paid to a first-year
44 beginning teacher if the school district or area
45 education agency participated in the program during
46 the 2001–2002 school year, or the minimum salary
47 amount the school district or area education agency
48 would have paid a first-year beginning teacher if the
49 school district or area education agency had
50 participated in the program in the 2001–2002 school

Page 12

1 year, in accordance with section 284.7, subsection 1,
2 Code Supplement 2001.
3 3. Notwithstanding section 284.7, subsection 1,
4 paragraph "b", subparagraph (2), and except as
5 provided in subsection 2, the minimum career teacher
6 salary paid by a school district or area education
7 agency participating in the student achievement and
8 teacher quality program, for purposes of teacher
9 compensation in accordance with chapter 284, for the
10 school year beginning July 1, 2005, and ending June
11 30, 2006, shall be the minimum salary amount the
12 school district or area education agency paid to a
13 career teacher if the school district or area
14 education agency participated in the program during
15 the 2001–2002 school year, or, the minimum salary
16 amount the school district or area education agency
17 would have paid a career teacher if the school
18 district or area education agency had participated in

19 the program in the 2001–2002 school year, in
20 accordance with section 284.7, subsection 1, Code
21 Supplement 2001.
22 STATE BOARD OF REGENTS
23 Sec. 10. There is appropriated from the general
24 fund of the state to the state board of regents for
25 the fiscal year beginning July 1, 2005, and ending
26 June 30, 2006, the following amounts, or so much
27 thereof as may be necessary, to be used for the
28 purposes designated:
29 1. OFFICE OF STATE BOARD OF REGENTS
30 a. For salaries, support, maintenance,
31 miscellaneous purposes, and for not more than the
32 following full-time equivalent positions:
33 ..... $ 1,167,137
34 ..... FTEs 16.00
35 The state board of regents, the department of
36 management, and the legislative services agency shall
37 cooperate to determine and agree upon, by November 15,
38 2005, the amount that needs to be appropriated for
39 tuition replacement for the fiscal year beginning July
40 1, 2006.
41 The state board of regents shall submit a monthly
42 financial report in a format agreed upon by the state
43 board of regents office and the legislative services
44 agency.
45 b. For allocation by the state board of regents to
46 the state university of Iowa, the Iowa state
47 university of science and technology, and the
48 university of northern Iowa to reimburse the
49 institutions for deficiencies in their operating funds
50 resulting from the pledging of tuitions, student fees

Page 13

1 and charges, and institutional income to finance the
2 cost of providing academic and administrative
3 buildings and facilities and utility services at the
4 institutions:
5 ..... $ 13,975,431
6 Notwithstanding section 8.33, funds appropriated
7 for the purposes in this lettered paragraph remaining
8 unencumbered or unobligated at the end of the fiscal
9 year shall not revert but shall be available for
10 expenditure for the purposes specified in this
11 lettered paragraph during the subsequent fiscal year.
12 c. For funds to be allocated to the southwest Iowa
13 graduate studies center:
14 ..... $ 105,956
15 d. For funds to be allocated to the siouxland
16 interstate metropolitan planning council for the
17 tristate graduate center under section 262.9,

18 subsection 21:
19 ..... $ 77,941
20 e. For funds to be allocated to the quad-cities
21 graduate studies center:
22 ..... $ 157,144
23 f. For funds for regents universities' general
24 operating budgets:
25 ..... $ 21,219,288
26 The funds appropriated for purposes of this
27 lettered paragraph are subject to the following
28 allocations and requirements:
29 (1) The partnership for transformation and
30 excellence is a four-year partnership plan created by
31 the state board of regents for the purpose of
32 enhancing the regents' strategic priorities for
33 educational quality and public accountability. Under
34 the plan, Iowa students and families will be subject
35 to moderate student tuition increases, and a clear and
36 concise reallocation plan that may be audited will
37 exist to strengthen the academic focus at the regents
38 universities. The reallocation plan will enhance the
39 quality of the regents universities and provide both
40 an incentive and an opportunity for university-wide
41 reprioritization and reallocation of resources to the
42 most important strategic areas.
43 (2) The funds shall be distributed by the board as
44 outlined in the state board of regents partnership for
45 transformation and excellence. The funds may be used
46 for any of the following purposes:
47 (a) Supporting new strategic initiatives.
48 (b) Meeting enrollment increases.
49 (c) Meeting the demand for new courses and
50 services.

Page 14

1 (d) Funding new but unavoidable or mandated cost
2 increases.
3 (e) Supporting any other initiatives important to
4 the core functions of the university.
5 The funds may also be used for pay adjustments,
6 expense reimbursements, and related benefits for state
7 board of regents employees covered by a collective
8 bargaining agreement and for state board of regents
9 employees not covered by a collective bargaining
10 agreement. The board shall provide from other
11 available sources any additional funding needed for
12 such pay adjustments, expense reimbursements, and
13 related benefits.
14 (3) The state board of regents shall annually set
15 a target dollar amount or percentage figure of
16 expected reallocation of resources for each

17 university. The universities shall report to the
18 board on a semiannual basis regarding the actions
19 taken relating to the reallocations. Once funds have
20 been reallocated, that amount shall not be redirected
21 to the original entity or purpose unless extraordinary
22 circumstances exist and an equivalent reallocation
23 amount is increased for the same fiscal year. A
24 reallocation of resources may be made for any of the
25 following purposes:
26 (a) Supporting new strategic initiatives.
27 (b) Meeting enrollment increases.
28 (c) Meeting the demand for new courses and
29 services.
30 (d) Funding new but unavoidable or mandated cost
31 increases.
32 (e) Supporting any other initiatives important to
33 the core functions of the university.
34 (4) For the purposes of this lettered paragraph:
35 (a) "Entity" means a president, vice president, or
36 a college, academic or nonacademic department,
37 division, program, or other unit.
38 (b) "Reallocation of resources" means funds within
39 the base budget of a university entity are removed by
40 the administrator of that entity and redirected to
41 another university entity or purpose.
42 (5) The state university of Iowa, the Iowa state
43 university of science and technology, and the
44 university of northern Iowa shall each generate
45 matching internal reallocations in an amount equal to
46 50 percent of the amounts received by the universities
47 pursuant to this lettered paragraph.
48 (6) From the moneys allocated to the Iowa state
49 university of science and technology pursuant to this
50 lettered paragraph, an amount equal to $127,000 shall

Page 15

1 be distributed to the college of veterinary medicine
2 to reduce the operating fees charged by the veterinary
3 diagnostic laboratory. If Iowa state university of
4 science and technology fails to distribute funds to
5 the college of veterinary science in accordance with
6 this paragraph, the moneys shall revert to the general
7 fund of the state. The Iowa state university of
8 science and technology shall prepare a report on the
9 operation of the veterinary diagnostic laboratory
10 which shall include, but shall not be limited to, the
11 following information:
12 (a) The current business structure of the
13 veterinary diagnostic laboratory, along with a
14 comparison to business structures of similar
15 laboratories at other institutions of higher learning.

16 (b) Recent trends in fees for services charged by
17 the veterinary diagnostic laboratory and by similar
18 laboratories at other institutions of higher learning.
19 (c) The use of other funding sources, including
20 state general fund appropriations for the veterinary
21 diagnostic laboratory and a comparison to funding
22 sources at similar laboratories at other institutions
23 of higher learning.
24 (d) Recommendations for changes in the business
25 structure and methods of funding for the veterinary
26 diagnostic laboratory.
27 The report shall be submitted to the governor and
28 the general assembly not later than October 1, 2005.
29 g. For funds to be distributed to the midwestern
30 higher education compact to pay Iowa's member state
31 annual obligation:
32 ..... $ 90,000
33 2. STATE UNIVERSITY OF IOWA
34 a. General university, including lakeside
35 laboratory
36 For salaries, support, maintenance, equipment,
37 miscellaneous purposes, and for not more than the
38 following full-time equivalent positions:
39 ..... $ 220,131,572
40 ..... FTEs 5,058.55
41 It is the intent of the general assembly that the
42 university continue progress on the school of public
43 health and the public health initiative for the
44 purposes of establishing an accredited school of
45 public health and for funding an initiative for the
46 health and independence of elderly Iowans.
47 b. University hospitals
48 For salaries, support, maintenance, equipment, and
49 miscellaneous purposes and for medical and surgical
50 treatment of indigent patients as provided in chapter

Page 16

1 255, for medical education, and for not more than the
2 following full-time equivalent positions:
3 ..... $ 27,284,584
4 ..... FTEs 6,877.34
5 (1) The university of Iowa hospitals and clinics
6 shall, within the context of chapter 255 and when
7 medically appropriate, make reasonable efforts to
8 extend the university of Iowa hospitals and clinics'
9 use of home telemedicine and other technologies to
10 reduce the frequency of visits to the hospital
11 required by the indigent patients.
12 (2) The university of Iowa hospitals and clinics
13 shall submit quarterly a report regarding the portion
14 of the appropriation in this lettered paragraph

15 expended on medical education. The report shall be
16 submitted in a format jointly developed by the
17 university of Iowa hospitals and clinics, the
18 legislative services agency, and the department of
19 management, and shall delineate the expenditures and
20 purposes of the funds.
21 (3) Funds appropriated in this lettered paragraph
22 shall not be used to perform abortions except
23 medically necessary abortions, and shall not be used
24 to operate the early termination of pregnancy clinic
25 except for the performance of medically necessary
26 abortions. For the purpose of this lettered
27 paragraph, an abortion is the purposeful interruption
28 of pregnancy with the intention other than to produce
29 a live-born infant or to remove a dead fetus, and a
30 medically necessary abortion is one performed under
31 one of the following conditions:
32 (a) The attending physician certifies that
33 continuing the pregnancy would endanger the life of
34 the pregnant woman.
35 (b) The attending physician certifies that the
36 fetus is physically deformed, mentally deficient, or
37 afflicted with a congenital illness.
38 (c) The pregnancy is the result of a rape which is
39 reported within 45 days of the incident to a law
40 enforcement agency or public or private health agency
41 which may include a family physician.
42 (d) The pregnancy is the result of incest which is
43 reported within 150 days of the incident to a law
44 enforcement agency or public or private health agency
45 which may include a family physician.
46 (e) The abortion is a spontaneous abortion,
47 commonly known as a miscarriage, wherein not all of
48 the products of conception are expelled.
49 (4) The total quota allocated to the counties for
50 indigent patients for the fiscal year beginning July

Page 17

1 1, 2005, shall not be lower than the total quota
2 allocated to the counties for the fiscal year
3 commencing July 1, 1998. The total quota shall be
4 allocated among the counties on the basis of the 2000
5 census pursuant to section 255.16.
6 c. Psychiatric hospital
7 For salaries, support, maintenance, equipment,
8 miscellaneous purposes, and for the care, treatment,
9 and maintenance of committed and voluntary public
10 patients, and for not more than the following full-
11 time equivalent positions:
12 ..... $ 7,043,056
13 ..... FTEs 269.65

14 d. Center for disabilities and development
15 For salaries, support, maintenance, miscellaneous
16 purposes, and for not more than the following full-
17 time equivalent positions:
18 ..... $ 6,363,265
19 ..... FTEs 130.37
20 From the funds appropriated in this lettered
21 paragraph, $200,000 shall be allocated for purposes of
22 the employment policy group.
23 e. Oakdale campus
24 For salaries, support, maintenance, miscellaneous
25 purposes, and for not more than the following full-
26 time equivalent positions:
27 ..... $ 2,657,335
28 ..... FTEs 38.25
29 f. State hygienic laboratory
30 For salaries, support, maintenance, miscellaneous
31 purposes, and for not more than the following full-
32 time equivalent positions:
33 ..... $ 3,849,461
34 ..... FTEs 102.50
35 g. Family practice program
36 For allocation by the dean of the college of
37 medicine, with approval of the advisory board, to
38 qualified participants, to carry out chapter 148D for
39 the family practice program, including salaries and
40 support, and for not more than the following full-time
41 equivalent positions:
42 ..... $ 2,075,948
43 ..... FTEs 190.40
44 h. Child health care services
45 For specialized child health care services,
46 including childhood cancer diagnostic and treatment
47 network programs, rural comprehensive care for
48 hemophilia patients, and the Iowa high-risk infant
49 follow-up program, including salaries and support, and
50 for not more than the following full-time equivalent

Page 18

1 positions:
2 ..... $ 649,066
3 ..... FTEs 57.97
4 i. Statewide cancer registry
5 For the statewide cancer registry, and for not more
6 than the following full-time equivalent positions:
7 ..... $ 178,739
8 ..... FTEs 2.10
9 j. Substance abuse consortium
10 For funds to be allocated to the Iowa consortium
11 for substance abuse research and evaluation, and for
12 not more than the following full-time equivalent

13 position:
14 ..... $ 64,871
15 ..... FTEs 1.00
16 k. Center for biocatalysis
17 For the center for biocatalysis, and for not more
18 than the following full-time equivalent positions:
19 ..... $ 881,384
20 ..... FTEs 6.28
21 l. Primary health care initiative
22 For the primary health care initiative in the
23 college of medicine and for not more than the
24 following full-time equivalent positions:
25 ..... $ 759,875
26 ..... FTEs 5.89
27 From the funds appropriated in this lettered
28 paragraph, $330,000 shall be allocated to the
29 department of family practice at the state university
30 of Iowa college of medicine for family practice
31 faculty and support staff.
32 m. Birth defects registry
33 For the birth defects registry and for not more
34 than the following full-time equivalent position:
35 ..... $ 44,636
36 ..... FTEs 1.00
37 3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY
38 a. General university
39 For salaries, support, maintenance, equipment,
40 miscellaneous purposes, and for not more than the
41 following full-time equivalent positions:
42 ..... $ 173,269,729
43 ..... FTEs 3,647.42
44 It is the intent of the general assembly that the
45 university continue progress on the center for
46 excellence in fundamental plant sciences.
47 b. Agricultural experiment station
48 For salaries, support, maintenance, miscellaneous
49 purposes, and for not more than the following full-
50 time equivalent positions:

Page 19

1 ..... $ 31,019,520
2 ..... FTEs 546.98
3 c. Cooperative extension service in agriculture
4 and home economics
5 For salaries, support, maintenance, miscellaneous
6 purposes, and for not more than the following full-
7 time equivalent positions:
8 ..... $ 19,738,432
9 ..... FTEs 383.34
10 d. Leopold center
11 For agricultural research grants at Iowa state

12 university under section 266.39B, and for not more
13 than the following full-time equivalent positions:
14 ..... $ 464,319
15 ..... FTEs 11.25
16 e. Livestock disease research
17 For deposit in and the use of the livestock disease
18 research fund under section 267.8:
19 ..... $ 220,708
20 4. UNIVERSITY OF NORTHERN IOWA
21 a. General university
22 For salaries, support, maintenance, equipment,
23 miscellaneous purposes, and for not more than the
24 following full-time equivalent positions:
25 ..... $ 77,831,821
26 ..... FTEs 1,398.01
27 It is the intent of the general assembly that the
28 university continue to allocate funds for a masters in
29 social work program, the roadside vegetation project,
30 and the Iowa office for staff development.
31 b. Recycling and reuse center
32 For purposes of the recycling and reuse center, and
33 for not more than the following full-time equivalent
34 positions:
35 ..... $ 211,858
36 ..... FTEs 3.00
37 5. STATE SCHOOL FOR THE DEAF
38 For salaries, support, maintenance, miscellaneous
39 purposes, and for not more than the following full-
40 time equivalent positions:
41 ..... $ 8,810,471
42 ..... FTEs 126.60
43 6. IOWA BRAILLE AND SIGHT SAVING SCHOOL
44 For salaries, support, maintenance, miscellaneous
45 purposes, and for not more than the following full-
46 time equivalent positions:
47 ..... $ 4,930,295
48 ..... FTEs 81.00
49 7. TUITION AND TRANSPORTATION COSTS
50 For payment to local school boards for the tuition

Page 20

1 and transportation costs of students residing in the
2 Iowa braille and sight saving school and the state
3 school for the deaf pursuant to section 262.43 and for
4 payment of certain clothing, prescription, and
5 transportation costs for students at these schools
6 pursuant to section 270.5:
7 ..... $ 15,020
8 Sec. 11. INSTITUTE FOR TOMORROW'S WORKFORCE.
9 There is appropriated from the general fund of the
10 state to the department of management for allocation

11 to the institute for tomorrow's workforce created
12 under chapter 7K, if enacted by this Act, for the
13 fiscal year beginning July 1, 2005, and ending June
14 30, 2006, the following amount, or so much thereof as
15 is necessary, to be used for the purposes designated:
16 For the activities of the institute created
17 pursuant to section 7K.1, and subject to the matching
18 fund requirement of that section, if enacted:
19 ..... $ 250,000
20 Sec. 12. MEDICAL ASSISTANCE — SUPPLEMENTAL
21 AMOUNTS. For the fiscal year beginning July 1, 2005,
22 and ending June 30, 2006, the department of human
23 services shall continue the supplemental
24 disproportionate share and a supplemental indirect
25 medical education adjustment applicable to state-
26 owned acute care hospitals with more than 500 beds and
27 shall reimburse qualifying hospitals pursuant to that
28 adjustment with a supplemental amount for services
29 provided medical assistance recipients. The
30 adjustment shall generate supplemental payments
31 intended to equal the state appropriation made to a
32 qualifying hospital for treatment of indigent patients
33 as provided in chapter 255. To the extent of the
34 supplemental payments, a qualifying hospital shall,
35 after receipt of the funds, transfer to the department
36 of human services an amount equal to the actual
37 supplemental payments that were made in that month.
38 The aggregate amounts for the fiscal year shall not
39 exceed the state appropriation made to the qualifying
40 hospital for treatment of indigent patients as
41 provided in chapter 255. The department of human
42 services shall deposit these funds in the department's
43 medical assistance account. To the extent that state
44 funds appropriated to a qualifying hospital for the
45 treatment of indigent patients as provided in chapter
46 255 have been transferred to the department of human
47 services as a result of these supplemental payments
48 made to the qualifying hospital, the department shall
49 not, directly or indirectly, recoup the supplemental
50 payments made to a qualifying hospital for any reason,

Page 21

1 unless an equivalent amount of the funds transferred
2 to the department of human services by a qualifying
3 hospital pursuant to this provision is transferred to
4 the qualifying hospital by the department.
5 If the state supplemental amount allotted to the
6 state of Iowa for the federal fiscal year beginning
7 October 1, 2005, and ending September 30, 2006,
8 pursuant to section 1923(f)(3) of the federal Social
9 Security Act, as amended, or pursuant to federal

10 payments for indirect medical education is greater
11 than the amount necessary to fund the federal share of
12 the supplemental payments specified in the preceding
13 paragraph, the department of human services shall
14 increase the supplemental disproportionate share or
15 supplemental indirect medical education adjustment by
16 the lesser of the amount necessary to utilize fully
17 the state supplemental amount or the amount of state
18 funds appropriated to the state university of Iowa
19 general education fund and allocated to the university
20 for the college of medicine. The state university of
21 Iowa shall transfer from the allocation for the
22 college of medicine to the department of human
23 services, on a monthly basis, an amount equal to the
24 additional supplemental payments made during the
25 previous month pursuant to this paragraph. A
26 qualifying hospital receiving supplemental payments
27 pursuant to this paragraph that are greater than the
28 state appropriation made to the qualifying hospital
29 for treatment of indigent patients as provided in
30 chapter 255 shall be obligated as a condition of its
31 participation in the medical assistance program to
32 transfer to the state university of Iowa general
33 education fund on a monthly basis an amount equal to
34 the funds transferred by the state university of Iowa
35 to the department of human services. To the extent
36 that state funds appropriated to the state university
37 of Iowa and allocated to the college of medicine have
38 been transferred to the department of human services
39 as a result of these supplemental payments made to the
40 qualifying hospital, the department shall not,
41 directly or indirectly, recoup these supplemental
42 payments made to a qualifying hospital for any reason,
43 unless an equivalent amount of the funds transferred
44 to the department of human services by the state
45 university of Iowa pursuant to this paragraph is
46 transferred to the qualifying hospital by the
47 department.
48 Continuation of the supplemental disproportionate
49 share and supplemental indirect medical education
50 adjustment shall preserve the funds available to the

Page 22

1 university hospital for medical and surgical treatment
2 of indigent patients as provided in chapter 255 and to
3 the state university of Iowa for educational purposes
4 at the same level as provided by the state funds
5 initially appropriated for that purpose.
6 The department of human services shall, in any
7 compilation of data or other report distributed to the
8 public concerning payments to providers under the

9 medical assistance program, set forth reimbursements
10 to a qualifying hospital through the supplemental
11 disproportionate share and supplemental indirect
12 medical education adjustment as a separate item and
13 shall not include such payments in the amounts
14 otherwise reported as the reimbursement to a
15 qualifying hospital for services to medical assistance
16 recipients.
17 For purposes of this section, "supplemental
18 payment" means a supplemental payment amount paid for
19 medical assistance to a hospital qualifying for that
20 payment under this section.
21 Sec. 13. For the fiscal year beginning July 1,
22 2005, and ending June 30, 2006, the state board of
23 regents may use notes, bonds, or other evidences of
24 indebtedness issued under section 262.48 to finance
25 projects that will result in energy cost savings in an
26 amount that will cause the state board to recover the
27 cost of the projects within an average of six years.
28 Sec. 14. Notwithstanding section 270.7, the
29 department of administrative services shall pay the
30 state school for the deaf and the Iowa braille and
31 sight saving school the moneys collected from the
32 counties during the fiscal year beginning July 1,
33 2005, for expenses relating to prescription drug costs
34 for students attending the state school for the deaf
35 and the Iowa braille and sight saving school.
36 Sec. 15. NEW SECTION. 7K.1 INSTITUTE FOR
37 TOMORROW'S WORKFORCE.
38 1. FINDINGS. The general assembly finds that
39 Iowa's children are this state's greatest asset and to
40 improve the future for Iowa's children, it is
41 necessary to focus elementary, secondary, and
42 postsecondary education efforts on what children need
43 to know to be successful students and successful
44 participants in Iowa's global workforce. Iowa's state
45 community and business leaders are at the forefront of
46 this ongoing conversation. The general assembly
47 further finds that the creation of an institute for
48 tomorrow's workforce provides a long-term forum for
49 bold, innovative recommendations to improve Iowa's
50 education system to meet the workforce needs of Iowa's

Page 23

1 new economy.
2 2. FOUNDATION CREATED — DUTIES. There is created
3 a public body corporate and politic to be known as the
4 "institute for tomorrow's workforce, an educational
5 foundation". The foundation is an independent
6 nonprofit quasi-public instrumentality and the
7 exercise of the powers granted to the foundation as a

8 corporation in this chapter is an essential government
9 function. As used in this chapter, "foundation" means
10 the "institute for tomorrow's workforce, an
11 educational foundation". The foundation shall, at a
12 minimum, do the following:
13 a. Review educational standards to determine
14 relevance and rigor necessary for continuous
15 improvement in student achievement and meeting
16 workforce needs.
17 b. Identify jobs skills and corresponding high
18 school coursework necessary to achieve success in the
19 Iowa workforce.
20 c. Review the state's education accountability
21 measures, including but not limited to student
22 proficiency and individual and organization program
23 accountability.
24 d. Identify state and local barriers to improved
25 student achievement and student success as well as
26 barriers to sharing among and within all areas of
27 Iowa's education system.
28 e. Identify effective education structure and
29 delivery models that promote optimum student
30 achievement opportunities for all Iowa students that
31 include, but are not limited to, the role of
32 technology.
33 f. Serve as a clearinghouse for existing and
34 emerging innovative educational sharing and
35 collaborative efforts among and between Iowa's
36 secondary education system as well as Iowa's
37 postsecondary education system.
38 g. Promote partnerships between private sector
39 business and all areas of Iowa's education system.
40 h. Promote partnerships between other Iowa
41 governance structures including, but not limited to,
42 cities and counties, and all areas of Iowa's education
43 system.
44 i. Identify ways to reduce the achievement gap
45 between white and non-white, non-Asian students.
46 j. The board of directors of the foundation,
47 within the limits of the funds available to the
48 foundation, shall do the following:
49 (1) Employ an executive director to direct the
50 activities of the foundation.

Page 24

1 (2) Execute contracts with public and private
2 agencies to conduct research and development
3 activities.
4 (3) Perform functions necessary to carry out the
5 purposes of the foundation.
6 3. MEMBERSHIP. The board of directors of the

7 foundation shall consist of fifteen members serving
8 staggered three-year terms beginning on May 1 of the
9 year of appointment who shall be appointed as follows:
10 a. Five members shall be appointed by the governor
11 as follows:
12 (1) A school district superintendent from a school
13 district with enrollment of one thousand one hundred
14 forty-nine or fewer pupils.
15 (2) An individual representing an Iowa business
16 employing more than two hundred fifty employees.
17 (3) A community college president.
18 (4) An individual representing labor and workforce
19 interests.
20 (5) An individual representing an Iowa agriculture
21 association.
22 b. Five members shall be appointed by the speaker
23 of the house of representatives as follows:
24 (1) An individual representing the area education
25 agencies.
26 (2) The president of an accredited private
27 institution as defined in section 261.9.
28 (3) An individual representing an Iowa business
29 employing more than fifty employees but less than two
30 hundred fifty employees.
31 (4) An individual representing urban economic
32 development interests.
33 (5) An individual from an association representing
34 Iowa businesses.
35 c. Five members shall be appointed by the
36 president of the senate as follows:
37 (1) A school district superintendent from a school
38 district with an enrollment of more than one thousand
39 one hundred forty-nine pupils.
40 (2) A president of an institution of higher
41 education under the control of the state board of
42 regents.
43 (3) An individual representing an Iowa business
44 employing fifty or fewer employees.
45 (4) An individual representing rural economic
46 development interests.
47 (5) An individual representing a business that
48 established itself in Iowa on or after July 1, 1999.
49 Members, except as provided in paragraph "c",
50 subparagraph (2), shall not be employed by the state.

Page 25

1 One co-chairperson shall be appointed by the speaker
2 of the house of representatives and one co-chairperson
3 shall be appointed by the president of the senate.
4 4. MATCHING FUNDS REQUIREMENT. Moneys
5 appropriated by the general assembly for purposes of

6 the foundation shall be allocated only to the extent
7 that the state moneys are matched from other sources
8 by the foundation on a dollar-for-dollar basis.
9 5. REPORTING REQUIREMENTS. The foundation shall
10 submit its findings and recommendations by January 15
11 annually in a report to the governor, the speaker of
12 the house of representatives, the president of the
13 senate, the state board of education, the state board
14 of regents, the department of workforce development,
15 the department of economic development, the Iowa
16 association of community college trustees, the college
17 student aid commission, the Iowa association of
18 independent colleges and universities, and
19 associations representing school boards, nonpublic
20 schools, area education agencies, and teachers. The
21 report shall include an accounting of the revenues and
22 expenditures of the foundation.
23 6. This chapter is repealed effective July 1,
24 2015.
25 Sec. 16. Section 256.9, Code 2005, is amended by
26 adding the following new subsection:
27 NEW SUBSECTION. 53. Develop and make available to
28 school districts, examples of age-appropriate
29 materials and lists of resources which parents may use
30 to teach their children to recognize unwanted physical
31 and verbal sexual advances, to not make unwanted
32 physical and verbal sexual advances, to effectively
33 reject unwanted sexual advances, that it is wrong to
34 take advantage of or exploit another person, and about
35 counseling, medical, and legal resources available to
36 survivors of sexual abuse and sexual assault,
37 including resources for escaping violent
38 relationships. The materials and resources shall
39 cover verbal, physical, and visual sexual harassment,
40 including nonconsensual sexual advances, and
41 nonconsensual physical sexual contact. In developing
42 the materials and resource list, the director shall
43 consult with entities that shall include, but not be
44 limited to, the departments of human services, public
45 health, and public safety, education stakeholders, and
46 parent-teacher organizations. School districts shall
47 provide age-appropriate materials and a list of
48 available community and web-based resources to parents
49 at registration and shall also include the age-
50 appropriate materials and resource list in the student

Page 26

1 handbook. School districts are encouraged to work
2 with their communities to provide voluntary parent
3 education sessions to provide parents with the skills
4 and appropriate strategies to teach their children as

5 described in this subsection. School districts shall
6 incorporate the age-appropriate materials into
7 relevant curricula and shall reinforce the importance
8 of preventive measures when reasonable with parents
9 and students.
10 Sec. 17. NEW SECTION. 256.24 VALUE-ADDED
11 ASSESSMENT SYSTEM.
12 1. A value-added assessment system shall be
13 established by the department to provide for
14 multivariate longitudinal analysis of annual student
15 test scores to determine the influence of a school
16 district's educational program on student academic
17 growth and to guide school district improvement
18 efforts. The department shall select a value-added
19 assessment system provider through a request for
20 proposals process. The system provider selected by
21 the department shall offer a value-added assessment
22 system to calculate annually the academic growth of
23 each student enrolled in grade levels three through
24 eleven and tested in accordance with this section, and
25 shall, at a minimum, meet all of the following
26 criteria:
27 a. Use a mixed-model statistical analysis that has
28 the ability to use all achievement test data for each
29 student, including the data for students with missing
30 test scores, that does not adjust downward
31 expectations for student progress based on race,
32 poverty, or gender, and that will provide the best
33 linear unbiased predictions of school or other
34 educational entity effects to minimize the impact of
35 fortuitous accumulation of random errors.
36 b. Have the ability to work with test data from a
37 variety of sources, including data that are not
38 vertically scaled, and to provide support for school
39 districts utilizing the system.
40 c. Have the capacity to receive and report results
41 electronically and provide support for districts
42 utilizing the system.
43 d. Have the ability to create for each school
44 district a chart that reports grade-equivalent scores
45 for grades three through eight and gains between
46 consecutive pairs of grades for each attendance center
47 and that provides for a district-wide study of grade-
48 equivalent scores.
49 2. Annually, each school district that administers
50 the Iowa test of basic skills or the Iowa test of

1 educational development shall, within thirty days of
2 receiving the test scores from the American college
3 testing program, inc., submit the test scores for each

4 attendance center within the school district and each
5 grade level tested, from grades three through eleven,
6 to the system provider selected pursuant to subsection
7 1. School districts may submit additional assessment
8 data for analysis and inclusion in reports provided to
9 school districts pursuant to subsection 3, to the
10 extent that the assessment meets the criteria for
11 valid academic progress interpretation specified by
12 the system provider.
13 3. The system provider shall provide analysis to
14 school districts submitting test scores pursuant to
15 subsection 2, and to the department of education. The
16 analysis shall include, but not be limited to,
17 attendance-center-level test results for the Iowa test
18 of basic skills in the areas of reading and
19 mathematics and other core academic areas when
20 possible. The analysis shall also include, but not be
21 limited to, the number of students tested, the number
22 of test results used to compute the averages, the
23 average standard score, the corresponding grade
24 equivalent score, the average stanine score for the
25 group, the normal curve equivalent of average standard
26 scores, and percentile ranks based on student norms,
27 as well as measures of student progress. The system
28 provider shall create a chart for each school district
29 in accordance with the criteria set forth in
30 subsection 1, paragraphs "a" through "d".
31 4. Each school district shall have complete access
32 to and full utilization of its own value-added
33 assessment reports and charts generated by the system
34 provider at the student level for the purpose of
35 measuring student achievement at different educational
36 entity levels.
37 5. Student academic growth determined pursuant to
38 this section shall not be used in teacher evaluation
39 and shall not be published if individual teacher
40 effects can be surmised.
41 6. Information about student academic growth may
42 be used by the school district, including school board
43 members, administration, and staff, for defining
44 student and district learning goals and professional
45 development related to student learning goals across
46 the school district. A school district may submit its
47 academic growth measures in the annual report
48 submitted pursuant to section 256.7, subsection 21,
49 and may reference in the report state level norms for
50 purposes of demonstrating school district performance.

Page 28

1 However, unless a school district chooses to submit
2 its academic measures in the annual report submitted

3 pursuant to section 256.7, such measures are not
4 public records for the purposes of chapter 22.
5 7. The department may use student academic
6 progress data to determine school improvement and
7 technical assistance needs of school districts, and to
8 identify school districts achieving exceptional gains.
9 Beginning January 15, 2006, and by January 15 of each
10 succeeding year, the department shall submit an annual
11 progress report regarding the use of student academic
12 growth information in the school improvement processes
13 to the house and senate education committees and shall
14 publish the progress report on its internet web site.
15 8. The department is encouraged to advocate that
16 the United States department of education allow
17 reporting of student academic progress as an
18 additional valid measure of school performance, as an
19 alternative for meeting federal safe harbor
20 provisions, and for establishing statewide progress
21 under the federal No Child Left Behind Act of 2001,
22 Pub. L. No. 107-110, and any federal regulations
23 adopted pursuant to the federal Act.
24 9. A school district shall use the value-added
25 assessment system established by the department
26 pursuant to subsection 1 not later than the school
27 year ending June 30, 2007. However, the director of
28 educational services of an area education agency may
29 grant a request made by a board of directors of a
30 school district located within the boundaries of the
31 area education agency stating its desire to use an
32 alternative system to compute and report value-added
33 scores that is statistically valid and reliable.
34 Sec. 18. Section 256.44, subsection 1, paragraph
35 a, Code 2005, is amended to read as follows:
36 a. If a teacher registers for national board for
37 professional teaching standards certification prior to
38 June 30, ~~2005~~ 2006, a one-time initial reimbursement
39 award in the amount of up to one-half of the
40 registration fee paid by the teacher for registration
41 for certification by the national board for
42 professional teaching standards. The teacher shall
43 apply to the department of education within one year
44 of registration, submitting to the department any
45 documentation the department requires. A teacher who
46 receives an initial reimbursement award shall receive
47 a one-time final registration award in the amount of
48 the remaining national board registration fee paid by
49 the teacher if the teacher notifies the department of
50 the teacher's certification achievement and submits

Page 29

any documentation requested by the department.

Sec. 19. Section 256.44, subsection 1, paragraph b, subparagraph 2, Code 2005, is amended to read as follows:

(2) If the teacher registers for national board for professional teaching standards certification between January 1, 1999, and January 1, ~~2005~~ 2006, an achieves certification within three years from the date of initial score notification, an annual award in the amount of two thousand five hundred dollars upon achieving certification by the national board of professional teaching standards.

Sec. 20. Section 257B.1B, subsection 1, Code 2005, is amended to read as follows:

1. ~~Fifty five~~ For the fiscal year beginning July 1, 2004, and each succeeding fiscal year, fifty-five percent of the moneys deposited in the fund to the department of education for allocation to the Iowa reading recovery ~~center~~ council to assist school districts in developing reading recovery and literacy programs. The Iowa reading recovery council shall use the area education agency unified budget as its fiscal agent for grant moneys and for other moneys administered by the council.

Sec. 21. Section 260C.2, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. "Department" means the department of education.

Sec. 22. NEW SECTION. 260C.18C STATE AID DISTRIBUTION FORMULA.

1. PURPOSE. A distribution plan for general state financial aid to Iowa's community colleges is established for the fiscal year commencing July 1, 2005, and succeeding fiscal years. Funds appropriated by the general assembly to the department for general financial aid to community colleges shall be allocated to each community college in the manner provided under this section.

2. DEFINITIONS. As used in this section, unless the context otherwise requires:

a. "Base funding allocation" means the amount of general state financial aid all community colleges received in the base year.

b. "Base year" means the fiscal year immediately preceding the budget year.

c. "Below-average support per FTEE" for a community college means the state-average combined support per FTEE minus the combined support per FTEE for the community college if the community college's combined support per FTEE is less than the state-

Page 30

1 average combined support per FTEE.
2 d. "Budget year" means the fiscal year for which
3 moneys are appropriated by the general assembly.
4 e. "Combined support" for a community college
5 means the total amount of moneys the community college
6 received in general state financial aid in the base
7 year plus the community college's general fund
8 property tax revenue, including utility replacement,
9 for the base year.
10 f. "Combined support per FTEE" for a community
11 college means the community college's combined support
12 divided by its three-year rolling average full-time
13 equivalent enrollment for the three years prior to the
14 base year.
15 g. "Contact hour" for a noncredit course equals
16 fifty minutes of contact between an instructor and
17 students in a scheduled course offering for which
18 students are registered.
19 h. "Credit hour", for purposes of community
20 college funding distribution, shall be as defined by
21 the department by rule.
22 i. "Eligible credit courses" means all credit
23 courses that are eligible for general state financial
24 aid which are part of a department-approved program of
25 study. The department shall review and provide a
26 determination should a question of eligibility occur.
27 j. "Eligible growth support" for a community
28 college is the community college's below-average
29 support per FTEE multiplied times its three-year
30 rolling average full-time equivalent enrollment.
31 k. "Eligible noncredit courses" means all
32 noncredit courses eligible for general state financial
33 aid which fall under one of the eligible categories
34 for noncredit courses as defined by rule of the
35 department. The department shall review and provide a
36 determination should a question of eligibility occur.
37 l. "Eligible student" means a student enrolled in
38 eligible credit or eligible noncredit courses. The
39 department shall review and provide a determination
40 should a question of eligibility occur.
41 m. "Fiscal year" means the period of twelve months
42 beginning on July 1 and ending on June 30.
43 n. One "full-time equivalent enrollment (FTEE)"
44 equals twenty-four credit hours for credit courses or
45 six hundred contact hours for noncredit courses
46 generated by all eligible students enrolled in
47 eligible courses.
48 o. "General fund property tax revenue" means the
49 amount of moneys a community college raised or could
50 have raised from a property tax of twenty and one-

Page 31

1 fourth cents per thousand dollars of assessed
2 valuation on all taxable property in its merged area
3 collected for the base year.
4 p. "General state financial aid" means the amount
5 of general state financial aid the community college
6 received from the general fund.
7 q. "Inflation adjustment amount" means the
8 inflation rate minus two percentage points multiplied
9 times the base funding allocation. The inflation
10 adjustment amount shall not be less than zero.
11 r. "Inflation rate" means the average of the
12 preceding twelve-month percentage change, which shall
13 be computed on a monthly basis, in the consumer price
14 index for all urban consumers, not seasonally
15 adjusted, published by the United States department of
16 labor, bureau of labor statistics, calculated for the
17 calendar year ending six months after the beginning of
18 the base year.
19 s. "State-average combined support per FTEE" means
20 the average of the combined support per FTEE for all
21 community colleges in the state in the base year.
22 t. "Three-year rolling average full-time
23 equivalent enrollment" means the average of the
24 audited full-time equivalent enrollment for a
25 community college over the three fiscal years prior to
26 the base year as determined by the department.
27 u. "Total growth support amount" means the sum of
28 the eligible growth support for all the community
29 colleges.
30 3. DISTRIBUTION FORMULA. Moneys appropriated by
31 the general assembly from the general fund to the
32 department for community college purposes for general
33 state financial aid for a budget year shall be
34 allocated to each community college by the department
35 as follows:
36 a. If the inflation rate is equal to two percent
37 or less:
38 (1) BASE FUNDING ALLOCATION. The moneys shall
39 first be allocated in the amount of general state
40 financial aid each community college received in the
41 base year. If the appropriation is less than the
42 total of the amount of general state financial aid
43 each community college received in the base year, the
44 moneys shall be allocated in the same proportion as
45 the allocation of general state financial aid each
46 community college received in the base year.
47 (2) MARGINAL COST ADJUSTMENT. After the base
48 funding has been allocated, each community college
49 shall be allocated up to an additional two percent of
50 its base funding allocation. The community college's

Page 32

1 allocation shall be in the same proportion as the
2 allocation of general state financial aid each
3 community college received in the base year.
4 (3) THREE-YEAR ROLLING AVERAGE OF FULL-TIME
5 EQUIVALENT ENROLLMENT. If the increase in the total
6 state general aid exceeds two percent over the base
7 funding allocation, an amount up to an additional one
8 percent of the base funding allocation shall be
9 distributed based upon each community college's
10 proportional share of the three-year rolling average
11 full-time equivalent enrollments for all community
12 colleges.
13 (4) EXTRAORDINARY GROWTH ADJUSTMENT. If the
14 increase in total state general aid exceeds three
15 percent over the base funding allocation, an amount up
16 to an additional one percent of the base funding
17 allocation shall be distributed as follows:
18 (a) Forty percent of the moneys shall be allocated
19 based upon each community college's proportional share
20 of the three-year rolling average full-time equivalent
21 enrollments for all community colleges.
22 (b) Sixty percent of the moneys shall be allocated
23 to community colleges that have eligible growth
24 support. The allocation shall be based upon the
25 proportional share that each community college's
26 eligible growth support bears to the total growth
27 support amount. Once the moneys allocated under this
28 subparagraph subdivision equal the total growth
29 support amount, the remaining moneys allocated under
30 this subparagraph shall be allocated as provided in
31 subparagraph subdivision (a).
32 (5) ADDITIONAL THREE-YEAR ROLLING AVERAGE FTEE
33 ALLOCATION. If the increase in total state general
34 aid exceeds four percent over the base funding
35 allocation, all remaining moneys shall be distributed
36 based upon each college's proportional share of the
37 three-year rolling average full-time equivalent
38 enrollments for all community colleges.
39 b. If the inflation rate is greater than two
40 percent but less than four percent:
41 (1) BASE FUNDING ALLOCATION. The moneys shall
42 first be allocated in the amount of general state
43 financial aid each community college received in the
44 base year. If the appropriation is less that the
45 total of the amount of general state financial aid
46 each community college received in the base year, the
47 moneys shall be allocated in the same proportion as
48 the allocation of general state financial aid each
49 community college received in the base year.
50 (2) MARGINAL COST ADJUSTMENT. After the base

Page 33

1 funding has been allocated, each community college
2 shall be allocated up to an additional two percent of
3 its base funding allocation. The community college's
4 allocation shall be in the same proportion as the
5 allocation of general state financial aid each
6 community college received in the base year.
7 (3) THREE-YEAR ROLLING AVERAGE OF FULL-TIME
8 EQUIVALENT ENROLLMENT. If the increase in the total
9 state general aid exceeds two percent over the base
10 funding allocation, an amount up to an additional one
11 percent of the base funding allocation shall be
12 distributed based upon each community college's
13 proportional share of the three-year rolling average
14 full-time equivalent enrollments for all community
15 colleges.
16 (4) EXTRAORDINARY GROWTH ADJUSTMENT. If the
17 increase in total state general aid exceeds three
18 percent over the base funding allocation, an amount up
19 to an additional one percent of the base funding
20 allocation shall be based as follows:
21 (a) Forty percent of the moneys shall be allocated
22 based upon each community college's proportional share
23 of the three-year rolling average full-time equivalent
24 enrollments for all community colleges.
25 (b) Sixty percent of the moneys shall be allocated
26 to community colleges that have eligible growth
27 support. The allocation shall be based upon the
28 proportional share that each community college's
29 eligible growth support bears to the total growth
30 support amount. Once the moneys allocated under this
31 subparagraph subdivision equal the total growth
32 support amount, the remaining moneys allocated under
33 this subparagraph shall be allocated as provided in
34 subparagraph subdivision (a).
35 (5) INFLATION ADJUSTMENT. If the increase in
36 total state general aid exceeds four percent over the
37 base funding allocation, an amount up to the inflation
38 adjustment amount shall be distributed to each
39 community college in the same proportion as the
40 allocation of general state financial aid each
41 community college received in the base year.
42 (6) ADDITIONAL THREE-YEAR ROLLING AVERAGE FTEE
43 ALLOCATION. If there are remaining moneys to be
44 distributed under this paragraph after distributing
45 moneys under subparagraph (5), all remaining moneys
46 shall be distributed based upon each community
47 college's proportional share of the three-year rolling
48 average full-time equivalent enrollments for all
49 community colleges.
50 c. If the inflation rate equals or exceeds four

Page 34

1 percent:
2 (1) BASE FUNDING ALLOCATION. The moneys shall
3 first be allocated in the amount of general state
4 financial aid each community college received in the
5 base year. If the appropriation is less than the
6 total of the amount of general state financial aid
7 each community college received in the base year, the
8 moneys shall be allocated in the same proportion as
9 the allocation of general state financial aid each
10 community college received in the base year.
11 (2) MARGINAL COST ADJUSTMENT. After the base
12 funding has been allocated, each community college
13 shall be allocated up to an additional two percent of
14 its base funding allocation. The community college's
15 allocation shall be in the same proportion as the
16 allocation of general state financial aid each
17 community college received in the base year.
18 (3) THREE-YEAR ROLLING AVERAGE OF FULL-TIME
19 EQUIVALENT ENROLLMENT. If the increase in the total
20 state general aid exceeds two percent over the base
21 funding allocation, an amount up to an additional one
22 percent of the base funding allocation shall be
23 distributed based upon each community college's
24 proportional share of the three-year rolling average
25 full-time equivalent enrollments for all community
26 colleges.
27 (4) INFLATION ADJUSTMENT. If the increase in
28 total state general aid exceeds three percent over the
29 base funding allocation, an amount up to the inflation
30 adjustment amount shall be distributed to each
31 community college in the same proportion as the
32 allocation of general state financial aid each
33 community college received in the base year.
34 (5) EXTRAORDINARY GROWTH ADJUSTMENT. If there are
35 remaining moneys to be distributed under this
36 paragraph after distributing moneys under subparagraph
37 (4), an amount up to an additional one percent of the
38 base funding allocation shall be based as follows:
39 (a) Forty percent of the moneys shall be allocated
40 based upon each community college's proportional share
41 of the three-year rolling average full-time equivalent
42 enrollments for all community colleges.
43 (b) Sixty percent of the moneys shall be allocated
44 to community colleges that have eligible growth
45 support. The allocation shall be based upon the
46 proportional share that each community college's
47 eligible growth support bears to the total growth
48 support amount. Once the moneys allocated under this
49 subparagraph subdivision equals the total growth
50 support amount, the remaining moneys allocated under

Page 35

this subparagraph shall be allocated as provided in subparagraph subdivision (a).

(6) ADDITIONAL THREE-YEAR ROLLING AVERAGE FTEE ALLOCATION. If there are remaining moneys to be distributed under this paragraph after distributing moneys under subparagraph (5), all remaining moneys shall be distributed based upon each community college's proportional share of the three-year rolling average full-time equivalent enrollments for all community colleges.

4. INFORMATION SUPPLIED BY COLLEGES AND ADOPTION OF RULES.

a. Each community college shall provide information in the manner and form as determined by the department. If a community college fails to provide the information as requested, the department shall estimate the full-time equivalent enrollment of that college.

b. Each community college shall complete and submit an annual student enrollment audit to the department. Adjustments to community college state general aid allocations shall be made based on student enrollment audit outcomes.

c. The department shall adopt rules under chapter 17A as necessary for the allocation of general state financial aid.

Sec. 23. Section 261.9, subsection 1, paragraph b, Code 2005, is amended to read as follows:

b. Is accredited by the north central association of colleges and secondary schools accrediting agency based on their requirements~~, is exempt from taxation under section 501(c)(3) of the Internal Revenue Code,~~ and annually provides a matching aggregate amount of institutional financial aid equal to at least seventy-five percent of the amount received in a fiscal year by the institution's students for Iowa tuition grant assistance under this chapter. Commencing with the fiscal year beginning July 1, ~~2005~~ 2006, the matching aggregate amount of institutional financial aid shall increase by the percentage of increase each fiscal year of funds appropriated for Iowa tuition grants under section 261.25, subsection 1, to a maximum match of one hundred percent. The institution shall file annual reports with the commission prior to receipt of tuition grant moneys under this chapter. ~~An institution whose income is not exempt from taxation under section 501(c) of the Internal Revenue Code and whose students were eligible to receive Iowa tuition grant money in the fiscal year beginning July 1, 2003, shall meet the match requirements of this paragraph no~~

Page 36

1 ~~later than June 30, 2005.~~
2 Sec. 24. Section 261.17, subsection 1, Code 2005,
3 is amended to read as follows:
4 1. A vocational-technical tuition grant may be
5 awarded to any resident of Iowa who is admitted and in
6 attendance as a full-time or part-time student in a
7 vocational-technical or career option program at a
8 community college in the state, or at a licensed
9 school of cosmetology arts and sciences in this state,
10 and who establishes financial need.
11 Sec. 25. Section 261.17, subsection 7, paragraph
12 a, Code 2005, is amended to read as follows:
13 a. Provide application forms for distribution to
14 students by Iowa high schools, ~~and~~ community colleges,
15 and licensed schools of cosmetology arts and sciences.
16 Sec. 26. Section 261.25, subsection 1, Code 2005,
17 is amended to read as follows:
18 1. There is appropriated from the general fund of
19 the state to the commission for each fiscal year the
20 sum of ~~forty-seven~~ forty-nine million ~~one~~ six hundred
21 ~~fifty-seven~~ seventy-three thousand five hundred
22 ~~fifteen~~ seventy-five dollars for tuition grants. ~~From~~
23 ~~the funds appropriated in this subsection, not more~~
24 ~~than three million four hundred thousand dollars may~~
25 ~~be distributed to private institutions whose income is~~
26 ~~not exempt from taxation under section 501(c) of the~~
27 ~~Internal Revenue Code and whose students were eligible~~
28 ~~to receive Iowa tuition grant moneys in the fiscal~~
29 ~~year beginning July 1, 2003.~~
30 Sec. 27. Section 261.85, Code 2005, is amended to
31 read as follows:
32 261.85 APPROPRIATION.
33 There is appropriated from the general fund of the
34 state to the commission for each fiscal year the sum
35 of ~~two million seven~~ one hundred ~~fifty~~ forty thousand
36 dollars for the work-study program.
37 From moneys appropriated in this section, ~~one~~
38 ~~million five hundred~~ seventy-six thousand three
39 hundred sixty-five dollars shall be allocated to
40 institutions of higher education under the state board
41 of regents and community colleges and the remaining
42 dollars appropriated in this section shall be
43 allocated by the commission on the basis of need as
44 determined by the portion of the federal formula for
45 distribution of work-study funds that relates to the
46 current need of institutions.
47 Sec. 28. NEW SECTION. 272.29 ANNUAL
48 ADMINISTRATIVE RULES REVIEW.
49 The executive director shall annually review the
50 administrative rules adopted pursuant to this chapter

Page 37

and related state laws. The executive director shall annually submit the executive director's findings and recommendations in a report to the board and the chairpersons and ranking members of the senate and house standing committees on education and the joint appropriations subcommittee on education by January 15.

Sec. 29. Section 284.13, subsection 1, paragraphs b and c, Code 2005, are amended to read as follows:

b. For the fiscal year beginning July 1, ~~2004~~ 2005, and ending June 30, ~~2005~~ 2006, to the department of education, the amount of ~~one~~ two million ~~one hundred thousand~~ dollars for the issuance of national board certification awards in accordance with section 256.44.

c. For the fiscal year beginning July 1, ~~2004~~ 2005, and succeeding fiscal years, an amount up to ~~three~~ four million ~~five~~ two hundred thousand dollars for first-year and second-year beginning teachers, to the department of education for distribution to school districts for purposes of the beginning teacher mentoring and induction programs. A school district shall receive one thousand three hundred dollars per beginning teacher participating in the program. If the funds appropriated for the program are insufficient to pay mentors and school districts as provided in this paragraph, the department shall prorate the amount distributed to school districts based upon the amount appropriated. Moneys received by a school district pursuant to this paragraph shall be expended to provide each mentor with an award of five hundred dollars per semester, at a minimum, for participation in the school district's beginning teacher mentoring and induction program; to implement the plan; and to pay any applicable costs of the employer's share of contributions to federal social security and the Iowa public employees' retirement system or a pension and annuity retirement system established under chapter 294, for such amounts paid by the district.

Sec. 30. Section 284.13, subsection 1, paragraph e, Code 2005, is amended to read as follows:

e. For the fiscal year beginning July 1, ~~2004~~ 2005, and ending June 30, ~~2005~~ 2006, up to ~~two~~ four hundred ~~fifty~~ eighty-five thousand dollars to the department of education for purposes of implementing the career development program requirements of section 284.6, ~~and~~ the review panel requirements of section 284.9, and the evaluator training program in section 284.10. From the moneys allocated to the department

Page 38

1 pursuant to this paragraph, not less than ~~seventy-~~
2 ~~five~~ ten thousand dollars shall be ~~used to administer~~
3 ~~the ambassador to education position in accordance~~
4 ~~with section 256.45~~ distributed to the board of
5 educational examiners for purposes of convening an
6 educator licensing review working group. From the
7 moneys allocated to the department pursuant to this
8 paragraph, not less than eighty-five thousand dollars
9 shall be used to administer the ambassador to
10 education position in accordance with section 256.45.
11 A portion of the funds allocated to the department for
12 purposes of this paragraph may be used by the
13 department for administrative purposes.
14 Notwithstanding section 8.33, moneys allocated for
15 purposes of this paragraph prior to July 1, ~~2004~~ 2005,
16 which remain unobligated or unexpended at the end of
17 the fiscal year for which the moneys were
18 appropriated, shall remain available for expenditure
19 for the purposes for which they were allocated, for
20 the fiscal year beginning July 1, ~~2004~~ 2005, and
21 ending June 30, ~~2005~~ 2006.
22 Sec. 31. Section 284.13, subsection 1, Code 2005,
23 is amended by adding the following new paragraphs:
24 NEW PARAGRAPH. dd. For the fiscal year beginning
25 July 1, 2005, and ending June 30, 2006, up to ten
26 million dollars to the department of education for use
27 by school districts to add one additional teacher
28 contract day to the school calendar. Prior to
29 receiving funds under this paragraph, a school
30 district shall submit for approval to the department
31 the school district's professional development plan
32 for use of the moneys. The department shall submit a
33 report on school district use of the moneys
34 distributed pursuant to this paragraph to the
35 chairpersons and ranking members of the house and
36 senate standing committees on education, the joint
37 appropriations subcommittee on education, and the
38 legislative services agency not later than January 15,
39 2006. The department shall distribute funds allocated
40 for purposes of this paragraph based on each school
41 district's teacher per diem. If the funds allocated
42 are insufficient to pay the per diem for one
43 additional teacher contract day, the department shall
44 prorate the funds to the school districts and
45 notwithstanding section 284.4, subsection 1, paragraph
46 "c", the department shall prorate the number of
47 additional teacher contract days a school district
48 shall be required to provide consistent with section
49 284.4, subsection 1, paragraph "c". If the department
50 receives funds for purposes of this paragraph in

Page 39

1 excess of the per diem for one additional teacher
2 contract day, the funds shall be distributed as
3 provided under paragraph "f".
4 NEW PARAGRAPH. ee. For the fiscal year beginning
5 July 1, 2005, and succeeding fiscal years, up to one
6 million dollars to the department of education for
7 purposes of the value-added assessment system
8 established pursuant to section 256.24. The
9 department shall allocate the moneys to school
10 districts based upon the percentage of the budget
11 enrollment of each school district for the fiscal year
12 beginning July 1, 2004, compared to the budget
13 enrollment of all school districts in the state for
14 the fiscal year beginning July 1, 2004. The
15 department shall distribute the moneys to a school
16 district upon demonstration by the school district to
17 the department that the school district agrees to
18 participate in a qualified value-added assessment
19 system.
20 Sec. 32. Section 284.13, subsection 1, paragraphs
21 a, d, and i, Code 2005, are amended by striking the
22 paragraphs.
23 Sec. 33. Section 298.3, Code 2005, is amended by
24 adding the following new subsection:
25 NEW SUBSECTION. 13. EXPENDITURES FOR WIND
26 GENERATORS. If a school district's anticipated energy
27 savings is projected to pay for construction of a wind
28 generator, the school district may use revenues
29 received under this section to pay off the
30 construction loan.
31 Sec. 34. Section 301.1, subsection 2, Code 2005,
32 is amended to read as follows:
33 2. Textbooks adopted and purchased by a school
34 district shall, to the extent funds are appropriated
35 by the general assembly, be made available to pupils
36 attending accredited nonpublic schools upon request of
37 the pupil or the pupil's parent under comparable terms
38 as made available to pupils attending public schools.
39 If the general assembly appropriates moneys for
40 purposes of making textbooks available to accredited
41 nonpublic school pupils, the department of education
42 shall ascertain the amount available to a school
43 district for the purchase of nonsectarian,
44 nonreligious textbooks for pupils attending accredited
45 nonpublic schools. The amount shall be in the
46 proportion that the basic enrollment of a
47 participating accredited nonpublic school bears to the
48 sum of the basic enrollments of all participating
49 accredited nonpublic schools in the state for the
50 budget year. For purposes of this section, a

Page 40

1 "participating accredited nonpublic school" means an
2 accredited nonpublic school that submits a written
3 request on behalf of the school's pupils in accordance
4 with this subsection, and that certifies its actual
5 enrollment to the department of education by October
6 1, annually. By October 15, annually, the department
7 of education shall certify to the director of the
8 department of administrative services the annual
9 amount to be paid to each school district, and the
10 director of the department of administrative services
11 shall draw warrants payable to school districts in
12 accordance with this subsection. For purposes of this
13 subsection, an accredited nonpublic school's
14 enrollment count shall include only students who are
15 residents of Iowa. The costs of providing textbooks
16 to accredited nonpublic school pupils as provided in
17 this subsection shall not be included in the
18 computation of district cost under chapter 257, but
19 shall be shown in the budget as an expense from
20 miscellaneous income. Textbook expenditures made in
21 accordance with this subsection shall be kept on file
22 in the school district. Textbooks made available by a
23 school district to pupils attending accredited
24 nonpublic schools in accordance with this subsection
25 are not to be the property of the school district.
26 Sec. 35. Section 423E.4, subsection 3, paragraph
27 a, Code 2005, is amended to read as follows:
28 a. The director of revenue by June 1 preceding
29 each fiscal year shall compute the guaranteed school
30 infrastructure amount for each school district, each
31 school district's sales tax capacity per student for
32 each county, the statewide tax revenues per student,
33 and the supplemental school infrastructure amount for
34 the coming fiscal year.
35 Sec. 36. Section 423E.4, subsection 3, paragraph
36 b, subparagraph (3), Code 2005, is amended by striking
37 the subparagraph and inserting in lieu thereof the
38 following:
39 (3) "Statewide tax revenues per student" means the
40 amount determined by estimating the total revenues
41 that would be generated by a one percent local option
42 sales and services tax for school infrastructure
43 purposes if imposed by all the counties during the
44 entire fiscal year and dividing this estimated revenue
45 amount by the sum of the combined actual enrollment
46 for all counties as determined in section 423E.3,
47 subsection 5, paragraph "d", subparagraph (2).
48 Sec. 37. EFFECTIVE DATES.
49 1. The section of this Act that amends section
50 257B.1B, being deemed of immediate importance, takes

Page 41

1 effect upon enactment.
2 2. The section of this Act that amends section
3 423E.4, being deemed of immediate importance, takes
4 effect upon enactment."
5 2. Title page, by striking line 5 and inserting
6 the following: "regents, and providing effective
7 dates."
8 3. By renumbering as necessary.

JEFF ANGELO
WALLY E. HORN
ROBERT E. DVORSKY

S–3293

1 Amend House File 882, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 13, by inserting after line 35 the
4 following:
5 "Sec. ___. Section 8D.2, subsection 5, paragraph
6 b, Code 2005, is amended to read as follows:
7 b. For the purposes of this chapter, "public
8 agency" also includes any homeland security or defense
9 facility <u>or disaster response agency</u> established by
10 the administrator of the homeland security and
11 emergency management division of the department of
12 public defense or the governor or any facility
13 connected with a security or defense system <u>or</u>
14 <u>disaster response</u> as required by the administrator of
15 the homeland security and emergency management
16 division of the department of public defense or the
17 governor.
18 Sec. ___. Section 8D.9, subsection 3, Code 2005,
19 is amended to read as follows:
20 3. A facility that is considered a public agency
21 pursuant to section 8D.2, subsection 5, paragraph "b",
22 shall be authorized to access the Iowa communications
23 network strictly for homeland security communication
24 purposes <u>and disaster communication purposes</u>. Any
25 utilization of the network that is not related to
26 communications concerning homeland security <u>or a</u>
27 <u>disaster, as defined in section 29C.2,</u> is expressly
28 prohibited. <u>Access under this subsection shall be</u>
29 <u>available only if a state of disaster emergency is</u>
30 <u>proclaimed by the governor pursuant to section 29C.6</u>
31 <u>or a homeland security or disaster event occurs</u>
32 <u>requiring connection of disparate communications</u>
33 <u>systems between public agencies to provide for a</u>
34 <u>multi-agency or multi-jurisdictional response. Access</u>
35 <u>shall continue only for the period of time the</u>

homeland security or disaster event exists. For purposes of this subsection, disaster communication purposes includes training and exercising for a disaster if public notice of the training and exercising session is posted on the website of the homeland security and emergency management division of the department of public defense. A scheduled and noticed training and exercising session shall not exceed five days. Interpretation and application of the provisions of this subsection shall be strictly construed."

RON WIECK
STEVE WARNSTADT
ROBERT E. DVORSKY
JEFF ANGELO

S–3294

Amend the amendment, S–3292, to House File 816, as amended, passed, and reprinted by the House, as follows:

1. Page 29, by inserting after line 12 the following:

"Sec. ___. Section 257.17, Code 2005, is amended to read as follows:

257.17 AID REDUCTION FOR EARLY SCHOOL STARTS.

State aid payments made pursuant to section 257.16 for a fiscal year shall be reduced by one one-hundred-eightieth for each day of that fiscal year for which the school district begins school before the earliest starting date specified in section 279.10, subsection 1. ~~However, this section does not apply to a school district that has received approval from the director of the department of education under section 279.10, subsection 4, to commence classes for regularly established elementary and secondary schools in advance of the starting date established in section 279.10, subsection 1.~~"

2. Page 37, by inserting after line 7 the following:

"Sec. ___. Section 279.10, subsection 1, Code 2005, is amended to read as follows:

1. The school year shall begin on the first day of July and each regularly established elementary and secondary school shall begin no sooner than ~~a day during the calendar week in which the first day of September falls~~ August 22 but no later than the first Monday in December. ~~However, if the first day of September falls on a Sunday, school may begin on a day during the calendar week which immediately precedes the first day of September.~~ School shall continue for

at least one hundred eighty days, except as provided in subsection 3, and may be maintained during the entire calendar year. However, if the board of directors of a district extends the school calendar because inclement weather caused the district to temporarily close school during the regular school calendar, the district may excuse a graduating senior who has met district or school requirements for graduation from attendance during the extended school calendar. A school corporation may begin employment of personnel for in-service training and development purposes before the date to begin elementary and secondary school.

Sec. ___. Section 279.10, subsection 4, Code 2005, is amended by striking the subsection."

3. By renumbering as necessary.

JOHN PUTNEY

S–3295

Amend the amendment, S–3292, to House File 816, as amended, passed, and reprinted by the House, as follows:

1. Page 13, by striking line 25, and inserting the following:

"..... $ 40,000,000"

HERMAN C. QUIRMBACH
ROBERT E. DVORSKY
JOE BOLKCOM
JACK HATCH
JEFF DANIELSON
WILLIAM A. DOTZLER, JR.

S–3296

Amend the amendment, S–3292, to House File 816, as amended, passed, and reprinted by the House, as follows:

1. Page 25, by inserting after line 24, the following:

"Sec. ___. Section 256.7, subsection 24, Code 2005, is amended to read as follows:

24. Adopt rules ~~on or before January 1, 2001,~~ to require school districts and accredited nonpublic schools to adopt local policies relating to health services~~, media services programs, and guidance programs,~~ as part of the general accreditation standards applicable to school districts pursuant to section 256.11. This subsection shall be applicable strictly for reporting purposes and shall not be

interpreted to require school districts and accredited nonpublic schools to provide or offer health services~~, media services programs, or guidance programs~~."

2. Page 26, by inserting after line 9, the following:

"Sec. ___. Section 256.11, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 9. Unless a waiver has been obtained under section 256.11A, each accredited nonpublic school or school district shall have the following:

a. A media center in each attendance center accessible to students throughout the school day and a qualified school media services specialist who meets the licensing standards prescribed by the board of educational examiners and who is responsible for media center supervision.

b. An articulated sequential elementary-secondary guidance program for grades kindergarten through twelve and a guidance counselor who meets the licensing standards prescribed by the board of educational examiners.

In determining the requirements of this subsection for an accredited nonpublic school, the department shall evaluate the accredited nonpublic school on an accredited nonpublic school system basis rather than on an individual accredited nonpublic school basis.

Sec. ___. Section 256.11A, subsection 1, Code 2005, is amended to read as follows:

1. ~~Schools~~ Accredited nonpublic schools and school districts ~~unable to meet the standard adopted by the state board requiring each school or school district operating a kindergarten through grade twelve program to provide an articulated sequential elementary-secondary guidance program~~ may, not later than August

1, ~~1995~~ 2005, for the school year beginning July 1, ~~1995~~ 2005, file a written request to the department o education that the department waive one or more of the ~~requirement for~~ requirements established in section 256.11, subsection 9, that an accredited nonpublic school or school district have a media center and a qualified school media services specialist and that an accredited nonpublic school or school district operating a kindergarten through grade twelve program provide an articulated sequential elementary-secondary guidance program. The procedures specified in subsection 3 apply to the request. Not later than August 1, ~~1996~~ 2006, for the school year beginning July 1, ~~1996~~ 2006, the board of directors of a school

15 district or the authorities in charge of a nonpublic
16 school may request a one-year extension of the waiver.
17 Sec. ___. Section 256.11A, subsection 2, Code
18 2005, is amended by striking the subsection."
19 3. By renumbering, redesignating, and correcting
20 internal references as necessary.

MICHAEL CONNOLLY

S–3297

1 Amend House File 882, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 18, by inserting after line 30 the
4 following:
5 "Sec. ___. Section 384.4, Code 2005, is amended by
6 adding the following new subsection:
7 NEW SUBSECTION. 5. Principal and interest on
8 obligations issued prior to July 1, 2006, for urban
9 renewal project activities under chapter 403, but only
10 to the extent necessary to make up any shortfall in
11 the revenues allocated to the special fund of the city
12 pursuant to section 403.19, subsection 2, which
13 results from the increase in the regular program
14 foundation base pursuant to section 257.1, subsection
15 2, after deduction for any such revenue increases as a
16 result of imposition of the optional supplemental
17 amount pursuant to section 260C.17. This subsection
18 is repealed effective January 1, 2026."
19 2. Page 24, by inserting after line 27 the
20 following:
21 "Sec. ___. CONTINGENT EFFECTIVE DATE. The section
22 of this division of this Act amending section 384.4 is
23 contingent upon the enactment of the optional
24 supplemental amount pursuant to section 260C.17, if
25 enacted, by 2005 Iowa Acts, Senate File 416."

JOE BOLKCOM

S–3298

1 Amend House File 882, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 48, by inserting after line 26, the
4 following:
5 "DIVISION ___
6 PORT AUTHORITY
7 Sec. ___. NEW SECTION. 28J.1 DEFINITIONS.
8 As used in this chapter, unless the context
9 otherwise requires:
10 1. "Authorized purposes" means an activity that
11 enhances, fosters, aids, provides, or promotes

12 transportation, economic development, housing,
13 recreation, education, governmental operations,
14 culture, or research within the jurisdiction of a port
15 authority.
16 2. "Board" means the board of directors of a port
17 authority established pursuant to section 28J.2.
18 3. "City" means the same as defined in section
19 362.2.
20 4. "Construction" means alteration, creation,
21 development, enlargement, erection, improvement,
22 installation, reconstruction, remodeling, and
23 renovation.
24 5. "Contracting governmental agency" means any
25 governmental agency or taxing district of the state
26 that, by action of its legislative authority, enters
27 into an agreement with a port authority pursuant to
28 section 28J.17.
29 6. "Cost" as applied to a port authority facility
30 means any of the following:
31 a. The cost of construction contracts, land,
32 rights-of-way, property rights, easements, franchise
33 rights, and interests required for acquisition or
34 construction.
35 b. The cost of demolishing or removing any
36 buildings or structures on land, including the cost of
37 acquiring any lands to which those buildings or
38 structures may be moved.
39 c. The cost of diverting a highway, interchange of
40 a highway, and access roads to private property,
41 including the cost of land or easements, and
42 relocation of a facility of a utility company or
43 common carrier.
44 d. The cost of machinery, furnishings, equipment,
45 financing charges, interest prior to and during
46 construction and for no more than twelve months after
47 completion of construction, engineering, and expenses
48 of research and development with respect to a
49 facility.
50 e. Legal and administrative expenses, plans,

Page 2

1 specifications, surveys, studies, estimates of cost
2 and revenues, engineering services, and other expenses
3 necessary or incident to determining the feasibility
4 or practicability of acquiring or constructing a
5 facility.
6 f. The interest upon the revenue bonds and pledge
7 orders during the period or estimated period of
8 construction and for twelve months thereafter, or for
9 twelve months after the acquisition date, reserve
10 funds as the port authority deems advisable in

connection with a facility and the issuance of port authority revenue bonds and pledge orders.

g. The costs of issuance of port authority revenue bonds and pledge orders.

h. The cost of diverting a rail line, rail spur track, or rail spur track switch, including the cost of land or easements, and relocation of a facility of a utility company or common carrier.

i. The cost of relocating an airport's runways, terminals, and related facilities including the cost of land or easements, and relocation of a facility of a utility company or common carrier.

7. "Facility" or "port authority facility" means real or personal property owned, leased, or otherwise controlled or financed by a port authority and related to or in furtherance of one or more authorized purposes.

8. "Governmental agency" means a department, division, or other unit of state government of this state or any other state, city, county, township, or other governmental subdivision, or any other public corporation or agency created under the laws of this state, any other state, the United States, or any department or agency thereof, or any agency, commission, or authority established pursuant to an interstate compact or agreement or combination thereof.

9. "Person" means the same as defined in section 4.1.

10. "Pledge order" means a promise to pay out of the net revenues of a port authority, which is delivered to a contractor or other person in payment of all or part of the cost of a facility.

11. "Political subdivision" means a city, county, city-county consolidation, or multicounty consolidation, or combination thereof.

12. "Political subdivisions comprising the port authority" means the political subdivisions which created or participated in the creation of the port authority under section 28J.2, or which joined an

existing port authority under section 28J.4.

13. "Port authority" means an entity created pursuant to section 28J.2.

14. "Port authority revenue bonds" means revenue bonds and revenue refunding bonds issued pursuant to section 28J.21.

15. "Public roads" means all public highways, roads, and streets in this state, whether maintained by the state or by a county or city.

10 16. "Revenues" means rental fees and other charges
11 received by a port authority for the use or services
12 of a facility, a gift or grant received with respect
13 to a facility, moneys received with respect to the
14 lease, sublease, sale, including installment sale or
15 conditional sale, or other disposition of a facility,
16 moneys received in repayment of and for interest on
17 any loans made by the port authority to a person or
18 governmental agency, proceeds of port authority
19 revenue bonds for payment of principal, premium, or
20 interest on the bonds authorized by the port
21 authority, proceeds from any insurance, condemnation,
22 or guarantee pertaining to the financing of the
23 facility, and income and profit from the investment of
24 the proceeds of port authority revenue bonds or of any
25 revenues.
26 Sec. ___. NEW SECTION. 28J.2 CREATION AND POWERS
27 OF PORT AUTHORITY.
28 1. Two or more political subdivisions may create a
29 port authority under this chapter by resolution. If a
30 proposal to create a port authority receives a
31 favorable majority of the members of the elected
32 legislative body of the political subdivision, the
33 port authority is created at the time provided in the
34 resolution. The jurisdiction of a port authority
35 includes the territory described in section 28J.8.
36 2. A port authority created pursuant to this
37 section may sue and be sued, complain, and defend in
38 its name and has the powers and jurisdiction
39 enumerated in this chapter.
40 3. At the time a port authority is created
41 pursuant to this section, the political subdivisions
42 comprising the port authority may restrict the powers
43 granted the port authority pursuant to this chapter by
44 specifically adopting such restrictions in the
45 resolution creating the port authority.
46 4. The political subdivisions comprising the port
47 authority whose powers have been restricted pursuant
48 to subsection 3 may at any time adopt a resolution to
49 grant additional powers to the port authority, so long
50 as the additional powers do not exceed the powers

1 permitted under this chapter.
2 Sec. ___. NEW SECTION. 28J.3 APPROPRIATION AND
3 EXPENDITURE OF PUBLIC FUNDS — DISSOLUTION.
4 1. The political subdivisions comprising a port
5 authority may appropriate and expend public funds to
6 finance or subsidize the operation and authorized
7 purposes of the port authority. A port authority
8 shall control tax revenues allocated to the facilities

9 the port authority administers and all revenues
10 derived from the operation of the port authority, the
11 sale of its property, interest on investments, or from
12 any other source related to the port authority.
13 2. All revenues received by the port authority
14 shall be held in a separate fund in a manner agreed to
15 by the political subdivisions comprising the port
16 authority. Revenues may be paid out only at the
17 direction of the board of directors of the port
18 authority.
19 3. A port authority shall comply with section
20 331.341, subsections 1, 2, 4, and 5, and section
21 331.342, when contracting for public improvements.
22 4. Subject to making due provisions for payment
23 and performance of any outstanding obligations, the
24 political subdivisions comprising the port authority
25 may dissolve the port authority, and transfer the
26 property of the port authority to the political
27 subdivisions comprising the port authority in a manner
28 agreed upon between the political subdivisions
29 comprising the port authority prior to the dissolution
30 of the port authority.
31 Sec. ___. NEW SECTION. 28J.4 JOINING AN EXISTING
32 PORT AUTHORITY.
33 1. A political subdivision which is contiguous to
34 either a political subdivision which participated in
35 the creation of the port authority or a political
36 subdivision which proposes to join the port authority
37 at the same time which is contiguous to a political
38 subdivision which participated in the creation of the
39 port authority may join the port authority by
40 resolution.
41 2. If more than one such political subdivision
42 proposes to join the port authority at the same time,
43 the resolution of each such political subdivision
44 shall designate the political subdivisions which are
45 to be so joined.
46 3. Any territory or city not included in a port
47 authority which is annexed to a city included within
48 the jurisdiction of a port authority shall, on such
49 annexation and without further proceedings, be annexed
50 to and be included in the jurisdiction of the port

1 authority.
2 4. Before a political subdivision is joined to a
3 port authority, other than by annexation to a city,
4 the political subdivisions comprising the port
5 authority shall agree upon the terms and conditions
6 pursuant to which such political subdivision is to be
7 joined.

5. For the purpose of this chapter, such political subdivision shall be considered to have participated in the creation of the port authority, except that the initial term of any director of the port authority appointed by a joining political subdivision shall be four years.

6. After each resolution proposing a political subdivision to join a port authority has become effective and the terms and conditions of joining the port authority have been agreed to, the board of directors of the port authority shall by resolution either accept or reject the proposal. Such proposal to join a port authority shall be effective upon adoption of the resolution by the board of directors of the port authority and thereupon the jurisdiction of the port authority includes the joining political subdivision.

Sec. ___. NEW SECTION. 28J.5 MEMBERSHIP OF BOARD OF DIRECTORS.

1. A port authority created pursuant to section 28J.2 shall be governed by a board of directors. Members of a board of directors of a port authority shall be divided among the political subdivisions comprising the port authority in such proportions as the political subdivisions may agree and shall be appointed by the respective political subdivision's elected legislative body.

2. The number of directors comprising the board shall be determined by agreement between the political subdivisions comprising the port authority, and which number may be changed by resolution of the political subdivisions comprising the port authority.

3. A majority of the directors shall have been qualified electors of, or owned a business or been employed in, one or more political subdivisions within the area of the jurisdiction of the port authority for a period of at least three years preceding appointment.

4. The directors of a port authority first appointed shall serve staggered terms. Thereafter each successor director shall serve for a term of four years, except that any person appointed to fill a vacancy shall be appointed to only the unexpired term.

A director is eligible for reappointment.

5. The board may provide procedures for the removal of a director who fails to attend three consecutive regular meetings of the board. If a director is so removed, a successor shall be appointed for the remaining term of the removed director in the

7 same manner provided for the original appointment.
8 The appointing body may at any time remove a director
9 appointed by it for misfeasance, nonfeasance, or
10 malfeasance in office.
11 6. The board may adopt bylaws and shall elect one
12 director as chairperson and one director as vice
13 chairperson, designate terms of office, and appoint a
14 secretary who need not be a director.
15 7. A majority of the board of directors shall
16 constitute a quorum for the purpose of holding a
17 meeting of the board. The affirmative vote of a
18 majority of a quorum shall be necessary for any action
19 taken by the port authority unless the board
20 determines that a greater number of affirmative votes
21 is necessary for particular actions to be taken by the
22 port authority. A vacancy in the membership of the
23 board shall not impair the rights of a quorum to
24 exercise all the rights and perform all the duties of
25 the port authority.
26 8. Each director shall be entitled to receive from
27 the port authority such sum of money as the board may
28 determine as compensation for services as a director
29 and reimbursement for reasonable expenses in the
30 performance of official duties.
31 Sec. ___. NEW SECTION. 28J.6 CIVIL IMMUNITY OF
32 DIRECTORS.
33 A director of a port authority shall not be
34 personally liable for any monetary damages that arise
35 from actions taken in the performance of the
36 director's official duties, except for acts or
37 omissions that are not in good faith or that involve
38 intentional misconduct, a knowing violation of law, or
39 any transaction from which the director derived an
40 improper personal benefit.
41 Sec. ___. NEW SECTION. 28J.7 EMPLOYEES, ADVISORY
42 BOARD, PEACE OFFICERS.
43 1. A port authority shall employ and fix the
44 qualifications, duties, and compensation of any
45 employees and enter into contracts for any services
46 that may be required to conduct the business of the
47 port authority, and may appoint an advisory board,
48 which shall serve without compensation.
49 2. An employee of a port authority is a public
50 employee for the purposes of collective bargaining

Page 7

1 under chapter 20.
2 3. a. A port authority may provide for the
3 administration and enforcement of the laws of the
4 state by employing peace officers who shall have all
5 the powers conferred by law on peace officers of this

6 state with regard to the apprehension of violators
7 upon all property under its control within and without
8 the port authority. The peace officers may seek the
9 assistance of other appropriate law enforcement
10 officers to enforce its rules and maintain order.
11 b. Peace officers employed by a port authority
12 shall meet all requirements as police officers
13 appointed under the civil service law of chapter 400
14 and shall participate in the retirement system
15 established by chapter 411.
16 c. Peace officers employed by a port authority
17 shall serve as a peace officer force with respect to
18 the property, grounds, buildings, equipment, and
19 facilities under the control of the port authority, to
20 prevent hijacking of aircraft or watercraft, protect
21 the property of the authority and the property of
22 others located thereon, suppress nuisances and
23 disturbances and breaches of the peace, and enforce
24 laws and the rules of the port authority for the
25 preservation of good order. Peace officers are vested
26 with the same powers of arrest as peace officers under
27 section 804.7.
28 4. If an employee of a political subdivision
29 comprising the port authority is transferred to a
30 comparable position with the port authority, the
31 employee is entitled to suffer no loss in pay,
32 pension, fringe benefits, or other benefits and shall
33 be entitled to a comparable rank and grade as the
34 employee's prior position. Sick leave, longevity, and
35 vacation time accrued to such employees shall be
36 credited to them as employees of the port authority.
37 All rights and accruals of such employees as members
38 of the Iowa public employees' retirement system
39 pursuant to chapter 97B and the retirement system for
40 police officers pursuant to chapter 411 shall remain
41 in force and shall be automatically transferred to the
42 port authority.
43 Sec. ___. NEW SECTION. 28J.8 AREA OF
44 JURISDICTION.
45 1. The area of jurisdiction of a port authority
46 shall include all of the territory of the political
47 subdivisions comprising the port authority and, if the
48 port authority owns or leases a railroad line or
49 airport, the territory on which the railroad's line,
50 terminals, and related facilities or the airport's

1 runways, terminals, and related facilities are
2 located, regardless of whether the territory is
3 located in the political subdivisions comprising the
4 port authority.

5 2. A political subdivision that has created a port
6 authority or joined an existing port authority shall
7 not be included in any other port authority.
8 Sec. ___. NEW SECTION. 28J.9 POWERS OF PORT
9 AUTHORITY.
10 A port authority may exercise all of the following
11 powers:
12 1. Adopt bylaws for the regulation of the port
13 authority's affairs and the conduct of the port
14 authority's business.
15 2. Adopt an official seal.
16 3. Maintain a principal office and branch offices
17 within the port authority's jurisdiction.
18 4. Acquire, construct, furnish, equip, maintain,
19 repair, sell, exchange, lease, lease with an option to
20 purchase, convey interests in real or personal
21 property, and operate any property of the port
22 authority in connection with transportation,
23 recreational, governmental operations, or cultural
24 activities in furtherance of an authorized purpose.
25 5. Straighten, deepen, and improve any channel,
26 river, stream, or other watercourse or way which may
27 be necessary or proper in the development of the
28 facilities of the port authority.
29 6. Make available the use or services of any
30 facility of the port authority to any person or
31 governmental agency.
32 7. Issue bonds or pledge orders pursuant to the
33 requirements and limitations in section 28J.21.
34 8. Issue port authority revenue bonds beyond the
35 limit of bonded indebtedness provided by law, payable
36 solely from revenues as provided in section 28J.21,
37 for the purpose of providing funds to pay the costs of
38 any facility or facilities of the port authority or
39 parts thereof.
40 9. Apply to the proper authorities of the United
41 States for the right to establish, operate, and
42 maintain foreign trade zones and establish, operate,
43 and maintain foreign trade zones and to acquire,
44 exchange, sell, lease to or from, lease with an option
45 to purchase, or operate facilities, land, or property
46 in accordance with the federal Foreign Trade Zones
47 Act, 19 U.S.C. § 81a-81u.
48 10. Enjoy and possess the same legislative and
49 executive rights, privileges, and powers granted
50 cities under chapter 364 and counties under chapter

1 331, including the exercise of police power but
2 excluding the power to levy taxes.
3 11. Maintain such funds as it considers necessary

4 and adhere to the public funds investment standards of
5 chapter 12B, as applicable.
6 12. Direct port authority agents or employees,
7 after at least five days' written notice, to enter
8 upon lands within the port authority's jurisdiction to
9 make surveys and examinations preliminary to location
10 and construction of works for the port authority,
11 without liability of the port authority or its agents
12 or employees except for actual damages.
13 13. Promote, advertise, and publicize the port
14 authority and its facilities, and provide information
15 to shippers and other commercial interests.
16 14. Adopt bylaws, not in conflict with state or
17 federal law, necessary or incidental to the
18 performance of the duties of and the execution of the
19 powers of the port authority under this chapter.
20 15. Do any of the following in regard to interests
21 in real or personal property, including machinery,
22 equipment, plants, factories, offices, and other
23 structures and facilities related to or in furtherance
24 of any authorized purpose as the board in its sole
25 discretion may determine:
26 a. Loan money to any person or governmental agency
27 for the acquisition, construction, furnishing, or
28 equipping of the property.
29 b. Acquire, construct, maintain, repair, furnish,
30 or equip the property.
31 c. Sell to, exchange with, lease, convey other
32 interests in, or lease with an option to purchase the
33 same or any lesser interest in the property to the
34 same or any other person or governmental agency.
35 d. Guarantee the obligations of any person or
36 governmental agency.
37 e. Accept and hold as consideration for the
38 conveyance of property or any interest therein such
39 property or interests therein as the board may
40 determine, notwithstanding any restrictions that apply
41 to the investment of funds by a port authority.
42 16. Sell, lease, or convey other interests in real
43 and personal property, and grant easements or rights-
44 of-way over property of the port authority. The board
45 shall specify the consideration and terms for the
46 sale, lease, or conveyance of other interests in real
47 and personal property. A determination made by the
48 board under this subsection shall be conclusive. The
49 sale, lease, or conveyance may be made without
50 advertising and the receipt of bids.

Page 10

1 17. Enter into an agreement with a political
2 subdivision comprising the port authority for the

political subdivision to exercise its right of eminent domain pursuant to chapters 6A and 6B on behalf of the port authority. However, a condemnation exercised on behalf of a port authority pursuant to this subsection shall not take or disturb property or a facility belonging to a governmental agency, utility company, or common carrier, which property or facility is necessary and convenient in the operation of the governmental agency, utility company, or common carrier, unless provision is made for the restoration, relocation, or duplication of such property or facility, or upon the election of the governmental agency, utility company, or common carrier, for the payment of compensation, if any, at the sole cost of the port authority, provided that both of the following apply:

a. If a restoration or duplication proposed to be made under this subsection involves a relocation of the property or facility, the new facility and location shall be of at least comparable utilitarian value and effectiveness and shall not impair the ability of the utility company or common carrier to compete in its original area of operation.

b. If a restoration or duplication made under this subsection involves a relocation of the property or facility, the port authority shall acquire no interest or right in or to the appropriated property or facility, until the relocated property or facility is available for use and until marketable title thereto has been transferred to the utility company or common carrier.

18. a. Make and enter into all contracts and agreements and execute all instruments necessary or incidental to the performance of the duties of and the execution of powers of the port authority under this chapter.

b. Except as provided in paragraph “c”, when the cost of a contract for the construction of a building, structure, or other improvement undertaken by a port authority involves an expenditure exceeding twenty-five thousand dollars, and the port authority is the contracting entity, the port authority shall make a written contract after notice calling for bids for the award of the contract has been given by publication twice, with at least seven days between publications, in a newspaper of general circulation in the area of the port authority. Each such contract shall be let to the lowest responsive and responsible bidder.

1 Every contract shall be accompanied by or shall refer
2 to plans and specifications for the work to be done,
3 prepared for and approved by the port authority, and
4 signed by an authorized officer of the port authority
5 and by the contractor.
6 c. The board of directors may provide criteria for
7 the negotiation and award without competitive bidding
8 of any contract as to which the port authority is the
9 contracting entity for the construction of any
10 building or structure or other improvement under any
11 of the following circumstances:
12 (1) A real and present emergency exists that
13 threatens damage or injury to persons or property of
14 the port authority or other persons, provided that a
15 statement specifying the nature of the emergency that
16 is the basis for the negotiation and award of a
17 contract without competitive bidding shall be signed
18 by the officer of the port authority that executes
19 that contract at the time of the contract's execution
20 and shall be attached to the contract.
21 (2) A commonly recognized industry or other
22 standard or specification does not exist and cannot
23 objectively be articulated for the improvement.
24 (3) The contract is for any energy conservation
25 measure as defined in section 7D.34.
26 (4) With respect to material to be incorporated
27 into the improvement, only a single source or supplier
28 exists for the material.
29 (5) A single bid is received by the port authority
30 after complying with the provisions of paragraph "b".
31 d. (1) If a contract is to be negotiated and
32 awarded without competitive bidding for the reason set
33 forth in paragraph "c", subparagraph (2), the port
34 authority shall publish a notice calling for technical
35 proposals at least twice, with at least seven days
36 between publications, in a newspaper of general
37 circulation in the area of the port authority. After
38 receipt of the technical proposals, the port authority
39 may negotiate with and award a contract for the
40 improvement to the person making the proposal
41 considered to be the most advantageous to the port
42 authority.
43 (2) If a contract is to be negotiated and awarded
44 without competitive bidding for the reason set forth
45 in paragraph "c", subparagraph (4), construction
46 activities related to the incorporation of the
47 material into the improvement also may be provided
48 without competitive bidding by the source or supplier
49 of that material.
50 e. A purchase, exchange, sale, lease, lease with

Page 12

1 an option to purchase, conveyance of other interests
2 in, or other contract with a person or governmental
3 agency that pertains to the acquisition, construction,
4 maintenance, repair, furnishing, equipping, or
5 operation of any real or personal property, related to
6 or in furtherance of economic development and the
7 provision of adequate housing, shall be made in such
8 manner and subject to such terms and conditions as may
9 be determined in the board's discretion. This
10 paragraph applies to all contracts that are subject to
11 this section, notwithstanding any other provision of
12 law that might otherwise apply, including a
13 requirement of notice, competitive bidding or
14 selection, or for the provision of security. However,
15 this paragraph shall not apply to a contract secured
16 exclusively by or to be paid exclusively from the
17 general revenues of the port authority. For the
18 purposes of this paragraph, any revenues derived by
19 the port authority under a lease or other agreement
20 that, by its terms, contemplates the use of amounts
21 payable under the agreement either to pay the costs of
22 the improvement that is the subject of the contract or
23 to secure obligations of the port authority issued to
24 finance costs of such improvement, are excluded from
25 general revenues.
26 19. Employ managers, superintendents, and other
27 employees and retain or contract with consulting
28 engineers, financial consultants, accounting experts,
29 architects, attorneys, and any other consultants and
30 independent contractors as are necessary in the port
31 authority's judgment to carry out this chapter, and
32 fix the compensation thereof. All expenses thereof
33 shall be payable from any available funds of the port
34 authority or from funds appropriated for that purpose
35 by the political subdivisions comprising the port
36 authority.
37 20. Receive and accept from a governmental agency
38 grants and loans for the construction of a port
39 authority facility, for research and development with
40 respect to a port authority facility, or any other
41 authorized purpose, and receive and accept aid or
42 contributions from any source of moneys, property,
43 labor, or other things of value, to be held, used, and
44 applied only for the purposes for which the grants,
45 loans, aid, or contributions are made.
46 21. Engage in research and development with
47 respect to a port authority facility.
48 22. Purchase fire and extended coverage and
49 liability insurance for a port authority facility and
50 for the principal office and branch offices of the

1 port authority, insurance protecting the port
2 authority and its officers and employees against
3 liability for damage to property or injury to or death
4 of persons arising from its operations, and any other
5 insurance the port authority may agree to provide
6 under a resolution authorizing port authority revenue
7 bonds, pledge orders, or in any trust agreement
8 securing the same.
9 23. Charge, alter, and collect rental fees and
10 other charges for the use or services of a port
11 authority facility as provided in section 28J.16.
12 24. Perform all acts necessary or proper to carry
13 out the powers expressly granted in this chapter.
14 Sec. ___. NEW SECTION. 28J.10 PARTICIPATION OF
15 PRIVATE ENTERPRISE.
16 The port authority shall foster and encourage the
17 participation of private enterprise in the development
18 of the port authority facilities to the fullest extent
19 practicable in the interest of limiting the necessity
20 of construction and operation of the facilities by the
21 port authority.
22 Sec. ___. NEW SECTION. 28J.11 PROVISIONS DO NOT
23 AFFECT OTHER LAWS OR POWERS.
24 This chapter shall not do any of the following:
25 1. Impair a provision of law directing the payment
26 of revenues derived from public property into sinking
27 funds or dedicating those revenues to specific
28 purposes.
29 2. Impair the powers of a political subdivision to
30 develop or improve a port and terminal facility except
31 as restricted by section 28J.15.
32 3. Enlarge, alter, diminish, or affect in any way,
33 a lease or conveyance made, or action taken prior to
34 the creation of a port authority under section 28J.2
35 by a city or a county.
36 4. Impair or interfere with the exercise of a
37 permit for the removal of sand or gravel, or other
38 similar permits issued by a governmental agency.
39 5. Impair or contravene applicable federal
40 regulations.
41 Sec. ___. NEW SECTION. 28J.12 CONVEYANCE, LEASE,
42 OR EXCHANGE OF PUBLIC PROPERTY.
43 A port authority may convey or lease, lease with an
44 option to purchase, or exchange with any governmental
45 agency or other port authority without competitive
46 bidding and on mutually agreeable terms, any personal
47 or real property, or any interest therein.
48 Sec. ___. NEW SECTION. 28J.13 ANNUAL BUDGET —
49 USE OF RENTS AND CHARGES.
50 The board shall annually prepare a budget for the

1 port authority. Revenues received by the port
2 authority shall be used for the general expenses of
3 the port authority and to pay interest, amortization,
4 and retirement charges on money borrowed. Except as
5 provided in section 28J.26, if there remains, at the
6 end of any fiscal year, a surplus of such funds after
7 providing for the above uses, the board shall pay such
8 surplus into the general funds of the political
9 subdivisions comprising the port authority as agreed
10 to by the subdivisions.
11 Sec. ___. NEW SECTION. 28J.14 SECRETARY TO
12 FURNISH BOND — DEPOSIT AND DISBURSEMENT OF FUNDS.
13 Before receiving any revenues, the secretary of a
14 port authority shall furnish a bond in such amount as
15 shall be determined by the port authority with
16 sureties satisfactory to the port authority, and all
17 funds coming into the hands of the secretary shall be
18 deposited by the secretary to the account of the port
19 authority in one or more such depositories as shall be
20 qualified to receive deposits of county funds, which
21 deposits shall be secured in the same manner as county
22 funds are required to be secured. A disbursement
23 shall not be made from such funds except in accordance
24 with policies and procedures adopted by the port
25 authority.
26 Sec. ___. NEW SECTION. 28J.15 LIMITATION ON
27 CERTAIN POWERS OF POLITICAL SUBDIVISIONS.
28 A political subdivision creating or participating
29 in the creation of a port authority in accordance with
30 section 28J.2 shall not, during the time the port
31 authority is in existence, exercise the rights and
32 powers provided in chapters 28A, 28K, and 384 relating
33 to the political subdivision's authority over a port,
34 wharf, dock, harbor or other facility substantially
35 similar to that political subdivision's authority
36 under a port authority granted under this chapter.
37 Sec. ___. NEW SECTION. 28J.16 RENTALS OR CHARGES
38 FOR USE OR SERVICES OF FACILITIES — AGREEMENTS WITH
39 GOVERNMENTAL AGENCIES.
40 1. a. A port authority may charge, alter, and
41 collect rental fees or other charges for the use or
42 services of any port authority facility and contract
43 for the use or services of a facility, and fix the
44 terms, conditions, rental fees, or other charges for
45 the use or services.
46 b. If the services are furnished in the
47 jurisdiction of the port authority by a utility
48 company or a common carrier, the port authority's
49 charges for the services shall not be less than the
50 charges established for the same services furnished by

a utility company or common carrier in the port authority jurisdiction.

c. The rental fees or other charges shall not be subject to supervision or regulation by any other authority, commission, board, bureau, or governmental agency of the state and the contract may provide for acquisition of all or any part of the port authority facility for such consideration payable over the period of the contract or otherwise as the port authority determines to be appropriate, but subject to the provisions of any resolution authorizing the issuance of port authority revenue bonds or any trust agreement securing the bonds.

d. A governmental agency that has power to construct, operate, and maintain a port authority facility may enter into a contract or lease with a port authority for the use or services of a port authority facility as may be agreed to by the port authority and the governmental agency.

2. a. A governmental agency may cooperate with the port authority in the acquisition or construction of a port authority facility and shall enter into such agreements with the port authority as may be appropriate, which shall provide for contributions by the parties in a proportion as may be agreed upon and other terms as may be mutually satisfactory to the parties including the authorization of the construction of the facility by one of the parties acting as agent for all of the parties and the ownership and control of the facility by the port authority to the extent necessary or appropriate.

b. A governmental agency may provide funds for the payment of any contribution required under such agreements by the levy of taxes or assessments if otherwise authorized by the laws governing the governmental agency in the construction of the type of port authority facility provided for in the agreements, and may pay the proceeds from the collection of the taxes or assessments; or the governmental agency may issue bonds or notes, if authorized by law, in anticipation of the collection of the taxes or assessments, and may pay the proceeds of the bonds or notes to the port authority pursuant to such agreements.

c. A governmental agency may provide the funds for the payment of a contribution by the appropriation of moneys or, if otherwise authorized by law, by the issuance of bonds or notes and may pay the appropriated moneys or the proceeds of the bonds or notes to the port authority pursuant to such

1 agreements.
2 3. When the contribution of any governmental
3 agency is to be made over a period of time from the
4 proceeds of the collection of special assessments, the
5 interest accrued and to accrue before the first
6 installment of the assessments is collected, which is
7 payable by the governmental agency on the contribution
8 under the terms and provisions of the agreements,
9 shall be treated as part of the cost of the
10 improvement for which the assessments are levied, and
11 that portion of the assessments that is collected in
12 installments shall bear interest at the same rate as
13 the governmental agency is obligated to pay on the
14 contribution under the terms and provisions of the
15 agreements and for the same period of time as the
16 contribution is to be made under the agreements. If
17 the assessment or any installment thereof is not paid
18 when due, it shall bear interest until the payment
19 thereof at the same rate as the contribution and the
20 county auditor shall annually place on the tax list
21 and duplicate the interest applicable to the
22 assessment and the penalty thereon as otherwise
23 authorized by law.
24 4. A governmental agency, pursuant to a favorable
25 vote in an election regarding issuing bonds to provide
26 funds to acquire, construct, or equip, or provide real
27 estate and interests in real estate for a port
28 authority facility, whether or not the governmental
29 agency at the time of the election had the authority
30 to pay the proceeds from the bonds or notes issued in
31 anticipation of the bonds to the port authority as
32 provided in this section, may issue such bonds or
33 notes in anticipation of the issuance of the bonds and
34 pay the proceeds of the bonds or notes to the port
35 authority in accordance with an agreement with the
36 port authority; provided, that the legislative
37 authority of the governmental agency finds and
38 determines that the port authority facility to be
39 acquired or constructed in cooperation with the
40 governmental agency will serve the same public purpose
41 and meet substantially the same public need as the
42 facility otherwise proposed to be acquired or
43 constructed by the governmental agency with the
44 proceeds of the bonds and notes.
45 Sec. ___. NEW SECTION. 28J.17 CONTRACTS,
46 ARRANGEMENTS, AND AGREEMENTS.
47 1. a. A port authority may enter into a contract
48 or other arrangement with a person, railroad, utility
49 company, corporation, governmental agency including
50 sewerage, drainage, conservation, conservancy, or

Page 17

1 other improvement districts in this or other states,
2 or the governments or agencies of foreign countries as
3 may be necessary or convenient for the exercise of the
4 powers granted by this chapter. The port authority
5 may purchase, lease, or acquire land or other property
6 in any county of this state and in adjoining states
7 for the accomplishment of authorized purposes of the
8 port authority, or for the improvement of the harbor
9 and port facilities over which the port authority may
10 have jurisdiction including development of port
11 facilities in adjoining states. The authority granted
12 in this section to enter into contracts or other
13 arrangements with the federal government includes the
14 power to enter into any contracts, arrangements, or
15 agreements that may be necessary to hold and save
16 harmless the United States from damages due to the
17 construction and maintenance by the United States of
18 work the United States undertakes.
19 b. A political subdivision that has participated
20 in the creation of a port authority, or is within, or
21 adjacent to a political subdivision that is within the
22 jurisdiction of a port authority, may enter into an
23 agreement with the port authority to accomplish any of
24 the authorized purposes of the port authority. The
25 agreement may set forth the extent to which the port
26 authority shall act as the agent of the political
27 subdivision.
28 2. A port authority may enter into an agreement
29 with a contracting governmental agency, whereby the
30 port authority or the contracting governmental agency
31 undertakes, and is authorized by the port authority or
32 a contracting governmental agency, to exercise any
33 power, perform any function, or render any service, on
34 behalf of the port authority or a contracting
35 governmental agency, which the port authority or the
36 contracting governmental agency is authorized to
37 exercise, perform, or render.
38 Sec. ___. NEW SECTION. 28J.18 REVENUE BONDS ARE
39 LAWFUL INVESTMENTS.
40 Port authority revenue bonds issued pursuant to
41 this chapter are lawful investments of banks, credit
42 unions, trust companies, savings and loan
43 associations, deposit guaranty associations, insurance
44 companies, trustees, fiduciaries, trustees or other
45 officers having charge of the bond retirement funds or
46 sinking funds of port authorities and governmental
47 agencies, and taxing districts of this state, the
48 pension and annuity retirement system, the Iowa public
49 employees' retirement system, the police and fire
50 retirement systems under chapters 410 and 411, a

1 revolving fund of a governmental agency of this state,
2 and are acceptable as security for the deposit of
3 public funds under chapter 12C.
4 Sec. ___. NEW SECTION. 28J.19 PROPERTY TAX
5 EXEMPTION.
6 A port authority shall be exempt from and shall not
7 be required to pay taxes on real property belonging to
8 a port authority that is used exclusively for an
9 authorized purpose as provided in section 427.1,
10 subsection 34.
11 Sec. ___. NEW SECTION. 28J.20 LOANS FOR
12 ACQUISITION OR CONSTRUCTION OF FACILITY — SALE OF
13 FACILITY — POWER TO ENCUMBER PROPERTY.
14 1. With respect to the financing of a facility for
15 an authorized purpose, under an agreement whereby the
16 person to whom the facility is to be leased,
17 subleased, or sold, or to whom a loan is to be made
18 for the facility, is to make payments sufficient to
19 pay all of the principal of, premium, and interest on
20 the port authority revenue bonds issued for the
21 facility, the port authority, in addition to other
22 powers under this chapter, may do any of the
23 following:
24 a. Make loans for the acquisition or construction
25 of the facility to such person upon such terms as the
26 port authority may determine or authorize including
27 secured or unsecured loans, and enter into loan
28 agreements and other agreements, accept notes and
29 other forms of obligation to evidence such
30 indebtedness and mortgages, liens, pledges,
31 assignments, or other security interests to secure
32 such indebtedness, which may be prior or subordinate
33 to or on a parity with other indebtedness,
34 obligations, mortgages, pledges, assignments, other
35 security interests, or liens or encumbrances, and take
36 actions considered appropriate to protect such
37 security and safeguard against losses, including,
38 without limitation, foreclosure and the bidding upon
39 and purchase of property upon foreclosure or other
40 sale.
41 b. Sell the facility under terms as the port
42 authority may determine, including sale by conditional
43 sale or installment sale, under which title may pass
44 prior to or after completion of the facility or
45 payment or provisions for payment of all principal of,
46 premium, and interest on the revenue bonds, or at any
47 other time provided in the agreement pertaining to the
48 sale, and including sale under an option to purchase
49 at a price which may be a nominal amount or less than
50 true value at the time of purchase.

1 c. Grant a mortgage, lien, or other encumbrance
2 on, or pledge or assignment of, or other security
3 interest with respect to, all or any part of the
4 facility, revenues, reserve funds, or other funds
5 established in connection with the bonds or with
6 respect to a lease, sublease, sale, conditional sale
7 or installment sale agreement, loan agreement, or
8 other agreement pertaining to the lease, sublease,
9 sale, or other disposition of a facility or pertaining
10 to a loan made for a facility, or a guaranty or
11 insurance agreement made with respect thereto, or an
12 interest of the port authority therein, or any other
13 interest granted, assigned, or released to secure
14 payments of the principal of, premium, or interest on
15 the bonds or to secure any other payments to be made
16 by the port authority, which mortgage, lien,
17 encumbrance, pledge, assignment, or other security
18 interest may be prior or subordinate to or on a parity
19 with any other mortgage, assignment, or other security
20 interest, or lien or encumbrance.
21 d. Contract for the acquisition or construction of
22 the facility or any part thereof and for the leasing,
23 subleasing, sale, or other disposition of the facility
24 in a manner determined by the port authority in its
25 sole discretion, without necessity for competitive
26 bidding or performance bonds.
27 e. Make appropriate provision for adequate
28 maintenance of the facility.
29 2. With respect to a facility referred to in this
30 section, the authority granted by this section is
31 cumulative and supplementary to all other authority
32 granted in this chapter. The authority granted by
33 this section does not alter or impair a similar
34 authority granted elsewhere in this chapter for or
35 with respect to other facilities.
36 Sec. ___. NEW SECTION. 28J.21 ISSUANCE OF
37 REVENUE AND REFUNDING BONDS.
38 1. A port authority may issue revenue bonds and
39 pledge orders payable solely from the net revenues of
40 the port authority including the revenues generated
41 from a facility pursuant to section 28J.20. The
42 revenue bonds may be issued in such principal amounts
43 as, in the opinion of the port authority, are
44 necessary for the purpose of paying the cost of one or
45 more port authority facilities or parts thereof.
46 2. a. The resolution to issue the bonds must be
47 adopted at a regular or special meeting of the board
48 called for that purpose by a majority of the total
49 number of members of the board. The board shall fix a
50 date, time, and place of meeting at which it proposes

1 to take action, and give notice by publication in the
2 manner directed in section 331.305. The notice must
3 include a statement of the date, time, and place of
4 the meeting, the maximum amount of the proposed
5 revenue bonds, the purpose for which the revenue bonds
6 will be issued, and the net revenues to be used to pay
7 the principal and interest on the revenue bonds.
8 b. At the meeting the board shall receive oral or
9 written objections from any resident or property owner
10 within the jurisdiction of the port authority. After
11 all objections have been received and considered, the
12 board, at the meeting or a date to which it is
13 adjourned, may take additional action for the issuance
14 of the bonds or abandon the proposal to issue bonds.
15 Any resident or property owner within the jurisdiction
16 of the port authority may appeal a decision of the
17 board to take additional action in district court
18 within fifteen days after the additional action is
19 taken, but the additional action of the board is final
20 and conclusive unless the court finds that the board
21 exceeded its authority.
22 3. The board may sell revenue bonds or pledge
23 orders at public or private sale and may deliver
24 revenue bonds and pledge orders to the contractors,
25 sellers, and other persons furnishing materials and
26 services constituting a part of the cost of the port
27 authority facility in payment therefore. The pledge of
28 any net revenues of a port authority is valid and
29 effective as to all persons including but not limited
30 to other governmental bodies when it becomes valid and
31 effective between the port authority and the holders
32 of the revenue bonds or pledge orders.
33 4. A revenue bond is valid and binding for all
34 purposes if it bears the signatures or a facsimile of
35 the signature of the officer designated by the port
36 authority. Port authority revenue bonds may bear
37 dates, bear interest at rates not exceeding those
38 permitted by chapter 74A, bear interest at a variable
39 rate or rates changing from time to time in accordance
40 with a base or formula, mature in one or more
41 installments, be in registered form, carry
42 registration and conversion privileges, be payable as
43 to principal and interest at times and places, be
44 subject to terms of redemption prior to maturity with
45 or without premium, and be in one or more
46 denominations, all as provided by the resolution of
47 the board authorizing their issuance. The resolution
48 may also prescribe additional provisions, terms,
49 conditions, and covenants which the port authority
50 deems advisable, consistent with this chapter,

including provisions for creating and maintaining reserve funds, the issuance of additional revenue bonds ranking on a parity with such revenue bonds and additional revenue bonds junior and subordinate to such revenue bonds, and that such revenue bonds shall rank on a parity with or be junior and subordinate to any revenue bonds which may be then outstanding. Port authority revenue bonds are a contract between the port authority and holders and the resolution is a part of the contract.

5. The port authority may issue revenue bonds to refund revenue bonds, pledge orders, and other obligations which are by their terms payable from the net revenues of the same port authority, at lower, the same, or higher rates of interest. A port authority may sell refunding revenue bonds at public or private sale and apply the proceeds to the payment of the obligations being refunded, and may exchange refunding revenue bonds in payment and discharge of the obligations being refunded. The principal amount of refunding revenue bonds may exceed the principal amount of the obligations being refunded to the extent necessary to pay any premium due on the call of the obligations being refunded and to fund interest accrued and to accrue on the obligations being refunded.

6. The final maturity of any original issue of port authority revenue bonds shall not exceed forty years from the date of issue, and the final maturity of port authority revenue bonds that refund outstanding port authority revenue bonds shall not be later than the later of forty years from the date of issue of the original issue of bonds or the date by which it is expected, at the time of issuance of the refunding bonds, that the useful life of all of the property refinanced with the proceeds of the bonds, other than interests in land, will have expired. Such bonds or notes shall be executed in a manner as the resolution may provide.

7. The port authority may contract to pay an amount not to exceed ninety-five percent of the engineer's estimated value of the acceptable work completed during the month to the contractor at the end of each month for work, material, or services. Payment may be made in warrants drawn on any fund from which payment for the work may be made. If such funds are depleted, anticipatory warrants may be issued bearing a rate of interest not exceeding that permitted by chapter 74A even if income from the sale of bonds which have been authorized and are applicable

1 to the public improvement takes place after the fiscal
2 year in which the warrants are issued. If the port
3 authority arranges for the private sale of
4 anticipatory warrants, the warrants may be sold and
5 the proceeds used to pay the contractor. The warrants
6 may also be used to pay other persons furnishing
7 services constituting a part of the cost of the public
8 improvement.
9 8. Port authority revenue bonds, pledge orders,
10 and warrants issued under this section are negotiable
11 instruments.
12 9. The board may issue pledge orders pursuant to a
13 resolution adopted by a majority of the total number
14 of supervisors, at a regular or special meeting,
15 ordering their issuance and delivery in payment for
16 all or part of the cost of a project. Pledge orders
17 may bear interest at rates not exceeding those
18 permitted by chapter 74A.
19 10. Except as provided in section 28J.20, the
20 physical properties of the port authority shall not be
21 pledged or mortgaged to secure the payment of revenue
22 bonds, pledge orders, or refunding bonds, or the
23 interest thereon.
24 11. The members of the board of the port authority
25 and any person executing the bonds or pledge orders
26 shall not be personally liable on the bonds or pledge
27 orders or be subject to any personal liability or
28 accountability by reason of the issuance thereof.
29 Sec. ___. NEW SECTION. 28J.22 BONDS MAY BE
30 SECURED BY TRUST AGREEMENT.
31 1. In the discretion of the port authority, a port
32 authority revenue bond issued under this chapter may
33 be secured by a trust agreement between the port
34 authority and a corporate trustee that may be any
35 trust company or bank having the powers of a trust
36 company within this or any other state.
37 2. The trust agreement may pledge or assign
38 revenues of the port authority to be received for
39 payment of the revenue bonds. The trust agreement or
40 any resolution providing for the issuance of revenue
41 bonds may contain provisions for protecting and
42 enforcing the rights and remedies of the bondholders
43 as are reasonable and proper and not in violation of
44 law, including covenants setting forth the duties of
45 the port authority in relation to the acquisition of
46 property, the construction, improvement, maintenance,
47 repair, operation, and insurance of the port authority
48 facility in connection with which the bonds are
49 authorized, the rentals or other charges to be imposed
50 for the use or services of any port authority

1 facility, the custody, safeguarding, and application
2 of all moneys, and provisions for the employment of
3 consulting engineers in connection with the
4 construction or operation of any port authority
5 facility.
6 3. A bank or trust company incorporated under the
7 laws of this state, that may act as the depository of
8 the proceeds of bonds or of revenues, shall furnish
9 any indemnifying bonds or may pledge any securities
10 that are required by the port authority. The trust
11 agreement may set forth the rights and remedies of the
12 bondholders and of the trustee, and may restrict the
13 individual right of action by bondholders as is
14 customary in trust agreements or trust indentures
15 securing similar bonds. The trust agreement may
16 contain any other provisions that the port authority
17 determines reasonable and proper for the security of
18 the bondholders. All expenses incurred in carrying
19 out the provisions of the trust agreement may be
20 treated as a part of the cost of the operation of the
21 port authority facility.
22 Sec. ___. NEW SECTION. 28J.23 REMEDY OF HOLDER
23 OF BOND OR COUPON — STATUTE OF LIMITATIONS.
24 1. The sole remedy for a breach or default of a
25 term of a port authority revenue bond or pledge order
26 is a proceeding in law or in equity by suit, action,
27 or mandamus to enforce and compel performance of the
28 duties required by this chapter and of the terms of
29 the resolution authorizing the issuance of the revenue
30 bonds or pledge orders, or to obtain the appointment
31 of a receiver to take possession of and operate the
32 port authority, and to perform the duties required by
33 this chapter and the terms of the resolution
34 authorizing the issuance of the port authority revenue
35 bonds or pledge orders.
36 2. An action shall not be brought which questions
37 the legality of port authority revenue bonds or pledge
38 orders, the power of a port authority to issue revenue
39 bonds or pledge orders, or the effectiveness of any
40 proceedings relating to the authorization and issuance
41 of revenue bonds or pledge orders, from and after
42 fifteen days from the time the bonds or pledge orders
43 are ordered issued by the port authority.
44 Sec. ___. NEW SECTION. 28J.24 BONDS ARE PAYABLE
45 SOLELY FROM REVENUES AND FUNDS PLEDGED FOR PAYMENT.
46 Port authority revenue bonds and pledge orders
47 issued under this chapter do not constitute a debt, or
48 a pledge of the faith and credit, of the state or a
49 political subdivision of the state, and the holders or
50 owners of the bonds or pledge orders shall not have

1 taxes levied by the state or by a taxing authority of
2 a governmental agency of the state for the payment of
3 the principal of or interest on the bonds or pledge
4 orders, but the bonds and pledge orders are payable
5 solely from the revenues and funds pledged for their
6 payment as authorized by this chapter, unless the
7 notes are issued in anticipation of the issuance of
8 bonds or pledge orders or the bonds and pledge orders
9 are refunded by refunding bonds issued under this
10 chapter, which bonds, pledge orders, or refunding
11 bonds shall be payable solely from revenues and funds
12 pledged for their payment as authorized by those
13 sections. All of the bonds or pledge orders shall
14 contain a statement to the effect that the bonds or
15 pledge orders, as to both principal and interest, are
16 not debts of the state or a political subdivision of
17 the state, but are payable solely from revenues and
18 funds pledged for their payment.
19 Sec. ___. NEW SECTION. 28J.25 FUNDS AND PROPERTY
20 HELD IN TRUST — USE AND DEPOSIT OF FUNDS.
21 All revenues, funds, properties, and assets
22 acquired by the port authority under this chapter,
23 whether as proceeds from the sale of port authority
24 revenue bonds, pledge orders, or as revenues, shall be
25 held in trust for the purposes of carrying out the
26 port authority's powers and duties, shall be used and
27 reused as provided in this chapter, and shall at no
28 time be part of other public funds. Such funds,
29 except as otherwise provided in a resolution
30 authorizing port authority revenue bonds or in a trust
31 agreement securing the same, or except when invested
32 pursuant to section 28J.26, shall be kept in
33 depositories selected by the port authority in the
34 manner provided in chapter 12C, and the deposits shall
35 be secured as provided in that chapter. The
36 resolution authorizing the issuance of revenue bonds
37 or pledge orders, or the trust agreement securing such
38 bonds or pledge orders shall provide that any officer
39 to whom, or any bank or trust company to which, such
40 moneys are paid shall act as trustee of such moneys
41 and hold and apply them for the purposes hereof,
42 subject to such conditions as this chapter and such
43 resolution or trust agreement provide.
44 Sec. ___. NEW SECTION. 28J.26 INVESTMENT OF
45 EXCESS FUNDS.
46 1. If a port authority has surplus funds after
47 making all deposits into all funds required by the
48 terms, covenants, conditions, and provisions of
49 outstanding revenue bonds, pledge orders, and
50 refunding bonds which are payable from the revenues of

1 the port authority and after complying with all of the
2 requirements, terms, covenants, conditions, and
3 provisions of the proceedings and resolutions pursuant
4 to which revenue bonds, pledge orders, and refunding
5 bonds are issued, the board may transfer the surplus
6 funds to any other fund of the port authority in
7 accordance with this chapter and chapter 12C, provided
8 that a transfer shall not be made if it conflicts with
9 any of the requirements, terms, covenants, conditions,
10 or provisions of a resolution authorizing the issuance
11 of revenue bonds, pledge orders, or other obligations
12 which are payable from the revenues of the port
13 authority which are then outstanding.
14 2. This section does not prohibit or prevent the
15 board from using funds derived from any other source
16 which may be properly used for such purpose, to pay a
17 part of the cost of a facility.
18 Sec. ___. NEW SECTION. 28J.27 CHANGE IN LOCATION
19 OF PUBLIC WAY, RAILROAD, OR UTILITY FACILITY —
20 VACATION OF HIGHWAY.
21 1. When a port authority changes the location of
22 any portion of any public road, railroad, or utility
23 facility in connection with the construction of a port
24 authority facility, the port authority shall
25 reconstruct at such location as the governmental
26 agency having jurisdiction over such road, railroad,
27 or utility facility finds most favorable. The
28 construction of such road, railroad, or utility
29 facility shall be of substantially the same type and
30 in as good condition as the original road, railroad,
31 or utility facility. The cost of such reconstruction,
32 relocation, or removal and any damage incurred in
33 changing the location of any such road, railroad, or
34 utility facility shall be paid by the port authority
35 as a part of the cost of the port authority facility.
36 2. When the port authority finds it necessary that
37 a public highway or portion of a public highway be
38 vacated by reason of the acquisition or construction
39 of a port authority facility, the port authority may
40 request the director of the department of
41 transportation to vacate such highway or portion in
42 accordance with chapter 306 if the highway or portion
43 to be vacated is on the state highway system, or, if
44 the highway or portion to be vacated is under the
45 jurisdiction of a county, the port authority shall
46 petition the board of supervisors of that county, in
47 the manner provided in chapter 306, to vacate such
48 highway or portion. The port authority shall pay to
49 the county, as a part of the cost of such port
50 authority facility, any amounts required to be

1 deposited with a court in connection with proceedings
2 for the determination of compensation and damages and
3 all amounts of compensation and damages finally
4 determined to be payable as a result of such vacation.
5 3. The port authority may adopt bylaws for the
6 installation, construction, maintenance, repair,
7 renewal, relocation, and removal of railroad or
8 utility facilities in, on, over, or under any port
9 authority facility. Whenever the port authority
10 determines that it is necessary that any such facility
11 installed or constructed in, on, over, or under
12 property of the port authority pursuant to such bylaws
13 be relocated, the utility company owning or operating
14 such facility shall relocate or remove them in
15 accordance with the order of the port authority. The
16 cost and expenses of such relocation or removal,
17 including the cost of installing such facility in a
18 new location, the cost of any lands, or any rights or
19 interests in lands, and any other rights, acquired to
20 accomplish such relocation or removal, shall be paid
21 by the port authority as a part of the cost of the
22 port authority facility. In case of any such
23 relocation or removal of such facilities, the railroad
24 or utility company owning or operating them, its
25 successors, or assigns may maintain and operate such
26 facilities, with the necessary appurtenances, in the
27 new location in, on, over, or under the property of
28 the port authority for as long a period and upon the
29 same terms as the railroad or utility company had the
30 right to maintain and operate such facilities in their
31 former location.
32 Sec. ___. NEW SECTION. 28J.28 FINAL ACTIONS TO
33 BE RECORDED — ANNUAL REPORT — CONFIDENTIALITY OF
34 INFORMATION.
35 1. All final actions of the port authority shall
36 be recorded and the records of the port authority
37 shall be open to public examination and copying
38 pursuant to chapter 22. Not later than the first day
39 of April every year, a port authority shall submit a
40 report to the director of the department of economic
41 development detailing the projects and activities of
42 the port authority during the previous calendar year.
43 The report shall include, but not be limited to, all
44 aspects of those projects and activities, including
45 the progress and status of the projects and their
46 costs, and any other information the director
47 determines should be included in the report.
48 2. Financial and proprietary information,
49 including trade secrets, submitted to a port authority
50 or the agents of a port authority, in connection with

Page 27

the relocation, location, expansion, improvement, or preservation of a business or nonprofit corporation is not a public record subject to chapter 22. Any other information submitted under those circumstances is not a public record subject to chapter 22 until there is a commitment in writing to proceed with the relocation, location, expansion, improvement, or preservation.

3. Notwithstanding chapter 21, the board of directors of a port authority, when considering information that is not a public record under this section, may close a meeting during the consideration of that information pursuant to a vote of the majority of the directors present on a motion stating that such information is to be considered. Other matters shall not be considered during the closed session.

Sec. ___. NEW SECTION. 28J.29 PROVISIONS TO BE LIBERALLY CONSTRUED.

This chapter shall be liberally construed to effect the chapter's purposes.

Sec. ___. Section 427.1, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 34. PORT AUTHORITY PROPERTY. The property of a port authority created pursuant to section 28J.2, when devoted to public use and not held for pecuniary profit."

2. By renumbering as necessary.

THOMAS G. COURTNEY
GENE FRAISE

S–3299

Amend House File 882, as amended, passed, and reprinted by the House, as follows:

1. Page 21, by inserting after line 8, the following:

"Sec. ___. Section 441.37, subsection 1, Code 2005, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The property owner or aggrieved taxpayer may combine on one form protests of assessment on parcels separately assessed if the same grounds are relied upon as the basis for protesting each separate assessment. If an oral hearing is requested on more than one of such protests, the person making the combined protests may request that the oral hearings be held consecutively.

Sec. ___. Section 441.37, subsection 3, Code 2005, is amended to read as follows:

3. After the board of review has considered any

protest filed by a property owner or aggrieved taxpayer and made final disposition of the protest, the board shall give written notice to the property owner or aggrieved taxpayer who filed the protest of the action taken by the board of review on the protest. The written notice to the property owner or aggrieved taxpayer shall also specify the reasons for the action taken by the board of review on the protest. <u>If protests of assessment on multiple parcels separately assessed were combined, the written notice shall state the action taken, and the reasons for the action, for each assessment protested.</u>

Sec. ___. <u>NEW SECTION</u>. 441.40A REIMBURSEMENT OF APPELLANT COSTS.

1. Notwithstanding section 441.40, where the court determines the appellant's property was assessed by the assessor for more than one hundred ten percent of its post-appeal value, the assessor shall pay all reasonable attorney fees and any other reasonably related costs incurred by the appellant. This subsection applies only to appeals relating to assessments on property assessed as residential or agricultural property.

2. Notwithstanding section 441.40, where the court determines the appellant's property was assessed by the assessor for more than one hundred twenty percent of its post-appeal value and the court finds that the assessor's position in regard to assessment of the property was not substantially justified, the assessor shall pay all reasonable attorney fees and any other reasonably related costs incurred by the appellant. This subsection applies only to appeals relating to

assessments on property assessed as commercial or industrial property."

2. Page 24, by inserting after line 21, the following:

"Sec. ___. APPLICABILITY DATE. The sections of this division of this Act amending section 441.37 apply to protests of assessment filed after January 1, 2006."

3. By renumbering as necessary.

STEVE WARNSTADT

S–3300

Amend House File 882, as amended, passed, and reprinted by the House, as follows:

1. Page 48, by inserting after line 26 the

following:

"DIVISION ___
HOUSING TRUST FUND

Sec. ___. Section 428A.8, Code 2005, is amended to read as follows:

428A.8 REMITTANCE TO STATE TREASURER — PORTION RETAINED IN COUNTY.

1. On or before the tenth day of each month the county recorder shall determine and pay to the treasurer of state eighty-two and three-fourths percent of the receipts from the real estate transfer tax collected during the preceding month and the treasurer of state shall deposit ~~ninety-five percent of the receipts in the general fund of the state~~ and transfer ~~five percent of~~ the receipts ~~to the shelter assistance fund created in section 15.349~~ as provided in subsection 2.

The county recorder shall deposit the remaining seventeen and one-fourth percent of the receipts in the county general fund.

Any tax or additional tax found to be due shall be collected by the county recorder. If the county recorder is unable to collect the tax, the director of revenue shall collect the tax in the same manner as taxes are collected in chapter 422, division III. If collected by the director of revenue, the director shall pay the county its proportionate share of the tax. Section 422.25, subsections 1, 2, 3, and 4, and sections 422.26, 422.28 through 422.30, and 422.73, consistent with this chapter, apply with respect to the collection of any tax or additional tax found to be due, in the same manner and with the same effect as if the deed, instrument, or writing were an income tax return within the meaning of those statutes.

The county recorder shall keep records and make reports with respect to the real estate transfer tax as the director of revenue prescribes.

2. The treasurer of state shall deposit or transfer the receipts paid the treasurer of state pursuant to subsection 1 to either the general fund of the state, the housing trust fund created in section 16.181, or the shelter assistance fund created in section 15.349 as follows:

a. For the fiscal year beginning July 1, 2005, ninety-five percent of the receipts shall be deposited in the general fund and five percent of the receipts shall be transferred to the shelter assistance fund.

b. For the fiscal year beginning July 1, 2006, ninety-five percent of the receipts, less one million

dollars which shall be transferred to the housing trust fund, shall be deposited in the general fund and five percent of the receipts shall be transferred to the shelter assistance fund.

c. For the fiscal year beginning July 1, 2007, ninety-five percent of the receipts, less two million dollars which shall be transferred to the housing trust fund, shall be deposited in the general fund and five percent of the receipts shall be transferred to the shelter assistance fund.

d. For the fiscal year beginning July 1, 2008, seventy percent of the receipts shall be deposited in the general fund, twenty-five percent of the receipts shall be transferred to the housing trust fund, and five percent of the receipts shall be transferred to the shelter assistance fund.

e. For the fiscal year beginning July 1, 2009, sixty-five percent of the receipts shall be deposited in the general fund, thirty percent of the receipts shall be transferred to the housing trust fund, and five percent of the receipts shall be transferred to the shelter assistance fund.

f. For the fiscal year beginning July 1, 2010, sixty percent of the receipts shall be deposited in the general fund, thirty-five percent of the receipts shall be transferred to the housing trust fund, and five percent of the receipts shall be transferred to the shelter assistance fund.

g. For the fiscal year beginning July 1, 2011, fifty-five percent of the receipts shall be deposited in the general fund, forty percent of the receipts shall be transferred to the housing trust fund, and five percent of the receipts shall be transferred to the shelter assistance fund.

h. For the fiscal year beginning July 1, 2012, and each fiscal year thereafter, fifty percent of the receipts shall be deposited in the general fund, forty-five percent of the receipts shall be transferred to the housing trust fund, and five percent of the receipts shall be transferred to the shelter assistance fund."

2. By renumbering as necessary.

ROGER STEWART

S–3301

Amend House File 882, as amended, passed, and reprinted by the House, as follows:

1. Page 48, by inserting after line 26, the following:

5 "DIVISION ___
6 FIRE PROTECTION SERVICES
7 Sec. ___. LEGISLATIVE FINDINGS. The general
8 assembly finds that fire protection services provided
9 by a city benefit all improved properties within such
10 city, including properties that are exempt from
11 taxation, by lowering the cost of property insurance
12 and by protecting the life and safety of the occupants
13 of such property.
14 The general assembly further finds that cities in
15 Iowa face increasing security demands and costs for
16 protection of property. Cities need an innovative
17 means to finance the increased costs of fire
18 protection services. Fire protection service
19 districts, as authorized by this Act, may enable
20 cities to better finance fire protection services.
21 Sec. ___. Section 384.1, Code 2005, is amended to
22 read as follows:
23 384.1 TAXES CERTIFIED.
24 A city may certify taxes to be levied by the county
25 on all taxable property within the city limits, for
26 all city government purposes. However, the tax levied
27 by a city on tracts of land and improvements thereon
28 used and assessed for agricultural or horticultural
29 purposes, shall not exceed three dollars and three-
30 eighths cents per thousand dollars of assessed value
31 in any year. Improvements located on such tracts of
32 land and not used for agricultural or horticultural
33 purposes and all residential dwellings are subject to
34 the same rate of tax levied by the city on all other
35 taxable property within the city. A city's tax levy
36 for the general fund shall not exceed eight dollars
37 and ten cents per thousand dollars of taxable value in
38 any tax year, except for the levies authorized in
39 section 384.12. <u>A city's tax levy for the general</u>
40 <u>fund shall not include a levy for fire protection</u>
41 <u>service expenditures in a fiscal year in which a fire</u>
42 <u>protection service district has been established</u>
43 <u>pursuant to section 384.84B and a fire protection</u>
44 <u>service charge is being imposed.</u>
45 Sec. ___. Section 384.24, subsection 2, Code 2005,
46 is amended by adding the following new paragraph:
47 <u>NEW PARAGRAPH</u>. m. Fire protection service
48 district.
49 Sec. ___. <u>NEW SECTION</u>. 384.84B FIRE PROTECTION
50 SERVICE DISTRICT.

1 1. a. The governing body of a city may by
2 ordinance declare that all of the improved properties
3 within the city comprise a fire protection service

4 district to establish, impose, adjust, and provide for
5 the collection of a fire protection service charge for
6 fire protection service. The ordinance may prescribe
7 a formula to compute the service charge, which may
8 include criteria and standards that allocate the
9 aggregate amount of the fire protection service
10 expenditures budgeted for the fiscal year to all of
11 the improved properties within the city, including
12 properties which are totally or partially exempt from
13 taxation under chapter 404, section 427.1, to the
14 extent permitted by law, or section 427B.1. The
15 service charge shall become effective for the fiscal
16 year beginning July 1 following the final adoption of
17 the ordinance.
18 b. Real property subject to a fire protection
19 service charge, which property is exempt from property
20 taxation, shall be valued and assessed as required in
21 section 427.1, subsection 18, and in accordance with
22 chapter 441, and the owner or other persons as
23 authorized by chapter 441 are entitled to protest any
24 assessment and take appeals in the same manner as any
25 taxpayer.
26 2. All amounts collected from the fire protection
27 service charge imposed under this section shall be
28 expended exclusively for the budgeted fire protection
29 service expenditures authorized by the governing body.
30 A city shall not expend tax receipts from the city's
31 tax levy for the general fund on fire protection
32 service during any fiscal year in which the fire
33 service charge is imposed.
34 3. Each city imposing a fire protection service
35 charge shall provide a copy of the adopted ordinance
36 to the city finance committee and thereafter provide
37 other information regarding the fire protection
38 service charge as the committee may request to enable
39 the committee to evaluate the effectiveness of the
40 financing method authorized in this section.
41 4. Fire protection service charges imposed
42 pursuant to this section, if not paid as provided by
43 ordinance of the council, are a lien upon the property
44 or premises served by the fire protection services
45 upon certification to the county treasurer that
46 charges are due.
47 Sec. ___. APPLICABILITY. This division of this
48 Act applies to a city adopting an ordinance to
49 establish a fire protection service district on or
50 after July 1, 2006."

Page 3

1 2. Title page, line 2, by inserting after the
2 word "fees," the following: "authorizing a fire

protection service charge on real property,".

3. Title page, line 3, by striking the word "retroactive".

4. By renumbering as necessary.

MATT McCOY

S–3302

Amend the amendment, S–3292, to House File 816, as amended, passed, and reprinted by the House, as follows:

1. Page 35, by striking lines 31 and 32 and inserting the following: "based on their requirements, is exempt from taxation under section 501(c)(3) of the Internal Revenue Code,".

2. By striking page 35, line 45 through page 36, line 1, and inserting the following: "tuition grant moneys under this chapter. An institution whose income is not exempt from taxation under section 501(c) of the Internal Revenue Code and whose students were eligible to receive Iowa tuition grant moneys in the fiscal year beginning July 1, 2003, shall meet the match requirements of this paragraph no later than June 30, 2005."

3. Page 36, by striking lines 16 through 29, and inserting the following:

"Sec. ___. Section 261.25, subsection 1, Code 2005, is amended to read as follows:

1. There is appropriated from the general fund of the state to the commission for each fiscal year the following:

a. The sum of ~~forty-seven~~ forty-four million ~~one~~ eight hundred ~~fifty-seven~~ fifty-five thousand ~~five~~ nine hundred ~~fifteen~~ sixty-nine dollars for tuition grants for distribution to qualified students enrolled at accredited private institutions that are exempt from taxation under section 501(c)(3) of the Internal Revenue Code.

b. ~~From the funds appropriated in this subsection, not more than three~~ The sum of four million ~~four~~ eight hundred seventeen thousand six hundred six dollars ~~may be distributed to~~ for distribution to qualified students enrolled at accredited private institutions whose income is not exempt from taxation under section 501(c) of the Internal Revenue Code and whose students were eligible to receive Iowa tuition grant moneys in the fiscal year beginning July 1, 2003. A for-profit institution which, effective March 9, 2005, purchased an accredited private institution that was exempt from taxation under section 501(c) of the Internal Revenue Code, shall be an eligible institution under the Iowa

44 tuition grant program. However, if a qualified
45 student who was enrolled in a not-for-profit
46 institution that was purchased by a for-profit
47 institution effective March 9, 2005, continues to
48 enroll in the eligible institution in succeeding
49 years, and the amount the student qualifies for under
50 this paragraph is less than the student would be

Page 2

1 qualified to receive under paragraph "a", the
2 difference between what the student is awarded under
3 this paragraph and what the student would be awarded
4 if the student qualified for moneys under paragraph
5 "a" shall be awarded to the student from the moneys
6 appropriated under paragraph "a" to supplement the
7 moneys awarded under this paragraph.
8 If an accredited private institution has an average
9 default rate of ten percent or more within the most
10 recent consecutive three-year period as determined by
11 the commission using the official cohort default rates
12 for schools released annually by the United States
13 department of education, the total amount of tuition
14 grant moneys calculated by the commission for award to
15 qualified students enrolled in the accredited private
16 institution shall be reduced by one percent for each
17 one-tenth of a percentage point in which the
18 institution exceeds the ten percent default average.
19 The sum of the moneys retained by the commission as a
20 result of the reduction shall be redistributed by the
21 commission on a pro rata basis under the state student
22 aid programs administered by the commission."
23 4. By renumbering as necessary.

TOM RIELLY
ROGER STEWART
DOUG SHULL

S–3303

1 Amend the amendment, S–3292, to House File 816, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 36, by striking lines 2 through 15.
5 2. By renumbering, redesignating, and correcting
6 internal references as necessary.

ROBERT E. DVORSKY
JEFF ANGELO

S–3304

Amend House File 882, as amended, passed, and reprinted by the House, as follows:

1. Page 48, by inserting after line 23 the following:

"Sec. ___. Section 805.8C, subsection 6, as amended by 2005 Iowa Acts, Senate File 169, section 9, is amended to read as follows:

6. PSEUDOEPHEDRINE SALES VIOLATIONS. For violations of section 126.23A, subsection 1, by an employee of a retailer, or for violations of section 126.23A, subsection 2, paragraph "a", by a purchaser, the scheduled fine is as follows:

a. If the violation is a first offense, the scheduled fine is one hundred dollars.

b. If the violation is a second offense, the scheduled fine is two hundred fifty dollars.

c. If the violation is a third or subsequent offense, the scheduled fine is five hundred dollars."

2. By renumbering as necessary.

BOB BRUNKHORST
KEITH A. KREIMAN

S–3305

Amend House File 882, as amended, passed, and reprinted by the House, as follows:

1. Page 19, by inserting after line 28 the following:

"Sec. ___. Section 423.6, subsection 10, Code 2005, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. This exemption also applies to vehicles subject to registration that are transferred from an S corporation to another S corporation where both S corporations are engaged in the business of transportation or relocation of residential and commercial tangible personal property and the ownership of the S corporations engaged in the transfer of the vehicles subject to registration are identical."

2. Page 24, by inserting before line 1 the following:

"Sec. ___. REFUNDS. Refunds of taxes, interest, or penalties which arise from claims resulting from the amendment to section 423.6, subsection 10, in this division of this Act, for the transfer of vehicles subject to registration occurring between January 1, 2001, and the effective date of the section amending section 423.6, subsection 10, in this division of this

Act, shall be limited to twenty-five thousand dollars in the aggregate and shall not be allowed unless refund claims are filed prior to October 1, 2005, notwithstanding any other provision of law. If the amount of claims totals more than twenty-five thousand dollars in the aggregate, the department of revenue shall prorate the twenty-five thousand dollars among all claimants in relation to the amounts of the claimants' valid claims.

Sec. ___. RETROACTIVE APPLICABILITY. The section of this division of this Act amending section 423.6, subsection 10, being deemed of immediate importance, takes effect upon enactment, and applies retroactively to January 1, 2001."

3. Title page, line 1, by inserting after the word "Act" the following: "relating to state finances by providing for certain tax exemptions and".

DAVE MULDER

S–3306

Amend House File 882, as amended, passed, and reprinted by the House, as follows:

1. Page 4, by inserting after line 22, the following:

"Sec. ___. Section 8.8, Code 2005, is amended to read as follows:

8.8 SPECIAL OLYMPICS FUND — APPROPRIATION.

A special olympics fund is created in the office of the treasurer of state under the control of the department of management. There is appropriated annually from the general fund of the state to the special olympics fund ~~thirty~~ fifty thousand dollars for distribution to one or more organizations which administer special olympics programs benefiting the citizens of Iowa with disabilities."

2. Page 5, line 20, by striking the figure "100,000" and inserting the following: "160,000".

3. Page 5, by striking lines 21 through 29.

4. Page 5, lines 31 and 32, by striking the words "state department of transportation" and inserting the following: "homeland security and emergency management division of the department of public safety".

5. Page 6, by striking lines 2 through 19.

6. Page 6, by inserting before line 20, the following:

"Sec. ___. TRANSITIONAL HOUSING REVOLVING LOAN PROGRAM FUND — TRANSFER. Of the amount appropriated from the general fund of the state to the department of human services for the fiscal year beginning July

31 1, 2005, and ending June 30, 2006, for purposes of
32 child and family services in 2005 Iowa Acts, House
33 File 825, if enacted, $1,400,000 is transferred to the
34 transitional housing revolving loan program fund
35 created in section 16.184, if enacted by 2005 Iowa
36 Acts, House File 825, to be used for purposes of that
37 fund. The transfer shall be completed on or before
38 August 1, 2005.
39 Sec. ___. HEALTHY IOWANS TOBACCO TRUST — AIDS
40 DRUG ASSISTANCE PROGRAM. There is appropriated from
41 the healthy Iowans tobacco trust created in section
42 12.65 to the department of human services for the
43 fiscal year beginning July 1, 2005, and ending June
44 30, 2006, the following amount, or so much thereof as
45 is necessary, to be used for the purpose designated:
46 For additional funding to leverage federal funding
47 through the federal Ryan White Care Act, Title II,
48 AIDS drug assistance program supplemental drug
49 treatment grants:
50 ..... $ 275,000

Page 2

1 Sec. ___. GREAT PLACES. There is appropriated
2 from the general fund of the state to the department
3 of cultural affairs for the fiscal year beginning July
4 1, 2004, and ending June 30, 2005, the following
5 amount, or so much thereof as is necessary, to be used
6 for the purposes designated:
7 GREAT PLACES. For salaries, support, maintenance,
8 and miscellaneous purposes:
9 ..... $ 100,000
10 Notwithstanding section 8.33, any moneys
11 appropriated in this section that remain unencumbered
12 or unobligated at the close of the fiscal year shall
13 not revert but shall remain available for expenditure
14 for the purposes designated until the close of the
15 succeeding fiscal year.
16 Sec. ___. IOWA LEARNING TECHNOLOGY. There is
17 appropriated from the general fund of the state to the
18 department of education for the fiscal year beginning
19 July 1, 2005, and ending June 30, 2006, the following
20 amount, or so much thereof as is necessary, to be used
21 for the purpose designated:
22 For implementation of the provisions of Code
23 chapter 280A, as amended by 2005 Iowa Acts, House File
24 739, if enacted:
25 ..... $ 500,000
26 Sec. ___. UNDERGROUND STORAGE TANK FUND — GENERAL
27 FUND. Notwithstanding section 455G.3, subsection 1,
28 there is transferred from the Iowa comprehensive
29 petroleum underground storage tank fund created in

30 section 455G.3, subsection 1, to the general fund of
31 the state during the fiscal year beginning July 1,
32 2005, and ending June 30, 2006, the following amount:
33 ..... $ 500,000
34 Sec. ___. UNDERGROUND STORAGE TANK FUND —
35 WATERSHED IMPROVEMENT FUND — FY 2005–2006.
36 Notwithstanding section 455G.3, subsection 1, there is
37 appropriated from the Iowa comprehensive petroleum
38 underground storage tank fund created in section
39 455G.3, subsection 1, to the Iowa finance authority
40 during the fiscal year beginning July 1, 2005, and
41 ending June 30, 2006, the following amount, or so much
42 thereof as is necessary, to be used for the purpose
43 designated:
44 For deposit in the watershed improvement fund
45 created in 2005 Iowa Acts, Senate File 200, if
46 enacted:
47 ..... $ 4,500,000
48 The moneys deposited in the watershed improvement
49 fund pursuant to this section are appropriated to the
50 Iowa finance authority for the fiscal year beginning

Page 3

1 July 1, 2005, and ending June 30, 2006, to be used as
2 provided in section 16.185, if enacted by 2005 Iowa
3 Acts, Senate File 200. The appropriations made in this
4 section are contingent upon the enactment of 2005 Iowa
5 Acts, Senate File 200, and the creation of the
6 watershed improvement fund in accordance with section
7 16.185, if enacted by 2005 Iowa Acts, Senate File 200.
8 Sec. ___. UNDERGROUND STORAGE TANK FUND —
9 WATERSHED IMPROVEMENT FUND — FY 2006–2007.
10 Notwithstanding section 455G.3, subsection 1, there is
11 appropriated from the Iowa comprehensive petroleum
12 underground storage tank fund created in section
13 455G.3, subsection 1, to the Iowa finance authority
14 during the fiscal year beginning July 1, 2006, and
15 ending June 30, 2007, the following amount, or so much
16 thereof as is necessary, to be used for the purpose
17 designated:
18 For deposit in the watershed improvement fund
19 created in 2005 Iowa Acts, Senate File 200, if
20 enacted:
21 ..... $ 5,000,000
22 The moneys deposited in the watershed improvement
23 fund pursuant to this section are appropriated to the
24 Iowa finance authority for the fiscal year beginning
25 July 1, 2006, and ending June 30, 2007, to be used as
26 provided in section 16.185, if enacted by 2005 Iowa
27 Acts, Senate File 200. The appropriations made in
28 this section are contingent upon the enactment of 2005

29 Iowa Acts, Senate File 200, and the creation of the
30 watershed improvement fund in accordance with section
31 16.185, if enacted by 2005 Iowa Acts, Senate File 200.
32 Sec. ___. GROW IOWA VALUES FUND — FY 2004–2005.
33 There is appropriated from the general fund of the
34 state to the department of economic development for
35 the fiscal year beginning July 1, 2004, and ending
36 June 30, 2005, the following amount, or so much
37 thereof as is necessary, to be used for the purpose
38 designated:
39 To be credited to the grow Iowa values fund created
40 in section 15G.108, if enacted by 2005 Iowa Acts,
41 House File 868:
42 ..... $ 25,000,000
43 Notwithstanding section 8.33, moneys appropriated
44 in this section that remain unencumbered or
45 unobligated at the close of the fiscal year shall not
46 revert but shall remain available for expenditure for
47 the purpose designated until the close of the
48 succeeding fiscal year. The appropriation made in
49 this section shall be distributed and credited to the
50 grow Iowa values fund on July 1, 2005.

Page 4

1 Sec. ___. GROW IOWA VALUES FUND — FY 2005–2006.
2 There is appropriated from the general fund of the
3 state for the fiscal year beginning July 1, 2005, and
4 ending June 30, 2006, to the department of economic
5 development in lieu of the appropriation made from the
6 general fund of the state in section 15G.110, if
7 enacted by 2005 Iowa Acts, House File 809, for the
8 fiscal year beginning July 1, 2005, and ending June
9 30, 2006, to be used for the purpose designated:
10 For deposit in the grow Iowa values fund created in
11 section 15G.108, if enacted by 2005 Iowa Acts, House
12 File 868:
13 ..... $ 25,000,000”
14 7. Page 6, by striking lines 20 through 30.
15 8. Page 7, by striking lines 1 through 20.
16 9. By striking page 7, line 21, through page 9,
17 line 32.
18 10. By striking page 9, line 33, through page 11,
19 line 16.
20 11. Page 11, by inserting before line 17, the
21 following:
22 “Sec. ___. NATIONAL GOVERNORS ASSOCIATION MEETING.
23 2004 Iowa Acts, chapter 1175, section 12, subsection
24 4, AS AMENDED BY 2005 Iowa Acts, House File 810, if
25 enacted, is amended to read as follows:
26 4. NATIONAL GOVERNORS ASSOCIATION
27 For payment of Iowa’s membership in the national

28 governors association:
29 ..... $ ~~364,393~~
30 264,393
31 Of the funds appropriated in this subsection,
32 ~~$300,000~~ $200,000 is allocated for security-related
33 costs and other expenses associated with the national
34 governors association national meeting.
35 Notwithstanding section 8.33, the moneys allocated for
36 the meeting that remain unencumbered or unobligated at
37 the close of the fiscal year shall not revert but
38 shall remain available for expenditure for the
39 purposes designated until the close of the succeeding
40 fiscal year.
41 Sec. ___. 2005 Iowa Acts, House File 881, section
42 5, unnumbered paragraphs 1 and 2, if enacted, are
43 amended to read as follows:
44 There is appropriated from the general fund of the
45 state to the salary adjustment fund for distribution
46 by the department of management to the various state
47 departments, boards, commissions, councils, and
48 agencies, excluding the state board of regents, for
49 the fiscal year beginning July 1, 2005, and ending
50 June 30, 2006, the amount of $~~38,500,000~~ 43,300,000,

Page 5

1 or so much thereof as may be necessary, to fully fund
2 annual pay adjustments, expense reimbursements, and
3 related benefits implemented pursuant to the
4 following:
5 Of the amount appropriated in this section,
6 $~~4,880,000~~ 5,488,000 shall be allocated to the
7 judicial branch for the purpose of funding annual pay
8 adjustments, expense reimbursements, and related
9 benefits implemented for judicial branch employees."
10 12. By striking page 12, line 18, through page
11 13, line 4.
12 13. Page 13, by inserting after line 21, the
13 following:
14 "Sec. ___. MEDICAL ASSISTANCE APPROPRIATION. If
15 2005 Iowa Acts, House File 825, is enacted and
16 provides for an appropriation from the general fund of
17 the state to the department of human services for the
18 fiscal year beginning July 1, 2005, and ending June
19 30, 2006, for the medical assistance program, there is
20 appropriated from the general fund of the state, in
21 lieu of such appropriation in 2005 Iowa Acts, House
22 File 825, the following amount, or so much thereof as
23 is necessary:
24 For purposes of the medical assistance program in
25 accordance with the provisions of 2005 Iowa Acts,
26 House File 825, as enacted:

27 ..... $ 509,416,519
28 Sec. ___. SENIOR LIVING TRUST FUND APPROPRIATION.
29 If 2005 Iowa Acts, House File 825, is enacted and
30 provides for an appropriation from the senior living
31 trust fund to the department of human services for the
32 fiscal year beginning July 1, 2005, and ending June
33 30, 2006, to supplement the medical assistance
34 appropriation, there is appropriated from the senior
35 living trust fund, in lieu of such appropriation in
36 2005 Iowa Acts, House File 825, the following amount,
37 or so much thereof as is necessary:
38 For purposes of supplementation of the medical
39 assistance appropriation in accordance with the
40 provisions of 2005 Iowa Acts, House File 825, as
41 enacted:
42 ..... $ 75,253,926
43 Sec. ___. JUVENILE HOME AT TOLEDO. If 2005 Iowa
44 Acts, House File 875, is enacted and provides for an
45 appropriation from the rebuild Iowa infrastructure
46 fund to the department of administrative services for
47 the fiscal year beginning July 1, 2005, and ending
48 June 30, 2006, for powerhouse facilities at the
49 juvenile home at Toledo, there is appropriated from
50 the rebuild Iowa infrastructure fund in lieu of such

Page 6

1 appropriation in 2005 Iowa Acts, House File 875, the
2 following amount, or so much thereof as is necessary:
3 For the costs associated with the replacement of
4 the powerhouse facilities at the juvenile home at
5 Toledo:
6 ..... $ 861,045
7 Sec. ___. ENRICH IOWA LIBRARIES PROGRAM. If 2005
8 Iowa Acts, House File 875, is enacted and provides for
9 an appropriation from the rebuild Iowa infrastructure
10 fund to the department of education for the fiscal
11 year beginning July 1, 2005, and ending June 30, 2006,
12 for resources for local libraries and the enrich Iowa
13 program, there is appropriated from the rebuild Iowa
14 infrastructure fund in lieu of such appropriation in
15 2005 Iowa Acts, House File 875, the following amount,
16 or so much thereof as is necessary:
17 To provide resources for structural and
18 technological improvements to local libraries and for
19 the enrich Iowa program, notwithstanding section 8.57,
20 subsection 6, paragraph "c":
21 ..... $ 900,000
22 Sec. ___. NATIONAL PROGRAM FOR PLAYGROUND SAFETY.
23 If 2005 Iowa Acts, House File 875, is enacted and
24 provides for an appropriation from the rebuild Iowa
25 infrastructure fund to the university of northern Iowa

26 for the fiscal year beginning July 1, 2005, and ending
27 June 30, 2006, for the national program for playground
28 safety, there is appropriated from the rebuild Iowa
29 infrastructure fund in lieu of such appropriation in
30 2005 Iowa Acts, House File 875, the following amount,
31 or so much thereof as is necessary:
32 For the Iowa safe surfacing initiative,
33 notwithstanding section 8.57, subsection 6, paragraph
34 "c":
35 ..... $ 500,000
36 Sec. ___. JUVENILE HOME AT TOLEDO. If 2005 Iowa
37 Acts, House File 875, is enacted and provides for an
38 appropriation from the rebuild Iowa infrastructure
39 fund to the department of administrative services for
40 the fiscal year beginning July 1, 2006, and ending
41 June 30, 2007, for powerhouse facilities at the
42 juvenile home at Toledo, there is appropriated from
43 the rebuild Iowa infrastructure fund in lieu of such
44 appropriation in 2005 Iowa Acts, House File 875, the
45 following amount, or so much thereof as is necessary:
46 For the costs associated with the replacement of
47 the powerhouse facilities at the juvenile home at
48 Toledo:
49 ..... $ 1,821,045"
50 14. Page 13, line 23, by striking the figure "1".

Page 7

1 15. Page 13, by striking lines 27 through 33.
2 16. Page 13, by inserting before line 34, the
3 following:
4 "___. The section of this division of this Act
5 providing an appropriation from the general fund of
6 the state to the department of economic development
7 for the fiscal year beginning July 1, 2004, for
8 deposit in the grow Iowa values fund, is contingent
9 upon enactment of the provisions of 2005 Iowa Acts,
10 House File 809, enacting section 15G.110, and 2005
11 Iowa Acts, House File 868, enacting section 15G.108,
12 and being deemed of immediate importance, takes effect
13 upon enactment.
14 ___. The sections of this division of this Act
15 appropriating moneys to the department of cultural
16 affairs for great places and amending 2004 Iowa Acts,
17 chapter 1175, section 12, subsection 4, being deemed
18 of immediate importance, take effect upon enactment."
19 17. By striking page 14, line 1, through page 15,
20 line 17.
21 18. Page 18, by inserting after line 11, the
22 following:
23 "Sec. ___. NEW SECTION. 16.191 NEW GROWTH
24 PROGRAM.

25 1. The authority shall establish and administer a
26 new growth program for purposes of providing financial
27 assistance to encourage entrepreneurial activity in
28 rural and urban areas in the state.
29 2. The authority shall identify twenty communities
30 in the state to serve as new growth program
31 communities. A community may consist of a city or
32 county, or a portion of a city or county. Not more
33 than five of the new growth program communities shall
34 be located in cities with a population of fifty
35 thousand or greater.
36 3. The authority shall identify a facilitator.
37 The facilitator shall be a statewide, faith-based
38 organization for purposes of facilitating the
39 activities in each new growth program community. The
40 activities shall be structured around fifteen meetings
41 designed to bring local entrepreneurs and business
42 development entities together to exchange information
43 on product and service research, business planning,
44 finance and credit, licensing and regulations, use of
45 technology, business practices, product development
46 and testing, and marketing.
47 4. The authority may provide financial assistance
48 to the facilitator for each new growth program
49 community. The authority shall not provide more than
50 ten thousand dollars in financial assistance to the

Page 8

1 facilitator for each new growth program community. In
2 order to receive the maximum amount of financial
3 assistance, the facilitator must secure ten thousand
4 dollars in local financial assistance and ten thousand
5 dollars worth of in-kind contributions."
6 19. Page 18, by inserting after line 30, the
7 following:
8 "Sec. ___. Section 331.439, Code 2005, is amended
9 by adding the following new subsection:
10 NEW SUBSECTION. 9. The county management plan
11 shall designate at least one hospital licensed under
12 chapter 135B that the county has contracted with to
13 provide services covered under the plan. If the
14 designated hospital does not have a bed available to
15 provide the services, the county is responsible for
16 the cost of covered services provided at an alternate
17 hospital licensed under chapter 135B.
18 Sec. ___. Section 364.17, subsection 3, paragraph
19 a, Code 2005, is amended to read as follows:
20 a. A schedule of civil penalties or criminal fines
21 for violations. A city may charge the owner of
22 housing a late payment fee of twenty-five dollars and
23 may add interest of up to one and one-half percent per

24 month if a penalty or fine imposed under this
25 paragraph is not paid within thirty days of the date
26 that the penalty or fine is due. The city shall send
27 a notice of the late payment fee to such owner by
28 first class mail to the owner's personal or business
29 mailing address. The late payment fee and the
30 interest shall not accrue if such owner files an
31 appeal with either the city, if the city has
32 established an appeals procedure, or the district
33 court. Any unpaid penalty, fine, fee, or interest
34 shall constitute a lien on the real property and may
35 be collected in the same manner as a property tax.
36 However, before a lien is filed, the city shall send a
37 notice of intent to file a lien to the owner of the
38 housing by first class mail to such owner's personal
39 or business mailing address.
40 Sec. ___. Section 364.17, subsection 5, Code 2005,
41 is amended to read as follows:
42 5. Cities may establish reasonable fees for
43 inspection and enforcement procedures. A city may
44 charge the owner of housing a late payment penalty of
45 twenty-five dollars and may add interest of up to one
46 and one-half percent per month if a fee imposed under
47 this subsection is not paid within thirty days of the
48 date that the fee is due. The city shall send a
49 notice of the late payment penalty to such owner by
50 first class mail to the owner's personal or business

Page 9

1 mailing address. The late payment penalty and the
2 interest shall not accrue if such owner files an
3 appeal with either the city, if the city has
4 established an appeals procedure, or the district
5 court. Any unpaid fee, penalty, or interest shall
6 constitute a lien on the real property and may be
7 collected in the same manner as a property tax.
8 However, before a lien is filed, the city shall send a
9 notice of intent to file a lien to the owner of the
10 housing by first class mail to such owner's personal
11 or business mailing address.
12 Sec. ___. Section 384.16, subsection 1, unnumbered
13 paragraph 2, Code 2005, is amended to read as follows:
14 A budget must show comparisons between the
15 estimated expenditures in each program in the
16 following year ~~and the actual expenditures in each~~
17 ~~program during the two preceding years~~, the latest
18 estimated expenditures in each program in the current
19 year, and the actual expenditures in each program from
20 the annual report as provided in section 384.22, or as
21 corrected by a subsequent audit report. Wherever
22 practicable, as provided in rules of the committee, a

23 budget must show comparisons between the levels of
24 service provided by each program as estimated for the
25 following year, and actual levels of service provided
26 by each program during the two preceding years.
27 Sec. ___. Section 384.16, Code 2005, is amended by
28 adding the following new subsection:
29 NEW SUBSECTION. 7. A city that does not submit a
30 budget in compliance with this section shall have all
31 state funds withheld until a budget that is in
32 compliance with this section is filed with the county
33 auditor and subsequently received by the department of
34 management. The department of management shall send
35 notice to state agencies responsible for disbursement
36 of state funds and that notice is sufficient
37 authorization for those funds to be withheld until
38 later notice is given by the department of management
39 to release those funds."
40 20. Page 20, by inserting after line 34, the
41 following:
42 "Sec. ___. Section 427.1, subsection 21, Code
43 2005, is amended to read as follows:
44 21. LOW-RENT HOUSING. The property owned and
45 operated or controlled by a nonprofit organization, as
46 recognized by the internal revenue service, providing
47 low-rent housing for persons who are elderly and
48 persons with physical and mental disabilities. The
49 exemption granted under the provisions of this
50 subsection shall apply only until the ~~terms~~ final

Page 10

1 payment due date of the borrower's original low-rent
2 housing development mortgage or until the borrower's
3 original low-rent housing development mortgage is paid
4 in full or expires, whichever is sooner, subject to
5 the provisions of subsection 14. However, if the
6 borrower's original low-rent housing development
7 mortgage is refinanced, the exemption shall apply only
8 until the date that would have been the final payment
9 due date under the terms of the borrower's original
10 low-rent housing development mortgage or until the
11 refinanced mortgage is paid in full or expires,
12 whichever is sooner, subject to the provisions of
13 subsection 14."
14 21. Page 21, by inserting after line 8, the
15 following:
16 Sec. ___. Section 427.1, subsection 30, Code 2005,
17 is amended to read as follows:
18 30. MANUFACTURED HOME COMMUNITY OR MOBILE HOME
19 PARK STORM SHELTER. A structure constructed as a
20 storm shelter at a manufactured home community or
21 mobile home park as defined in section 435.1. An

application for this exemption shall be filed with the assessing authority not later than February 1 of the first year for which the exemption is requested, on forms provided by the department of revenue. The application shall describe and locate the storm shelter to be exempted. If the storm shelter structure is used exclusively as a storm shelter, all of the structure's assessed value shall be exempt from taxation. If the storm shelter structure is not used exclusively as a storm shelter, the storm shelter structure shall be assessed for taxation at ~~seventy-five~~ fifty percent of its value as commercial property."

22. Page 21, by inserting after line 31 the following:

"Sec. ___. Section 459.301, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. For purposes of complying with requirements relating to submitting a manure management plan as required in section 459.312, a confinement feeding operation housing poultry which was regulated as a small animal feeding operation prior to April 29, 2002, shall be deemed to be a small animal feeding operation as provided in section 459.312, if the animal weight capacity of the confinement feeding operation has not increased since April 29, 2002.

Sec. ___. Section 463C.11, subsection 1, if enacted by 2005 Iowa Acts, House File 875, is amended

Page 11

to read as follows:

1. The honey creek premier destination park bond fund is established as a separate and distinct fund in the state treasury consisting of honey creek premier destination park revenues, any moneys appropriated by the general assembly to the fund, and any other moneys available to and obtained or accepted by the authority for placement in the fund. The moneys in the fund shall be used to develop the honey creek premier destination park in the state by funding the development and construction of facilities in the park including but not limited to lodges, campgrounds, cabins, and golf courses. The treasurer of state is authorized to establish separate and distinct accounts within the honey creek premier destination park bond fund in connection with the issuance of the authority's bonds in accordance with the trust indenture or resolution authorizing the bonds and the authority is authorized to determine which revenues and accounts shall be pledged as security for the

21 bonds. Amounts deposited in the honey creek premier
22 destination park bond fund shall be deposited in the
23 separate and distinct accounts as set forth in the
24 trust indenture or resolution authorizing the bonds.
25 The authority is authorized to pledge and use the
26 gross revenues from the honey creek premier
27 destination park to and for payment of the bonds.
28 Revenues may also be used for the payment of
29 insurance, other credit enhancements, and other
30 financing arrangements. Operating expenses of the
31 honey creek premier destination park may be paid from
32 the revenues to the extent the revenues exceed the
33 amount determined by the authority to be necessary for
34 debt service on the bonds.
35 Sec. ___. Section 463C.13, subsection 4, if
36 enacted by 2005 Iowa Acts, House File 875, is amended
37 to read as follows:
38 4. To assure the continued operation and solvency
39 of the authority for the carrying out of its corporate
40 purposes, provision is made in subsection 1 for the
41 accumulation in each bond reserve fund of an amount
42 equal to the bond reserve fund requirement for the
43 fund. In order further to assure maintenance of the
44 bond reserve funds, the chairperson of the authority
45 shall, on or before ~~July~~ January 1 of each calendar
46 year, make and deliver to the governor the
47 chairperson's certificate stating the sum, if any,
48 required to restore each bond reserve fund to the bond
49 reserve fund requirement for that fund. Within thirty
50 days after the beginning of the session of the general

Page 12

1 assembly next following the delivery of the
2 certificate, the governor ~~may~~ shall submit to both
3 houses printed copies of a budget including the sum,
4 if any, required to restore each bond reserve fund to
5 the bond reserve fund requirement for that fund. Any
6 sums appropriated by the general assembly and paid to
7 the authority pursuant to this section shall be
8 deposited by the authority in the applicable bond
9 reserve fund.
10 Sec. ___. Section 476C.1, subsection 6, paragraph
11 b, if enacted by 2005 Iowa Acts, Senate File 390,
12 section 7, is amended by adding the following new
13 subparagraph:
14 (8) A community college as defined in section
15 260C.2.
16 Sec. ___. Section 476C.1, subsection 6, paragraph
17 d, if enacted by 2005 Iowa Acts, Senate File 390,
18 section 7, is amended to read as follows:
19 d. Was initially placed into service on or after

20 ~~July~~ January 1, 2005, and before January 1, 2011.
21 Sec. ___ Section 537.2401, subsection 1, Code
22 2005, is amended to read as follows:
23 1. Except as provided with respect to a finance
24 charge for loans pursuant to open end credit under
25 section 537.2402 and loans secured by a certificate of
26 title of a motor vehicle under section 537.2403, a
27 lender may contract for and receive a finance charge
28 not exceeding the maximum charge permitted by the laws
29 of this state or of the United States for similar
30 lenders, and, in addition, with respect to a consumer
31 loan, a supervised financial organization or a
32 mortgage lender may contract for and receive a finance
33 charge, calculated according to the actuarial method,
34 not exceeding twenty-one percent per year on the
35 unpaid balance of the amount financed. ~~This~~ Except as
36 provided in section 537.2403, this subsection does not
37 prohibit a lender from contracting for and receiving a
38 finance charge exceeding twenty-one percent per year
39 on the unpaid balance of the amount financed on
40 consumer loans if authorized by other provisions of
41 the law.
42 Sec. ___. Section 537.2402, subsection 1, Code
43 2005, is amended to read as follows:
44 1. If authorized to make supervised loans, a
45 creditor may contract for and receive a finance charge
46 without limitation as to amount or rate with respect
47 to a loan pursuant to open-end credit as permitted in
48 this section except as provided in section 537.2403.
49 Sec. ___. NEW SECTION. 537.2403 FINANCE CHARGE
50 FOR CONSUMER LOANS SECURED BY A MOTOR VEHICLE.

Page 13

1 1. A lender shall not contract for or receive a
2 finance charge exceeding twenty-one percent per year
3 on the unpaid balance of the amount financed for a
4 loan of money secured by a certificate of title to a
5 motor vehicle used for personal, family, or household
6 purpose except as authorized under chapter 536 or
7 536A. A consumer who is charged a finance charge in
8 excess of the limitation in this section may seek any
9 remedies available pursuant to this chapter for an
10 excess charge.
11 2. It shall be a violation of this section and an
12 unlawful practice under section 714.16 to attempt to
13 avoid application of this section by structuring a
14 loan of money secured by certificate of title to a
15 motor vehicle as a sale, sale and repurchase, sale and
16 lease, pawn, rental purchase, lease, or other type of
17 transaction with the intent to avoid application of
18 this section or any other applicable provision of this

19 chapter."
20 23. Page 23, by inserting after line 35, the
21 following:
22 "Sec. ___. Section 602.10110, Code 2005, is
23 amended to read as follows:
24 602.10110 OATH.
25 All persons on being admitted to the bar shall take
26 an oath or affirmation, as promulgated by the supreme
27 court, declaring to support the Constitutions of the
28 United States and of the state of Iowa, and to
29 faithfully discharge, according to the best of their
30 ability, the duties of an attorney ~~and counselor of~~
31 ~~this state according to the best of their ability~~.
32 Sec. ___. Section 602.10112, Code 2005, is
33 repealed.
34 Sec. ___. 2005 Iowa Acts, House File 825, section
35 29, subsection 1, paragraph l, if enacted, relating to
36 reimbursement under the medical assistance program to
37 physicians who administer injectable drugs, is amended
38 by striking the paragraph.
39 Sec. ___. NEW GROWTH PROGRAM. There is
40 appropriated from the general fund of the state to the
41 Iowa finance authority, for the fiscal year beginning
42 July 1, 2005, and ending June 30, 2006, two hundred
43 thousand dollars, or so much thereof as is necessary,
44 to be used for the new growth program established in
45 section 16.191, if enacted in this division of this
46 Act."
47 24. Page 24, by inserting before line 1, the
48 following:
49 "Sec. ___. VEHICLE DEALERSHIP STUDY. The
50 legislative council is requested to appoint an interim

Page 14

1 study committee that will study the motor vehicle
2 licensing law as it pertains to motor vehicle
3 dealerships' moves from one facility and location to
4 another facility and location in the state. A report
5 should be provided to the general assembly by January
6 15, 2006."
7 25. Page 24, line 18, by striking the word
8 "section" and inserting the following: "sections".
9 26. Page 24, line 19, by inserting after the word
10 "Act" the following: "amending section 427.1,
11 subsection 21, and".
12 27. Page 24, line 20, by striking the words "a
13 property tax exemption" and inserting the following:
14 "property tax exemptions".
15 28. Page 24, by inserting after line 21, the
16 following:
17 "Sec. ___. RETROACTIVE APPLICABILITY DATE. The

18 section of this division of this Act amending section
19 423E.5, being deemed of immediate importance, takes
20 effect upon enactment and applies retroactively to
21 July 1, 2004.
22 Sec. ___. EFFECTIVE AND APPLICABILITY DATES. The
23 sections of this division of this Act amending section
24 427.1, subsection 21, and enacting new subsection 21A
25 to section 427.1, being deemed of immediate
26 importance, take effect upon enactment and apply
27 retroactively to January 1, 2005, for assessment years
28 beginning on or after that date.
29 Sec. ___. APPLICABILITY. Section 25B.7 does not
30 apply to the amendment to section 427.1, subsection
31 30, in this division of this Act.
32 Sec. ___. EFFECTIVE DATE. The sections of this
33 division of this Act amending section 476C.1, if
34 enacted, being deemed of immediate importance, take
35 effect upon enactment and are applicable beginning on
36 the enactment date of 2005 Iowa Acts, Senate File 390,
37 if enacted."
38 29. Page 24, by inserting after line 27, the
39 following:
40 "Sec. ___. EFFECTIVE DATE. The sections of this
41 division of this Act amending section 602.10110 and
42 repealing section 602.10112, being deemed of immediate
43 importance, take effect upon enactment."
44 30. By striking page 24, line 30, through page
45 28, line 30, and inserting the following:
46 "Sec. ___. 2005 Iowa Acts, House File 881, section
47 1, subsection 2, if enacted, is amended to read as
48 follows:
49 2. The following annual salary rates shall be paid
50 to the persons holding the judicial positions

Page 15

1 indicated during the fiscal year beginning July 1,
2 2005, effective with the pay period beginning July 1,
3 2005, and for subsequent pay periods.
4 a. Chief justice of the supreme court:
5 ..... $ ~~132,720~~
6 146,000
7 b. Each justice of the supreme court:
8 ..... $ ~~128,000~~
9 138,500
10 c. Chief judge of the court of appeals:
11 ..... $ ~~127,920~~
12 134,600
13 d. Each associate judge of the court of appeals:
14 ..... $ ~~123,120~~
15 129,600
16 e. Each chief judge of a judicial district:

17 ..... $ ~~122,000~~
18 126,000
19 f. Each district judge except the chief judge of a
20 judicial district:
21 ..... $ ~~117,040~~
22 121,000
23 g. Each district associate judge:
24 ..... $ ~~102,000~~
25 105,500
26 h. Each associate juvenile judge:
27 ..... $ ~~102,000~~
28 105,500
29 i. Each associate probate judge:
30 ..... $ ~~102,000~~
31 105,500
32 j. Each judicial magistrate:
33 ..... $ ~~30,400~~
34 31,500
35 k. Each senior judge:
36 ..... $ ~~6,800~~
37 7,020
38 Sec. ___. YOUTH LEADERSHIP PROGRAM. There is
39 appropriated from the general fund of the state to the
40 department of corrections for the fiscal year
41 beginning July 1, 2005, and ending June 30, 2006, the
42 following amount, or so much thereof as is necessary,
43 to be used for the purpose designated:
44 For the sixth judicial district department of
45 correctional services:
46 ..... $ 100,000
47 The appropriation made in this section shall be
48 used by the judicial district department of
49 correctional services to establish or maintain a youth
50 leadership model program to help at-risk youth in the

Page 16

1 judicial district department of correctional services.
2 As a part of the program, the judicial district
3 department of correctional services may recruit
4 college or high school students in the judicial
5 district to work with at-risk youth. The student
6 workers shall be recruited regardless of gender, be
7 recommended by their respective schools as good role
8 models, including, but not limited to, students who
9 possess capabilities in one or more of the following
10 areas of ability: intellectual capacity, athletic,
11 visual arts, or performing arts.
12 Sec. ___. FULL-TIME EQUIVALENT POSITIONS FOR THE
13 DIVISION OF CRIMINAL INVESTIGATION AND BUREAU OF
14 IDENTIFICATION. Notwithstanding the full-time
15 equivalent positions authorization in the

16 appropriation made for the fiscal year beginning July
17 1, 2005, to the department of public safety for the
18 division of criminal investigation and bureau of
19 identification in 2005 Iowa Acts, House File 811, if
20 enacted, the number of full-time equivalent positions
21 is increased from 225.50 positions to 228.50
22 positions."
23 31. By striking page 35, line 25, through page
24 36, line 25 and inserting the following:
25 "Sec. ___. COUNTY REAL ESTATE ELECTRONIC
26 GOVERNMENT ADVISORY COMMITTEE.
27 1. A county real estate electronic government
28 advisory committee is created. Staffing services for
29 the advisory committee shall be provided by the
30 auditor of state. The advisory committee membership
31 shall consist of the following:
32 a. Two members selected by the Iowa state
33 association of county auditors.
34 b. Two members selected by the Iowa state county
35 treasurers association.
36 c. Two members selected by the Iowa county
37 recorders association.
38 d. Two members selected by the Iowa state
39 association of assessors.
40 e. One member selected by each of the following
41 organizations:
42 (1) Iowa state association of counties.
43 (2) Iowa land title association.
44 (3) Iowa bankers association.
45 (4) Iowa credit union league.
46 (5) Iowa state bar association.
47 (6) Iowa association of realtors.
48 2. The county real estate electronic government
49 advisory committee shall facilitate discussion to
50 integrate the county land record information system

Page 17

1 created pursuant to section 331.605C with the
2 electronic government internet applications of county
3 treasurers, county recorders, county auditors, and
4 county assessors. The advisory committee shall file
5 an integration plan with the governor and the general
6 assembly on or before November 1, 2005."
7 32. By striking page 36, line 34, through page
8 37, line 2, and inserting the following: "of the
9 county land record information system. The Iowa
10 county recorders".
11 33. Page 37, by striking line 21, and inserting
12 the following: "documents in the county land record
13 information system until authorized by the".
14 34. Page 37, line 22, by inserting after the word

15 "assembly." the following: "However, county recorders
16 may collect actual third-party fees associated with
17 accepting and processing statutorily authorized fees
18 including credit card fees, treasury management fees,
19 and other transaction fees required to enable
20 electronic payment. For the purposes of this
21 subsection, the term "third-party" does not include
22 the county land record information system, the Iowa
23 state association of counties, or any of the
24 association's affiliates."
25 35. Page 37, lines 24 and 25, by striking the
26 words "and the department of administrative services".
27 36. Page 37, by inserting after line 33, the
28 following:
29 "Sec. ___. DATA SECURITY AUDIT.
30 1. The Iowa county recorders association shall
31 select a vendor to conduct a data security audit of
32 the county land record information system created
33 pursuant to section 331.605C. The review and
34 assessment utilized in the audit shall include, but
35 are not limited to, a review of the functional and
36 system requirements, design documentation, software
37 code developed to support the business requirements,
38 operational procedures, financial flows including a
39 financial forecast, requests for proposals, and all
40 contracts.
41 2. The costs of the data security audit conducted
42 pursuant to subsection 1 shall be paid from moneys
43 appropriated to the treasurer of state pursuant to
44 section 331.605C.
45 3. The Iowa county recorders association shall
46 forward the complete results of the data security
47 audit to the government oversight committees of the
48 senate and the house of representatives and the
49 general assembly on or before December 1, 2005, and
50 the government oversight committees may request

Page 18

1 additional updates."
2 37. Page 48, by inserting after line 23, the
3 following:
4 "Sec. ___. 2005 Iowa Acts, House File 839, is
5 amended by adding the following new section:
6 SEC. ___. EFFECTIVE DATE. This Act, being deemed
7 of immediate importance, takes effect upon enactment
8 of 2005 Iowa Acts, House File 882."
9 38. Page 48, by inserting after line 26 the
10 following:
11 "DIVISION ___
12 STATE LIQUOR ACTIVITIES
13 Sec. ___. Section 123.53, subsection 3, Code 2005,

is amended to read as follows:

3. The treasurer of state shall transfer into a special revenue account in the general fund of the state, a sum of money at least equal to seven percent of the gross amount of sales made by the division from the beer and liquor control fund on a monthly basis but not less than nine million dollars annually~~, and any amounts so~~. Of the amounts transferred, two million dollars, plus an additional amount determined by the general assembly, shall be ~~used by~~ appropriated to the substance abuse division of the Iowa department of public health to be used for substance abuse treatment and prevention programs ~~in an amount determined by the general assembly and any~~. Any amounts received in excess of the amounts appropriated to the substance abuse division of the Iowa department of public health shall be considered part of the general fund balance.

Sec. ___. ALCOHOLIC BEVERAGES DIVISION — STATE LIQUOR WAREHOUSE AND TRUCKING FUNCTIONS. The department of administrative services shall issue a request for proposals developed with the alcoholic beverages division of the department of commerce or otherwise utilize a competitive process not inconsistent with the division's current charter agency agreement to select a provider to perform the state liquor warehouse and trucking functions. The request for proposals or competitive process shall be issued or commenced as soon as is reasonably possible and a provider shall be selected no later than December 31, 2005. The division may submit a bid in response to a request for proposals issued or competitive process conducted pursuant to this section. If the division submits a bid, the division shall include in the bid the cost of labor to perform the contract which shall be calculated by using the cost of hiring full-time equivalent positions to

perform the contract pursuant to state pay grade classifications and benefits as outlined in the most recent collective bargaining agreement applicable to other employees of the division. Notwithstanding any provision of chapter 22 to the contrary, the division's bid and any documents the division uses in developing its bid shall be considered a confidential record until the department of administrative services announces the results of the request for proposals or competitive process.

Sec. ___. EFFECTIVE DATE. The section of this Act amending section 123.53 takes effect July 1, 2006.

DIVISION ___
BOARD OF REGENTS

Sec. ___. Section 12B.10C, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 10. The state board of regents governed by chapter 262.

Sec. ___. Section 73A.1, subsection 2, Code 2005, is amended to read as follows:

2. "Municipality" as used in this chapter means township, school corporation, and state fair board~~, and state board of regents~~.

Sec. ___. Section 262.9, subsection 7, Code 2005, is amended to read as follows:

7. ~~With the approval of the executive council, acquire~~ Acquire real estate for the proper uses of ~~said~~ institutions under its control, and dispose of real estate belonging to ~~said~~ the institutions when not necessary for their purposes. ~~A~~ The disposal of ~~such~~ real estate shall be made upon such terms, conditions, and consideration as the board may recommend ~~and subject to the approval of the executive council~~. If real estate subject to sale ~~hereunder~~ has been purchased or acquired from appropriated funds, the proceeds of such sale shall be deposited with the treasurer of state and credited to the general fund of the state. There is hereby appropriated from the general fund of the state a sum equal to the proceeds so deposited and credited to the general fund of the state to the state board of regents, which~~, with the prior approval of the executive council,~~ may be used to purchase other real estate and buildings~~,~~ and for the construction and alteration of buildings and other capital improvements. All transfers shall be by state patent in the manner provided by law. The board is also authorized to grant easements for rights-of-way over, across, and under the surface of public lands under its jurisdiction when in the board's judgment such easements are desirable and will benefit the

state of Iowa.

Sec. ___. Section 262.9, subsection 15, unnumbered paragraph 2, Code 2005, is amended by striking the unnumbered paragraph.

Sec. ___. Section 262.10, unnumbered paragraph 1, Code 2005, is amended to read as follows:

No sale or purchase of real estate shall be made save upon the order of the board, made at a regular meeting, or one called for that purpose, and then in such manner and under such terms as the board may prescribe ~~and only with the approval of the executive~~

12 ~~council~~. No member of the board or any of its
13 committees, offices or agencies nor any officer of any
14 institution, shall be directly or indirectly
15 interested in such purchase or sale.
16 Sec. ___. Section 262.33A, Code 2005, is amended
17 to read as follows:
18 262.33A FIRE AND ENVIRONMENTAL SAFETY — REPORT —
19 EXPENDITURES.
20 It is the intent of the general assembly that each
21 institution of higher education under the control of
22 the state board of regents shall, in consultation with
23 the state fire marshal, identify and correct all
24 critical fire and environmental safety deficiencies.
25 ~~The state fire marshal shall report annually to the~~
26 ~~joint subcommittee on education appropriations. The~~
27 ~~report shall include, but is not limited to, the~~
28 ~~identified deficiencies in fire and environmental~~
29 ~~safety at the institutions, and plans for correction~~
30 ~~of the deficiencies and for compliance with this~~
31 ~~section.~~ Commencing July 1, 1993, each institution
32 under the control of the state board of regents shall
33 expend annually for fire safety and deferred
34 maintenance at least the amount budgeted for these
35 purposes for the fiscal year beginning July 1, 1992,
36 in addition to any moneys appropriated from the
37 general fund for these purposes in succeeding years.
38 Sec. ___. Section 262.34, Code 2005, is amended to
39 read as follows:
40 262.34 IMPROVEMENTS — ADVERTISEMENT FOR BIDS —
41 DISCLOSURES — PAYMENTS.
42 1. When the estimated cost of construction,
43 repairs, or improvement of buildings or grounds under
44 charge of the state board of regents exceeds ~~twenty-~~
45 ~~five~~ one hundred thousand dollars, the board shall
46 advertise for bids for the contemplated improvement or
47 construction and shall let the work to the lowest
48 responsible bidder. However, if in the judgment of
49 the board bids received are not acceptable, the board
50 may reject all bids and proceed with the construction,

1 repair, or improvement by a method as the board may
2 determine. All plans and specifications for repairs
3 or construction, together with bids on the plans or
4 specifications, shall be filed by the board and be
5 open for public inspection. All bids submitted under
6 this section shall be accompanied by a deposit of
7 money, a certified check, or a credit union certified
8 share draft in an amount as the board may prescribe.
9 2. A bidder awarded a contract shall disclose the
10 names of all subcontractors, who will work on the

project being bid, within forty-eight hours after the award of the contract. If a subcontractor named by a bidder awarded a contract is replaced, or if the cost of work to be done by a subcontractor is reduced, the bidder shall disclose the name of the new subcontractor or the amount of the reduced cost.

3. Payments made by the board for the construction of public improvements shall be made in accordance with the provisions of chapter 573 except that:

a. Payments may be made without retention until ninety-five percent of the contract amount has been paid. The remaining five percent of the contract amount shall be paid as provided in section 573.14, except that:

(1) At any time after all or any part of the work is substantially completed in accordance with paragraph "c", the contractor may request the release of all or part of the retainage owed. Such request shall be accompanied by a waiver of claim rights under the provisions of chapter 573 from any person, firm, or corporation who has, under contract with the principal contractor or with subcontractors performed labor, or furnished materials, service, or transportation in the construction of that portion of the work for which release of the retainage is requested.

(2) Upon receipt of the request, the board shall release all or part of the unpaid funds. Retainage that is approved as payable shall be paid at the time of the next monthly payment or within thirty days, whichever is sooner. If partial retainage is released pursuant to a contractor's request, no retainage shall be subsequently held based on that portion of the work. If within thirty days of when payment becomes due the board does not release the retainage due, interest shall accrue on the retainage amount due as provided in section 573.14 until that amount is paid.

(3) If at the time of the request for the retainage there are remaining or incomplete minor items, an amount equal to two hundred percent of the

value of each remaining or incomplete item, as determined by the board's authorized contract representative, may be withheld until such item or items are completed.

(4) An itemization of the remaining or incomplete items, or the reason that the request for release of the retainage was denied, shall be provided to the contractor in writing within thirty calendar days of the receipt of the request for release of retainage.

b. For purposes of this section, "authorized contract representative" means the architect or engineer who is in charge of the project and chosen by the board to represent its interests, or if there is no architect or engineer, then such other contract representative or officer as designated in the contract documents as the party representing the board's interest regarding administration and oversight of the project.

c. For purposes of this section, "substantially completed" means the first date on which any of the following occurs:

(1) Completion of the project or when the work has been substantially completed in general accordance with the terms and provisions of the contract.

(2) The work or the portion designated is sufficiently complete in accordance with the requirements of the contract so the board can occupy or utilize the work for its intended purpose.

(3) The project is certified as having been substantially completed by either of the following:

(a) The architect or engineer authorized to make such certification.

(b) The contracting authority representing the board.

4. Each contractor or subcontractor shall withhold retainage, if at all, in the same manner as retainage is withheld from the contractor or subcontractor; and each subcontractor shall pass through all retainage payments to lower tier subcontractors in accordance with the provisions of chapter 573.

Sec. ___. Section 262.57, unnumbered paragraph 1, Code 2005, is amended to read as follows:

To pay all or any part of the cost of carrying out any project at any institution the board is authorized to borrow money and to issue and sell negotiable bonds or notes and to refund and refinance bonds or notes heretofore issued or as may be hereafter issued for any project or for refunding purposes at a lower rate, the same rate or a higher rate or rates of interest and from time to time as often as the board shall find

it to be advisable and necessary so to do. Such bonds or notes may be sold by said board at public sale in the manner prescribed by chapter 75 but if the board shall find it to be advantageous and in the public interest to do so, such bonds or notes may be sold by the board at private sale without published notice of any kind and without regard to the requirements of chapter 75 in such manner and upon such terms as may

be prescribed by the resolution authorizing the same~~, but such bonds or notes shall in any event be sold upon terms of not less than par plus accrued interest~~. Bonds or notes issued to refund other bonds or notes heretofore or hereafter issued by the board for residence hall or dormitory purposes at any institution, including dining or other facilities and additions, or heretofore or hereafter issued for refunding purposes, may either be sold in the manner hereinbefore specified and the proceeds thereof applied to the payment of the obligations being refunded, or the refunding bonds or notes may be exchanged for and in payment and discharge of the obligations being refunded, and a finding by the board in the resolution authorizing the issuance of such refunding bonds or notes that the bonds or notes being refunded were issued for a purpose specified in this division and constitute binding obligations of the board shall be conclusive and may be relied upon by any holder of any refunding bond or note issued under the provisions of this division. The refunding bonds or notes may be sold or exchanged in installments at different times or an entire issue or series may be sold or exchanged at one time. Any issue or series of refunding bonds or notes may be exchanged in part or sold in parts in installments at different times or at one time. The refunding bonds or notes may be sold or exchanged at any time on, before, or after the maturity of any of the outstanding notes, bonds or other obligations to be refinanced thereby and may be issued for the purpose of refunding a like or greater principal amount of bonds or notes, except that the principal amount of the refunding bonds or notes may exceed the principal amount of the bonds or notes to be refunded to the extent necessary to pay any premium due on the call of the bonds or notes to be refunded or to fund interest in arrears or about to become due.

Sec.__. Section 262.78, subsection 6, Code 2005, is amended by striking the subsection.

Sec.__. Section 262A.5, unnumbered paragraph 1, Code 2005, is amended to read as follows:

The board is authorized to borrow money under this

chapter, and the board may issue and sell negotiable bonds to pay all or any part of the cost of carrying out any project at any institution and may refund and refinance bonds issued for any project or for refunding purposes at the same rate or at a higher or lower rate or rates of interest. Bonds issued under the provisions of this chapter shall be sold by said

board at public sale on the basis of sealed proposals received pursuant to a notice specifying the time and place of sale and the amount of bonds to be sold which shall be published at least once not less than seven days prior to the date of sale in a newspaper published in the state of Iowa and having a general circulation in said state. The provisions of chapter 75 shall ~~not~~ apply to bonds issued under authority contained in this chapter~~, but such bonds shall be sold upon terms of not less than par plus accrued interest~~ to the extent not in conflict with this chapter. Bonds issued to refund other bonds issued under the provisions of this chapter may either be sold in the manner hereinbefore specified and the proceeds thereof applied to the payment of the obligations being refunded, or the refunding bonds may be exchanged for and in payment and discharge of the obligations being refunded. The refunding bonds may be sold or exchanged in installments at different times or an entire issue or series may be sold or exchanged at one time. Any issue or series of refunding bonds may be exchanged in part or sold in parts in installments at different times or at one time. The refunding bonds may be sold or exchanged at any time on, before, or after the maturity of any of the outstanding bonds or other obligations to be refinanced thereby and may be issued for the purpose of refunding a like or greater principal amount of bonds, except that the principal amount of the refunding bonds may exceed the principal amount of the bonds to be refunded to the extent necessary to pay any premium due on the call of the bonds to be refunded or to fund interest in arrears or which is to become due.

Sec. ___. Section 266.39F, subsection 2, unnumbered paragraph 2, Code 2005, is amended to read as follows:

The provisions of section 262.9, subsection 7, ~~and section 262.10,~~ shall not apply to the sale of any portion of land to be sold in accordance with this section or to the use of the proceeds from the sale of the land.

Sec. ___. Section 573.12, subsection 1, unnumbered

paragraph 1, Code 2005, is amended to read as follows:

Payments made under contracts for the construction of public improvements, unless provided otherwise by law, shall be made on the basis of monthly estimates of labor performed and material delivered, as determined by the project architect or engineer. The

public corporation shall retain from each monthly payment not more than five percent of that amount which is determined to be due according to the estimate of the architect or engineer. ~~However, institutions governed pursuant to chapter 262 may, on contracts where a bond is required under section 573.2, make payments under this section without retention until ninety-five percent of the contract amount has been paid and the remaining five percent of the contract amount shall be paid as provided under section 573.14.~~

Sec. ___. Section 573.14, unnumbered paragraph 2, Code 2005, is amended to read as follows:

The public corporation shall order payment of any amount due the contractor to be made in accordance with the terms of the contract. Except as provided in section 573.12 for progress payments, failure to make payment pursuant to this section, of any amount due the contractor, within forty days, unless a greater time period not to exceed fifty days is specified in the contract documents, after the work under the contract has been completed and if the work has been accepted and all required materials, certifications, and other documentations required to be submitted by the contractor and specified by the contract have been furnished the awarding public corporation by the contractor, shall cause interest to accrue on the amount unpaid to the benefit of the unpaid party. Interest shall accrue during the period commencing the thirty-first day following the completion of work and satisfaction of the other requirements of this paragraph and ending on the date of payment. The rate of interest shall be determined by the period of time during which interest accrues, and shall be the same as the rate of interest that is in effect under section 12C.6, as of the day interest begins to accrue, for a deposit of public funds for a comparable period of time. <u>However, for institutions governed pursuant to chapter 262, the rate of interest shall be determined by the period of time during which interest accrues, and shall be calculated as the prime rate plus one percent per year as of the day interest begins to accrue.</u> This paragraph does not abridge any of the rights set forth in section 573.16. Except as

provided in sections 573.12 and 573.16, interest shall not accrue on funds retained by the public corporation to satisfy the provisions of this section regarding claims on file. This chapter does not apply if the public corporation has entered into a contract with

the federal government or accepted a federal grant which is governed by federal law or rules that are contrary to the provisions of this chapter. For purposes of this unnumbered paragraph, "prime rate" means the prime rate charged by banks on short-term business loans, as determined by the board of governors of the federal reserve system and published in the federal reserve bulletin.

Sec. ___. Sections 262.64A, 262.67, 262A.3, 262A.6A, 263A.11, 265.6, and 473.12, Code 2005, are repealed.

DIVISION ___

ENTREPRENEURS WITH DISABILITIES

Sec. ___. ENTREPRENEURS WITH DISABILITIES PROGRAM — TRANSFER OF ADMINISTRATION. The department of economic development shall transfer the administrative duties of the entrepreneurs with disabilities program to the Iowa finance authority. The authority shall adopt rules pursuant to chapter 17A for purposes of administering the program. Any contract entered into under the program by the department of economic development remains valid. The transfer of administrative duties to the authority shall not constitute grounds for recision or modification of a contract under the program entered into with the department.

Sec. ___. ENTREPRENEURS WITH DISABILITIES PROGRAM — APPROPRIATION. For the fiscal year beginning July 1, 2005, and ending June 30, 2006, there is appropriated from the general fund of the state to the Iowa finance authority two hundred thousand dollars for purposes of the entrepreneurs with disabilities program.

DIVISION ___

GRAPE AND WINE DEVELOPMENT

Sec. ___. Section 175A.1, subsection 2, Code 2005, is amended to read as follows:

2. "Department" means the Iowa department of ~~agriculture and land stewardship~~ economic development as created in section 15.105.

Sec. ___. Section 175A.1, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. "Director" means the director of the department as appointed by the governor pursuant to section 15.105.

Page 27

Sec. ___. Section 175A.2, subsection 1, paragraph a, subparagraph (1), Code 2005, is amended to read as follows:

(1) The ~~secretary of agriculture~~ director.

Sec. ___. Section 175A.2, subsection 1, paragraph a, subparagraph (3), Code 2005, is amended by striking the paragraph.

Sec. ___. Section 175A.2, subsection 1, paragraph b, unnumbered paragraph 1, Code 2005, is amended to read as follows:

The following persons appointed by the ~~secretary of agriculture~~ director, who shall serve as voting members:

Sec. ___. Section 175A.2, subsection 1, unnumbered paragraph 2, Code 2005, is amended to read as follows:

The ~~secretary of agriculture~~ director shall appoint the voting members based on a list of nominations submitted by organizations representing growers, winemakers, and retail sellers as certified by the department according to requirements of the department. Appointments of voting members are subject to the requirements of sections 69.16 and 69.16A. In addition, the appointments shall be geographically balanced. Unless the ~~secretary of agriculture~~ director determines that it is not feasible, at least one person appointed as a voting member shall reside in each of the state's congressional districts at the time of appointment. The ~~secretary of agriculture's~~ director's appointees shall be confirmed by the senate, pursuant to section 2.32.

Sec. ___. Section 175A.2, subsection 2, Code 2005, is amended to read as follows:

2. The voting members shall serve three-year terms beginning and ending as provided in section 69.19. ~~However, the secretary of agriculture shall appoint initial members to serve for less than three years to ensure members serve staggered terms.~~ A member is eligible for reappointment. A vacancy on the commission shall be filled for the unexpired portion of the regular term in the same manner as regular appointments are made.

Sec. ___. TRANSITIONAL PROVISIONS.

1. Any agreement made by the department of agriculture and land stewardship which is executed pursuant to chapter 175A and which is in effect on the effective date of the amendments to sections 175A.1 and 175A.2 in this division of this Act shall continue in full force and effect until the agreement expires by its terms or is amended, terminated, or

supplemented by the affirmative action of the Iowa department of economic development.

2. Any rule, regulation, form, order, or directive

4 adopted or issued by the department of agriculture and
5 land stewardship pursuant to chapter 175A which is in
6 effect on the effective date of amendments to sections
7 175A.1 and 175A.2 in this division of this Act shall
8 continue in full force and effect until amended,
9 repealed, or supplemented by the affirmative action of
10 the Iowa department of economic development as
11 provided in chapter 17A.
12 3. A person who holds a position as a member of
13 the grape and wine development commission who was
14 appointed by the secretary of agriculture pursuant to
15 section 175A.2 prior to the effective date of
16 amendments to sections 175A.1 and 175A.2 in this
17 division of this Act shall continue to hold such
18 position until the end of the member's term of office.
19 Sec. ___. EFFECTIVE DATE. The amendments to
20 sections 175.1 and 175.2 in this division of this Act
21 which provide for the transfer of administrative
22 duties and powers of chapter 175A from the department
23 of agriculture and land stewardship to the Iowa
24 department of economic development and transitional
25 provisions applying to that transfer as provided in
26 this division of this Act take effect upon enactment.
27 39. Title page, line 1, by inserting after the
28 word "Act" the following: "relating to state and
29 local finances by providing for tax exemptions,
30 credits, tax credit transfers, and other tax-related
31 matters and by".
32 40. Title page, line 2, by inserting after the
33 word "matters" the following: "and penalties"
34 41. By renumbering as necessary.

JEFF ANGELO
ROBERT E. DVORSKY

S–3307

1 Amend the amendment, S–3292, to House File 816, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 2, by inserting after line 8 the
5 following:
6 "Sec. ___. WORK-STUDY APPROPRIATION FOR FY 2005–
7 2006. Notwithstanding section 261.85, for the fiscal
8 year beginning July 1, 2005, and ending June 30, 2006,
9 the amount appropriated from the general fund of the
10 state to the college student aid commission for the
11 work-study program under section 261.85 shall be
12 $140,000, and from the moneys appropriated in this
13 section, $76,365 shall be allocated to institutions of
14 higher education under the state board of regents and
15 community colleges and the remaining dollars

16 appropriated in this section shall be allocated by the
17 college student aid commission on the basis of need as
18 determined by the portion of the federal formula for
19 distribution for work-study funds that relates to the
20 current need of institutions."
21 2. Page 36, by striking lines 30 through 46.
22 3. By renumbering, redesignating, and correcting
23 internal references as necessary.

HERMAN C. QUIRMBACH

S–3308

1 Amend House File 882, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 18, by inserting after line 30 the
4 following:
5 "Sec. ___. Section 384.4, Code 2005, is amended by
6 adding the following new subsection:
7 NEW SUBSECTION. 5. Principal and interest on
8 obligations issued prior to July 1, 2006, for urban
9 renewal project activities under chapter 403, but only
10 to the extent necessary to make up any shortfall in
11 the revenues allocated to the special fund of the city
12 pursuant to section 403.19, subsection 2, which
13 results from the increase in the regular program
14 foundation base pursuant to section 257.1, subsection
15 2, after deduction for any such revenue increases as a
16 result of imposition of the optional supplemental
17 amount pursuant to section 260C.17. This subsection
18 is repealed effective January 1, 2026."
19 2. Page 24, by inserting after line 27 the
20 following:
21 "Sec. ___. CONTINGENT EFFECTIVE DATE. The section
22 of this division of this Act amending section 384.4 is
23 contingent upon enactment of an increase in the
24 regular program foundation base pursuant to section
25 257.1, subsection 2, if enacted, by 2005 Iowa Acts,
26 Senate File 416."

JOE BOLKCOM

S–3309

1 Amend House File 882, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 48, by inserting after line 26 the
4 following:
5 "DIVISION ___
6 PROVISIONS RELATING TO THE PRACTICE OF PHARMACY
7 Sec. ___. Section 155A.3, subsection 11, Code
8 2005, is amended to read as follows:

11. "Dispense" means to deliver a prescription drug, device, or controlled substance to an ultimate user or research subject by or pursuant to the lawful prescription drug order or medication order of a practitioner, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery.

Sec. ___. Section 155A.3, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 22A. "Logistics provider" means an entity that provides or coordinates warehousing, distribution, or other services on behalf of a manufacturer or other owner of a drug, but does not take title to the drug or have general responsibility to direct its sale or other disposition.

Sec. ___. Section 155A.3, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 23A. "Pedigree" means a recording of each distribution of any given drug or device, from the sale by the manufacturer through acquisition and sale by any wholesaler, pursuant to rules adopted by the board.

Sec. ___. Section 155A.3, subsection 33, paragraph b, Code 2005, is amended to read as follows:

b. A drug or device that under federal law is required, prior to being dispensed or delivered, to be labeled with ~~either~~ one of the following statements:

(1) Caution: Federal law prohibits dispensing without a prescription.

(2) Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(3) Caution: Federal law restricts this device to sale by, or on the order of, a physician.

(4) Rx only.

Sec. ___. Section 155A.3, subsection 35, Code 2005, is amended to read as follows:

35. "Proprietary medicine" or "over-the-counter medicine" means a nonnarcotic drug or device that may be sold without a prescription and that is labeled and packaged in compliance with applicable state or federal law.

Sec. ___. Section 155A.3, subsection 38, Code

2005, is amended to read as follows:

38. "Wholesaler" means a person operating or maintaining, either within or outside this state, a manufacturing plant, wholesale distribution center, wholesale business, or any other business in which prescription drugs or devices, medicinal chemicals, medicines, or poisons are sold, manufactured,

compounded, dispensed, stocked, exposed, distributed from, or offered for sale at wholesale in this state. "Wholesaler" does not include those wholesalers who sell only proprietary or over-the-counter medicines. "Wholesaler" also does not include a commercial carrier that temporarily stores prescription drugs or devices, medicinal chemicals, medicines, or poisons while in transit.

Sec. ___. Section 155A.4, subsection 2, paragraph a, Code 2005, is amended to read as follows:

a. A ~~manufacturer or~~ wholesaler to distribute prescription drugs or devices as provided by state or federal law.

Sec. ___. Section 155A.13, subsection 6, unnumbered paragraph 1, Code 2005, is amended to read as follows:

To qualify for a pharmacy license, the applicant shall submit to the board a license fee as determined by the board and a completed application on a form prescribed by the board ~~that shall include the following information and~~. The application shall include the following and such other information as required by rules of the board and shall be given under oath:

Sec. ___. Section 155A.17, subsection 2, Code 2005, is amended to read as follows:

2. The board shall establish standards for drug wholesaler licensure and may define specific types of wholesaler licenses. The board may deny, suspend, or revoke a drug wholesale license for failure to meet the applicable standards or for a violation of the laws of this state, another state, or the United States relating to prescription drugs, devices, or controlled substances, or for a violation of this chapter, chapter 124, 124A, 124B, 126, or 205, or a rule of the board.

Sec. ___. Section 155A.17, subsection 3, Code 2005, is amended to read as follows:

3. The board shall adopt rules pursuant to chapter 17A on matters pertaining to the issuance of a wholesale drug license. The rules shall provide for conditions of licensure, compliance standards, licensure fees, disciplinary action, and other

relevant matters. Additionally, the rules shall establish provisions or exceptions for pharmacies, chain pharmacy distribution centers, logistics providers, and other types of wholesalers relating to pedigree requirements, drug or device returns, and other related matters, so as not to prevent or

interfere with usual, customary, and necessary business activities.

Sec. ___. Section 155A.19, subsection 1, paragraph f, Code 2005, is amended by striking the paragraph and inserting in lieu thereof the following:

f. Change of legal name or doing-business-as name.

Sec. ___. Section 155A.19, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 3. A wholesaler shall report in writing to the board, pursuant to its rules, the following:

a. Permanent closing or discontinuation of wholesale distributions into this state.

b. Change of ownership.

c. Change of location.

d. Change of the wholesaler's responsible individual.

e. Change of legal name or doing-business-as name.

f. Theft or significant loss of any controlled substance on discovery of the theft or loss.

g. Disasters, accidents, and emergencies that may affect the strength, purity, or labeling of drugs, medications, devices, or other materials used in the diagnosis or the treatment of injury, illness, and disease.

h. Other information or activities as required by rule.

Sec. ___. Section 155A.20, subsection 1, Code 2005, is amended to read as follows:

1. A person, other than a pharmacy or wholesaler licensed under this chapter, shall not display in or on any store, internet site, or place of business, nor use in any advertising or promotional literature, communication, or representation, the word or words: "apothecary", "drug", "drug store", or "pharmacy", either in English or any other language, any other word or combination of words of the same or similar meaning, or any graphic representation in a manner that would mislead the public ~~unless it is a pharmacy or drug wholesaler licensed under this chapter~~.

Sec. ___. Section 155A.21, Code 2005, is amended to read as follows:

155A.21 UNLAWFUL POSSESSION OF PRESCRIPTION DRUG OR DEVICE — PENALTY.

Page 4

1. A person found in possession of a drug or device limited to dispensation by prescription, unless the drug or device was so lawfully dispensed, commits a serious misdemeanor.

2. Subsection 1 does not apply to a licensed

pharmacy, licensed wholesaler, physician, veterinarian, dentist, podiatric physician, therapeutically certified optometrist, advanced registered nurse practitioner, physician assistant, a nurse acting under the direction of a physician, or the board of pharmacy examiners, its officers, agents, inspectors, and representatives, nor to a common carrier, manufacturer's representative, or messenger when transporting the drug or device in the same unbroken package in which the drug or device was delivered to that person for transportation.

Sec. ___. Section 155A.23, Code 2005, is amended to read as follows:

155A.23 PROHIBITED ACTS.

A person shall not perform or cause the performance of or aid and abet any of the following acts:

1. ~~Obtain or attempt~~ Obtaining or attempting to obtain a prescription drug or device or ~~procure or attempt~~ procuring or attempting to procure the administration of a prescription drug or device by:

a. ~~Fraud~~ Engaging in fraud, deceit, misrepresentation, or subterfuge.

b. ~~Forgery or alteration of~~ Forging or altering a written, electronic, or facsimile prescription or ~~of~~ any written, electronic, or facsimile order.

c. ~~Concealment of~~ Concealing a material fact.

d. ~~Use of~~ Using a false name or ~~the~~ giving ~~of~~ a false address.

2. Willfully ~~make~~ making a false statement in any prescription, report, or record required by this chapter.

3. For the purpose of obtaining a prescription drug or device, falsely ~~assume~~ assuming the title of or ~~claim~~ claiming to be a manufacturer, wholesaler, pharmacist, pharmacy owner, physician, dentist, podiatric physician, veterinarian, or other authorized person.

4. ~~Make or utter~~ Making or uttering any false or forged oral, written, electronic, or facsimile prescription or oral, written, electronic, or facsimile order.

5. ~~Affix any false or forged label to a package or receptacle containing prescription drugs~~ Forging, counterfeiting, simulating, or falsely representing any drug or device without the authority of the

manufacturer, or using any mark, stamp, tag, label, or other identification device without the authorization of the manufacturer.

6. Manufacturing, repackaging, selling,

5 delivering, or holding or offering for sale any drug
6 or device that is adulterated, misbranded,
7 counterfeit, suspected of being counterfeit, or that
8 has otherwise been rendered unfit for distribution.
9 7. Adulterating, misbranding, or counterfeiting
10 any drug or device.
11 8. Receiving any drug or device that is
12 adulterated, misbranded, stolen, obtained by fraud or
13 deceit, counterfeit, or suspected of being
14 counterfeit, and delivering or proffering delivery of
15 such drug or device for pay or otherwise.
16 9. Adulterating, mutilating, destroying,
17 obliterating, or removing the whole or any part of the
18 labeling of a drug or device or committing any other
19 act with respect to a drug or device that results in
20 the drug or device being misbranded.
21 10. Purchasing or receiving a drug or device from
22 a person who is not licensed to distribute the drug or
23 device to that purchaser or recipient.
24 11. Selling or transferring a drug or device to a
25 person who is not authorized under the law of the
26 jurisdiction in which the person receives the drug or
27 device to purchase or possess the drug or device from
28 the person selling or transferring the drug or device.
29 12. Failing to maintain or provide records as
30 required by this chapter, chapter 124, or rules of the
31 board.
32 13. Providing the board or any of its
33 representatives or any state or federal official with
34 false or fraudulent records or making false or
35 fraudulent statements regarding any matter within the
36 scope of this chapter, chapter 124, or rules of the
37 board.
38 14. Distributing at wholesale any drug or device
39 that meets any of the following conditions:
40 a. The drug or device was purchased by a public or
41 private hospital or other health care entity.
42 b. The drug or device was donated or supplied at a
43 reduced price to a charitable organization.
44 c. The drug or device was purchased from a person
45 not licensed to distribute the drug or device.
46 d. The drug or device was stolen or obtained by
47 fraud or deceit.
48 15. Failing to obtain a license or operating
49 without a valid license when a license is required
50 pursuant to this chapter or chapter 147.

1 16. Engaging in misrepresentation or fraud in the
2 distribution of a drug or device.
3 17. Distributing a drug or device to a patient

without a prescription drug order or medication order from a practitioner licensed by law to use or prescribe the drug or device.

18. Distributing a drug or device that was previously dispensed by a pharmacy or distributed by a practitioner except as provided by rules of the board.

19. Failing to report any prohibited act.

Information communicated to a physician in an unlawful effort to procure a prescription drug or device or to procure the administration of a prescription drug shall not be deemed a privileged communication.

Subsections 6 and 7 shall not apply to the wholesale distribution by a manufacturer of a prescription drug or device that has been delivered into commerce pursuant to an application approved by the federal food and drug administration.

Sec. ___. Section 155A.24, Code 2005, is amended to read as follows:

155A.24 PENALTIES.

1. ~~A~~ Except as otherwise provided in this section, a person who violates a provision of section 155A.23 or who sells or offers for sale, gives away, or administers to another person any prescription drug or device in violation of this chapter commits a public offense and shall be punished as follows:

a. If the prescription drug is a controlled substance, the person shall be punished pursuant to ~~section 124.401, subsection 1, and section 124.411~~ chapter 124, division IV.

b. If the prescription drug is not a controlled substance, the person, upon conviction of a first offense, is guilty of a serious misdemeanor. For a second offense, or if in case of a first offense the offender previously has been convicted of any violation of the laws of the United States or of any state, territory, or district thereof relating to prescription drugs or devices, the offender is guilty of an aggravated misdemeanor. For a third or subsequent offense or if in the case of a second offense the offender previously has been convicted two or more times in the aggregate of any violation of the laws of the United States or of any state, territory, or district thereof relating to prescription drugs or devices, the offender is guilty of a class "D" felony.

2. A person who violates any provision of this chapter by selling, giving away, or administering any

prescription drug or device to a minor is guilty of a class "C" felony.

3 3. A wholesaler who, with intent to defraud or
4 deceive, fails to deliver to another person, when
5 required by rules of the board, complete and accurate
6 pedigree concerning a drug prior to transferring the
7 drug to another person is guilty of a class "C"
8 felony.
9 4. A wholesaler who, with intent to defraud or
10 deceive, fails to acquire, when required by rules of
11 the board, complete and accurate pedigree concerning a
12 drug prior to obtaining the drug from another person
13 is guilty of a class "C" felony.
14 5. A wholesaler who knowingly destroys, alters,
15 conceals, or fails to maintain, as required by rules
16 of the board, complete and accurate pedigree
17 concerning any drug in the person's possession is
18 guilty of a class "C" felony.
19 6. A wholesaler who is in possession of pedigree
20 documents required by rules of the board, and who
21 knowingly fails to authenticate the matters contained
22 in the documents as required, and who nevertheless
23 distributes or attempts to further distribute drugs is
24 guilty of a class "C" felony.
25 7. A wholesaler who, with intent to defraud or
26 deceive, falsely swears or certifies that the person
27 has authenticated any documents related to the
28 wholesale distribution of drugs or devices is guilty
29 of a class "C" felony.
30 8. A wholesaler who knowingly forges,
31 counterfeits, or falsely creates any pedigree, who
32 falsely represents any factual matter contained in any
33 pedigree, or who knowingly omits to record material
34 information required to be recorded in a pedigree is
35 guilty of a class "C" felony.
36 9. A wholesaler who knowingly purchases or
37 receives drugs or devices from a person not authorized
38 to distribute drugs or devices in wholesale
39 distribution is guilty of a class "C" felony.
40 10. A wholesaler who knowingly sells, barters,
41 brokers, or transfers a drug or device to a person not
42 authorized to purchase the drug or device under the
43 jurisdiction in which the person receives the drug or
44 device in a wholesale distribution is guilty of a
45 class "C" felony.
46 11. A person who knowingly manufacturers, sells,
47 or delivers, or who possesses with intent to sell or
48 deliver, a counterfeit, misbranded, or adulterated
49 drug or device is guilty of the following:
50 a. If the person manufactures or produces a

1 counterfeit, misbranded, or adulterated drug or
2 device; or if the quantity of a counterfeit,
3 misbranded, or adulterated drug or device being sold,
4 delivered, or possessed with intent to sell or deliver
5 exceeds one thousand units or dosages; or if the
6 violation is a third or subsequent violation of this
7 subsection, the person is guilty of a class "C"
8 felony.
9 b. If the quantity of a counterfeit, misbranded,
10 or adulterated drug or device being sold, delivered,
11 or possessed with intent to sell or deliver exceeds
12 one hundred units or dosages but does not exceed one
13 thousand units or dosages; or if the violation is a
14 second or subsequent violation of this subsection, the
15 person is guilty of a class "D" felony.
16 c. All other violations of this subsection shall
17 constitute an aggravated misdemeanor.
18 12. A person who knowingly forges, counterfeits,
19 or falsely creates any label for a drug or device or
20 who falsely represents any factual matter contained on
21 any label of a drug or device is guilty of a class "C"
22 felony.
23 13. A person who knowingly possesses, purchases,
24 or brings into the state a counterfeit, misbranded, or
25 adulterated drug or device is guilty of the following:
26 a. If the quantity of a counterfeit, misbranded,
27 or adulterated drug or device being possessed,
28 purchased, or brought into the state exceeds one
29 hundred units or dosages; or if the violation is a
30 second or subsequent violation of this subsection, the
31 person is guilty of a class "D" felony.
32 b. All other violations of this subsection shall
33 constitute an aggravated misdemeanor.
34 14. This section does not prevent a licensed
35 practitioner of medicine, dentistry, podiatry,
36 nursing, veterinary medicine, optometry, or pharmacy
37 from acts necessary in the ethical and legal
38 performance of the practitioner's profession.
39 15. Subsections 1 and 2 shall not apply to a
40 parent or legal guardian administering, in good faith,
41 a prescription drug or device to a child of the parent
42 or a child for whom the individual is designated a
43 legal guardian.
44 Sec. ___. NEW SECTION. 155A.40 CRIMINAL HISTORY
45 RECORD CHECKS.
46 1. The board may request and obtain,
47 notwithstanding section 692.2, subsection 5, criminal
48 history data for any applicant for an initial or
49 renewal license or registration issued pursuant to
50 this chapter or chapter 147, any applicant for

1 reinstatement of a license or registration issued
2 pursuant to this chapter or chapter 147, or any
3 licensee or registrant who is being monitored as a
4 result of a board order or agreement resolving an
5 administrative disciplinary action, for the purpose of
6 evaluating the applicant's, licensee's, or
7 registrant's eligibility for licensure, registration,
8 or suitability for continued practice of the
9 profession. Criminal history data may be requested
10 for all owners, managers, and principal employees of a
11 pharmacy or drug wholesaler licensed pursuant to this
12 chapter. The board shall adopt rules pursuant to
13 chapter 17A to implement this section. The board
14 shall inform the applicant, licensee, or registrant of
15 the criminal history requirement and obtain a signed
16 waiver from the applicant, licensee, or registrant
17 prior to submitting a criminal history data request.
18 2. A request for criminal history data shall be
19 submitted to the department of public safety, division
20 of criminal investigation and bureau of
21 identification, pursuant to section 692.2, subsection
22 1. The board may also require such applicants,
23 licensees, and registrants to provide a full set of
24 fingerprints, in a form and manner prescribed by the
25 board. Such fingerprints may be submitted to the
26 federal bureau of investigation through the state
27 criminal history repository for a national criminal
28 history check. The board may authorize alternate
29 methods or sources for obtaining criminal history
30 record information. The board may, in addition to any
31 other fees, charge and collect such amounts as may be
32 incurred by the board, the department of public
33 safety, or the federal bureau of investigation in
34 obtaining criminal history information. Amounts
35 collected shall be considered repayment receipts as
36 defined in section 8.2.
37 3. Criminal history information relating to an
38 applicant, licensee, or registrant obtained by the
39 board pursuant to this section is confidential. The
40 board may, however, use such information in a license
41 or registration denial proceeding. In a disciplinary
42 proceeding, such information shall constitute
43 investigative information under section 272C.6,
44 subsection 4, and may be used only for purposes
45 consistent with that section.
46 4. This section shall not apply to a manufacturer
47 of a prescription drug or device that has been
48 delivered into commerce pursuant to an application
49 approved by the federal food and drug administration.
50 Sec. ___. NEW SECTION. 155A.41 CONTINUOUS

Page 10

1 QUALITY IMPROVEMENT PROGRAM.
2 1. Each licensed pharmacy shall implement or
3 participate in a continuous quality improvement
4 program to review pharmacy procedures in order to
5 identify methods for addressing pharmacy medication
6 errors and for improving patient use of medications
7 and patient care services. Under the program, each
8 pharmacy shall assess its practices and identify areas
9 for quality improvement.
10 2. The board shall adopt rules for the
11 administration of a continuous quality improvement
12 program. The rules shall address all of the
13 following:
14 a. Program requirements and procedures.
15 b. Program record and reporting requirements.
16 c. Any other provisions necessary for the
17 administration of a program."
18 2. By renumbering as necessary.

JEFF ANGELO
ROBERT E. DVORSKY
JEFF LAMBERTI
STEVE WARNSTADT
JOE BOLKCOM
CHARLES W. LARSON, JR.
JEFF DANIELSON
KEITH A. KREIMAN

S–3310

1 Amend House File 882, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 21, by inserting after line 8, the
4 following:
5 "Sec. ___. Section 441.21, subsection 4, Code
6 2005, is amended by adding the following new
7 unnumbered paragraph:
8 NEW UNNUMBERED PARAGRAPH. For valuations
9 established as of January 1, 2005, January 1, 2006,
10 and January 1, 2007, the percentage of actual value,
11 as equalized by the director of revenue as provided in
12 section 441.49, at which residential property shall be
13 assessed shall not be less than forty-seven and nine
14 hundred sixty-four thousandths percent. If the
15 percentage of actual value of residential property as
16 calculated in accordance with this subsection is less
17 than forty-seven and nine hundred sixty-four
18 thousandths percent, the director of revenue shall
19 increase the percentage to forty-seven and nine
20 hundred sixty-four thousandths percent. For purposes

21 of determining valuations in the assessment year
22 beginning January 1, 2006, January 1, 2007, and
23 January 1, 2008, the percentage for the prior year as
24 determined under this subsection before adjustment
25 under this paragraph, if necessary, shall be the
26 percentage used in making the calculation of the
27 dividend for that assessment year."
28 2. Page 24, by inserting after line 17, the
29 following:
30 "Sec. ___. REPORT TO GENERAL ASSEMBLY. The
31 department of revenue and the department of management
32 shall jointly study the effects of implementation of
33 section 441.21, subsection 4, as amended in this
34 division of this Act. The departments shall prepare a
35 fiscal analysis detailing the effects of
36 implementation of section 441.21, subsection 4, as
37 amended in this division of this Act on different
38 classes of property and on different property
39 taxpayers. The fiscal analysis shall include, but not
40 be limited to, a comparison of property valuations and
41 property tax rates for the fiscal years beginning July
42 1, 2006, July 1, 2007, and July 1, 2008, had section
43 441.21, subsection 4, as amended in this division of
44 this Act, not been implemented and property valuations
45 and property tax rates for those fiscal years under
46 the provisions of section 441.21, subsection 4, as
47 amended in this division of this Act. The departments
48 shall report their findings to the standing committees
49 on local government and on ways and means in the
50 general assembly by January 15, 2009.

Page 2

1 Sec. ___. RETROACTIVE APPLICABILITY. The section
2 amending section 441.21, subsection 4, in this
3 division of this Act applies retroactively to January
4 1, 2005."
5 3. By renumbering as necessary.

TOM RIELLY

S–3311

1 Amend House File 882, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 48, by inserting after line 26, the
4 following:
5 "DIVISION ___
6 PORT AUTHORITIES
7 Sec. ___. Section 12.30, subsection 1, paragraph
8 a, Code 2005, is amended to read as follows:
9 a. "Authority" means a department, or public or

10 quasi-public instrumentality of the state including,
11 but not limited to, the authority created under
12 chapter 12E, 16, 16A, 175, 257C, 261A, or 327I, which
13 has the power to issue obligations, except that
14 "authority" does not include the state board of
15 regents or the Iowa finance authority to the extent it
16 acts pursuant to chapter 260C. "Authority" also
17 includes a port authority created under chapter 28J.
18 Sec. ___. NEW SECTION. 28J.1 DEFINITIONS.
19 As used in this chapter, unless the context
20 otherwise requires:
21 1. "Authorized purposes" means an activity that
22 enhances, fosters, aids, provides, or promotes
23 transportation, economic development, housing,
24 recreation, education, governmental operations,
25 culture, or research within the jurisdiction of a port
26 authority.
27 2. "Board" means the board of directors of a port
28 authority established pursuant to section 28J.2.
29 3. "City" means the same as defined in section
30 362.2.
31 4. "Construction" means alteration, creation,
32 development, enlargement, erection, improvement,
33 installation, reconstruction, remodeling, and
34 renovation.
35 5. "Contracting governmental agency" means any
36 governmental agency or taxing district of the state
37 that, by action of its legislative authority, enters
38 into an agreement with a port authority pursuant to
39 section 28J.17.
40 6. "Cost" as applied to a port authority facility
41 means any of the following:
42 a. The cost of construction contracts, land,
43 rights-of-way, property rights, easements, franchise
44 rights, and interests required for acquisition or
45 construction.
46 b. The cost of demolishing or removing any
47 buildings or structures on land, including the cost of
48 acquiring any lands to which those buildings or
49 structures may be moved.
50 c. The cost of diverting a highway, interchange of

Page 2

1 a highway, and access roads to private property,
2 including the cost of land or easements, and
3 relocation of a facility of a utility company or
4 common carrier.
5 d. The cost of machinery, furnishings, equipment,
6 financing charges, interest prior to and during
7 construction and for no more than twelve months after
8 completion of construction, engineering, and expenses

of research and development with respect to a facility.

e. Legal and administrative expenses, plans, specifications, surveys, studies, estimates of cost and revenues, engineering services, and other expenses necessary or incident to determining the feasibility or practicability of acquiring or constructing a facility.

f. The interest upon the revenue bonds and pledge orders during the period or estimated period of construction and for twelve months thereafter, or for twelve months after the acquisition date, reserve funds as the port authority deems advisable in connection with a facility and the issuance of port authority revenue bonds and pledge orders.

g. The costs of issuance of port authority revenue bonds and pledge orders.

h. The cost of diverting a rail line, rail spur track, or rail spur track switch, including the cost of land or easements, and relocation of a facility of a utility company or common carrier.

i. The cost of relocating an airport's runways, terminals, and related facilities including the cost of land or easements, and relocation of a facility of a utility company or common carrier.

7. "Facility" or "port authority facility" means real or personal property owned, leased, or otherwise controlled or financed by a port authority and related to or in furtherance of one or more authorized purposes.

8. "Governmental agency" means a department, division, or other unit of state government of this state or any other state, city, county, township, or other governmental subdivision, or any other public corporation or agency created under the laws of this state, any other state, the United States, or any department or agency thereof, or any agency, commission, or authority established pursuant to an interstate compact or agreement or combination thereof.

9. "Person" means the same as defined in section 4.1.

Page 3

10. "Pledge order" means a promise to pay out of the net revenues of a port authority, which is delivered to a contractor or other person in payment of all or part of the cost of a facility.

11. "Political subdivision" means a city, county, city-county consolidation, or multicounty consolidation, or combination thereof.

8 12. "Political subdivisions comprising the port
9 authority" means the political subdivisions which
10 created or participated in the creation of the port
11 authority under section 28J.2, or which joined an
12 existing port authority under section 28J.4.
13 13. "Port authority" means an entity created
14 pursuant to section 28J.2.
15 14. "Port authority revenue bonds" means revenue
16 bonds and revenue refunding bonds issued pursuant to
17 section 28J.21.
18 15. "Public roads" means all public highways,
19 roads, and streets in this state, whether maintained
20 by the state or by a county or city.
21 16. "Revenues" means rental fees and other charges
22 received by a port authority for the use or services
23 of a facility, a gift or grant received with respect
24 to a facility, moneys received with respect to the
25 lease, sublease, sale, including installment sale or
26 conditional sale, or other disposition of a facility,
27 moneys received in repayment of and for interest on
28 any loans made by the port authority to a person or
29 governmental agency, proceeds of port authority
30 revenue bonds for payment of principal, premium, or
31 interest on the bonds authorized by the port
32 authority, proceeds from any insurance, condemnation,
33 or guarantee pertaining to the financing of the
34 facility, and income and profit from the investment of
35 the proceeds of port authority revenue bonds or of any
36 revenues.
37 Sec. ___. NEW SECTION. 28J.2 CREATION AND POWERS
38 OF PORT AUTHORITY.
39 1. Two or more political subdivisions may create a
40 port authority under this chapter by resolution. If a
41 proposal to create a port authority receives a
42 favorable majority of the members of the elected
43 legislative body of the political subdivision, the
44 port authority is created at the time provided in the
45 resolution. The jurisdiction of a port authority
46 includes the territory described in section 28J.8.
47 2. A port authority created pursuant to this
48 section may sue and be sued, complain, and defend in
49 its name and has the powers and jurisdiction
50 enumerated in this chapter.

Page 4

1 3. At the time a port authority is created
2 pursuant to this section, the political subdivisions
3 comprising the port authority may restrict the powers
4 granted the port authority pursuant to this chapter by
5 specifically adopting such restrictions in the
6 resolution creating the port authority.

7 4. The political subdivisions comprising the port
8 authority whose powers have been restricted pursuant
9 to subsection 3 may at any time adopt a resolution to
10 grant additional powers to the port authority, so long
11 as the additional powers do not exceed the powers
12 permitted under this chapter.
13 Sec. ___. NEW SECTION. 28J.3 APPROPRIATION AND
14 EXPENDITURE OF PUBLIC FUNDS — DISSOLUTION.
15 1. The political subdivisions comprising a port
16 authority may appropriate and expend public funds to
17 finance or subsidize the operation and authorized
18 purposes of the port authority. A port authority
19 shall control tax revenues allocated to the facilities
20 the port authority administers and all revenues
21 derived from the operation of the port authority, the
22 sale of its property, interest on investments, or from
23 any other source related to the port authority.
24 2. All revenues received by the port authority
25 shall be held in a separate fund in a manner agreed to
26 by the political subdivisions comprising the port
27 authority. Revenues may be paid out only at the
28 direction of the board of directors of the port
29 authority.
30 3. A port authority shall comply with section
31 331.341, subsections 1, 2, 4, and 5, and section
32 331.342, when contracting for public improvements.
33 4. Subject to making due provisions for payment
34 and performance of any outstanding obligations, the
35 political subdivisions comprising the port authority
36 may dissolve the port authority, and transfer the
37 property of the port authority to the political
38 subdivisions comprising the port authority in a manner
39 agreed upon between the political subdivisions
40 comprising the port authority prior to the dissolution
41 of the port authority.
42 Sec. ___. NEW SECTION. 28J.4 JOINING AN EXISTING
43 PORT AUTHORITY.
44 1. A political subdivision which is contiguous to
45 either a political subdivision which participated in
46 the creation of the port authority or a political
47 subdivision which proposes to join the port authority
48 at the same time which is contiguous to a political
49 subdivision which participated in the creation of the
50 port authority may join the port authority by

Page 5

1 resolution.
2 2. If more than one such political subdivision
3 proposes to join the port authority at the same time,
4 the resolution of each such political subdivision
5 shall designate the political subdivisions which are

6 to be so joined.
7 3. Any territory or city not included in a port
8 authority which is annexed to a city included within
9 the jurisdiction of a port authority shall, on such
10 annexation and without further proceedings, be annexed
11 to and be included in the jurisdiction of the port
12 authority.
13 4. Before a political subdivision is joined to a
14 port authority, other than by annexation to a city,
15 the political subdivisions comprising the port
16 authority shall agree upon the terms and conditions
17 pursuant to which such political subdivision is to be
18 joined.
19 5. For the purpose of this chapter, such political
20 subdivision shall be considered to have participated
21 in the creation of the port authority, except that the
22 initial term of any director of the port authority
23 appointed by a joining political subdivision shall be
24 four years.
25 6. After each resolution proposing a political
26 subdivision to join a port authority has become
27 effective and the terms and conditions of joining the
28 port authority have been agreed to, the board of
29 directors of the port authority shall by resolution
30 either accept or reject the proposal. Such proposal
31 to join a port authority shall be effective upon
32 adoption of the resolution by the board of directors
33 of the port authority and thereupon the jurisdiction
34 of the port authority includes the joining political
35 subdivision.
36 Sec. ___. NEW SECTION. 28J.5 MEMBERSHIP OF BOARD
37 OF DIRECTORS.
38 1. A port authority created pursuant to section
39 28J.2 shall be governed by a board of directors.
40 Members of a board of directors of a port authority
41 shall be divided among the political subdivisions
42 comprising the port authority in such proportions as
43 the political subdivisions may agree and shall be
44 appointed by the respective political subdivision's
45 elected legislative body.
46 2. The number of directors comprising the board
47 shall be determined by agreement between the political
48 subdivisions comprising the port authority, and which
49 number may be changed by resolution of the political
50 subdivisions comprising the port authority.

Page 6

1 3. A majority of the directors shall have been
2 qualified electors of, or owned a business or been
3 employed in, one or more political subdivisions within
4 the area of the jurisdiction of the port authority for

5 a period of at least three years preceding
6 appointment.
7 4. The directors of a port authority first
8 appointed shall serve staggered terms. Thereafter
9 each successor director shall serve for a term of four
10 years, except that any person appointed to fill a
11 vacancy shall be appointed to only the unexpired term.
12 A director is eligible for reappointment.
13 5. The board may provide procedures for the
14 removal of a director who fails to attend three
15 consecutive regular meetings of the board. If a
16 director is so removed, a successor shall be appointed
17 for the remaining term of the removed director in the
18 same manner provided for the original appointment.
19 The appointing body may at any time remove a director
20 appointed by it for misfeasance, nonfeasance, or
21 malfeasance in office.
22 6. The board may adopt bylaws and shall elect one
23 director as chairperson and one director as vice
24 chairperson, designate terms of office, and appoint a
25 secretary who need not be a director.
26 7. A majority of the board of directors shall
27 constitute a quorum for the purpose of holding a
28 meeting of the board. The affirmative vote of a
29 majority of a quorum shall be necessary for any action
30 taken by the port authority unless the board
31 determines that a greater number of affirmative votes
32 is necessary for particular actions to be taken by the
33 port authority. A vacancy in the membership of the
34 board shall not impair the rights of a quorum to
35 exercise all the rights and perform all the duties of
36 the port authority.
37 8. Each director shall be entitled to receive from
38 the port authority such sum of money as the board may
39 determine as compensation for services as a director
40 and reimbursement for reasonable expenses in the
41 performance of official duties.
42 Sec. ___. NEW SECTION. 28J.6 CIVIL IMMUNITY OF
43 DIRECTORS.
44 A director of a port authority shall not be
45 personally liable for any monetary damages that arise
46 from actions taken in the performance of the
47 director's official duties, except for acts or
48 omissions that are not in good faith or that involve
49 intentional misconduct, a knowing violation of law, or
50 any transaction from which the director derived an

1 improper personal benefit.
2 Sec. ___. NEW SECTION. 28J.7 EMPLOYEES, ADVISORY
3 BOARD, PEACE OFFICERS.

4 1. A port authority shall employ and fix the
5 qualifications, duties, and compensation of any
6 employees and enter into contracts for any services
7 that may be required to conduct the business of the
8 port authority, and may appoint an advisory board,
9 which shall serve without compensation.
10 2. An employee of a port authority is a public
11 employee for the purposes of collective bargaining
12 under chapter 20.
13 3. a. A port authority may provide for the
14 administration and enforcement of the laws of the
15 state by employing peace officers who shall have all
16 the powers conferred by law on peace officers of this
17 state with regard to the apprehension of violators
18 upon all property under its control within and without
19 the port authority. The peace officers may seek the
20 assistance of other appropriate law enforcement
21 officers to enforce its rules and maintain order.
22 b. Peace officers employed by a port authority
23 shall meet all requirements as police officers
24 appointed under the civil service law of chapter 400
25 and shall participate in the retirement system
26 established by chapter 411.
27 c. Peace officers employed by a port authority
28 shall serve as a peace officer force with respect to
29 the property, grounds, buildings, equipment, and
30 facilities under the control of the port authority, to
31 prevent hijacking of aircraft or watercraft, protect
32 the property of the authority and the property of
33 others located thereon, suppress nuisances and
34 disturbances and breaches of the peace, and enforce
35 laws and the rules of the port authority for the
36 preservation of good order. Peace officers are vested
37 with the same powers of arrest as peace officers under
38 section 804.7.
39 4. If an employee of a political subdivision
40 comprising the port authority is transferred to a
41 comparable position with the port authority, the
42 employee is entitled to suffer no loss in pay,
43 pension, fringe benefits, or other benefits and shall
44 be entitled to a comparable rank and grade as the
45 employee's prior position. Sick leave, longevity, and
46 vacation time accrued to such employees shall be
47 credited to them as employees of the port authority.
48 All rights and accruals of such employees as members
49 of the Iowa public employees' retirement system
50 pursuant to chapter 97B and the retirement system for

1 police officers pursuant to chapter 411 shall remain
2 in force and shall be automatically transferred to the

3 port authority.
4 Sec. ___. NEW SECTION. 28J.8 AREA OF
5 JURISDICTION.
6 1. The area of jurisdiction of a port authority
7 shall include all of the territory of the political
8 subdivisions comprising the port authority and, if the
9 port authority owns or leases a railroad line or
10 airport, the territory on which the railroad's line,
11 terminals, and related facilities or the airport's
12 runways, terminals, and related facilities are
13 located, regardless of whether the territory is
14 located in the political subdivisions comprising the
15 port authority.
16 2. A political subdivision that has created a port
17 authority or joined an existing port authority shall
18 not be included in any other port authority.
19 Sec. ___. NEW SECTION. 28J.9 POWERS OF PORT
20 AUTHORITY.
21 A port authority may exercise all of the following
22 powers:
23 1. Adopt bylaws for the regulation of the port
24 authority's affairs and the conduct of the port
25 authority's business.
26 2. Adopt an official seal.
27 3. Maintain a principal office and branch offices
28 within the port authority's jurisdiction.
29 4. Acquire, construct, furnish, equip, maintain,
30 repair, sell, exchange, lease, lease with an option to
31 purchase, convey interests in real or personal
32 property, and operate any property of the port
33 authority in connection with transportation,
34 recreational, governmental operations, or cultural
35 activities in furtherance of an authorized purpose.
36 5. Straighten, deepen, and improve any channel,
37 river, stream, or other watercourse or way which may
38 be necessary or proper in the development of the
39 facilities of the port authority.
40 6. Make available the use or services of any
41 facility of the port authority to any person or
42 governmental agency.
43 7. Issue bonds or pledge orders pursuant to the
44 requirements and limitations in section 28J.21.
45 8. Issue port authority revenue bonds beyond the
46 limit of bonded indebtedness provided by law, payable
47 solely from revenues as provided in section 28J.21,
48 for the purpose of providing funds to pay the costs of
49 any facility or facilities of the port authority or
50 parts thereof.

9. Apply to the proper authorities of the United States for the right to establish, operate, and maintain foreign trade zones and establish, operate, and maintain foreign trade zones and to acquire, exchange, sell, lease to or from, lease with an option to purchase, or operate facilities, land, or property in accordance with the federal Foreign Trade Zones Act, 19 U.S.C. § 81a-81u.

10. Enjoy and possess the same legislative and executive rights, privileges, and powers granted cities under chapter 364 and counties under chapter 331, including the exercise of police power but excluding the power to levy taxes.

11. Maintain such funds as it considers necessary and adhere to the public funds investment standards of chapter 12B, as applicable.

12. Direct port authority agents or employees, after at least five days' written notice, to enter upon lands within the port authority's jurisdiction to make surveys and examinations preliminary to location and construction of works for the port authority, without liability of the port authority or its agents or employees except for actual damages.

13. Promote, advertise, and publicize the port authority and its facilities, and provide information to shippers and other commercial interests.

14. Adopt bylaws, not in conflict with state or federal law, necessary or incidental to the performance of the duties of and the execution of the powers of the port authority under this chapter.

15. Do any of the following in regard to interests in real or personal property, including machinery, equipment, plants, factories, offices, and other structures and facilities related to or in furtherance of any authorized purpose as the board in its sole discretion may determine:

a. Loan money to any person or governmental agency for the acquisition, construction, furnishing, or equipping of the property.

b. Acquire, construct, maintain, repair, furnish, or equip the property.

c. Sell to, exchange with, lease, convey other interests in, or lease with an option to purchase the same or any lesser interest in the property to the same or any other person or governmental agency.

d. Guarantee the obligations of any person or governmental agency.

e. Accept and hold as consideration for the conveyance of property or any interest therein such property or interests therein as the board may

Page 10

determine, notwithstanding any restrictions that apply to the investment of funds by a port authority.

16. Sell, lease, or convey other interests in real and personal property, and grant easements or rights-of-way over property of the port authority. The board shall specify the consideration and terms for the sale, lease, or conveyance of other interests in real and personal property. A determination made by the board under this subsection shall be conclusive. The sale, lease, or conveyance may be made without advertising and the receipt of bids.

17. Enter into an agreement with a political subdivision comprising the port authority for the political subdivision to exercise its right of eminent domain pursuant to chapters 6A and 6B on behalf of the port authority. However, a condemnation exercised on behalf of a port authority pursuant to this subsection shall not take or disturb property or a facility belonging to a governmental agency, utility company, or common carrier, which property or facility is necessary and convenient in the operation of the governmental agency, utility company, or common carrier, unless provision is made for the restoration, relocation, or duplication of such property or facility, or upon the election of the governmental agency, utility company, or common carrier, for the payment of compensation, if any, at the sole cost of the port authority, provided that both of the following apply:

a. If a restoration or duplication proposed to be made under this subsection involves a relocation of the property or facility, the new facility and location shall be of at least comparable utilitarian value and effectiveness and shall not impair the ability of the utility company or common carrier to compete in its original area of operation.

b. If a restoration or duplication made under this subsection involves a relocation of the property or facility, the port authority shall acquire no interest or right in or to the appropriated property or facility, until the relocated property or facility is available for use and until marketable title thereto has been transferred to the utility company or common carrier.

18. a. Make and enter into all contracts and agreements and execute all instruments necessary or incidental to the performance of the duties of and the execution of powers of the port authority under this chapter.

b. Except as provided in paragraph “c”, when the

1 cost of a contract for the construction of a building,
2 structure, or other improvement undertaken by a port
3 authority involves an expenditure exceeding twenty-
4 five thousand dollars, and the port authority is the
5 contracting entity, the port authority shall make a
6 written contract after notice calling for bids for the
7 award of the contract has been given by publication
8 twice, with at least seven days between publications,
9 in a newspaper of general circulation in the area of
10 the port authority. Each such contract shall be let
11 to the lowest responsive and responsible bidder.
12 Every contract shall be accompanied by or shall refer
13 to plans and specifications for the work to be done,
14 prepared for and approved by the port authority, and
15 signed by an authorized officer of the port authority
16 and by the contractor.
17 c. The board of directors may provide criteria for
18 the negotiation and award without competitive bidding
19 of any contract as to which the port authority is the
20 contracting entity for the construction of any
21 building or structure or other improvement under any
22 of the following circumstances:
23 (1) A real and present emergency exists that
24 threatens damage or injury to persons or property of
25 the port authority or other persons, provided that a
26 statement specifying the nature of the emergency that
27 is the basis for the negotiation and award of a
28 contract without competitive bidding shall be signed
29 by the officer of the port authority that executes
30 that contract at the time of the contract's execution
31 and shall be attached to the contract.
32 (2) A commonly recognized industry or other
33 standard or specification does not exist and cannot
34 objectively be articulated for the improvement.
35 (3) The contract is for any energy conservation
36 measure as defined in section 7D.34.
37 (4) With respect to material to be incorporated
38 into the improvement, only a single source or supplier
39 exists for the material.
40 (5) A single bid is received by the port authority
41 after complying with the provisions of paragraph "b".
42 d. (1) If a contract is to be negotiated and
43 awarded without competitive bidding for the reason set
44 forth in paragraph "c", subparagraph (2), the port
45 authority shall publish a notice calling for technical
46 proposals at least twice, with at least seven days
47 between publications, in a newspaper of general
48 circulation in the area of the port authority. After
49 receipt of the technical proposals, the port authority
50 may negotiate with and award a contract for the

Page 12

1 improvement to the person making the proposal
2 considered to be the most advantageous to the port
3 authority.
4 (2) If a contract is to be negotiated and awarded
5 without competitive bidding for the reason set forth
6 in paragraph "c", subparagraph (4), construction
7 activities related to the incorporation of the
8 material into the improvement also may be provided
9 without competitive bidding by the source or supplier
10 of that material.
11 e. A purchase, exchange, sale, lease, lease with
12 an option to purchase, conveyance of other interests
13 in, or other contract with a person or governmental
14 agency that pertains to the acquisition, construction,
15 maintenance, repair, furnishing, equipping, or
16 operation of any real or personal property, related to
17 or in furtherance of economic development and the
18 provision of adequate housing, shall be made in such
19 manner and subject to such terms and conditions as may
20 be determined in the board's discretion. This
21 paragraph applies to all contracts that are subject to
22 this section, notwithstanding any other provision of
23 law that might otherwise apply, including a
24 requirement of notice, competitive bidding or
25 selection, or for the provision of security. However,
26 this paragraph shall not apply to a contract secured
27 exclusively by or to be paid exclusively from the
28 general revenues of the port authority. For the
29 purposes of this paragraph, any revenues derived by
30 the port authority under a lease or other agreement
31 that, by its terms, contemplates the use of amounts
32 payable under the agreement either to pay the costs of
33 the improvement that is the subject of the contract or
34 to secure obligations of the port authority issued to
35 finance costs of such improvement, are excluded from
36 general revenues.
37 19. Employ managers, superintendents, and other
38 employees and retain or contract with consulting
39 engineers, financial consultants, accounting experts,
40 architects, attorneys, and any other consultants and
41 independent contractors as are necessary in the port
42 authority's judgment to carry out this chapter, and
43 fix the compensation thereof. All expenses thereof
44 shall be payable from any available funds of the port
45 authority or from funds appropriated for that purpose
46 by the political subdivisions comprising the port
47 authority.
48 20. Receive and accept from a governmental agency
49 grants and loans for the construction of a port
50 authority facility, for research and development with

Page 13

1 respect to a port authority facility, or any other
2 authorized purpose, and receive and accept aid or
3 contributions from any source of moneys, property,
4 labor, or other things of value, to be held, used, and
5 applied only for the purposes for which the grants,
6 loans, aid, or contributions are made.
7 21. Engage in research and development with
8 respect to a port authority facility.
9 22. Purchase fire and extended coverage and
10 liability insurance for a port authority facility and
11 for the principal office and branch offices of the
12 port authority, insurance protecting the port
13 authority and its officers and employees against
14 liability for damage to property or injury to or death
15 of persons arising from its operations, and any other
16 insurance the port authority may agree to provide
17 under a resolution authorizing port authority revenue
18 bonds, pledge orders, or in any trust agreement
19 securing the same.
20 23. Charge, alter, and collect rental fees and
21 other charges for the use or services of a port
22 authority facility as provided in section 28J.16.
23 24. Perform all acts necessary or proper to carry
24 out the powers expressly granted in this chapter.
25 Sec. ___. NEW SECTION. 28J.10 PARTICIPATION OF
26 PRIVATE ENTERPRISE.
27 The port authority shall foster and encourage the
28 participation of private enterprise in the development
29 of the port authority facilities to the fullest extent
30 practicable in the interest of limiting the necessity
31 of construction and operation of the facilities by the
32 port authority.
33 Sec. ___. NEW SECTION. 28J.11 PROVISIONS DO NOT
34 AFFECT OTHER LAWS OR POWERS.
35 This chapter shall not do any of the following:
36 1. Impair a provision of law directing the payment
37 of revenues derived from public property into sinking
38 funds or dedicating those revenues to specific
39 purposes.
40 2. Impair the powers of a political subdivision to
41 develop or improve a port and terminal facility except
42 as restricted by section 28J.15.
43 3. Enlarge, alter, diminish, or affect in any way,
44 a lease or conveyance made, or action taken prior to
45 the creation of a port authority under section 28J.2
46 by a city or a county.
47 4. Impair or interfere with the exercise of a
48 permit for the removal of sand or gravel, or other
49 similar permits issued by a governmental agency.
50 5. Impair or contravene applicable federal

Page 14

1 regulations.
2 Sec. ___. NEW SECTION. 28J.12 CONVEYANCE, LEASE,
3 OR EXCHANGE OF PUBLIC PROPERTY.
4 A port authority may convey or lease, lease with an
5 option to purchase, or exchange with any governmental
6 agency or other port authority without competitive
7 bidding and on mutually agreeable terms, any personal
8 or real property, or any interest therein.
9 Sec. ___. NEW SECTION. 28J.13 ANNUAL BUDGET —
10 USE OF RENTS AND CHARGES.
11 The board shall annually prepare a budget for the
12 port authority. Revenues received by the port
13 authority shall be used for the general expenses of
14 the port authority and to pay interest, amortization,
15 and retirement charges on money borrowed. Except as
16 provided in section 28J.26, if there remains, at the
17 end of any fiscal year, a surplus of such funds after
18 providing for the above uses, the board shall pay such
19 surplus into the general funds of the political
20 subdivisions comprising the port authority as agreed
21 to by the subdivisions.
22 Sec. ___. NEW SECTION. 28J.14 SECRETARY TO
23 FURNISH BOND — DEPOSIT AND DISBURSEMENT OF FUNDS.
24 Before receiving any revenues, the secretary of a
25 port authority shall furnish a bond in such amount as
26 shall be determined by the port authority with
27 sureties satisfactory to the port authority, and all
28 funds coming into the hands of the secretary shall be
29 deposited by the secretary to the account of the port
30 authority in one or more such depositories as shall be
31 qualified to receive deposits of county funds, which
32 deposits shall be secured in the same manner as county
33 funds are required to be secured. A disbursement
34 shall not be made from such funds except in accordance
35 with policies and procedures adopted by the port
36 authority.
37 Sec. ___. NEW SECTION. 28J.15 LIMITATION ON
38 CERTAIN POWERS OF POLITICAL SUBDIVISIONS.
39 A political subdivision creating or participating
40 in the creation of a port authority in accordance with
41 section 28J.2 shall not, during the time the port
42 authority is in existence, exercise the rights and
43 powers provided in chapters 28A, 28K, and 384 relating
44 to the political subdivision's authority over a port,
45 wharf, dock, harbor or other facility substantially
46 similar to that political subdivision's authority
47 under a port authority granted under this chapter.
48 Sec. ___. NEW SECTION. 28J.16 RENTALS OR CHARGES
49 FOR USE OR SERVICES OF FACILITIES — AGREEMENTS WITH
50 GOVERNMENTAL AGENCIES.

Page 15

1 1. a. A port authority may charge, alter, and
2 collect rental fees or other charges for the use or
3 services of any port authority facility and contract
4 for the use or services of a facility, and fix the
5 terms, conditions, rental fees, or other charges for
6 the use or services.
7 b. If the services are furnished in the
8 jurisdiction of the port authority by a utility
9 company or a common carrier, the port authority's
10 charges for the services shall not be less than the
11 charges established for the same services furnished by
12 a utility company or common carrier in the port
13 authority jurisdiction.
14 c. The rental fees or other charges shall not be
15 subject to supervision or regulation by any other
16 authority, commission, board, bureau, or governmental
17 agency of the state and the contract may provide for
18 acquisition of all or any part of the port authority
19 facility for such consideration payable over the
20 period of the contract or otherwise as the port
21 authority determines to be appropriate, but subject to
22 the provisions of any resolution authorizing the
23 issuance of port authority revenue bonds or any trust
24 agreement securing the bonds.
25 d. A governmental agency that has power to
26 construct, operate, and maintain a port authority
27 facility may enter into a contract or lease with a
28 port authority for the use or services of a port
29 authority facility as may be agreed to by the port
30 authority and the governmental agency.
31 2. a. A governmental agency may cooperate with
32 the port authority in the acquisition or construction
33 of a port authority facility and shall enter into such
34 agreements with the port authority as may be
35 appropriate, which shall provide for contributions by
36 the parties in a proportion as may be agreed upon and
37 other terms as may be mutually satisfactory to the
38 parties including the authorization of the
39 construction of the facility by one of the parties
40 acting as agent for all of the parties and the
41 ownership and control of the facility by the port
42 authority to the extent necessary or appropriate.
43 b. A governmental agency may provide funds for the
44 payment of any contribution required under such
45 agreements by the levy of taxes or assessments if
46 otherwise authorized by the laws governing the
47 governmental agency in the construction of the type of
48 port authority facility provided for in the
49 agreements, and may pay the proceeds from the
50 collection of the taxes or assessments; or the

Page 16

governmental agency may issue bonds or notes, if authorized by law, in anticipation of the collection of the taxes or assessments, and may pay the proceeds of the bonds or notes to the port authority pursuant to such agreements.

c. A governmental agency may provide the funds for the payment of a contribution by the appropriation of moneys or, if otherwise authorized by law, by the issuance of bonds or notes and may pay the appropriated moneys or the proceeds of the bonds or notes to the port authority pursuant to such agreements.

3. When the contribution of any governmental agency is to be made over a period of time from the proceeds of the collection of special assessments, the interest accrued and to accrue before the first installment of the assessments is collected, which is payable by the governmental agency on the contribution under the terms and provisions of the agreements, shall be treated as part of the cost of the improvement for which the assessments are levied, and that portion of the assessments that is collected in installments shall bear interest at the same rate as the governmental agency is obligated to pay on the contribution under the terms and provisions of the agreements and for the same period of time as the contribution is to be made under the agreements. If the assessment or any installment thereof is not paid when due, it shall bear interest until the payment thereof at the same rate as the contribution and the county auditor shall annually place on the tax list and duplicate the interest applicable to the assessment and the penalty thereon as otherwise authorized by law.

4. A governmental agency, pursuant to a favorable vote in an election regarding issuing bonds to provide funds to acquire, construct, or equip, or provide real estate and interests in real estate for a port authority facility, whether or not the governmental agency at the time of the election had the authority to pay the proceeds from the bonds or notes issued in anticipation of the bonds to the port authority as provided in this section, may issue such bonds or notes in anticipation of the issuance of the bonds and pay the proceeds of the bonds or notes to the port authority in accordance with an agreement with the port authority; provided, that the legislative authority of the governmental agency finds and determines that the port authority facility to be acquired or constructed in cooperation with the

Page 17

1 governmental agency will serve the same public purpose
2 and meet substantially the same public need as the
3 facility otherwise proposed to be acquired or
4 constructed by the governmental agency with the
5 proceeds of the bonds and notes.
6 Sec. ___. NEW SECTION. 28J.17 CONTRACTS,
7 ARRANGEMENTS, AND AGREEMENTS.
8 1. a. A port authority may enter into a contract
9 or other arrangement with a person, railroad, utility
10 company, corporation, governmental agency including
11 sewerage, drainage, conservation, conservancy, or
12 other improvement districts in this or other states,
13 or the governments or agencies of foreign countries as
14 may be necessary or convenient for the exercise of the
15 powers granted by this chapter. The port authority
16 may purchase, lease, or acquire land or other property
17 in any county of this state and in adjoining states
18 for the accomplishment of authorized purposes of the
19 port authority, or for the improvement of the harbor
20 and port facilities over which the port authority may
21 have jurisdiction including development of port
22 facilities in adjoining states. The authority granted
23 in this section to enter into contracts or other
24 arrangements with the federal government includes the
25 power to enter into any contracts, arrangements, or
26 agreements that may be necessary to hold and save
27 harmless the United States from damages due to the
28 construction and maintenance by the United States of
29 work the United States undertakes.
30 b. A political subdivision that has participated
31 in the creation of a port authority, or is within, or
32 adjacent to a political subdivision that is within the
33 jurisdiction of a port authority, may enter into an
34 agreement with the port authority to accomplish any of
35 the authorized purposes of the port authority. The
36 agreement may set forth the extent to which the port
37 authority shall act as the agent of the political
38 subdivision.
39 2. A port authority may enter into an agreement
40 with a contracting governmental agency, whereby the
41 port authority or the contracting governmental agency
42 undertakes, and is authorized by the port authority or
43 a contracting governmental agency, to exercise any
44 power, perform any function, or render any service, on
45 behalf of the port authority or a contracting
46 governmental agency, which the port authority or the
47 contracting governmental agency is authorized to
48 exercise, perform, or render.
49 Sec. ___. NEW SECTION. 28J.18 REVENUE BONDS ARE
50 LAWFUL INVESTMENTS.

Page 18

1 Port authority revenue bonds issued pursuant to
2 this chapter are lawful investments of banks, credit
3 unions, trust companies, savings and loan
4 associations, deposit guaranty associations, insurance
5 companies, trustees, fiduciaries, trustees or other
6 officers having charge of the bond retirement funds or
7 sinking funds of port authorities and governmental
8 agencies, and taxing districts of this state, the
9 pension and annuity retirement system, the Iowa public
10 employees' retirement system, the police and fire
11 retirement systems under chapters 410 and 411, a
12 revolving fund of a governmental agency of this state,
13 and are acceptable as security for the deposit of
14 public funds under chapter 12C.
15 Sec. ___. NEW SECTION. 28J.19 PROPERTY TAX
16 EXEMPTION.
17 A port authority shall be exempt from and shall not
18 be required to pay taxes on real property belonging to
19 a port authority that is used exclusively for an
20 authorized purpose as provided in section 427.1,
21 subsection 34.
22 Sec. ___. NEW SECTION. 28J.20 LOANS FOR
23 ACQUISITION OR CONSTRUCTION OF FACILITY — SALE OF
24 FACILITY — POWER TO ENCUMBER PROPERTY.
25 1. With respect to the financing of a facility for
26 an authorized purpose, under an agreement whereby the
27 person to whom the facility is to be leased,
28 subleased, or sold, or to whom a loan is to be made
29 for the facility, is to make payments sufficient to
30 pay all of the principal of, premium, and interest on
31 the port authority revenue bonds issued for the
32 facility, the port authority, in addition to other
33 powers under this chapter, may do any of the
34 following:
35 a. Make loans for the acquisition or construction
36 of the facility to such person upon such terms as the
37 port authority may determine or authorize including
38 secured or unsecured loans, and enter into loan
39 agreements and other agreements, accept notes and
40 other forms of obligation to evidence such
41 indebtedness and mortgages, liens, pledges,
42 assignments, or other security interests to secure
43 such indebtedness, which may be prior or subordinate
44 to or on a parity with other indebtedness,
45 obligations, mortgages, pledges, assignments, other
46 security interests, or liens or encumbrances, and take
47 actions considered appropriate to protect such
48 security and safeguard against losses, including,
49 without limitation, foreclosure and the bidding upon
50 and purchase of property upon foreclosure or other

Page 19

1 sale.
2 b. Sell the facility under terms as the port
3 authority may determine, including sale by conditional
4 sale or installment sale, under which title may pass
5 prior to or after completion of the facility or
6 payment or provisions for payment of all principal of,
7 premium, and interest on the revenue bonds, or at any
8 other time provided in the agreement pertaining to the
9 sale, and including sale under an option to purchase
10 at a price which may be a nominal amount or less than
11 true value at the time of purchase.
12 c. Grant a mortgage, lien, or other encumbrance
13 on, or pledge or assignment of, or other security
14 interest with respect to, all or any part of the
15 facility, revenues, reserve funds, or other funds
16 established in connection with the bonds or with
17 respect to a lease, sublease, sale, conditional sale
18 or installment sale agreement, loan agreement, or
19 other agreement pertaining to the lease, sublease,
20 sale, or other disposition of a facility or pertaining
21 to a loan made for a facility, or a guaranty or
22 insurance agreement made with respect thereto, or an
23 interest of the port authority therein, or any other
24 interest granted, assigned, or released to secure
25 payments of the principal of, premium, or interest on
26 the bonds or to secure any other payments to be made
27 by the port authority, which mortgage, lien,
28 encumbrance, pledge, assignment, or other security
29 interest may be prior or subordinate to or on a parity
30 with any other mortgage, assignment, or other security
31 interest, or lien or encumbrance.
32 d. Contract for the acquisition or construction of
33 the facility or any part thereof and for the leasing,
34 subleasing, sale, or other disposition of the facility
35 in a manner determined by the port authority in its
36 sole discretion, without necessity for competitive
37 bidding or performance bonds.
38 e. Make appropriate provision for adequate
39 maintenance of the facility.
40 2. With respect to a facility referred to in this
41 section, the authority granted by this section is
42 cumulative and supplementary to all other authority
43 granted in this chapter. The authority granted by
44 this section does not alter or impair a similar
45 authority granted elsewhere in this chapter for or
46 with respect to other facilities.
47 Sec. ___. NEW SECTION. 28J.21 ISSUANCE OF
48 REVENUE AND REFUNDING BONDS.
49 1. A port authority may issue revenue bonds and
50 pledge orders payable solely from the net revenues of

Page 20

1 the port authority including the revenues generated
2 from a facility pursuant to section 28J.20. The
3 revenue bonds may be issued in such principal amounts
4 as, in the opinion of the port authority, are
5 necessary for the purpose of paying the cost of one or
6 more port authority facilities or parts thereof.
7 2. a. The resolution to issue the bonds must be
8 adopted at a regular or special meeting of the board
9 called for that purpose by a majority of the total
10 number of members of the board. The board shall fix a
11 date, time, and place of meeting at which it proposes
12 to take action, and give notice by publication in the
13 manner directed in section 331.305. The notice must
14 include a statement of the date, time, and place of
15 the meeting, the maximum amount of the proposed
16 revenue bonds, the purpose for which the revenue bonds
17 will be issued, and the net revenues to be used to pay
18 the principal and interest on the revenue bonds.
19 b. At the meeting the board shall receive oral or
20 written objections from any resident or property owner
21 within the jurisdiction of the port authority. After
22 all objections have been received and considered, the
23 board, at the meeting or a date to which it is
24 adjourned, may take additional action for the issuance
25 of the bonds or abandon the proposal to issue bonds.
26 Any resident or property owner within the jurisdiction
27 of the port authority may appeal a decision of the
28 board to take additional action in district court
29 within fifteen days after the additional action is
30 taken, but the additional action of the board is final
31 and conclusive unless the court finds that the board
32 exceeded its authority.
33 3. The board may sell revenue bonds or pledge
34 orders at public or private sale and may deliver
35 revenue bonds and pledge orders to the contractors,
36 sellers, and other persons furnishing materials and
37 services constituting a part of the cost of the port
38 authority facility in payment therefor. The pledge of
39 any net revenues of a port authority is valid and
40 effective as to all persons including but not limited
41 to other governmental bodies when it becomes valid and
42 effective between the port authority and the holders
43 of the revenue bonds or pledge orders.
44 4. A revenue bond is valid and binding for all
45 purposes if it bears the signatures or a facsimile of
46 the signature of the officer designated by the port
47 authority. Port authority revenue bonds may bear
48 dates, bear interest at rates not exceeding those
49 permitted by chapter 74A, bear interest at a variable
50 rate or rates changing from time to time in accordance

Page 21

with a base or formula, mature in one or more installments, be in registered form, carry registration and conversion privileges, be payable as to principal and interest at times and places, be subject to terms of redemption prior to maturity with or without premium, and be in one or more denominations, all as provided by the resolution of the board authorizing their issuance. The resolution may also prescribe additional provisions, terms, conditions, and covenants which the port authority deems advisable, consistent with this chapter, including provisions for creating and maintaining reserve funds, the issuance of additional revenue bonds ranking on a parity with such revenue bonds and additional revenue bonds junior and subordinate to such revenue bonds, and that such revenue bonds shall rank on a parity with or be junior and subordinate to any revenue bonds which may be then outstanding. Port authority revenue bonds are a contract between the port authority and holders and the resolution is a part of the contract.

5. The port authority may issue revenue bonds to refund revenue bonds, pledge orders, and other obligations which are by their terms payable from the net revenues of the same port authority, at lower, the same, or higher rates of interest. A port authority may sell refunding revenue bonds at public or private sale and apply the proceeds to the payment of the obligations being refunded, and may exchange refunding revenue bonds in payment and discharge of the obligations being refunded. The principal amount of refunding revenue bonds may exceed the principal amount of the obligations being refunded to the extent necessary to pay any premium due on the call of the obligations being refunded and to fund interest accrued and to accrue on the obligations being refunded.

6. The final maturity of any original issue of port authority revenue bonds shall not exceed forty years from the date of issue, and the final maturity of port authority revenue bonds that refund outstanding port authority revenue bonds shall not be later than the later of forty years from the date of issue of the original issue of bonds or the date by which it is expected, at the time of issuance of the refunding bonds, that the useful life of all of the property refinanced with the proceeds of the bonds, other than interests in land, will have expired. Such bonds or notes shall be executed in a manner as the resolution may provide.

Page 22

1 7. The port authority may contract to pay an
2 amount not to exceed ninety-five percent of the
3 engineer's estimated value of the acceptable work
4 completed during the month to the contractor at the
5 end of each month for work, material, or services.
6 Payment may be made in warrants drawn on any fund from
7 which payment for the work may be made. If such funds
8 are depleted, anticipatory warrants may be issued
9 bearing a rate of interest not exceeding that
10 permitted by chapter 74A even if income from the sale
11 of bonds which have been authorized and are applicable
12 to the public improvement takes place after the fiscal
13 year in which the warrants are issued. If the port
14 authority arranges for the private sale of
15 anticipatory warrants, the warrants may be sold and
16 the proceeds used to pay the contractor. The warrants
17 may also be used to pay other persons furnishing
18 services constituting a part of the cost of the public
19 improvement.
20 8. Port authority revenue bonds, pledge orders,
21 and warrants issued under this section are negotiable
22 instruments.
23 9. The board may issue pledge orders pursuant to a
24 resolution adopted by a majority of the total number
25 of supervisors, at a regular or special meeting,
26 ordering their issuance and delivery in payment for
27 all or part of the cost of a project. Pledge orders
28 may bear interest at rates not exceeding those
29 permitted by chapter 74A.
30 10. Except as provided in section 28J.20, the
31 physical properties of the port authority shall not be
32 pledged or mortgaged to secure the payment of revenue
33 bonds, pledge orders, or refunding bonds, or the
34 interest thereon.
35 11. The members of the board of the port authority
36 and any person executing the bonds or pledge orders
37 shall not be personally liable on the bonds or pledge
38 orders or be subject to any personal liability or
39 accountability by reason of the issuance thereof.
40 Sec. ___. NEW SECTION. 28J.22 BONDS MAY BE
41 SECURED BY TRUST AGREEMENT.
42 1. In the discretion of the port authority, a port
43 authority revenue bond issued under this chapter may
44 be secured by a trust agreement between the port
45 authority and a corporate trustee that may be any
46 trust company or bank having the powers of a trust
47 company within this or any other state.
48 2. The trust agreement may pledge or assign
49 revenues of the port authority to be received for
50 payment of the revenue bonds. The trust agreement or

Page 23

1 any resolution providing for the issuance of revenue
2 bonds may contain provisions for protecting and
3 enforcing the rights and remedies of the bondholders
4 as are reasonable and proper and not in violation of
5 law, including covenants setting forth the duties of
6 the port authority in relation to the acquisition of
7 property, the construction, improvement, maintenance,
8 repair, operation, and insurance of the port authority
9 facility in connection with which the bonds are
10 authorized, the rentals or other charges to be imposed
11 for the use or services of any port authority
12 facility, the custody, safeguarding, and application
13 of all moneys, and provisions for the employment of
14 consulting engineers in connection with the
15 construction or operation of any port authority
16 facility.
17 3. A bank or trust company incorporated under the
18 laws of this state, that may act as the depository of
19 the proceeds of bonds or of revenues, shall furnish
20 any indemnifying bonds or may pledge any securities
21 that are required by the port authority. The trust
22 agreement may set forth the rights and remedies of the
23 bondholders and of the trustee, and may restrict the
24 individual right of action by bondholders as is
25 customary in trust agreements or trust indentures
26 securing similar bonds. The trust agreement may
27 contain any other provisions that the port authority
28 determines reasonable and proper for the security of
29 the bondholders. All expenses incurred in carrying
30 out the provisions of the trust agreement may be
31 treated as a part of the cost of the operation of the
32 port authority facility.
33 Sec. ___. NEW SECTION. 28J.23 REMEDY OF HOLDER
34 OF BOND OR COUPON — STATUTE OF LIMITATIONS.
35 1. The sole remedy for a breach or default of a
36 term of a port authority revenue bond or pledge order
37 is a proceeding in law or in equity by suit, action,
38 or mandamus to enforce and compel performance of the
39 duties required by this chapter and of the terms of
40 the resolution authorizing the issuance of the revenue
41 bonds or pledge orders, or to obtain the appointment
42 of a receiver to take possession of and operate the
43 port authority, and to perform the duties required by
44 this chapter and the terms of the resolution
45 authorizing the issuance of the port authority revenue
46 bonds or pledge orders.
47 2. An action shall not be brought which questions
48 the legality of port authority revenue bonds or pledge
49 orders, the power of a port authority to issue revenue
50 bonds or pledge orders, or the effectiveness of any

Page 24

1 proceedings relating to the authorization and issuance
2 of revenue bonds or pledge orders, from and after
3 fifteen days from the time the bonds or pledge orders
4 are ordered issued by the port authority.
5 Sec. ___. NEW SECTION. 28J.24 BONDS ARE PAYABLE
6 SOLELY FROM REVENUES AND FUNDS PLEDGED FOR PAYMENT.
7 Port authority revenue bonds and pledge orders
8 issued under this chapter do not constitute a debt, or
9 a pledge of the faith and credit, of the state or a
10 political subdivision of the state, and the holders or
11 owners of the bonds or pledge orders shall not have
12 taxes levied by the state or by a taxing authority of
13 a governmental agency of the state for the payment of
14 the principal of or interest on the bonds or pledge
15 orders, but the bonds and pledge orders are payable
16 solely from the revenues and funds pledged for their
17 payment as authorized by this chapter, unless the
18 notes are issued in anticipation of the issuance of
19 bonds or pledge orders or the bonds and pledge orders
20 are refunded by refunding bonds issued under this
21 chapter, which bonds, pledge orders, or refunding
22 bonds shall be payable solely from revenues and funds
23 pledged for their payment as authorized by those
24 sections. All of the bonds or pledge orders shall
25 contain a statement to the effect that the bonds or
26 pledge orders, as to both principal and interest, are
27 not debts of the state or a political subdivision of
28 the state, but are payable solely from revenues and
29 funds pledged for their payment.
30 Sec. ___. NEW SECTION. 28J.25 FUNDS AND PROPERTY
31 HELD IN TRUST — USE AND DEPOSIT OF FUNDS.
32 All revenues, funds, properties, and assets
33 acquired by the port authority under this chapter,
34 whether as proceeds from the sale of port authority
35 revenue bonds, pledge orders, or as revenues, shall be
36 held in trust for the purposes of carrying out the
37 port authority's powers and duties, shall be used and
38 reused as provided in this chapter, and shall at no
39 time be part of other public funds. Such funds,
40 except as otherwise provided in a resolution
41 authorizing port authority revenue bonds or in a trust
42 agreement securing the same, or except when invested
43 pursuant to section 28J.26, shall be kept in
44 depositories selected by the port authority in the
45 manner provided in chapter 12C, and the deposits shall
46 be secured as provided in that chapter. The
47 resolution authorizing the issuance of revenue bonds
48 or pledge orders, or the trust agreement securing such
49 bonds or pledge orders shall provide that any officer
50 to whom, or any bank or trust company to which, such

Page 25

1 moneys are paid shall act as trustee of such moneys
2 and hold and apply them for the purposes hereof,
3 subject to such conditions as this chapter and such
4 resolution or trust agreement provide.
5 Sec. ___. NEW SECTION. 28J.26 INVESTMENT OF
6 EXCESS FUNDS.
7 1. If a port authority has surplus funds after
8 making all deposits into all funds required by the
9 terms, covenants, conditions, and provisions of
10 outstanding revenue bonds, pledge orders, and
11 refunding bonds which are payable from the revenues of
12 the port authority and after complying with all of the
13 requirements, terms, covenants, conditions, and
14 provisions of the proceedings and resolutions pursuant
15 to which revenue bonds, pledge orders, and refunding
16 bonds are issued, the board may transfer the surplus
17 funds to any other fund of the port authority in
18 accordance with this chapter and chapter 12C, provided
19 that a transfer shall not be made if it conflicts with
20 any of the requirements, terms, covenants, conditions,
21 or provisions of a resolution authorizing the issuance
22 of revenue bonds, pledge orders, or other obligations
23 which are payable from the revenues of the port
24 authority which are then outstanding.
25 2. This section does not prohibit or prevent the
26 board from using funds derived from any other source
27 which may be properly used for such purpose, to pay a
28 part of the cost of a facility.
29 Sec. ___. NEW SECTION. 28J.27 CHANGE IN LOCATION
30 OF PUBLIC WAY, RAILROAD, OR UTILITY FACILITY —
31 VACATION OF HIGHWAY.
32 1. When a port authority changes the location of
33 any portion of any public road, railroad, or utility
34 facility in connection with the construction of a port
35 authority facility, the port authority shall
36 reconstruct at such location as the governmental
37 agency having jurisdiction over such road, railroad,
38 or utility facility finds most favorable. The
39 construction of such road, railroad, or utility
40 facility shall be of substantially the same type and
41 in as good condition as the original road, railroad,
42 or utility facility. The cost of such reconstruction,
43 relocation, or removal and any damage incurred in
44 changing the location of any such road, railroad, or
45 utility facility shall be paid by the port authority
46 as a part of the cost of the port authority facility.
47 2. When the port authority finds it necessary that
48 a public highway or portion of a public highway be
49 vacated by reason of the acquisition or construction
50 of a port authority facility, the port authority may

Page 26

1 request the director of the department of
2 transportation to vacate such highway or portion in
3 accordance with chapter 306 if the highway or portion
4 to be vacated is on the state highway system, or, if
5 the highway or portion to be vacated is under the
6 jurisdiction of a county, the port authority shall
7 petition the board of supervisors of that county, in
8 the manner provided in chapter 306, to vacate such
9 highway or portion. The port authority shall pay to
10 the county, as a part of the cost of such port
11 authority facility, any amounts required to be
12 deposited with a court in connection with proceedings
13 for the determination of compensation and damages and
14 all amounts of compensation and damages finally
15 determined to be payable as a result of such vacation.
16 3. The port authority may adopt bylaws for the
17 installation, construction, maintenance, repair,
18 renewal, relocation, and removal of railroad or
19 utility facilities in, on, over, or under any port
20 authority facility. Whenever the port authority
21 determines that it is necessary that any such facility
22 installed or constructed in, on, over, or under
23 property of the port authority pursuant to such bylaws
24 be relocated, the utility company owning or operating
25 such facility shall relocate or remove them in
26 accordance with the order of the port authority. The
27 cost and expenses of such relocation or removal,
28 including the cost of installing such facility in a
29 new location, the cost of any lands, or any rights or
30 interests in lands, and any other rights, acquired to
31 accomplish such relocation or removal, shall be paid
32 by the port authority as a part of the cost of the
33 port authority facility. In case of any such
34 relocation or removal of such facilities, the railroad
35 or utility company owning or operating them, its
36 successors, or assigns may maintain and operate such
37 facilities, with the necessary appurtenances, in the
38 new location in, on, over, or under the property of
39 the port authority for as long a period and upon the
40 same terms as the railroad or utility company had the
41 right to maintain and operate such facilities in their
42 former location.
43 Sec. ___. NEW SECTION. 28J.28 FINAL ACTIONS TO
44 BE RECORDED — ANNUAL REPORT — CONFIDENTIALITY OF
45 INFORMATION.
46 1. All final actions of the port authority shall
47 be recorded and the records of the port authority
48 shall be open to public examination and copying
49 pursuant to chapter 22. Not later than the first day
50 of April every year, a port authority shall submit a

Page 27

1 report to the director of the department of economic
2 development detailing the projects and activities of
3 the port authority during the previous calendar year.
4 The report shall include, but not be limited to, all
5 aspects of those projects and activities, including
6 the progress and status of the projects and their
7 costs, and any other information the director
8 determines should be included in the report.
9 2. Financial and proprietary information,
10 including trade secrets, submitted to a port authority
11 or the agents of a port authority, in connection with
12 the relocation, location, expansion, improvement, or
13 preservation of a business or nonprofit corporation is
14 not a public record subject to chapter 22. Any other
15 information submitted under those circumstances is not
16 a public record subject to chapter 22 until there is a
17 commitment in writing to proceed with the relocation,
18 location, expansion, improvement, or preservation.
19 3. Notwithstanding chapter 21, the board of
20 directors of a port authority, when considering
21 information that is not a public record under this
22 section, may close a meeting during the consideration
23 of that information pursuant to a vote of the majority
24 of the directors present on a motion stating that such
25 information is to be considered. Other matters shall
26 not be considered during the closed session.
27 Sec. ___. NEW SECTION. 28J.29 PROVISIONS TO BE
28 LIBERALLY CONSTRUED.
29 This chapter shall be liberally construed to effect
30 the chapter's purposes.
31 Sec. ___. Section 427.1, Code 2005, is amended by
32 adding the following new subsection:
33 NEW SUBSECTION. 34. PORT AUTHORITY PROPERTY. The
34 property of a port authority created pursuant to
35 section 28J.2, when devoted to public use and not held
36 for pecuniary profit."
37 2. Title page, line 2, by inserting after the
38 word "fees," the following: "revenue bonds, and
39 property tax exemptions,".
40 3. By renumbering as necessary.

THOMAS G. COURTNEY
GENE FRAISE

S–3312

Amend the amendment, S–3306, to House File 882, as amended, passed, and reprinted by the House, as follows:

1. By striking page 26, line 39, through page 28, line 26.

HUBERT HOUSER
JOHN PUTNEY
DAVID JOHNSON
JAMES F. HAHN
JAMES A. SEYMOUR
JOE M. SENG
ROGER STEWART

S–3313

Amend the amendment, S–3272, to House File 882, as amended, passed, and reprinted by the House, as follows:

1. Page 1, by striking lines 14 through 27, and inserting the following:

"The appropriations made for the fiscal year beginning July 1, 2005, to the department of public safety in 2005 Iowa Acts, House File 811, if enacted, are reduced by an amount equivalent to the appropriation made in this section."

GENE FRAISE

S–3314

Amend the amendment, S–3306, to House File 882, as amended, passed, and reprinted by the House, as follows:

1. Page 16, by inserting after line 22 the following:

"___. Page 35, by striking lines 3 through 5."

2. Page 16, by inserting after line 39 the following:

"dd. Two members selected by the Iowa state association of county supervisors."

3. Page 16, by striking line 42.

4. By renumbering, redesignating, and correcting internal references as necessary.

HERMAN C. QUIRMBACH
MAGGIE TINSMAN

S–3315

Amend House File 882, as amended, passed, and reprinted by the House, as follows:

1. Page 2, by inserting after line 3 the following:

"Sec. ___. ALLOWED GROWTH FUNDING DISTRIBUTION. Notwithstanding 2004 Iowa Acts, chapter 1175, section 173, subsection 3, if enacted by 2005 Iowa Acts, House File 825, the amount used under paragraph "b" of that subsection for calculation of a distribution amount for eligible counties from the per capita expenditure target pool created in the property tax relief fund in accordance with the requirements in section 426B.5, subsection 1, for the fiscal year beginning July 1, 2005, shall be $23,925,724.

Sec. ___. 2004 Iowa Acts, chapter 1175, section 173, subsection 5, if enacted by 2005 Iowa Acts, House File 825, is amended to read as follows:

5. The total withholding amounts applied pursuant to subsection 4 shall be equal to a withholding target amount of ~~$4,659,749~~ $9,418,362. If the department of human services determines that the amount to be withheld in accordance with subsection 4 is not equal to the target withholding amount, the department shall adjust the withholding factors listed in subsection 4 as necessary to achieve the withholding target amount. However, in making such adjustments to the withholding factors, the department shall strive to minimize changes to the withholding factors for those ending balance percentage ranges that are lower than others and shall not adjust the zero withholding factor or the inflation adjustment percentage specified in subsection 4, paragraph "a"."

2. By renumbering as necessary.

JACK HATCH

S–3316

Amend the amendment, S–3306, to House File 882, as amended, passed, and reprinted by the House, as follows:

1. Page 1, line 42, by striking the words "department of human services" and inserting the following: "Iowa department of public health".

ROBERT E. DVORSKY
JEFF ANGELO

S–3317

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 807

Amend the Senate amendment, H–1629, to House File 807, as amended, passed, and reprinted by the House, as follows:

1. Page 1, by inserting after line 2 the following:

"___. Page 1, by striking line 1."

2. Page 1, by striking lines 5 and 6.

3. Page 1, by striking lines 10 through 22.

4. By renumbering as necessary.

S–3318

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 619

Amend the Senate amendment, H–1628, to House File 619, as amended, passed, and reprinted by the House, as follows:

1. Page 5, by striking lines 4 through 7 and inserting the following: "commitment, and subsequent dismissal of the case, or upon receipt of a".

2. Page 9, line 28, by striking the word "subsection" and inserting the following: "subsections".

3. Page 9, by inserting after line 35 the following:

"<u>NEW SUBSECTION</u>. 2A. If a person violates any of the requirements of section 692A.4, the person shall register for an additional ten years beginning from the date the first registration period ends as calculated under subsection 1 or from the date the special sentence ends under subsection 1A if the person received a special sentence, whichever is longer."

4. Page 10, line 39, by inserting after the word "supervision." the following: "However, if the person committed a criminal offense against a minor, or an aggravated offense, sexually violent offense, or other relevant offense that involved a minor, the person shall be supervised by an electronic tracking and monitoring system in addition to any other conditions of release."

5. Page 11, line 42, by inserting after the word "photograph," the following: "<u>the results of any risk assessment,</u>".

31 6. Page 11, by inserting after line 50 the
32 following:
33 "Sec. ___. NEW SECTION. 692A.13A ASSESSMENT OF
34 RISK.
35 1. The department of corrections, the department
36 of human services, and the department of public safety
37 shall, in consultation with one another, develop
38 methods and procedures for the assessment of the risk
39 for persons required to register under this chapter on
40 or after the effective date of this division of this
41 Act, who have committed a criminal offense against a
42 minor, or an aggravated offense, sexually violent
43 offense, or other relevant offense that involved a
44 minor. The department of corrections, in consultation
45 with the department of human services, the department
46 of public safety, and the attorney general, shall
47 adopt rules relating to assessment procedures. The
48 assessment procedures shall include procedures for the
49 sharing of information between the department of
50 corrections, department of human services, the

Page 2

1 juvenile court, and the division of criminal
2 investigation of the department of public safety, as
3 well as the communication of the results of the risk
4 assessment to criminal and juvenile justice agencies.
5 The assignment of responsibility for the assessment of
6 risk shall be as follows:
7 a. The department of corrections or a judicial
8 district department of correctional services shall
9 perform the assessment of risk for persons who are
10 incarcerated in institutions under the control of the
11 director of the department of corrections, persons who
12 are under the supervision of the department of
13 corrections or a judicial district department of
14 correctional services, and persons who are under the
15 supervision or control of the department of
16 corrections or a judicial district department of
17 correctional services through an interstate compact.
18 b. The department of human services shall perform
19 the assessment of risk for persons who are confined in
20 institutions under the control of the director of
21 human services, persons who are under the supervision
22 of the department of human services, and persons who
23 are under the supervision or control of the department
24 of human services through an interstate compact.
25 c. The division of criminal investigation of the
26 department of public safety shall perform the
27 assessment of risk for persons who have moved to Iowa
28 but are not under the supervision of the department of
29 corrections, a judicial district department of

30 correctional services, or the department of human
31 services; federal parolees or probationers; persons
32 who have been released from a county jail but are not
33 under the supervision of the department of
34 corrections, a judicial district department of
35 correctional services, a juvenile court officer of the
36 judicial branch, or the department of human services;
37 and persons who are convicted and released by the
38 courts and are not incarcerated or placed under
39 supervision pursuant to the court's sentencing order.
40 Assessments of persons who have moved to Iowa and
41 persons on federal parole or probation shall be
42 performed on an expedited basis if the person was
43 classified as a person with a high degree of
44 likelihood of reoffending by the other jurisdiction or
45 the federal government.
46 d. A juvenile court officer shall perform the
47 assessment of risk for a juvenile who is adjudicated
48 delinquent for a criminal offense listed in section
49 692A.1 and who is under the juvenile court officer's
50 supervision.

Page 3

1 2. The department of public safety shall be
2 responsible for disclosing the assessment of risk
3 information to a criminal or juvenile justice agency
4 for law enforcement, prosecution, or for public
5 notification purposes. The results of the assessment
6 of risk shall be disclosed as other relevant
7 information is disclosed under section 692A.13."
8 7. Page 12, line 9, by inserting after the word
9 "offender" the following: ", or to a person who is
10 married to and living with a person required to
11 register as a sex offender".
12 8. Page 18, by striking lines 9 through 11 and
13 inserting the following: "crime victim center as
14 defined in section 915.20A."
15 9. Page 19, by inserting after line 19 the
16 following:
17 "4. A peace officer is not civilly or criminally
18 liable for actions taken in good faith pursuant to
19 this section."
20 10. Page 20, lines 33 and 34, by striking the
21 words "<u>, the victim's family,</u>".
22 11. Page 21, by striking lines 35 and 36, and
23 inserting the following: "members of the general
24 assembly selected by the legislative council and
25 representatives of the following:
26 ___. One representative from the state department
27 of transportation.
28 ___. One representative of the Iowa civil

29 liberties union."
30 12. Page 22, by inserting after line 5 the
31 following:
32 "DIVISION ___
33 SEVERABILITY CLAUSE
34 Sec. ___. SEVERABILITY CLAUSE. If any provision
35 of this Act or its application to any person or
36 circumstance is held invalid, the invalidity does not
37 affect other provisions or application of this Act
38 which can be given effect without the invalid
39 provision or application, and to this end the
40 provisions of this Act are severable."
41 13. By renumbering as necessary.

S–3319

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 808

1 Amend the Senate amendment, H–1678, to House File
2 808, as passed by the House, as follows:
3 1. By striking page 1, line 45, through page 2,
4 line 20.
5 2. Page 3, line 6, by striking the figure
6 "16,968,439" and inserting the following:
7 "16,883,439".
8 3. By striking page 3, line 8, through page 8,
9 line 18.
10 4. By striking page 8, line 47, through page 9,
11 line 6, and inserting the following: "d, Code 2005,
12 is amended by striking the paragraph and inserting in
13 lieu thereof the following:
14 d. Establish a registration fee imposed on each
15 horse which is a thoroughbred, quarter horse, or
16 standardbred which shall be paid by the breeder of the
17 horse. The department shall not impose the
18 registration fee more than once on each horse. The
19 amount of the registration fee shall not exceed thirty
20 dollars. The moneys paid to the department from
21 registration fees shall be considered repayment
22 receipts as defined in section 8.2, and shall be used
23 for the administration and enforcement of this
24 subsection."
25 5. Page 10, by striking lines 17 through 19, and
26 inserting the following: "exclusively to the
27 department for the purpose of administering the
28 chronic wasting disease".
29 6. By renumbering, relettering, or redesignating
30 and correcting internal references as necessary.

S–3320

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 761

Amend the Senate amendment, H–1634, to House File 761, as amended, passed, and reprinted by the House, as follows:

1. By striking page 1, line 3, through page 11, line 2, and inserting the following:

"___. By striking everything after the enacting clause and inserting the following:

"DIVISION I
IOWA EMPOWERMENT BOARD

Sec. ___. Section 28.1, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. "Early care", "early care services", or "early care system" means the programs, services, support, or other assistance made available to a parent or other person who is involved with addressing the health and education needs of a child from birth through age five. "Early care", "early care services", or "early care system" includes but is not limited to public and private efforts and formal and informal settings.

Sec. ___. Section 28.2, subsection 3, Code 2005, is amended to read as follows:

3. To achieve the initial set of desired results, the initiative's primary focus shall first be on the efforts of the state and communities to work together to improve the efficiency and effectiveness of early care, education, health, and human services provided to families with children from birth through age five years.

Sec. ___. Section 28.3, subsections 1 and 2, Code 2005, are amended to read as follows:

1. An Iowa empowerment board is created to facilitate state and community efforts involving community empowerment areas, including strategic planning, funding identification, and guidance, and to promote collaboration among state and local early care, education, health, and human services programs.

2. The Iowa board shall consist of eighteen voting members with thirteen citizen members and five state agency members. The five state agency members shall be the directors of the following departments: economic development, education, human rights, human services, and public health. The thirteen citizen members shall be appointed by the governor, subject to confirmation by the senate. The governor's appointments of citizen members shall be made in a

47 manner so that each of the state's congressional
48 districts is represented by two citizen members and so
49 that all the appointments as a whole reflect the
50 ethnic, cultural, social, and economic diversity of

Page 2

1 the state. The governor's appointees shall be
2 selected from individuals nominated by community
3 empowerment area boards. The nominations shall
4 reflect the range of interests represented on the
5 community boards so that the governor is able to
6 appoint one or more members each for early care,
7 education, health, human services, business, faith,
8 and public interests. At least one of the citizen
9 members shall be a service consumer or the parent of a
10 service consumer. Terms of office of all citizen
11 members are three years. A vacancy on the board shall
12 be filled in the same manner as the original
13 appointment for the balance of the unexpired term.
14 Sec. ___. Section 28.3, subsection 5, Code 2005,
15 is amended to read as follows:
16 5. A community empowerment assistance team or
17 teams of state agency representatives shall be
18 designated to provide technical assistance and other
19 support to community empowerment areas and for the
20 board's efforts to address early care, education,
21 health, and human services. A technical assistance
22 system shall be developed using local representatives
23 of the state agencies represented on the Iowa board
24 and other state agencies and individuals involved with
25 local ~~community empowerment areas~~ early care,
26 education, health, and human services. ~~The technical~~
27 ~~assistance shall be available in at least three levels~~
28 ~~of support as follows:~~
29 ~~a. Support to areas experienced in operating an~~
30 ~~innovation zone or decategorization project with an~~
31 ~~extensive record of success in collaboration between~~
32 ~~education, health, or human services interests.~~
33 ~~b. Support to areas experienced in operating an~~
34 ~~innovation zone or decategorization project.~~
35 ~~c. Support to areas forming an initial community~~
36 ~~empowerment area with no previous experience operating~~
37 ~~an innovation zone or decategorization project.~~
38 Sec. ___. Section 28.3, subsection 6, paragraph b,
39 Code 2005, is amended to read as follows:
40 b. In addition, a community empowerment office is
41 established as a division of the department of
42 management to provide a center for facilitation,
43 communication, and coordination for community
44 empowerment activities and funding and for improvement
45 of the early care, education, health, and human

46 services systems. Staffing for the community
47 empowerment office shall be provided by a facilitator
48 or coordinator appointed by the governor, subject to
49 confirmation by the senate, and who serves at the
50 pleasure of the governor. A deputy and support staff

Page 3

1 may be designated, subject to appropriation made for
2 this purpose. The facilitator or coordinator shall
3 submit reports to the governor, the Iowa board, and
4 the general assembly. The facilitator shall provide
5 primary staffing to the board, coordinate state
6 technical assistance activities and implementation of
7 the technical assistance system, and other
8 communication and coordination functions to move
9 authority and decision-making responsibility from the
10 state to communities and individuals.
11 Sec. ___. Section 28.3, Code 2005, is amended by
12 adding the following new subsection:
13 NEW SUBSECTION. 6A. The director of the
14 department of management shall designate early care
15 staff, as part of the community empowerment
16 initiative, to provide coordination and other support
17 to the state's early care system. The early care
18 staff shall work with the state and local components
19 of the community empowerment initiative, shared
20 visions programs funded under chapter 256A, and other
21 public and private efforts to improve the early care
22 system. The early care staff duties shall include but
23 are not limited to the following:
24 a. Providing support to the public and private
25 stakeholders who are involved with the early care
26 system, acting to strengthen the early care system,
27 and developing accountability measures for early care
28 efforts.
29 b. Developing and disseminating accountability
30 measures for assessing the outcomes produced by the
31 department of education, the community empowerment
32 initiative, and other publicly funded efforts to
33 improve early care of young children, including but
34 not limited to shared visions and other programs
35 provided under the auspices of the child development
36 coordinating council, high-quality preschool programs,
37 head start programs, and school ready children grant
38 programs. The initial measures utilized shall be the
39 individual growth and development indicators developed
40 by the early childhood research institute on measuring
41 growth and development or other measures of high
42 quality to be authorized by law.
43 c. Collecting, interpreting, and redisseminating
44 data collected from the measures for assessing

45 outcomes under paragraph "b". Factors subject to
46 interpretation may include area demographics, relative
47 expenditures, collaboration between programs in an
48 area, and other factors impacting the outcomes
49 produced by an individual program.
50 d. Annually providing information to the governor

Page 4

1 and general assembly regarding the outcomes produced
2 by individual programs. The information shall be
3 included in the Iowa empowerment board's annual
4 report.
5 Sec. ___. Section 28.4, subsection 4, Code 2005,
6 is amended to read as follows:
7 4. Identify boards, commissions, committees, and
8 other bodies in state government with overlapping and
9 similar purposes which contribute to redundancy and
10 fragmentation in early care, education, health, and
11 human services programs provided to the public. The
12 board shall also make recommendations and provide an
13 annually updated strategic plan to the governor and
14 general assembly as appropriate for increasing
15 coordination between these bodies, for eliminating
16 bureaucratic duplication, for consolidation where
17 appropriate, ~~and~~ for improving the efficiency of
18 working with federally mandated bodies, for
19 integration of services and service quality functions
20 to achieve improved results, and for integration of
21 state-administered funding streams directed to
22 community empowerment areas and other community-based
23 efforts for providing early care, education, health,
24 and human services.
25 Sec. ___. Section 28.4, subsection 12, paragraph
26 d, Code 2005, is amended to read as follows:
27 d. The Iowa empowerment board shall regularly make
28 information available identifying community
29 empowerment funding and funding distributed ~~through~~
30 ~~the funding streams listed under this paragraph "d" to~~
31 ~~communities~~ for purposes of the early care system. It
32 is the intent of the general assembly that the
33 community empowerment area boards and the
34 administrators of the early care programs located
35 within the community empowerment areas that are
36 supported by ~~the listed funding streams~~ public funding
37 shall fully cooperate with one another ~~on or before~~
38 ~~the indicated fiscal years,~~ in order to avoid
39 duplication, enhance efforts, combine planning, and
40 take other steps to best utilize the funding to meet
41 the needs of the families in the areas. The community
42 empowerment area boards and the program administrators
43 shall annually submit a report concerning such efforts

44 to the community empowerment office. If a community
45 empowerment area is receiving a school ready children
46 grant, this report shall be an addendum to the annual
47 report required under section 28.8. The state
48 community empowerment facilitator or coordinator shall
49 compile and summarize the reports which shall be
50 submitted to the governor, general assembly, and Iowa

Page 5

1 board. ~~The funding streams shall include all of the~~
2 ~~following:~~
3 ~~(1) Moneys for the healthy opportunities for~~
4 ~~parents to experience success—healthy families Iowa~~
5 ~~program under section 135.106 by the fiscal year~~
6 ~~beginning July 1, 2000, and ending June 30, 2001.~~
7 ~~(2) Moneys for parent education appropriated in~~
8 ~~section 279.51 and distributed through the child~~
9 ~~development coordinating council, by the fiscal year~~
10 ~~beginning July 1, 2000, and ending June 30, 2001.~~
11 ~~(3) Moneys for the preschool children at risk~~
12 ~~program appropriated in section 279.51 and distributed~~
13 ~~through the child development coordinating council, by~~
14 ~~the fiscal year beginning July 1, 2001, and ending~~
15 ~~June 30, 2002.~~
16 ~~(4) Moneys for home visitation and parent support~~
17 ~~annually appropriated to the department of human~~
18 ~~services and distributed or expended through child~~
19 ~~abuse prevention grants and the family preservation~~
20 ~~program, by the fiscal year beginning July 1, 2000,~~
21 ~~and ending June 30, 2001.~~
22 Sec. ___. Section 28.4, Code 2005, is amended by
23 adding the following new subsections:
24 NEW SUBSECTION. 13. Integrate statewide quality
25 standards and results indicators adopted by other
26 boards and commissions into the Iowa empowerment
27 board's funding requirements for investments in early
28 care, education, health, and human services.
29 NEW SUBSECTION. 14. With the assistance of the
30 state departments represented on the Iowa empowerment
31 board and the community empowerment office, develop
32 and implement requirements for community empowerment
33 areas and the state administrators of programs
34 providing early care or early care services to
35 annually report to the public and the early care
36 coordinator regarding the results produced by the
37 community empowerment initiative and by the programs.
38 Source data shall be made available to the early care
39 coordinator.
40 Sec. ___. Section 28.5, subsection 1, Code 2005,
41 is amended to read as follows:
42 1. The purpose of a community empowerment area is

43 to enable local citizens to lead collaborative efforts
44 involving early care, education, health, and human
45 services programs on behalf of the children, families,
46 and other citizens residing in the area. Leadership
47 functions may include but are not limited to strategic
48 planning for and oversight and managing of such
49 programs and the funding made available to the
50 community empowerment area for such programs from

Page 6

1 federal, state, local, and private sources. The
2 initial focus of the purpose is to improve results for
3 families with young children.
4 Sec. ___. Section 28.6, subsection 1, paragraph a,
5 Code 2005, is amended to read as follows:
6 a. Community empowerment area functions shall be
7 performed under the authority of a community
8 empowerment area board. A majority of the members of
9 a community board shall be elected officials and
10 members of the public who are not employed by a
11 provider of services to or for the community board.
12 At least one member shall be a service consumer or the
13 parent of a service consumer. Terms of office of
14 community board members shall be not more than three
15 years and the terms shall be staggered. The
16 membership of a community empowerment area board shall
17 include members with early care, education, health,
18 human services, business, faith, and public interests.
19 Sec. ___. Section 28.8, subsection 5, paragraph a,
20 Code 2005, is amended to read as follows:
21 a. A school ready children grant shall be awarded
22 to a community board for a three-year period, with
23 annual payments made to the community board. The Iowa
24 empowerment board may grant an extension from the
25 award date and any application deadlines based upon
26 the award date, to allow for a later implementation
27 date in the initial year in which a community board
28 submits a comprehensive school ready grant plan to the
29 Iowa empowerment board. However, receipt of continued
30 funding is subject to submission of the required
31 annual report and the Iowa board's determination that
32 the community board is measuring, through the use of
33 performance and results indicators developed by the
34 Iowa board with input from community boards, progress
35 toward and is achieving the desired results identified
36 in the grant plan. If progress is not measured
37 through the use of performance and results indicators
38 toward achieving the identified results, the Iowa
39 board may request a plan of corrective action,
40 withhold any increase in funding, or ~~may~~ withdraw
41 grant funding.

42 Sec. ___. Section 28.8, subsection 5, paragraph c,
43 unnumbered paragraph 1, Code 2005, is amended to read
44 as follows:
45 A community board's readiness shall be ascertained
46 by evidence of successful collaboration among public
47 or private early care, education, ~~human services, or~~
48 health, or human services interests or a documented
49 program design evincing a strong likelihood of leading
50 to a successful collaboration between these interests.

Page 7

1 Other criteria which may be used by the Iowa board to
2 ascertain readiness and to determine funding amounts
3 include one or more of the following:
4 Sec. ___. Section 28.8, subsection 5, Code 2005,
5 is amended by adding the following new paragraph:
6 NEW PARAGRAPH. e. The Iowa empowerment board
7 shall identify and apply limitations on the
8 carryforward of school ready children grant funding.
9 The limitations shall address an unusually high
10 percentage of a grant being carried forward, the
11 number of years a grant has been carried forward which
12 shall not exceed three years, and other objective
13 criteria. The limitations shall make allowances for
14 special circumstances such as the carryforward of
15 funding that is designated for a particular purpose
16 and is scheduled in the grant plan. The board may
17 provide for redistribution or other redirection of the
18 funding that meets the criteria.
19 Sec. ___. NEW SECTION. 28.10 EARLY CARE —
20 INTERNET WEBPAGE.
21 1. The Iowa empowerment board shall provide for
22 the operation of an internet webpage for purposes of
23 widely distributing early care information provided by
24 the departments represented on the board and the
25 public and private agencies addressing the early care
26 system.
27 2. Information provided on the internet webpage
28 shall include but is not limited to all of the
29 following:
30 a. The early learning standards for children ages
31 three to five proposed by the early learning standards
32 group created pursuant to federal child care and
33 development block grant requirements and with
34 assistance from the Iowa child care and early
35 education network, department of education, department
36 of human services, Iowa head start association, and
37 Iowa state university of science and technology, as
38 prepared with consideration of the standards and
39 recommendations issued by the United States department
40 of education regarding early childhood cognitive

41 development and learning and preschool and research-
42 based standards for high-quality early care, including
43 but not limited to the practices identified by the
44 institute of education sciences of the United States
45 department of education. As early learning standards
46 are identified in law, the proposed standards posted
47 on the webpage shall be replaced with the standards
48 identified in law.
49 b. A link to a special webpage directed to
50 parents, including parent-specific information on

Page 8

1 early care, information regarding the early childhood
2 development credits under section 422.12C, and links
3 to other resources available on the internet and from
4 other sources.
5 c. Program standards for early care that have been
6 approved by state agencies.
7 d. A single point of contact for use by a parent
8 in accessing the community empowerment area programs
9 and early care programs that are available in the
10 parent's area.
11 3. The Iowa empowerment board shall include
12 information regarding the extent and frequency of
13 usage of the webpage or webpages in the board's annual
14 report to the governor and general assembly.
15 Sec. ___. NEW SECTION. 279.60 KINDERGARTEN
16 ASSESSMENT.
17 Each school district shall administer the dynamic
18 indicators of basic early literacy skills kindergarten
19 benchmark assessment or other kindergarten benchmark
20 assessment adopted by the department of education in
21 consultation with the Iowa empowerment board to every
22 kindergarten student enrolled in the district not
23 later than October 1. The school district shall also
24 collect information from each parent, guardian, or
25 legal custodian of a kindergarten student enrolled in
26 the district, including but not limited to whether the
27 student attended preschool, factors identified by the
28 early care staff pursuant to section 28.3, and other
29 demographic factors. Each school district shall
30 report the results of the assessment and the preschool
31 information collected to the department of education
32 in the manner prescribed by the department not later
33 than January 1 of that school year. The early care
34 staff designated pursuant to section 28.3 shall have
35 access to the raw data. The department shall review
36 the information submitted pursuant to this section and
37 shall submit its findings and recommendations annually
38 in a report to the governor, the general assembly, the
39 Iowa empowerment board, and the community empowerment

40 area boards.
41 Sec. ___. EARLY CARE AND CHILD CARE PROVIDER
42 INCENTIVES. The Iowa empowerment board shall conduct
43 a study of incentives that can be made available to
44 persons who provide early care, as defined in section
45 28.1, as amended in this Act, and child care,
46 including but not limited to providers of child care
47 regulated by the department of human services or the
48 department of education, preschools, head start
49 programs, and other persons who have no or limited
50 benefit packages and provide services to children.

Page 9

1 The incentives studied shall include but are not
2 limited to forgivable loans for higher education
3 expenses, health care benefits, and retirement
4 benefits. The board shall report to the governor and
5 general assembly on or before December 16, 2005, with
6 findings, recommendations, and a fiscal analysis of
7 options.
8 Sec. ___. EARLY CARE INTEGRATION PLAN. The
9 community empowerment office of the department of
10 management, with the assistance of the departments
11 represented on the Iowa empowerment board, shall
12 develop a plan to integrate the efforts of the state
13 agency staff who have job functions directed to the
14 early care system, as defined in section 28.1, as
15 amended in this Act. The plan shall be submitted to
16 the chairpersons and ranking members of the committees
17 on human resources and education of the senate and the
18 house of representatives on or before December 16,
19 2006.
20 Sec. ___. IMPLEMENTATION OF INTERNET WEBPAGE. The
21 internet webpage required pursuant to section 28.10,
22 as enacted by this Act, shall be implemented on or
23 before March 1, 2006.
24 DIVISION II
25 CHILD CARE QUALITY RATING
26 Sec. ___. Section 237A.30, Code 2005, is amended
27 by striking the section and inserting in lieu thereof
28 the following:
29 237A.30 VOLUNTARY CHILD CARE QUALITY RATING
30 SYSTEM.
31 1. The department shall work with the community
32 empowerment office of the department of management
33 established in section 28.3 and the state child care
34 advisory council in designing and implementing a
35 voluntary quality rating system for each provider type
36 of child care facility.
37 2. The criteria utilized for the rating system may
38 include but are not limited to any of the following:

39 facility type; provider staff experience, education,
40 training, and credentials; facility director education
41 and training; an environmental rating score or other
42 direct assessment environmental methodology; national
43 accreditation; facility history of compliance with law
44 and rules; child-to-staff ratio; curriculum, including
45 the extent to which the curriculum focuses on the
46 stages of child development and on child outcomes;
47 business practices; staff retention rates; evaluation
48 of staff members and program practices; staff
49 compensation and benefit practices; provider and staff
50 membership in professional early childhood

Page 10

1 organizations; and parental involvement with the
2 facility.
3 3. A facility's quality rating may be included on
4 the internet page and in the consumer information
5 provided by the department pursuant to section 237A.25
6 and shall be identified in the child care provider
7 referrals made by child care resource and referral
8 service grantees under section 237A.26.
9 Sec. ___. PHASED IMPLEMENTATION.
10 1. Effective July 1, 2005, the department of human
11 services shall no longer accept applications for the
12 gold seal quality designation for child care providers
13 under section 237A.30, Code 2005. However, if a child
14 care provider has been awarded the designation prior
15 to July 1, 2005, the designation may continue to be
16 utilized for that provider until the designated period
17 of nationally recognized accreditation for which the
18 gold seal designation was awarded has ended.
19 2. The department of human services shall commence
20 implementation of the voluntary child care quality
21 rating system under section 237A.30, as amended by
22 this Act, by awarding ratings beginning on or after
23 January 1, 2006. The department may modify
24 implementation of the rating system and the rating
25 system itself as necessary to conform to the funding
26 made available for the rating system for the fiscal
27 year beginning July 1, 2005.
28 Sec. ___. FEDERAL COORDINATION INITIATIVE. If an
29 opportunity is offered by the federal government and
30 the department of management, in consultation with the
31 relevant state agency directors and the Iowa head
32 start association, has determined that participation
33 in the opportunity would not adversely affect head
34 start programs in Iowa, the Iowa empowerment board and
35 the state agencies represented on the board shall
36 apply for Iowa to participate in a head start pilot
37 program designed to promote coordination of state head

38 start, preschool, and child care programs into a
39 comprehensive early childhood system.
40 DIVISION III
41 EARLY CHILDHOOD DEVELOPMENT TAX CREDIT
42 Sec. ___. Section 422.12C, subsection 1, paragraph
43 f, Code 2005, is amended to read as follows:
44 f. For a taxpayer with net income of forty
45 thousand dollars or more~~, zero~~ but less than forty-
46 five thousand dollars, thirty percent.
47 Sec. ___. Section 422.12C, subsection 1, Code
48 2005, is amended by adding the following new
49 paragraph:
50 NEW PARAGRAPH. g. For a taxpayer with net income

Page 11

1 of forty-five thousand dollars or more, zero percent.
2 Sec. ___. Section 422.12C, Code 2005, is amended
3 by adding the following new subsection:
4 NEW SUBSECTION. 1A. a. In lieu of the child and
5 dependent care credit authorized in subsection 1, a
6 taxpayer may claim an early childhood development tax
7 credit equal to twenty-five percent of the first one
8 thousand dollars which the taxpayer has paid to others
9 for each dependent, as defined in the Internal Revenue
10 Code, ages three through five for early childhood
11 development expenses. In determining the amount of
12 early childhood development expenses, such expenses
13 paid during November and December of the previous tax
14 year shall be considered paid in the tax year for
15 which the tax credit is claimed. This credit is
16 available to a taxpayer whose net income is less than
17 forty-five thousand dollars. If the early childhood
18 development tax credit is claimed for a tax year, the
19 taxpayer and the taxpayer's spouse shall not claim the
20 child and dependent care credit under subsection 1.
21 As used in this subsection, "early childhood
22 development expenses" means services provided to the
23 dependent by a preschool, as defined in section
24 237A.1, materials, and other activities as follows:
25 (1) Books that improve child development,
26 including textbooks, music books, art books, teacher's
27 editions, and reading books.
28 (2) Instructional materials required to be used in
29 a child development or educational lesson activity,
30 including but not limited to paper, notebooks,
31 pencils, and art supplies.
32 (3) Lesson plans and curricula.
33 (4) Child development and educational activities
34 outside the home, including drama, art, music, and
35 museum activities, and the entrance fees for such
36 activities, but not including food or lodging,

37 membership fees, or other nonacademic expenses.
38 "Early childhood development expenses" does not
39 include services, materials, or activities for the
40 teaching of religious tenets, doctrines, or worship,
41 the purpose of which is to inculcate those tenets,
42 doctrines, or worship.
43 b. Each taxpayer intending to claim a credit under
44 this subsection shall apply, on forms provided by the
45 department, for the credit by filing a notice with the
46 department no later than November 1 of the tax year to
47 which the credit is applicable. The notice shall
48 provide supporting documentation as required by the
49 department. The department shall compute the total
50 amount of credits contained in the notices received by

Page 12

1 the department. The total amount of credits that may
2 be approved for any fiscal year for purposes of this
3 subsection is limited to two million five hundred
4 thousand dollars. If tax credits under this
5 subsection exceed this limit, each taxpayer shall
6 receive a pro rata amount of the credit as determined
7 by the department. The department shall notify the
8 taxpayer of the amount of the taxpayer's credit no
9 later than January 1 following the deadline for
10 receipt of the notice.
11 Sec. ___. Section 422.12C, subsection 3, Code
12 2005, is amended to read as follows:
13 3. Married taxpayers who have filed joint federal
14 returns electing to file separate returns or to file
15 separately on a combined return form must determine
16 the child and dependent care credit under subsection 1
17 <u>or the early childhood development tax credit under</u>
18 <u>subsection 1A</u> based upon their combined net income and
19 allocate the total credit amount to each spouse in the
20 proportion that each spouse's respective net income
21 bears to the total combined net income. Nonresidents
22 or part-year residents of Iowa must determine their
23 Iowa child and dependent care credit in the ratio of
24 their Iowa source net income to their all source net
25 income. Nonresidents or part-year residents who are
26 married and elect to file separate returns or to file
27 separately on a combined return form must allocate the
28 Iowa child and dependent care credit between the
29 spouses in the ratio of each spouse's Iowa source net
30 income to the combined Iowa source net income of the
31 taxpayers.
32 Sec. ___. APPLICABILITY DATE. This division of
33 this Act applies to tax years beginning on or after
34 January 1, 2006."
35 2. Title page, by striking lines 1 through 5 and

inserting the following: "An Act relating to improvement of the early care, child care services, education, health, and human services systems, revising the child and dependent care tax credit, creating an early childhood development tax credit, and providing an applicability date."

3. By renumbering as necessary.

S–3321

HOUSE AMENDMENT TO
SENATE FILE 342

Amend Senate File 342, as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, by striking lines 17 through 32.
2. Page 2, by striking lines 18 through 34.
3. By striking page 2, line 35, through page 3, line 30.
4. By striking page 5, line 25, through page 6, line 16.
5. By striking page 7, line 27, through page 8, line 9.
6. Page 8, by striking lines 11 through 22.
7. By striking page 9, line 18, through page 10, line 14.
8. Page 10, by inserting before line 15, the following:

"DIVISION ___
EMPLOYMENT

Sec. ___. Section 22.7, Code 2005, is amended by adding the following new subsection:

<u>NEW SUBSECTION</u>. 51. Confidential information, as defined in section 86.45, subsection 1, filed with the workers' compensation commissioner.

Sec. ___. Section 85.27, subsection 7, Code 2005, is amended to read as follows:

7. If, after the third day of incapacity to work following the date of sustaining a compensable injury which does not result in permanent partial disability, or if, at any time after sustaining a compensable injury which results in permanent partial disability, an employee, who is not receiving weekly benefits under section 85.33 or section 85.34, subsection 1, returns to work and is required to leave work for one full day or less to receive services pursuant to this section, the employee shall be paid an amount equivalent to the wages lost at the employee's regular rate of pay for the time the employee is required to leave work. <u>For the purposes of this subsection, "day of incapacity to work" means eight hours of accumulated absence from work due to incapacity to</u>

work or due to the receipt of services pursuant to this section. The employer shall make the payments under this subsection as wages to the employee after making such deductions from the amount as legally required or customarily made by the employer from wages. Payments made under this subsection shall be required to be reimbursed pursuant to any insurance policy covering workers' compensation. Payments under this subsection shall not be construed to be payment of weekly benefits.

Sec. ___. Section 85.35, Code 2005, is amended to

Page 2

read as follows:

85.35 ~~SETTLEMENT IN CONTESTED CASE~~ SETTLEMENTS.

1. The parties to a contested case or persons who are involved in a dispute which could culminate in a contested case may enter into a settlement of any claim arising under this chapter or chapter 85A, 85B, or 86, providing for ~~final~~ disposition of the claim~~, provided that no final disposition affecting rights to future benefits may be had when the only dispute is the degree of disability resulting from an injury for which an award for payments or agreement for settlement under section 86.13 has been made~~. The settlement shall be in writing on forms prescribed by the workers' compensation commissioner and submitted to the workers' compensation commissioner for approval.

2. The parties may enter into an agreement for settlement that establishes the employer's liability, fixes the nature and extent of the employee's current right to accrued benefits, and establishes the employee's right to statutory benefits that accrue in the future.

3. The parties may enter into a compromise settlement of the employee's claim to benefits as a full and final disposition of the claim.

4. The parties may enter into a settlement that is a combination of an agreement for settlement and a compromise settlement that establishes the employer's liability for part of a claim but makes a full and final disposition of other parts of a claim.

5. A contingent settlement may be made and approved, conditioned upon subsequent approval by a court or governmental agency, or upon any other subsequent event that is expected to occur within one year from the date of the settlement. If the subsequent approval or event does not occur, the contingent settlement and its approval may be vacated by order of the workers' compensation commissioner

upon a petition for vacation filed by one of the parties or upon agreement by all parties. If a contingent settlement is vacated, the running of any period of limitation provided for in section 85.26 is tolled from the date the settlement was initially approved until the date that the settlement is vacated, and the claim is restored to the status that the claim held when the contingent settlement was initially approved. The contingency on a settlement lapses and the settlement becomes final and fully enforceable if an action to vacate the contingent settlement or to extend the period of time allowed for

Page 3

the subsequent approval or event to occur is not initiated within one year from the date that the contingent settlement was initially approved.

6. The parties may agree that settlement proceeds, which are paid in a lump sum, are intended to compensate the injured worker at a given monthly or weekly rate over the life expectancy of the injured worker. If such an agreement is reached, neither the weekly compensation rate which either has been paid, or should have been paid, throughout the case, nor the maximum statutory weekly rate applicable to the injury shall apply. Instead, the rate set forth in the settlement agreement shall be the rate for the case.

~~The settlement shall not be approved unless evidence of a bona fide dispute exists concerning any of the following:~~

~~1. The claimed injury arose out of or in the course of the employment.~~

~~2. The injured employee gave notice under section 85.23.~~

~~3. Whether or not the statutes of limitations as provided in section 85.26 have run. When the issue involved is whether or not the statute of limitations of section 85.26, subsection 2, has run, the final disposition shall pertain to the right to weekly compensation unless otherwise provided for in subsection 7 of this section.~~

~~4. The injury was caused by the employee's willful intent to injure the employee's self or to willfully injure another.~~

~~5. Intoxication, which did not arise out of and in the course of employment but which was due to the effects of alcohol or another narcotic, depressant, stimulant, hallucinogenic, or hypnotic drug not prescribed by an authorized medical practitioner, was a substantial factor in causing the employee's injury.~~

~~6. The injury was caused by the willful act of a~~

38 ~~third party directed against the employee for reasons~~
39 ~~personal to such employee.~~
40 ~~7. This chapter or chapter 85A, 85B, 86 or 87~~
41 ~~applies to the party making the claim.~~
42 ~~8. A substantial portion of the claimed disability~~
43 ~~is related to physical or mental conditions other than~~
44 ~~those caused by the injury.~~
45 7. A settlement shall be approved by the workers'
46 compensation commissioner if the parties show all of
47 the following:
48 a. Substantial evidence exists to support the
49 terms of the settlement.
50 b. Waiver of the employee's right to a hearing,

Page 4

1 decision, and statutory benefits is made knowingly by
2 the employee.
3 c. The settlement is a reasonable and informed
4 compromise of the competing interests of the parties.
5 If an employee is represented by legal counsel, it
6 is presumed that the required showing for approval of
7 the settlement has been made.
8 8. Approval of a settlement by the workers'
9 compensation commissioner ~~shall be~~ is binding on the
10 parties and shall not be construed as an original
11 proceeding. Notwithstanding any provisions of this
12 chapter and chapters 85A, 85B, 86 and 87, an approved
13 compromise settlement shall constitute a final bar to
14 any further rights arising under this chapter and
15 chapters 85A, 85B, 86, and 87~~. Such~~ regarding the
16 subject matter of the compromise and a payment made
17 pursuant to a compromise settlement agreement shall
18 not be construed as the payment of weekly
19 compensation.
20 Sec. ___. Section 85.38, subsection 2, unnumbered
21 paragraph 2, Code 2005, is amended to read as follows:
22 If an employer denies liability under this chapter,
23 chapter 85A, or chapter 85B, for payment for any
24 medical services received or weekly compensation
25 requested by an employee ~~with a disability~~, and the
26 employee is a beneficiary under either an individual
27 or group plan for nonoccupational illness, injury, or
28 disability, the nonoccupational plan shall not deny
29 payment for the medical services received or for
30 benefits under the plan on the basis that the
31 employer's liability ~~for the medical services~~ under
32 this chapter, chapter 85A, or chapter 85B is
33 unresolved.
34 Sec. ___. Section 85.71, Code 2005, is amended by
35 adding the following new subsection:
36 NEW SUBSECTION. 5. The employer has a place of

37 business in Iowa, and the employee is working under a
38 contract of hire which provides that the employee's
39 workers' compensation claims be governed by Iowa law.
40 Sec. ___. Section 86.24, subsection 4, Code 2005,
41 is amended to read as follows:
42 4. A transcript of a contested case proceeding
43 shall be provided to the workers' compensation
44 commissioner by an appealing party at the party's cost
45 ~~and an affidavit shall be filed by the appealing party~~
46 ~~or the party's attorney with the workers' compensation~~
47 ~~commissioner within ten days after the filing of the~~
48 ~~appeal to the workers' compensation commissioner~~
49 ~~stating that the transcript has been ordered and~~
50 ~~identifying the name and address of the reporter or~~

Page 5

1 ~~reporting firm from which the transcript has been~~
2 ~~ordered~~.
3 Sec. ___. NEW SECTION. 86.45 CONFIDENTIAL
4 INFORMATION.
5 1. "Confidential information", for the purposes of
6 this section, means all information that is filed with
7 the workers' compensation commissioner as a result of
8 an employee's injury or death that would allow the
9 identification of the employee or the employee's
10 dependents. Confidential information includes first
11 reports of injury and subsequent reports of claim
12 activity. Confidential information does not include
13 pleadings, motions, decisions, opinions, or
14 applications for settlement that are filed with the
15 workers' compensation commissioner.
16 2. The workers' compensation commissioner shall
17 not disclose confidential information except as
18 follows:
19 a. Pursuant to the terms of a written waiver of
20 confidentiality executed by the employee or the
21 dependents of the employee whose information is filed
22 with the workers' compensation commissioner.
23 b. To another governmental agency, or to an
24 advisory, rating, or research organization, for the
25 purpose of compiling statistical data, evaluating the
26 state's workers' compensation system, or conducting
27 scientific, medical, or public policy research, where
28 such disclosure will not allow the identification of
29 the employee or the employee's dependents.
30 c. To the employee or to the agent or attorney of
31 the employee whose information is filed with the
32 workers' compensation commissioner.
33 d. To the person or to the agent of the person who
34 submitted the information to the workers' compensation
35 commissioner.

36 e. To an agent, representative, attorney,
37 investigator, consultant, or adjuster of an employer,
38 or insurance carrier or third-party administrator of
39 workers' compensation benefits, who is involved in
40 administering a claim for such benefits related to the
41 injury or death of the employee whose information is
42 filed with the workers' compensation commissioner.
43 f. To all parties to a contested case proceeding
44 before the workers' compensation commissioner in which
45 the employee or a dependent of the employee, whose
46 information is filed with the workers' compensation
47 commissioner, is a party.
48 g. In compliance with a subpoena.
49 h. To an agent, representative, attorney,
50 investigator, consultant, or adjuster of the employee,

Page 6

1 employer, or insurance carrier or third-party
2 administrator of insurance benefits, who is involved
3 in administering a claim for insurance benefits
4 related to the injury or death of the employee whose
5 information is filed with the workers' compensation
6 commissioner.
7 i. To another governmental agency that is charged
8 with the duty of enforcing liens or rights of
9 subrogation or indemnity.
10 3. This section does not create a cause of action
11 for a violation of its provisions against the workers'
12 compensation commissioner or against the state or any
13 governmental subdivision of the state.
14 Sec. ___. Section 87.11, unnumbered paragraph 1,
15 Code 2005, is amended to read as follows:
16 When an employer coming under this chapter
17 furnishes satisfactory proofs to the insurance
18 commissioner of such employer's solvency and financial
19 ability to pay the compensation and benefits as by law
20 provided and to make such payments to the parties when
21 entitled thereto, or when such employer deposits with
22 the insurance commissioner security satisfactory to
23 the insurance commissioner ~~and the workers'~~
24 ~~compensation commissioner~~ as guaranty for the payment
25 of such compensation, such employer shall be relieved
26 of the provisions of this chapter requiring insurance;
27 but such employer shall, from time to time, furnish
28 such additional proof of solvency and financial
29 ability to pay as may be required by such insurance
30 commissioner ~~or workers' compensation commissioner~~.
31 Such security shall be held in trust for the sole
32 purpose of paying compensation and benefits and is not
33 subject to attachment, levy, execution, garnishment,
34 liens, or any other form of encumbrance. However, the

35 insurance commissioner shall be reimbursed from the
36 security for all costs and fees incurred by the
37 insurance commissioner in resolving disputes involving
38 the security. A political subdivision, including a
39 city, county, community college, or school
40 corporation, that is self-insured for workers'
41 compensation is not required to submit a plan or
42 program to the insurance commissioner for review and
43 approval.
44 Sec. ___. Section 87.14A, Code 2005, is amended to
45 read as follows:
46 87.14A INSURANCE ~~OR BOND~~ REQUIRED.
47 An employer subject to this chapter and chapters
48 85, 85A, 85B, and 86 shall not engage in business
49 without first obtaining insurance covering
50 compensation benefits or obtaining relief from

Page 7

1 insurance as provided in this chapter ~~or furnishing a~~
2 ~~bond pursuant to section 87.16~~. A person who
3 willfully and knowingly violates this section is
4 guilty of a class "D" felony.
5 Sec. ___. Section 87.19, unnumbered paragraph 1,
6 Code 2005, is amended to read as follows:
7 Upon the receipt of information by the workers'
8 compensation commissioner of any employer failing to
9 comply with ~~sections 87.16 and 87.17~~ section 87.14A,
10 the commissioner shall at once notify such employer by
11 certified mail that unless such employer comply with
12 the requirements of law, legal proceedings will be
13 instituted to enforce such compliance.
14 Sec. ___. Section 87.20, Code 2005, is amended to
15 read as follows:
16 87.20 REVOCATION OF RELEASE FROM INSURANCE.
17 The insurance commissioner ~~with the concurrence of~~
18 ~~the workers' compensation commissioner~~ may, at any
19 time, upon reasonable notice to such employer and upon
20 hearing, revoke for cause any order theretofore made
21 relieving any employer from carrying insurance as
22 provided by this chapter.
23 Sec. ___. Section 91A.3, subsection 3, Code 2005,
24 is amended to read as follows:
25 3. The wages paid under subsection 1 shall be sent
26 to the employee by mail or be paid at the employee's
27 normal place of employment during normal employment
28 hours or at a place and hour mutually agreed upon by
29 the employer and employee, or the employee may elect
30 to have the wages sent for direct deposit, on or by
31 the regular payday of the employee, into a financial
32 institution designated by the employee. An employer
33 shall not require a current employee to participate in

34 direct deposit. The employer may require, as a
35 condition of hire, a new employee to sign up for
36 direct deposit of the employee's wages in a financial
37 institution of the employee's choice unless either of
38 the following conditions exist:
39 a. The costs to the employee of establishing and
40 maintaining an account for purposes of the direct
41 deposit would effectively reduce the employee's wages
42 to a level below the minimum wage provided under
43 section 91D.1.
44 b. The provisions of a collective bargaining
45 agreement mutually agreed upon by the employer and the
46 employee organization prohibit the employer from
47 requiring an employee to sign up for direct deposit as
48 a condition of hire.
49 Sec. ___. Section 91A.6, subsection 3, Code 2005,
50 is amended to read as follows:

Page 8

1 3. Within ten working days of a request by an
2 employee, an employer shall furnish to the employee a
3 written, itemized statement or access to a written,
4 itemized statement as provided in subsection 4,
5 listing the earnings and deductions made from the
6 wages for each pay period in which the deductions were
7 made together with an explanation of how the wages and
8 deductions were computed. ~~An employer need honor only~~
9 ~~one such request in any calendar year unless the rate~~
10 ~~of earnings, hours or deductions are changed during~~
11 ~~the calendar year. Each change shall entitle an~~
12 ~~employee to a further request for an itemized~~
13 ~~statement.~~
14 Sec. ___. Section 91A.6, Code 2005, is amended by
15 adding the following new subsection:
16 NEW SUBSECTION. 4. On each regular payday, the
17 employer shall send to each employee by mail or shall
18 provide at the employee's normal place of employment
19 during normal employment hours a statement showing the
20 hours the employee worked, the wages earned by the
21 employee, and deductions made for the employee. An
22 employer who provides each employee access to view an
23 electronic statement of the employee's earnings and
24 provides the employee free and unrestricted access to
25 a printer to print the employee's statement of
26 earnings, if the employee chooses, is in compliance
27 with this subsection.
28 Sec. ___. Sections 87.16 and 87.17, Code 2005, are
29 repealed.
30 Sec. ___. EFFECTIVE DATE. This division of this
31 Act takes effect July 1, 2005."
32 9. Title page, line 1, by striking the word

"appropriation" and inserting the following: "financial and regulatory".

10. Title page, line 2, by inserting after the figure "2004," the following: "making civil penalties applicable".

11. By renumbering, relettering, or redesignating and correcting internal references as necessary.

S–3322

Amend House File 882, as amended, passed, and reprinted by the House, as follows:

1. Page 48, by inserting after line 26 the following:

"DIVISION ___

LOTTERY AUTHORITY VENDING MACHINES

Sec. ___. Section 99G.30, subsection 4, Code 2005, is amended to read as follows:

4. Except for the authority, a retailer shall only sell lottery products on the licensed premises and not through the mail or by technological means except as the authority may provide or authorize <u>and subject to the requirements of section 99G.30A</u>.

Sec. ___. <u>NEW SECTION</u>. 99G.30A MONITOR VENDING MACHINES — LIMITATION.

1. The authority shall authorize and provide no more than a total of one thousand two hundred monitor vending machines to retailers in this state.

2. For purposes of this section, a "monitor vending machine" means a vending machine or other similar electronic device that includes a video monitor and audio capabilities that dispenses or prints and dispenses lottery tickets to a purchaser that have been determined to be winning or losing tickets by a predetermined pool drawing machine prior to the dispensing of the tickets.

Sec. ___. EFFECTIVE DATE. This division of this Act, concerning lottery authority vending machines, being deemed of immediate importance, takes effect upon enactment."

2. Title page, line 2, by inserting after the word "matters" the following: "and providing limitations on lottery authority monitor vending machines,".

3. By renumbering as necessary.

MICHAEL CONNOLLY

S–3323

1 Amend the House amendment, S–3321, to Senate File
2 342, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 8, by inserting after line 31 the
5 following:
6 "DIVISION ___
7 LOTTERY AUTHORITY VENDING MACHINES
8 Sec. ___. Section 99G.30, subsection 4, Code 2005,
9 is amended to read as follows:
10 4. Except for the authority, a retailer shall only
11 sell lottery products on the licensed premises and not
12 through the mail or by technological means except as
13 the authority may provide or authorize <u>and subject to</u>
14 <u>the requirements of section 99G.30A</u>.
15 Sec. ___. <u>NEW SECTION</u>. 99G.30A MONITOR VENDING
16 MACHINES — LIMITATION.
17 1. The authority shall authorize and provide no
18 more than a total of one thousand two hundred monitor
19 vending machines to retailers in this state.
20 2. For purposes of this section, a "monitor
21 vending machine" means a vending machine or other
22 similar electronic device that includes a video
23 monitor and audio capabilities that dispenses or
24 prints and dispenses lottery tickets to a purchaser
25 that have been determined to be winning or losing
26 tickets by a predetermined pool drawing machine prior
27 to the dispensing of the tickets.
28 Sec. ___. EFFECTIVE DATE. This division of this
29 Act, concerning lottery authority vending machines,
30 being deemed of immediate importance, takes effect
31 upon enactment."
32 2. By renumbering as necessary.

MICHAEL CONNOLLY

S–3324

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 825

1 Amend the Senate amendment, H–1702, to House File
2 825, as amended, passed, and reprinted by the House,
3 as follows:
4 1. By striking page 1, line 3, through page 20,
5 line 44, and inserting the following:
6 "___. Page 1, line 23, by striking the figure
7 "2,791,522" and inserting the following: "2,792,116".
8 ___. By striking page 1, line 34, through page 2,
9 line 1, and inserting the following:

10 "2. Of the funds appropriated in this section,
11 $174,198 shall be".
12 ___. Page 2, line 17, by striking the figure
13 "1,258,710" and inserting the following: "1,759,020".
14 ___. Page 2, by inserting after line 24, the
15 following:
16 "Of the moneys appropriated in this subsection,
17 $30,310 shall be used to continue to provide funding
18 to local communities that have previously received
19 funding from the centers for disease control and
20 prevention of the United States department of health
21 and human services for secondhand smoke education
22 initiatives."
23 ___. By striking page 3, line 30, through page 4,
24 line 1, and inserting the following:
25 "The amount appropriated in this subsection
26 includes $150,000 in additional funding for childhood
27 lead poisoning prevention activities for counties not
28 receiving federal funding for this purpose, and of
29 this amount, $50,000 is allocated for a pilot project
30 to address lead poisoning prevention and remediation
31 activities in a three-county program in north central
32 Iowa with a combined population of at least 50,000."
33 ___. Page 4, line 13, by striking the figure
34 "1,044,151" and inserting the following: "1,379,258".
35 ___. Page 4, line 16, by striking the figure
36 "335,107" and inserting the following: "670,214".
37 ___. Page 4, line 18, by inserting after the
38 figure "135.106." the following: "The department
39 shall transfer the funding allocated for the HOPES-HFI
40 program to the Iowa empowerment board for distribution
41 and shall assist the board in managing the contracting
42 for the funding. The funding shall be distributed to
43 renew the grants that were provided to the grantees
44 that operated the program during the fiscal year
45 ending June 30, 2005."
46 ___. Page 4, line 26, by striking the figure
47 "6,820,423" and inserting the following: "6,964,033".
48 ___. Page 4, by inserting after line 27, the
49 following:
50 "The office of the state medical examiner and the

Page 2

1 commissioner of public safety shall give consideration
2 to a proposal offered by Polk county for the state
3 criminalistics laboratory to share facilities with
4 Polk county."
5 ___. Page 4, line 32, by striking the figure
6 "994,442" and inserting the following: "1,073,884".
7 ___. Page 4, by inserting after line 33, the
8 following:

9 "11B. IOWA COLLABORATIVE SAFETY NET PROVIDER
10 NETWORK
11 The purpose of this subsection is to create a
12 formal network of safety net providers to do all of
13 the following: preserve and expand the health care
14 safety net for vulnerable Iowans; emphasize preventive
15 services and disease management, reduction of errors,
16 continuity of care, and the medical home concept;
17 recognize that safety net providers are the primary
18 means of access to health care for the uninsured in
19 this state; and provide a mechanism to identify the
20 extent to which the uninsured in this state access
21 health care safety net providers. Of the amount
22 appropriated in this division of this Act for the
23 medical assistance program, $1,100,000 is transferred
24 to the appropriations made in this subsection. The
25 amount transferred is allocated as follows:
26 a. To contract for a program to develop an Iowa
27 collaborative safety net provider network:
28 ..... $ 450,000
29 (1) The Iowa department of public health shall
30 issue a request for proposals to select the most
31 qualified applicant to develop and administer an Iowa
32 collaborative safety net provider network that
33 includes community health centers, rural health
34 clinics, free clinics, and other safety net providers.
35 The department shall coordinate conditions of the
36 request for proposals with the data and information
37 requirements of the task force on indigent care
38 created pursuant to section 249J.14A, as enacted by
39 2005 Iowa Acts, House File 841, section 16. The
40 request for proposals shall also require the person
41 awarded the contract to enroll as a member of the task
42 force on indigent care. The person awarded the
43 contract shall do all of the following:
44 (a) Establish an Iowa safety net provider advisory
45 group consisting of representatives of community
46 health centers, rural health clinics, free clinics,
47 other safety net providers, patients, and other
48 interested parties.
49 (b) Develop a planning process to logically and
50 systematically implement the Iowa collaborative safety

Page 3

1 net provider network.
2 (c) In cooperation with the free clinics of Iowa
3 and individual free clinics, the Iowa association of
4 rural health clinics, and the Iowa/Nebraska primary
5 care association, develop a database of all community
6 health centers, rural health clinics, free clinics,
7 and other safety net providers. The data collected

8 shall include the demographics and needs of the
9 vulnerable populations served, current provider
10 capacity, and the resources and needs of the
11 participating safety net providers.
12 (d) Develop network initiatives for collaboration
13 between community health centers, rural health
14 clinics, free clinics, other safety net providers, and
15 other health care providers to, at a minimum, improve
16 quality, improve efficiency, reduce errors, and
17 provide clinical communication between providers. The
18 network initiatives shall include, but are not limited
19 to, activities that address all of the following:
20 (i) Training.
21 (ii) Information technology.
22 (iii) Financial resource development.
23 (iv) A referral system for ambulatory care.
24 (v) A referral system for specialty care.
25 (vi) Pharmaceuticals.
26 (vii) Recruitment of health professionals.
27 (2) The Iowa department of public health shall
28 issue a request for proposals to provide for an
29 evaluation of the performance of the Iowa
30 collaborative safety net provider network and its
31 impact on the medically underserved.
32 b. For an incubation grant program to community
33 health centers that receive a total score of 85 based
34 on the evaluation criteria of the health resources and
35 services administration of the United States
36 department of health and human services:
37 ..... $ 650,000
38 The Iowa department of public health shall select
39 qualified applicants eligible under this lettered
40 paragraph, and shall approve grants in prorated
41 amounts to all such selected qualified applicants
42 based on the total amount of funding appropriated. A
43 grantee shall meet all federal requirements for a
44 federally qualified health center, including
45 demonstrating a commitment to serve all populations in
46 the grantee's respective medically underserved
47 community and satisfying the administrative,
48 management, governance, service-related, utilization
49 of funding, and audit requirements unique to federally
50 qualified health centers as provided under section 330

Page 4

1 of the federal Public Health Service Act, as amended,
2 and as codified at 42 U.S.C. § 254(b). A grant may be
3 approved for a two-year period. However, if a grantee
4 is approved as a federally qualified health center
5 during the grant period, the grant and accompanying
6 funding shall be terminated for the remainder of the

7 grant period. If a grantee is not approved as a
8 federally qualified health center during the grant
9 period, the grantee may apply for a subsequent grant
10 under this lettered paragraph on a competitive basis.
11 A recipient of a grant under this lettered paragraph
12 shall provide a local match of 25 percent of the grant
13 funds received."
14 ___. Page 6, by striking line 28, and inserting
15 the following: "Iowa commission on volunteer service
16 created pursuant to chapter 15H to utilize local
17 veterans affairs".
18 ___. Page 12, line 2, by striking the figure
19 "40,250,000" and inserting the following:
20 "40,439,695".
21 ___. Page 12, line 3, by inserting before the
22 word "Of" the following: "1."
23 ___. Page 12, by inserting after line 4 the
24 following:
25 "2. Of the funds appropriated in this section,
26 $100,000 shall be used to provide a grant to an Iowa-
27 based nonprofit organization with a history of
28 providing tax preparation assistance to low-income
29 Iowans in order to expand the usage of the earned
30 income tax credit. The purpose of the grant is to
31 supply this assistance to underserved areas of the
32 state. The grant shall be provided to an organization
33 that has existing national foundation support for
34 supplying such assistance that can also secure local
35 charitable match funding."
36 ___. Page 13, line 6, by striking the figure
37 "524,800,000" and inserting the following:
38 "519,040,317".
39 ___. Page 15, line 1, by striking the figure
40 "3,270,082" and inserting the following: "3,050,082".
41 ___. Page 15, by striking lines 18 through 21.
42 ___. Page 15, by striking lines 22 through 34.
43 ___. By striking page 15, line 35, through page
44 16, line 7.
45 ___. Page 16, by inserting after line 28, the
46 following:
47 "___. The department shall expand coverage under
48 the medical assistance program to cover smoking
49 cessation drugs.
50 ___. The department shall expand coverage under

Page 5

1 the medical assistance program to cover weight
2 reduction treatments and drugs.
3 ___. The department shall adopt rules to require
4 that if a product is to be considered by the
5 pharmaceutical and therapeutics committee established

6 pursuant to section 249A.20A for inclusion on the
7 preferred drug list, the pharmaceutical and
8 therapeutics committee shall respond to all inquiries
9 regarding the process at least 72 hours prior to a
10 meeting of the committee to consider inclusion of the
11 product. Additionally, the rules shall require that
12 the committee provide a pharmaceutical manufacturer of
13 a product with 20 days' prior written notice of
14 consideration of the manufacturer's product for
15 inclusion on the preferred drug list to allow adequate
16 time for preparation of appropriate materials to be
17 submitted to the committee for review. The rules
18 shall also require that adequate time be provided for
19 each interested individual to address the committee
20 regarding a product to be considered for inclusion on
21 the preferred drug list by the committee. A final
22 decision regarding inclusion of a product on the
23 preferred drug list shall not be made in an executive
24 session of the committee."
25 ___. Page 18, line 29, by striking the figure
26 "8,350,752" and inserting the following: "15,800,752".
27 ___. Page 18, line 31, by striking the figure
28 "7,325,228" and inserting the following: "14,375,228".
29 ___. Page 19, line 4, by inserting after the word
30 "level." the following: "The poverty level changes
31 shall take effect September 1, 2005."
32 ___. Page 19, line 6, by striking the figure
33 "500,000" and inserting the following: "900,000".
34 ___. Page 20, line 12, by striking the figure
35 "6,201,283" and inserting the following: "6,226,283".
36 ___. Page 20, line 31, by striking the figure
37 "76,400,000" and inserting the following:
38 "75,200,000".
39 ___. Page 22, line 25, by striking the figure
40 "2,000,000" and inserting the following: "2,500,000".
41 ___. Page 25, line 12, by striking the figure
42 "300,000" and inserting the following: "1,000,000".
43 ___. Page 25, by inserting after line 26, the
44 following:
45 "___. Of the amount appropriated in this section,
46 the following amounts are allocated for the indicated
47 child welfare system improvements:
48 a. For family team meetings and other family
49 engagement efforts:
50 ..... $ 900,000

Page 6

1 b. For recruiting, training, and development of
2 additional resource families, including but not
3 limited to families providing kinship, foster, and
4 adoptive care:

5 ..... $ 325,000
6 c. For field staff working with families to have
7 flexible funding to purchase services and other
8 support and to fill urgent family needs:
9 ..... $ 250,000
10 d. For funding of shelter care so that 15
11 emergency beds are available statewide for the fiscal
12 year within the statewide average of 288 beds
13 addressed in the department's shelter care plan:
14 ..... $ 200,000
15 e. For expansion of community partnerships to
16 prevent child abuse:
17 ..... $ 100,000"
18 ___. Page 25, by inserting after line 26, the
19 following:
20 "___. The general assembly finds that it is
21 important for adequate, comprehensive mental health
22 services to be available to the children of this
23 state; that Iowa is seeking to develop a coordinated
24 system of mental health care for children through a
25 redesign of the children's mental health system; that
26 Iowa is one of only two states that have not
27 participated in the comprehensive community mental
28 health services program for children and their
29 families grant offered by the substance abuse and
30 mental health services administration (SAMHSA) of the
31 United States department of health and human services;
32 and that implementing such an initiative requires
33 long-term sustainability and support. The general
34 assembly expresses appreciation to the department for
35 applying to SAMHSA for the comprehensive services
36 program grant to implement a six-year project located
37 in northeast Iowa. The purpose of the project is to
38 create a family-driven, coordinated system of care for
39 children with mental illness to serve as a model for
40 developing a statewide approach based on family-
41 provider partnerships and long-term sustainability.
42 The general assembly strongly supports the grant
43 application and implementation of the project as vital
44 steps in redesigning the children's mental health
45 system.
46 ___. The department shall revise policies or
47 administrative rules applicable when a breastfeeding
48 infant is removed from the infant's home in accordance
49 with chapter 232, to allow the infant's mother to
50 continue to breastfeed the infant when such contact

1 with the mother is in the best interest of the
2 infant."
3 ___. Page 27, by inserting after line 6, the

following:
"___. For continuation of the department's minority youth and family projects under the redesign of the child welfare system:
..... $ 375,000"
___. Page 28, line 13, by striking the figure "13,074,889" and inserting the following: "13,079,889".
___. Page 28, line 25, by striking the figure "17,329,091" and inserting the following: "17,334,091".
___. Page 30, line 19, by striking the figure "10,514,619" and inserting the following: "10,914,619".
___. Page 30, line 21, by striking the figure "500,000" and inserting the following: "100,000".
___. Page 32, by inserting after line 16, the following:
"___. If the department has data indicating that a geographic area has a substantial number of persons with mental illness who are homeless and are not being served by an existing grantee for that area under the formula grant from the federal alcohol, drug abuse, and mental health administration to provide mental health services for the homeless and the existing grantee has expressed a desire to no longer provide services or the grantee's contract was terminated by the department for nonperformance, the department shall issue a request for proposals to replace the grantee. Otherwise, the department shall maximize available funding by continuing to contract to the extent possible with those persons who are grantees as of October 1, 2005. The department shall issue a request for proposals if additional funding becomes available for expansion to persons who are not being served and it is not possible to utilize existing grantees."
___. Page 33, line 13, by striking the figure "53,505,000" and inserting the following: "53,790,628".
___. Page 33, line 25, by striking the figure "13,312,196" and inserting the following: "13,342,196".
___. Page 33, line 26, by striking the figure "292.00" and inserting the following: "293.00".
___. Page 33, by inserting after line 29, the following:

Page 8

"Of the funds appropriated in this section, $30,000 is allocated to the department of human services for a

statewide coordinator for the program of all-inclusive care for the elderly as defined in section 249H.3. The coordinator shall work in collaboration with the department of elder affairs in carrying out the coordinator's duties."

___. Page 35, line 2, by striking the word "be" and inserting the following: "not be less than".

___. Page 36, by striking lines 16 and 17, and inserting the following: "children shall be $156.03 per day."

___. By striking page 36, line 33, through page 37, line 5.

___. Page 39, by striking line 19, and inserting the following:

"11. Beginning on September 1, 2005, for child".

___. Page 39, line 23, by striking the figure "1998" and inserting the following: "2002".

___. Page 40, by striking lines 2 through 6.

___. Page 40, by inserting after line 8, the following:

"Sec. ___. SHELTER CARE REQUEST FOR PROPOSALS. The department of human services shall amend the request for proposals issued on April 15, 2005, for a program to provide for the statewide availability of emergency juvenile shelter care during the fiscal year beginning July 1, 2005, to increase the statewide daily average number of beds covered under the request to 288 beds in order to include 15 unallocated beds statewide for emergency placements. However, if the date of enactment of this Act does not allow sufficient time for the department to amend the request for proposals as otherwise required by this section, the department shall apply the requirement in the negotiations with the program awarded the contract and shall include the requirement in the final contract."

___. Page 41, by inserting after line 25, the following:

"Sec. ___. 2003 Iowa Acts, chapter 178, section 45, unnumbered paragraph 3, as enacted by 2004 Iowa Acts, chapter 1175, section 160, is amended to read as follows:

Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the child and family services until the close of the ~~succeeding~~ fiscal year <u>beginning July 1, 2005</u>."

Page 9

___. Page 43, by inserting after line 17 the following:

"Sec.__. INDIGENT PATIENT PROGRAM. If the Eighty-first General Assembly, 2005 Regular Session, enacts legislation subsequent to the enactment of 2005 Iowa Acts, House File 841, relating to the medical and surgical treatment of indigent patients as provided in chapter 255 that is in conflict with the provisions of 2005 Iowa Acts, House File 841, including provisions relating to the quota under chapter 255, the provisions of 2005 Iowa Acts, House File 841, shall prevail."

___. Page 43, by inserting after line 29, the following:

"___. The provision directing the department of human services to amend the request for proposals issued on April 15, 2005, to provide for statewide emergency juvenile shelter care.

___. The provision amending 2003 Iowa Acts, chapter 178, section 45, unnumbered paragraph 3, as enacted by 2004 Iowa Acts, chapter 1175, section 160."

___. Page 45, line 15, by striking the figure "50,200,000" and inserting the following: "59,647,109".

___. Page 46, by striking lines 23 and 24, and inserting the following: "to only those persons who meet the nursing facility level of care for home and community-based services waiver services as established on or after July 1, 2005."

___. Page 47, by inserting after line 27, the following:

"Sec. ___. 2004 Iowa Acts, chapter 1175, section 173, subsection 1, is amended by adding the following new unnumbered paragraph:

<u>NEW UNNUMBERED PARAGRAPH</u>. Notwithstanding section 8.33 and section 426B.5, subsection 1, paragraph "d", moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year."

___. Page 48, line 17, by striking the figure "14,507,362" and inserting the following: "23,925,724".

___. Page 49, by striking lines 4 through 16, and inserting the following:

"a. For an ending balance percentage of less than 5 percent, a withholding factor of 0 percent. In addition, a county that is subject to this lettered paragraph shall receive an inflation adjustment equal

Page 10

1 to 3 percent of the gross expenditures reported for
2 the county's services fund for the fiscal year.
3 b. For an ending balance percentage of 5 or more
4 but less than 10 percent, a withholding factor of 0
5 percent. In addition, a county that is subject to this
6 lettered paragraph shall receive an inflation
7 adjustment equal to 2 percent of the gross
8 expenditures reported for the county's services fund
9 for the fiscal year.
10 c. For an ending balance percentage of 10 or more
11 but less than 25 percent, a withholding factor of 25
12 percent.
13 d. For an ending balance percentage of 25 percent
14 or more, a withholding percentage of 100 percent."
15 ___. Page 49, line 19, by striking the figure
16 "4,659,749" and inserting the following: "9,418,362".
17 ___. Page 49, by inserting after line 30, the
18 following:
19 "NEW SUBSECTION. 6. a. In addition to the amount
20 to be distributed under subsection 4, for the fiscal
21 year beginning July 1, 2005, a county with an ending
22 balance percentage under subsection 4 of less than
23 zero shall receive a distribution from the sum of the
24 following:
25 (1) The amounts appropriated in 2004 Iowa Acts,
26 chapter 1175, section 132 and section 173, subsection
27 1, that were not distributed and did not revert at the
28 close of the fiscal year beginning July 1, 2004.
29 (2) The amounts appropriated for the fiscal year
30 beginning July 1, 2005, for the mental health and
31 developmental disabilities community services fund and
32 in this section that were not distributed in
33 accordance with subsections 3, 4, and 5.
34 b. The amount of a county's distribution under
35 paragraph "a" shall be equal to the county's
36 proportion of the general population of the counties
37 eligible to receive a distribution under this
38 subsection.
39 c. The distribution amount determined under this
40 subsection shall be included in the county's allowed
41 growth payment determined in accordance with
42 subsections 3, 4, and 5.
43 Sec. ___. EFFECTIVE DATE. The section of this
44 division of this Act amending 2004 Iowa Acts, chapter
45 1175, section 173, subsection 1, being deemed of
46 immediate importance, takes effect upon enactment."
47 ___. Page 49, by inserting after line 32, the
48 following:
49 "Sec. ___. Section 15H.3, subsection 5, as enacted
50 by 2005 Iowa Acts, House File 478, section 3, is

1 amended to read as follows:
2 5. Members shall serve staggered terms of three
3 years beginning ~~and ending as provided by section~~
4 ~~69.19~~ July 1. Members of the commission shall serve
5 no more than two three-year terms. Any vacancy shall
6 be filled in the same manner as the original
7 appointment.
8 Sec. ___. NEW SECTION. 16.184 TRANSITIONAL
9 HOUSING REVOLVING LOAN PROGRAM FUND.
10 1. A transitional housing revolving loan program
11 fund is created within the authority to further the
12 availability of affordable housing for parents that
13 are reuniting with their children while completing or
14 participating in substance abuse treatment. The
15 moneys in the fund are annually appropriated to the
16 authority to be used for the development and operation
17 of a revolving loan program to provide financing to
18 construct affordable transitional housing, including
19 through new construction or acquisition and
20 rehabilitation of existing housing. The housing
21 provided shall be geographically located in close
22 proximity to licensed substance abuse treatment
23 programs. Preference in funding shall be given to
24 projects that reunite mothers with the mothers'
25 children.
26 2. Moneys transferred by the authority for deposit
27 in the transitional housing revolving loan program
28 fund, moneys appropriated to the transitional housing
29 revolving loan program, and any other moneys available
30 to and obtained or accepted by the authority for
31 placement in the fund shall be deposited in the fund.
32 Additionally, payment of interest, recaptures of
33 awards, and other repayments to the transitional
34 housing revolving loan program fund shall be credited
35 to the fund. Notwithstanding section 12C.7,
36 subsection 2, interest or earnings on moneys in the
37 transitional housing revolving loan program fund shall
38 be credited to the fund. Notwithstanding section
39 8.33, moneys that remain unencumbered or unobligated
40 at the close of the fiscal year shall not revert but
41 shall remain available for the same purpose in the
42 succeeding fiscal year.
43 3. The authority shall annually allocate moneys
44 available in the transitional housing revolving loan
45 program fund for the development of affordable
46 transitional housing for parents that are reuniting
47 with the parents' children while completing or
48 participating in substance abuse treatment. The
49 authority shall develop a joint application process
50 for the allocation of federal low-income housing tax

Page 12

1 credits and the funds available under this section.
2 Moneys allocated to such projects may be in the form
3 of loans, grants, or a combination of loans and
4 grants.
5 4. The authority shall adopt rules pursuant to
6 chapter 17A to administer this section."
7 ___. Page 68, by inserting after line 32, the
8 following:
9 "Sec. ___. Section 154A.22, Code 2005, is amended
10 to read as follows:
11 154A.22 ~~DEPOSIT~~ RECEIPT OF FEES.
12 1. ~~The~~ Except as otherwise provided in subsection
13 2, the department shall deposit all fees collected
14 under the provisions of this chapter in the general
15 fund of the state. Compensation and travel expenses
16 of members and employees of the board, and other
17 expenses necessary for the board to administer and
18 carry out the provisions of this chapter shall be paid
19 from funds appropriated from the general fund of the
20 state.
21 2. The department may retain ninety percent of the
22 revenue generated from an increase in licensure and
23 permit fees established pursuant to section 154A.17
24 above the licensure and permit fees in effect as of
25 June 30, 2005. The moneys retained by the department
26 shall be used for any of the board's duties, including
27 but not limited to addition of full-time equivalent
28 positions for program services and investigations.
29 Revenues retained by the department pursuant to this
30 subsection shall be considered repayment receipts as
31 defined in section 8.2.
32 Sec. ___. Section 155.6, Code 2005, is amended to
33 read as follows:
34 155.6 ~~FUND CREATED~~ RECEIPT OF FEES.
35 1. ~~All~~ Except as otherwise provided in subsection
36 2, all fees collected under the provisions of this
37 chapter shall be paid to the treasurer of state who
38 shall deposit the fees in the general fund of the
39 state. Funds shall be appropriated to the board to be
40 used and expended by the board to pay the compensation
41 and travel expenses of members and employees of the
42 board, and other expenses necessary for the board to
43 administer and carry out the provisions of this
44 chapter.
45 2. The board may retain ninety percent of the
46 revenue generated from an increase in examination,
47 licensure, and renewal of licensure fees established
48 pursuant to section 155.15 above the examination,
49 licensure, and renewal of licensure fees in effect as
50 of June 30, 2005. The moneys retained by the board

Page 13

1 shall be used for any of the board's duties, including
2 but not limited to addition of full-time equivalent
3 positions for program services and investigations.
4 Revenues retained by the department pursuant to this
5 subsection shall be considered repayment receipts as
6 defined in section 8.2."
7 ___. Page 73, by inserting after line 33, the
8 following:
9 "Sec. ___. Section 227.4, Code 2005, is amended to
10 read as follows:
11 227.4 STANDARDS FOR CARE OF PERSONS WITH MENTAL
12 ILLNESS OR ~~DEVELOPMENTAL DISABILITIES~~ MENTAL
13 RETARDATION IN COUNTY CARE FACILITIES.
14 The administrator, in cooperation with the
15 department of inspections and appeals, shall recommend
16 and the mental health, mental retardation,
17 developmental disabilities, and brain injury
18 commission created in section 225C.5 shall adopt
19 standards for the care of and services to persons with
20 mental illness or ~~developmental disabilities~~ mental
21 retardation residing in county care facilities. The
22 standards shall be enforced by the department of
23 inspections and appeals as a part of the licensure
24 inspection conducted pursuant to chapter 135C. The
25 objective of the standards is to ensure that persons
26 with mental illness or ~~developmental disabilities~~
27 mental retardation who are residents of county care
28 facilities are not only adequately fed, clothed, and
29 housed, but are also offered reasonable opportunities
30 for productive work and recreational activities suited
31 to their physical and mental abilities and offering
32 both a constructive outlet for their energies and, if
33 possible, therapeutic benefit. When recommending
34 standards under this section, the administrator shall
35 designate an advisory committee representing
36 administrators of county care facilities, county
37 mental health and developmental disabilities regional
38 planning councils, and county care facility resident
39 advocate committees to assist in the establishment of
40 standards."
41 ___. Page 83, by inserting after line 2, the
42 following:
43 "Sec. ___. Section 249J.8, subsection 4, as
44 enacted by 2005 Iowa Acts, House File 841, section 8,
45 is amended to read as follows:
46 4. The department shall track the impact of the
47 out-of-pocket expenditures on ~~patient~~ expansion
48 population enrollment and shall report the findings on
49 at least a quarterly basis to the medical assistance
50 projections and assessment council established

Page 14

1 pursuant to section 249J.19. The findings shall
2 include estimates of the number of expansion
3 population members complying with payment of required
4 out-of-pocket expenditures, the number of expansion
5 population members not complying with payment of
6 required out-of-pocket expenditures and the reasons
7 for noncompliance, any impact as a result of the out-
8 of-pocket requirements on the provision of services to
9 the populations previously served, the administrative
10 time and cost associated with administering the
11 out-of-pocket requirements, and the benefit to the
12 state resulting from the out-of-pocket expenditures.
13 To the extent possible, the department shall track the
14 income level of the member, the health condition of
15 the member, and the family status of the member
16 relative to the out-of-pocket information."
17 ___. Page 86, by striking lines 11 and 12, and
18 inserting the following:
19 "Sec.__. EFFECTIVE DATES.
20 1. The amendment in this division of this Act to".
21 ___. Page 86, by inserting after line 13, the
22 following:
23 "2. The amendment in this division of this Act to
24 section 15H.3, subsection 5, being deemed of immediate
25 importance, takes effect upon enactment and is
26 retroactively applicable to April 19, 2005."
27 ___. Page 86, by inserting after line 13, the
28 following:
29 "DIVISION ___
30 SUBSTITUTE DECISION MAKER ACT
31 Sec. ___. NEW SECTION. 231E.1 TITLE.
32 This chapter shall be known and may be cited as the
33 "Iowa Substitute Decision Maker Act".
34 Sec. ___. NEW SECTION. 231E.2 OFFICE OF
35 SUBSTITUTE DECISION MAKER — FINDINGS AND INTENT.
36 1. a. The general assembly finds that many adults
37 in this state are unable to meet essential
38 requirements to maintain their physical health or to
39 manage essential aspects of their financial resources
40 and are in need of substitute decision-making
41 services. However, a willing and responsible person
42 may not be available to serve as a private substitute
43 decision maker or the adult may not have adequate
44 income or resources to compensate a private substitute
45 decision maker.
46 b. The general assembly further finds that a
47 process should exist to assist individuals in finding
48 alternatives to substitute decision-making services
49 and less intrusive means of assistance before an
50 individual's independence or rights are limited.

Page 15

1 c. The general assembly further finds that a
2 substitute decision maker may be necessary to finalize
3 a person's affairs after death when there is no
4 willing and appropriate person available to serve as
5 the person's personal representative.
6 2. a. It is, therefore, the intent of the general
7 assembly to establish a state office of substitute
8 decision maker and authorize the establishment of
9 local offices of substitute decision maker to provide
10 substitute decision-making services to adults and
11 their estates after their deaths, when no private
12 substitute decision maker is available.
13 b. It is also the intent of the general assembly
14 that the office of substitute decision maker provide
15 assistance to both public and private substitute
16 decision makers throughout the state in securing
17 necessary services for their wards, principals,
18 clients, and decedents and to assist substitute
19 decision makers, wards, principals, clients, courts,
20 and attorneys in the orderly and expeditious handling
21 of substitute decision-making proceedings.
22 Sec. ___. NEW SECTION. 231E.3 DEFINITIONS.
23 As used in this chapter, unless the context
24 otherwise requires:
25 1. "Client" means an individual for whom a
26 representative payee is appointed.
27 2. "Commission" means the commission of elder
28 affairs.
29 3. "Conservator" means conservator as defined in
30 section 633.3.
31 4. "Court" means court as defined in section
32 633.3.
33 5. "Decedent" means the individual for whom an
34 estate is administered or executed.
35 6. "Department" means the department of elder
36 affairs established in section 231.21.
37 7. "Director" means the director of the department
38 of elder affairs.
39 8. "Estate" means estate as defined in section
40 633.3.
41 9. "Guardian" means guardian as defined in section
42 633.3.
43 10. "Incompetent" means incompetent as defined in
44 section 633.3.
45 11. "Local office" means a local office of
46 substitute decision maker.
47 12. "Local substitute decision maker" means an
48 individual under contract with the department to act
49 as a substitute decision maker.
50 13. "Personal representative" means personal

Page 16

1 representative as defined in section 633.3.
2 14. "Planning and service area" means a geographic
3 area of the state designated by the commission for the
4 purpose of planning, developing, delivering, and
5 administering services for elders.
6 15. "Power of attorney" means a durable power of
7 attorney for health care as defined in section 144B.1
8 or a power of attorney that becomes effective upon the
9 disability of the principal as described in section
10 633.705.
11 16. "Principal" means an individual for whom a
12 power of attorney is established.
13 17. "Representative payee" means an individual
14 appointed by a government entity to receive funds on
15 behalf of a client pursuant to federal regulation.
16 18. "State agency" means any executive department,
17 commission, board, institution, division, bureau,
18 office, agency, or other executive entity of state
19 government.
20 19. "State office" means the state office of
21 substitute decision maker.
22 20. "State substitute decision maker" means the
23 administrator of the state office of substitute
24 decision maker.
25 21. "Substitute decision maker" means a guardian,
26 conservator, representative payee, attorney in fact
27 under a power of attorney, or personal representative.
28 22. "Substitute decision making" or "substitute
29 decision-making services" means the provision of
30 services of a guardian, conservator, representative
31 payee, attorney in fact under a power of attorney, or
32 personal representative.
33 23. "Ward" means the individual for whom a
34 guardianship or conservatorship is established.
35 Sec. ___. NEW SECTION. 231E.4 STATE OFFICE OF
36 SUBSTITUTE DECISION MAKER — ESTABLISHED — DUTIES —
37 DEPARTMENT RULES.
38 1. A state office of substitute decision maker is
39 established within the department to create and
40 administer a statewide network of substitute decision
41 makers who provide substitute decision-making services
42 if other substitute decision makers are not available
43 to provide the services.
44 2. The director shall appoint an administrator of
45 the state office who shall serve as the state
46 substitute decision maker. The state substitute
47 decision maker shall be qualified for the position by
48 training and expertise in substitute decision-making
49 law. The state substitute decision maker shall also
50 have knowledge of social services available to meet

Page 17

1 the needs of persons adjudicated incompetent or in
2 need of substitute decision making.
3 3. The state office shall do all of the following:
4 a. Select persons through a request for proposals
5 process to establish local offices of substitute
6 decision maker in each of the planning and service
7 areas. Local offices shall be established statewide
8 on or before July 1, 2015.
9 b. Monitor and terminate contracts with local
10 offices based on criteria established by rule of the
11 department.
12 c. Retain oversight responsibilities for all local
13 substitute decision makers.
14 d. Act as substitute decision maker if a local
15 office is not available to so act.
16 e. Work with the department of human services, the
17 Iowa department of public health, the governor's
18 developmental disabilities council, and other agencies
19 to establish a referral system for the provision of
20 substitute decision-making services.
21 f. Develop and maintain a current listing of
22 public and private services and programs available to
23 assist wards, principals, clients, personal
24 representatives, and their families and establish and
25 maintain relationships with public and private
26 entities to assure the availability of effective
27 substitute decision-making services for wards,
28 principals, clients, and estates.
29 g. Provide information and referrals to the public
30 regarding substitute decision-making services.
31 h. Provide personal representatives for estates
32 where a person is not available for that purpose.
33 i. Maintain statistical data on the local offices
34 including various methods of funding, the types of
35 services provided, and the demographics of the wards,
36 principals, clients, and decedents and report to the
37 general assembly on or before November 1, annually,
38 regarding the local offices and recommend any
39 appropriate legislative action.
40 j. Develop, in cooperation with the judicial
41 council as established in section 602.1202, a
42 substitute decision-maker education and training
43 program. The program may be offered to both public
44 and private substitute decision makers. The state
45 office shall establish a curriculum committee, which
46 includes but is not limited to probate judges, to
47 develop the education and training program.
48 4. The state office may do any of the following:
49 a. Accept and receive gifts, grants, or donations
50 from any public or private entity in support of the

Page 18

1 state office.
2 b. Accept the services of individual volunteers
3 and volunteer organizations.
4 c. Employ staff necessary to administer the state
5 office and enter into contracts as necessary.
6 5. The department shall provide administrative
7 support to the state office.
8 6. The department shall adopt rules in accordance
9 with chapter 17A necessary to create and administer
10 the state and local offices, relating to but not
11 limited to all of the following:
12 a. An application and intake process and standards
13 for receipt of substitute decision-making services
14 from the state or a local office.
15 b. A process for the removal or termination of the
16 state or a local substitute decision maker.
17 c. An ideal range of staff-to-client ratios for
18 the state and local substitute decision makers.
19 d. Minimum training and experience requirements
20 for professional staff and volunteers.
21 e. A fee schedule. The department may establish
22 by rule a schedule of reasonable fees for the costs of
23 substitute decision-making services provided under
24 this chapter. The fee schedule established may be
25 based upon the ability of the ward, principal, client,
26 or estate to pay for the services but shall not exceed
27 the actual cost of providing the services. The state
28 office or a local office may waive collection of a fee
29 upon a finding that collection is not economically
30 feasible. The rules may provide that the state office
31 or a local office may investigate the financial status
32 of a ward, principal, or client who, or an estate that
33 requests substitute decision-making services or for
34 whom or which the state or a local substitute decision
35 maker has been appointed for the purpose of
36 determining the fee to be charged by requiring the
37 ward, principal, client, or estate to provide any
38 written authorizations necessary to provide access to
39 records of public or private sources, otherwise
40 confidential, needed to evaluate the individual's or
41 estate's financial eligibility. The rules may also
42 provide that the state or a local substitute decision
43 maker may, upon request and without payment of fees
44 otherwise required by law, obtain information
45 necessary to evaluate the individual's or estate's
46 financial eligibility from any office of the state or
47 of a political subdivision or agency of the state that
48 possesses public records. In estate proceedings, the
49 state or local decision maker shall be compensated
50 pursuant to chapter 633, division III, part 8.

Page 19

1 f. Standards and performance measures for
2 evaluation of local offices.
3 g. Recordkeeping and accounting procedures to
4 ensure that the state office and local offices
5 maintain confidential, accurate, and up-to-date
6 financial, case, and statistical records. The rules
7 shall require each local office to file with the state
8 office, on an annual basis, an account of all public
9 and private funds received and a report regarding the
10 operations of the local office for the preceding
11 fiscal year.
12 h. Procedures for the sharing of records held by
13 the court or a state agency with the state office,
14 which are necessary to evaluate the state office or
15 local offices, to assess the need for additional
16 substitute decision makers, or to develop required
17 reports.
18 Sec. ___. NEW SECTION. 231E.5 LOCAL OFFICE OF
19 SUBSTITUTE DECISION MAKER.
20 1. The state substitute decision maker shall
21 select persons to provide local substitute decision-
22 making services in each of the planning and service
23 areas, based upon a request for proposals process
24 developed by the department.
25 2. The local office shall comply with all
26 requirements established for the local office by the
27 department and shall do all of the following:
28 a. Maintain a staff of professionally qualified
29 individuals to carry out the substitute decision-
30 making functions.
31 b. Identify client needs and local resources to
32 provide necessary support services to recipients of
33 substitute decision-making services.
34 c. Collect program data as required by the state
35 office.
36 d. Meet standards established for the local
37 office.
38 e. Comply with minimum staffing requirements and
39 caseload restrictions.
40 f. Conduct background checks on employees and
41 volunteers.
42 g. With regard to a proposed ward, the local
43 office shall do all of the following:
44 (1) Determine the most appropriate form of
45 substitute decision making needed, if any, giving
46 preference to the least restrictive alternative.
47 (2) Determine whether the needs of the proposed
48 ward require the appointment of guardian or
49 conservator.
50 (3) Assess the financial resources of the proposed

Page 20

1 ward based on the information supplied to the local
2 office at the time of the determination.
3 (4) Inquire and, if appropriate, search to
4 determine whether any other person may be willing and
5 able to serve as the proposed ward's guardian or
6 conservator.
7 (5) Determine the form of guardianship or
8 conservatorship to request of a court, if any, giving
9 preference to the least restrictive form.
10 (6) If determined necessary, file a petition for
11 the appointment of a guardian or conservator pursuant
12 to chapter 633.
13 h. With regard to an estate, the local office may
14 appoint a personal representative to file a petition
15 to open an estate who shall do all of the following:
16 (1) Retain legal counsel as described in section
17 231E.11 to be compensated from the proceeds of the
18 estate pursuant to chapter 633, division III, part 8.
19 (2) Liquidate all assets of the estate.
20 (3) Distribute the assets of the estate pursuant
21 to chapter 633, division VII, parts 7 and 8, and other
22 applicable provisions of law.
23 3. A local office may do any of the following:
24 a. Contract for or arrange for provision of
25 services necessary to carry out the duties of a local
26 substitute decision maker.
27 b. Accept the services of volunteers or
28 consultants and reimburse them for necessary expenses.
29 c. Employ staff and delegate to members of the
30 staff the powers and duties of the local substitute
31 decision maker. However, the local office shall
32 retain responsibility for the proper performance of
33 the delegated powers and duties. All delegations
34 shall be to persons who meet the eligibility
35 requirements of the specific type of substitute
36 decision maker.
37 4. An individual acting as the state or a local
38 substitute decision maker shall comply with applicable
39 requirements for guardians, conservators, or personal
40 representatives pursuant to chapter 633, attorneys in
41 fact under a power of attorney pursuant to chapter 633
42 or a durable power of attorney for health care
43 pursuant to chapter 144B, or representative payees
44 pursuant to federal law and regulations.
45 5. Notwithstanding any provision to the contrary,
46 an individual acting as the state or a local
47 substitute decision maker shall not be subject to the
48 posting of a bond pursuant to chapter 633. An
49 individual acting as the state or a local substitute
50 decision maker shall complete at least eight hours of

Page 21

1 training annually as certified by the department.
2 Sec. ___. NEW SECTION. 231E.6 COURT-INITIATED OR
3 PETITION-INITIATED APPOINTMENT OF STATE OR LOCAL
4 SUBSTITUTE DECISION MAKER — GUARDIANSHIP OR
5 CONSERVATORSHIP — DISCHARGE.
6 The court may appoint on its own motion or upon
7 petition of any person, the state office or local
8 office of substitute decision maker, to serve as
9 guardian or conservator for any proposed ward in cases
10 in which the court determines that the proceeding will
11 establish the least restrictive form of substitute
12 decision making suitable for the proposed ward and if
13 the proposed ward meets all of the following criteria:
14 1. Is a resident of the planning and service area
15 in which the local office is located from which
16 services would be provided or is a resident of the
17 state, if the state office would provide the services.
18 2. Is eighteen years of age or older.
19 3. Does not have suitable family or another
20 appropriate entity willing and able to serve as
21 guardian or conservator.
22 4. Is incompetent.
23 5. Is an individual for whom guardianship or
24 conservatorship services are the least restrictive
25 means of meeting the individual's needs.
26 Sec. ___. NEW SECTION. 231E.7 SUBSTITUTE
27 DECISION MAKER-INITIATED APPOINTMENT.
28 The state office or local office may on its own
29 motion or at the request of the court intervene in a
30 guardianship or conservatorship proceeding if the
31 state office or local office or the court considers
32 the intervention to be justified because of any of the
33 following:
34 1. An appointed guardian or conservator is not
35 fulfilling prescribed duties or is subject to removal
36 under section 633.65.
37 2. A willing and qualified guardian or conservator
38 is not available.
39 3. The best interests of the ward require the
40 intervention.
41 Sec. ___. NEW SECTION. 231E.8 PROVISIONS
42 APPLICABLE TO ALL APPOINTMENTS AND DESIGNATIONS —
43 DISCHARGE.
44 1. The court shall only appoint or intervene on
45 its own motion or act upon the petition of any person
46 under section 231E.6 or 231E.7 if such appointment or
47 intervention would comply with staffing ratios
48 established by the department and if sufficient
49 resources are available to the state office or local
50 office. Notice of the proposed appointment shall be

Page 22

1 provided to the state office or local office prior to
2 the granting of such appointment.
3 2. The state office or local office shall maintain
4 reasonable personal contact with each ward, principal,
5 or client for whom the state office or local office is
6 appointed or designated in order to monitor the
7 ward's, principal's, or client's care and progress.
8 For any estates in which the state office or local
9 office is involved, the state office or local office
10 shall move estate proceedings forward in a reasonable
11 and expeditious manner and shall monitor the progress
12 of any legal counsel retained on a regular basis.
13 3. Notwithstanding any provision of law to the
14 contrary, the state office or local office appointed
15 by the court or designated under a power of attorney
16 document may access all confidential records
17 concerning the ward or principal for whom the state
18 office or local office is appointed or designated,
19 including medical records and abuse reports.
20 4. In any proceeding in which the state or local
21 office is appointed or is acting as guardian or
22 conservator, the court shall waive court costs or
23 filing fees, if the state office or local office
24 certifies to the court that the state office or local
25 office has waived its fees in their entirety based
26 upon the ability of the ward to pay for the services
27 of the state office or local office. In any estate
28 proceeding, the court costs shall be paid in
29 accordance with chapter 633, division VII, part 7.
30 5. The state or a local substitute decision maker
31 shall be subject to discharge or removal, by the
32 court, on the grounds and in the manner in which other
33 guardians, conservators, or personal representatives
34 are discharged or removed pursuant to chapter 633.
35 Sec. ___. NEW SECTION. 231E.9 FEES —
36 APPROPRIATED.
37 Fees received by the state office and by local
38 offices for services provided as state or local
39 substitute decision maker shall be deposited in the
40 general fund of the state and the amounts received are
41 appropriated to the department for the purposes of
42 administering this chapter.
43 Sec. ___. NEW SECTION. 231E.10 CONFLICTS OF
44 INTEREST — LIMITATIONS.
45 Notwithstanding section 633.63 or any other
46 provision to the contrary, a local substitute decision
47 maker shall not provide direct services to or have an
48 actual or the appearance of any conflict of interest
49 relating to any individual for whom the local
50 substitute decision maker acts in a substitute

Page 23

1 decision-making capacity unless such provision of
2 direct services or the appearance of a conflict of
3 interest is approved and monitored by the state office
4 in accordance with rules adopted by the department.
5 Sec. ___. NEW SECTION. 231E.11 DUTY OF ATTORNEY
6 GENERAL, COUNTY ATTORNEY, OR OTHER COUNSEL.
7 1. The attorney general shall advise the state
8 office on legal matters and represent the state office
9 in legal proceedings.
10 2. Upon the request of the attorney general, a
11 county attorney may represent the state office or a
12 local office in connection with the filing of a
13 petition for appointment as guardian or conservator
14 and with routine, subsequent appearances.
15 3. A local attorney experienced in probate matters
16 may represent the personal representative for all
17 routine matters associated with probating an estate.
18 Sec. ___. NEW SECTION. 231E.12 LIABILITY.
19 All employees and volunteers of the state office
20 and local offices operating under this chapter and
21 other applicable chapters and pursuant to rules
22 adopted under this and other applicable chapters are
23 considered employees of the state and state volunteers
24 for the purposes of chapter 669 and shall be afforded
25 protection under section 669.21 or 669.24, as
26 applicable. This section does not relieve a guardian
27 or conservator from performing duties prescribed under
28 chapter 633.
29 Sec. ___. NEW SECTION. 231E.13 IMPLEMENTATION.
30 Implementation of this chapter is subject to
31 availability of funding as determined by the
32 department. The department shall notify the Code
33 editor upon implementation of this chapter.
34 Sec. ___. Section 235B.6, subsection 2, paragraph
35 e, Code 2005, is amended by adding the following new
36 subparagraph:
37 NEW SUBPARAGRAPH. (11) The state office or a
38 local office of substitute decision maker as defined
39 in section 231E.3, appointed by the court as a
40 guardian or conservator of the adult named in a report
41 as the victim of abuse or the person designated to be
42 responsible for performing or obtaining protective
43 services on behalf of a dependent adult pursuant to
44 section 235B.18.
45 Sec. ___. Section 633.63, subsection 3, Code 2005,
46 is amended to read as follows:
47 3. A private nonprofit corporation organized under
48 chapter 504, Code 1989, or current chapter 504 or 504A
49 is qualified to act as a guardian, as defined in
50 section 633.3, ~~subsection 20,~~ or a conservator, as

Page 24

1 defined in section 633.3, ~~subsection 7, where the~~
2 ~~assets subject to the conservatorship at the time when~~
3 ~~such corporation is appointed conservator are less~~
4 ~~than or equal to seventy-five thousand dollars and~~ if
5 the corporation does not possess a proprietary or
6 legal interest in an organization which provides
7 direct services to the individual.
8 Sec. ___. Section 633.63, Code 2005, is amended by
9 adding the following new subsection:
10 NEW SUBSECTION. 4. The state or a local
11 substitute decision maker as defined in section 231E.3
12 is authorized to act in a fiduciary capacity in this
13 state in accordance with chapter 231E."
14 ___. Page 86, by inserting before line 14, the
15 following:
16 "DIVISION ___
17 LONG-TERM LIVING SYSTEM
18 Sec. ___. NEW SECTION. 231F.1 INTENT FOR IOWA'S
19 LONG-TERM LIVING SYSTEM.
20 1. The general assembly finds and declares that
21 the intent for Iowa's long-term living system is to
22 ensure all Iowans access to an extensive range of
23 high-quality, affordable, and cost-effective long-
24 term living options that maximize independence,
25 choice, and dignity for consumers.
26 2. The long-term living system should be
27 comprehensive, offering multiple services and support
28 in home, community-based, and facility-based settings;
29 should utilize a uniform assessment process to ensure
30 that such services and support are delivered in the
31 most integrated and life-enhancing setting; and should
32 ensure that such services and support are provided by
33 a well-trained, motivated workforce.
34 3. The long-term living system should exist in a
35 regulatory climate that appropriately ensures the
36 health, safety, and welfare of consumers, while not
37 being overly restrictive or inflexible.
38 4. The long-term living system should sustain
39 existing informal care systems including family,
40 friends, volunteers, and community resources; should
41 encourage innovation through the use of technology and
42 new delivery and financing models, including housing;
43 should provide incentives to consumers for private
44 financing of long-term living services and support;
45 and should allow Iowans to live independently as long
46 as they desire.
47 5. Information regarding all components of the
48 long-term living system should be effectively
49 communicated to all persons potentially impacted by
50 the need for long-term living services and support in

Page 25

order to empower consumers to plan, evaluate, and make decisions about how best to meet their own long-term living needs."

___. By striking page 86, line 14, through page 88, line 12.""

2. By renumbering, relettering, or redesignating and correcting internal references as necessary.

S–3325

Amend the Senate amendment, H–1679, to House File 875, as amended, passed, and reprinted by the House, as follows:

1. Page 1, by striking lines 3 through 7, and inserting the following:

"___. Page 1, by striking lines 8 through 21."

2. Page 1, by inserting after line 42, the following:

"___. Page 3, by inserting after line 11, the following:

"d. For maintenance costs of the department of corrections and board of parole associated with the department of administrative services, notwithstanding section 8.57, subsection 6, paragraph "c":

..... $ 105,300

e. For rent payments for the community-based corrections facility located in Davenport and the department of corrections training center, notwithstanding section 8.57, subsection 6, paragraph "c":

..... $ 122,000

2A. DEPARTMENT OF CULTURAL AFFAIRS

For continuation of the project recommended by the Iowa battle flag advisory committee to stabilize the condition of the battle flag collection, notwithstanding section 8.57, subsection 6, paragraph "c":

..... $ 220,000""

3. Page 2, by inserting after line 9, the following:

"___. Page 4, by inserting after line 2 the following:

"d. For major renovation and major repair needs, including health, life, and fire safety needs, and for compliance with the federal Americans With Disabilities Act, for state buildings and facilities under the purview of the community colleges:

..... $ 2,000,000

The moneys appropriated in this lettered paragraph shall be allocated to the community colleges based

41 upon the distribution formula established in section
42 260C.18C, if enacted by 2005 Iowa Acts, House File
43 816.
44 e. For implementation of the provisions of Code
45 chapter 280A, as amended by 2005 Iowa Acts, House File
46 739, if enacted, notwithstanding section 8.57,
47 subsection 6, paragraph "c":
48 ..... $ 500,000"
49 ___. Page 4, by inserting after line 8 the
50 following:

Page 2

1 "5A. IOWA FINANCE AUTHORITY
2 For deposit into the transitional housing revolving
3 loan program fund created in section 16.184, if
4 enacted by 2005 Iowa Acts, House File 825:
5 ..... $ 1,400,000""
6 4. Page 2, by striking lines 13 and 14.
7 5. Page 2, line 44, by inserting after the word
8 "fire" the following: "regional".
9 6. Page 3, line 4, by inserting after the word
10 "fire" the following: "regional".
11 7. Page 3, by striking lines 13 and 14, and
12 inserting the following:
13 "___. Page 6, line 4, by striking the word "For"
14 and inserting the following: "a. For major".
15 ___. Page 6, by inserting after line 6, the
16 following:
17 "b. For major renovation and major repair needs,
18 including health, life, and fire safety needs, and for
19 compliance with the federal Americans With
20 Disabilities Act, for state buildings and facilities
21 under the purview of the state board of regents
22 institutions:
23 ..... $ 6,250,000""
24 8. Page 3, by inserting after line 17, the
25 following:
26 "___. Page 6, line 13, by striking the figure
27 "500,000" and inserting the following: "564,792"."
28 9. Page 3, by inserting after line 23, the
29 following:
30 "___. Page 6, by inserting after line 27, the
31 following:
32 "d. For the rail assistance program and to provide
33 economic development project funding:
34 ..... $ 35,959""
35 10. Page 3, by inserting after line 41, the
36 following:
37 "___. Page 10, by inserting after line 4, the
38 following:
39 "Sec. ___. 2005 Iowa Acts, House File 466, section

40 3, is repealed.""
41 11. Page 11, line 49, by inserting after the word
42 "courses." the following: "The treasurer of state is
43 authorized to establish separate and distinct accounts
44 within the honey creek premier destination park bond
45 fund in connection with the issuance of the
46 authority's bonds in accordance with the trust
47 indenture or resolution authorizing the bonds and the
48 authority is authorized to determine which revenues
49 and accounts shall be pledged as security for the
50 bonds. Amounts deposited in the honey creek premier

Page 3

1 destination park bond fund shall be deposited in the
2 separate and distinct accounts as set forth in the
3 trust indenture or resolution authorizing the bonds.
4 The authority is authorized to pledge and use the
5 gross revenues from the honey creek premier
6 destination park to and for payment of the bonds.
7 Revenues may also be used for the payment of
8 insurance, other credit enhancements, and other
9 financing arrangements. Operating expenses of the
10 honey creek premier destination park may be paid from
11 the revenues to the extent the revenues exceed the
12 amount determined by the authority to be necessary for
13 debt service on the bonds."
14 12. Page 15, line 49, by striking the word "July"
15 and inserting the following: "January".
16 13. Page 16, line 6, by striking the word "may"
17 and inserting the following: "shall".
18 14. Page 17, line 49, by inserting after the
19 figure "12.30." the following: "However, the
20 exemption from competitive bid laws in this section
21 shall not be construed to apply to contracts for the
22 development of the park or the development or
23 construction of facilities in the park, including, but
24 not limited to, lodges, campgrounds, cabins, and golf
25 courses."

S–3326

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 811

1 Amend the Senate amendment, H–1701, to House File
2 811, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 1, line 31, by striking the figure
5 "305,000" and inserting the following: "5,000".
6 2. Page 1, line 38, by striking the figure

"750,000" and inserting the following: "900,000".

3. Page 2, by inserting after line 46 the following:

"4A. As a condition of receiving the appropriation in subsection 1, the department of justice shall transfer at least $2,450,000 from the victim compensation fund established in section 915.94 to the victim assistance grant program."

4. Page 3, by striking lines 21 through 38.

5. Page 4, line 47, by striking the figure "38,923,261" and inserting the following: "38,840,761".

6. Page 5, line 1, by striking the figure "27,257,452" and inserting the following: "27,199,702".

7. Page 5, line 9, by striking the figure "25,730,278" and inserting the following: "25,650,778".

8. Page 5, line 13, by striking the figure "25,073,632" and inserting the following: "24,916,132".

9. Page 5, line 17, by striking the figure "23,753,340" and inserting the following: "23,694,840".

10. Page 5, line 21, by striking the figure "8,096,378" and inserting the following: "8,039,378".

11. Page 5, line 25, by striking the figure "22,904,497" and inserting the following: "22,853,497".

12. Page 5, line 34, by striking the figure "14,002,603" and inserting the following: "13,867,603".

13. Page 5, line 38, by striking the figure "26,315,943" and inserting the following: "26,244,693".

14. Page 7, line 4, by striking the figure "1,008,358" and inserting the following: "1,058,358".

15. Page 7, by inserting after line 34 the following:

"d. For offender mental health and substance abuse treatment:

..... $ 125,000"

16. Page 8, line 50, by striking the figure "10,718,695" and inserting the following:

Page 2

"10,501,186".

17. Page 9, line 7, by striking the figure "8,308,209" and inserting the following: "8,230,603".

18. Page 9, line 14, by striking the figure "4,983,792" and inserting the following: "4,805,458".

19. Page 9, line 21, by striking the figure "4,443,392" and inserting the following: "4,427,796".

20. Page 9, line 26, by inserting after the word "program," the following: "and funding for electronic monitoring devices for use on a statewide basis,".

21. Page 9, line 28, by striking the figure "14,678,288" and inserting the following: "14,167,169".

22. Page 9, line 35, by striking the figure "10,598,160" and inserting the following: "10,378,668".

23. Page 9, line 42, by striking the figure "6,010,963" and inserting the following: "5,870,653".

24. Page 9, line 49, by striking the figure "6,164,249" and inserting the following: "5,970,648".

25. Page 13, line 40, by striking the figure "3,370,033" and inserting the following: "3,073,274".

26. Page 13, line 50, by striking the figure "15,682,052" and inserting the following: "14,760,898".

27. Page 14, line 1, by striking the figure "225.50" and inserting the following: "228.50".

28. Page 14, by striking lines 2 through 18.

29. Page 14, by striking lines 22 through 37.

30. Page 15, line 22, by striking the figure "2,181,998" and inserting the following: "2,256,998".

31. Page 15, line 23, by striking the figure "39.00" and inserting the following: "42.00".

32. Page 15, line 46, by striking the figure "43,747,973" and inserting the following: "43,076,973".

33. By striking page 15, line 48, through page 16, line 14.

34. Page 17, line 9, by striking the figure "1,000,788" and inserting the following: "950,788".

35. By striking page 18, line 18 through page 19, line 34 and inserting the following:

"METHAMPHETAMINE BAIL PROVISIONS

Sec. ___. Section 804.21, subsection 1, Code 2005, as amended by 2005 Iowa Acts, Senate File 169, section 7, is amended to read as follows:

1. A person arrested in obedience to a warrant shall be taken without unnecessary delay before the nearest or most accessible magistrate. The officer

Page 3

shall at the same time deliver to the magistrate the warrant with the officer's return endorsed on it and subscribed by the officer with the officer's official title. However, this section, and sections 804.22 and

5 804.23, do not preclude the release of an arrested
6 person within the period of time the person would
7 otherwise remain incarcerated while waiting to be
8 taken before a magistrate if the release is pursuant
9 to pretrial release guidelines or a bond schedule
10 promulgated by the judicial council, unless the person
11 is charged with manufacture, delivery, possession with
12 intent to manufacture or deliver, or distribution of
13 methamphetamine. If, however, a person is released
14 pursuant to pretrial release guidelines, a magistrate
15 must, within twenty-four hours of the release, or as
16 soon as practicable on the next subsequent working day
17 of the court, either approve in writing of the
18 release, or disapprove of the release and issue a
19 warrant for the person's arrest.
20 Sec. ___. Section 804.22, unnumbered paragraph 2,
21 Code 2005, as amended by 2005 Iowa Acts, Senate File
22 169, section 8, is amended to read as follows:
23 This section and the rules of criminal procedure do
24 not affect the provisions of chapter 805 authorizing
25 the release of a person on citation or bail prior to
26 initial appearance, unless the person is charged with
27 manufacture, delivery, possession with intent to
28 manufacture or deliver, or distribution of
29 methamphetamine. The initial appearance of a person
30 so released shall be scheduled for a time not more
31 than thirty days after the date of release.
32 Sec. ___. Section 811.2, subsection 1, unnumbered
33 paragraph 2, Code 2005, as amended by 2005 Iowa Acts,
34 Senate File 169, section 10, is amended to read as
35 follows:
36 Any bailable defendant who is charged with unlawful
37 possession, manufacture, delivery, or distribution of
38 a controlled substance or other drug under chapter 124
39 and is ordered released shall be required, as a
40 condition of that release, to submit to a substance
41 abuse evaluation and follow any recommendations
42 proposed in the evaluation for appropriate substance
43 abuse treatment. However, if a bailable defendant is
44 charged with manufacture, delivery, possession with
45 the intent to manufacture or deliver, or distribution
46 of methamphetamine, its salts, optical isomers, and
47 salts of its optical isomers, the defendant shall, in
48 addition to a substance abuse evaluation, remain under
49 supervision and be required to undergo random drug
50 tests as a condition of release.

Page 4

1 Sec. ___. Section 811.2, subsection 3, Code 2005,
2 as amended by 2005 Iowa Acts, Senate File 169, section
3 11, is amended to read as follows:
4 3. RELEASE AT INITIAL APPEARANCE. This chapter

5 does not preclude the release of an arrested person as
6 authorized by section 804.21, unless the arrested
7 person is charged with manufacture, delivery,
8 possession with the intent to manufacture or deliver,
9 or distribution of methamphetamine.
10 Sec. ___. EFFECTIVE DATE. This division of this
11 Act, being deemed of immediate importance, takes
12 effect upon enactment."
13 36. Page 19, by inserting before line 35 the
14 following:
15 "DIVISION III
16 SUPPLEMENTAL APPROPRIATIONS".
17 37. Page 21, by striking lines 37 through 49.
18 38. Page 22, line 20, by striking the figure
19 "25,251,339" and inserting the following:
20 "22,251,339".
21 39. Page 22, by inserting after line 34 the
22 following:
23 "Sec. ___. 2004 Iowa Acts, chapter 1175, section
24 192, subsection 4, paragraph a, is amended to read as
25 follows:
26 a. For the state fire marshal's office, including
27 the state's contribution to the peace officers'
28 retirement, accident, and disability system provided
29 in chapter 97A in the amount of 17 percent of the
30 salaries for which the funds are appropriated, and for
31 not more than the following full-time equivalent
32 positions:
33 ..... $ ~~2,181,998~~
34 2,281,998
35 ..... FTEs 39.00
36 Notwithstanding section 8.33, moneys appropriated
37 in this lettered paragraph 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 40. Page 23, by inserting after line 5 the
43 following:
44 "DIVISION IV
45 APPROPRIATIONS FROM HEALTHY IOWANS TOBACCO TRUST
46 Sec. ___. In addition to any other funds
47 appropriated from the healthy Iowans tobacco trust
48 created in section 12.65 to the department of
49 corrections for the fiscal year beginning July 1,
50 2005, and ending June 30, 2006, there is appropriated

1 from the healthy Iowans tobacco trust to the
2 department of corrections for the fiscal year
3 beginning July 1, 2005, and ending June 30, 2006, the

following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the judicial district departments of correctional services:

..... $ 800,000

Of the funds appropriated in this division, $100,000 shall be allocated to each judicial district department of correctional services.

DIVISION V

CONTINGENT APPROPRIATIONS FROM MICROSOFT SETTLEMENT

Sec. ___. DIVISION OF THE IOWA STATE PATROL. In addition to any other funds appropriated from the general fund of the state to the division of the Iowa state patrol, there is appropriated from the general fund of the state to the division of the Iowa state patrol for the fiscal year beginning July 1, 2005, and ending June 30, 2006, an amount not exceeding $785,000 to be used for motor vehicle depreciation. The funds appropriated in this section are contingent upon receipt by the general fund of the state of an amount at least equal to the expenditure amount from costs or attorney fees awarded the state in settlement of its antitrust action against Microsoft brought under chapter 553. However, if the amounts received as a result of this settlement are in excess of $785,000, the excess amounts shall not be appropriated to the division of the Iowa state patrol pursuant to this section.

Sec. ___. DIVISION OF CRIMINAL INVESTIGATION AND BUREAU OF IDENTIFICATION. In addition to any other funds appropriated from the general fund of the state to the division of criminal investigation and bureau of identification, there is appropriated from the general fund of the state to the division of criminal investigation and bureau of identification for the fiscal year beginning July 1, 2005, and ending June 30, 2006, an amount not exceeding $929,206. The funds appropriated in this section are contingent upon receipt by the general fund of the state of an amount at least equal to the expenditure amount from costs or attorney fees awarded the state in settlement of its antitrust action against Microsoft brought under chapter 553. However, if the amounts received as a result of this settlement are in excess of $929,206, the excess amounts shall not be appropriated to the division of criminal investigation and bureau of

identification pursuant to this section."

41. By renumbering as necessary.

S–3327

Amend the House amendment, S–3321, to Senate File 342, as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, by striking lines 3 and 4, and inserting the following:

"___. By striking page 1, line 1, through page 2, line 34."

2. Page 1, by inserting after line 6, the following:

"___. Page 3, by inserting before line 31, the following:

"DIVISION ___
EDUCATION

Sec. ___. STATE BOARD OF REGENTS — GENERAL FUND ENDING BALANCE.

1. Prior to the appropriation of the surplus existing in the general fund of the state at the conclusion of the fiscal year beginning July 1, 2004, pursuant to section 8.57, subsection 1, from appropriations that remain unencumbered or unobligated and would otherwise revert on August 31, 2005, pursuant to section 8.33, up to $2,800,000 shall be transferred to the state board of regents.

2. The transfer made in subsection 1 shall be distributed to the state board of regents in the fiscal year beginning July 1, 2005, to be used as additional funding for the fiscal year beginning July 1, 2005, for the institutions under the state board of regents.""

3. Page 1, by inserting after line 6, the following:

"___. Page 5, by inserting after line 22, the following:

"Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.""

4. Page 1, by striking lines 7 through 11, and inserting the following:

"___. By striking page 5, line 25, through page 9, line 17, and inserting the following:

"Sec. ___. INDIGENT DEFENSE CLAIMS—TRANSFERS. It is the intent of the general assembly that the director of the department of management, with the approval of the governor, shall utilize the transfer authority available under section 8.39 to provide the office of the state public defender of the department of inspections and appeals with sufficient funding to

Page 2

1 satisfy all valid indigent defense claims under
2 section 232.141 and chapter 815 for the fiscal year
3 beginning July 1, 2004, and ending June 30, 2005.""

ROBERT E. DVORSKY
JEFF ANGELO

S–3328

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 868

1 Amend the Senate amendment, H–1633, to House File
2 868, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 2, by inserting after line 43, the
5 following:
6 "___. Page 25, by inserting after line 18, the
7 following:
8 "Sec. ___. OPERATIONAL EXPENSES. Moneys that are
9 appropriated to the department of economic development
10 pursuant to section 15G.111, if enacted, for deposit
11 in workforce training and economic development funds
12 of community colleges may be used by community
13 colleges for operational expenses associated with
14 vocational technical training.""
15 2. Page 3, by inserting after line 2 the
16 following:
17 "___. Page 57, by inserting after line 16 the
18 following:
19 "Sec. ___. Section 15E.305, subsection 2, Code
20 2005, is amended to read as follows:
21 2. The aggregate amount of tax credits authorized
22 pursuant to this section shall not exceed a total of
23 two million dollars <u>annually</u>. The maximum amount of
24 tax credits granted to a taxpayer shall not exceed
25 five percent of the aggregate amount of tax credits
26 authorized."
27 ___. Page 59, line 14, by inserting after the
28 word "issued" the following: "each calendar year"."
29 3. Page 3, line 14, by striking the word
30 "state."" and inserting the following: "state."
31 4. Page 3, by inserting after line 14 the
32 following:
33 "Sec. ___. Section 452A.3, Code 2005, is amended
34 by adding the following new subsection:
35 <u>NEW SUBSECTION</u>. 1C. The rate of the excise tax on
36 E-85 gasoline imposed in subsection 1B shall be
37 determined based on the number of gallons of E-85

38 gasoline that is distributed in this state during the
39 previous calendar year. The department shall
40 determine the actual tax paid for E-85 gasoline for
41 each period beginning January 1 and ending December
42 31. The amount of the tax paid on E-85 gasoline
43 during the past calendar year shall be compared to the
44 amount of tax on E-85 gasoline that would have been
45 paid using the tax rate for gasoline imposed in
46 subsection 1 or 1A and a difference shall be
47 established. If this difference is equal to or
48 greater than twenty-five thousand dollars, the tax
49 rate for E-85 gasoline for the period beginning July 1
50 following the end of the determination period shall be

Page 2

1 the rate in effect as stated in subsection 1 or 1A.
2 Sec. ___. STUDY. The state department of
3 transportation shall review the current revenue levels
4 of the road use tax fund and its sufficiency for the
5 projected construction and maintenance needs of city,
6 county, and state governments in the future. The
7 department shall submit a written report to the
8 general assembly regarding its findings on or before
9 December 31, 2006. The report may include
10 recommendations concerning funding levels needed to
11 support the future mobility and accessibility for
12 users of Iowa's public road system.
13 Sec. ___. EFFECTIVE DATE. The sections of this
14 division of this Act amending chapter 452A take effect
15 January 1, 2006."
16 5. Page 5, by inserting after line 4, the
17 following:
18 "___. Page 59, by inserting after line 35, the
19 following:
20 "DIVISION ___
21 PORT AUTHORITIES
22 Sec. ___. Section 12.30, subsection 1, paragraph
23 a, Code 2005, is amended to read as follows:
24 a. "Authority" means a department, or public or
25 quasi-public instrumentality of the state including,
26 but not limited to, the authority created under
27 chapter 12E, 16, 16A, 175, 257C, 261A, or 327I, which
28 has the power to issue obligations, except that
29 "authority" does not include the state board of
30 regents or the Iowa finance authority to the extent it
31 acts pursuant to chapter 260C. <u>"Authority" also</u>
32 <u>includes a port authority created under chapter 28J.</u>
33 Sec. ___. <u>NEW SECTION</u>. 28J.1 DEFINITIONS.
34 As used in this chapter, unless the context
35 otherwise requires:
36 1. "Authorized purposes" means an activity that

37 enhances, fosters, aids, provides, or promotes
38 transportation, economic development, housing,
39 recreation, education, governmental operations,
40 culture, or research within the jurisdiction of a port
41 authority.
42 2. "Board" means the board of directors of a port
43 authority established pursuant to section 28J.2.
44 3. "City" means the same as defined in section
45 362.2.
46 4. "Construction" means alteration, creation,
47 development, enlargement, erection, improvement,
48 installation, reconstruction, remodeling, and
49 renovation.
50 5. "Contracting governmental agency" means any

Page 3

1 governmental agency or taxing district of the state
2 that, by action of its legislative authority, enters
3 into an agreement with a port authority pursuant to
4 section 28J.17.
5 6. "Cost" as applied to a port authority facility
6 means any of the following:
7 a. The cost of construction contracts, land,
8 rights-of-way, property rights, easements, franchise
9 rights, and interests required for acquisition or
10 construction.
11 b. The cost of demolishing or removing any
12 buildings or structures on land, including the cost of
13 acquiring any lands to which those buildings or
14 structures may be moved.
15 c. The cost of diverting a highway, interchange of
16 a highway, and access roads to private property,
17 including the cost of land or easements, and
18 relocation of a facility of a utility company or
19 common carrier.
20 d. The cost of machinery, furnishings, equipment,
21 financing charges, interest prior to and during
22 construction and for no more than twelve months after
23 completion of construction, engineering, and expenses
24 of research and development with respect to a
25 facility.
26 e. Legal and administrative expenses, plans,
27 specifications, surveys, studies, estimates of cost
28 and revenues, engineering services, and other expenses
29 necessary or incident to determining the feasibility
30 or practicability of acquiring or constructing a
31 facility.
32 f. The interest upon the revenue bonds and pledge
33 orders during the period or estimated period of
34 construction and for twelve months thereafter, or for
35 twelve months after the acquisition date, reserve

36 funds as the port authority deems advisable in
37 connection with a facility and the issuance of port
38 authority revenue bonds and pledge orders.
39 g. The costs of issuance of port authority revenue
40 bonds and pledge orders.
41 h. The cost of diverting a rail line, rail spur
42 track, or rail spur track switch, including the cost
43 of land or easements, and relocation of a facility of
44 a utility company or common carrier.
45 i. The cost of relocating an airport's runways,
46 terminals, and related facilities including the cost
47 of land or easements, and relocation of a facility of
48 a utility company or common carrier.
49 7. "Facility" or "port authority facility" means
50 real or personal property owned, leased, or otherwise

Page 4

1 controlled or financed by a port authority and related
2 to or in furtherance of one or more authorized
3 purposes.
4 8. "Governmental agency" means a department,
5 division, or other unit of state government of this
6 state or any other state, city, county, township, or
7 other governmental subdivision, or any other public
8 corporation or agency created under the laws of this
9 state, any other state, the United States, or any
10 department or agency thereof, or any agency,
11 commission, or authority established pursuant to an
12 interstate compact or agreement or combination
13 thereof.
14 9. "Person" means the same as defined in section
15 4.1.
16 10. "Pledge order" means a promise to pay out of
17 the net revenues of a port authority, which is
18 delivered to a contractor or other person in payment
19 of all or part of the cost of a facility.
20 11. "Political subdivision" means a city, county,
21 city-county consolidation, or multicounty
22 consolidation, or combination thereof.
23 12. "Political subdivisions comprising the port
24 authority" means the political subdivisions which
25 created or participated in the creation of the port
26 authority under section 28J.2, or which joined an
27 existing port authority under section 28J.4.
28 13. "Port authority" means an entity created
29 pursuant to section 28J.2.
30 14. "Port authority revenue bonds" means revenue
31 bonds and revenue refunding bonds issued pursuant to
32 section 28J.21.
33 15. "Public roads" means all public highways,
34 roads, and streets in this state, whether maintained

35 by the state or by a county or city.
36 16. "Revenues" means rental fees and other charges
37 received by a port authority for the use or services
38 of a facility, a gift or grant received with respect
39 to a facility, moneys received with respect to the
40 lease, sublease, sale, including installment sale or
41 conditional sale, or other disposition of a facility,
42 moneys received in repayment of and for interest on
43 any loans made by the port authority to a person or
44 governmental agency, proceeds of port authority
45 revenue bonds for payment of principal, premium, or
46 interest on the bonds authorized by the port
47 authority, proceeds from any insurance, condemnation,
48 or guarantee pertaining to the financing of the
49 facility, and income and profit from the investment of
50 the proceeds of port authority revenue bonds or of any

Page 5

1 revenues.
2 Sec. ___. NEW SECTION. 28J.2 CREATION AND POWERS
3 OF PORT AUTHORITY.
4 1. Two or more political subdivisions may create a
5 port authority under this chapter by resolution. If a
6 proposal to create a port authority receives a
7 favorable majority of the members of the elected
8 legislative body of the political subdivision, the
9 port authority is created at the time provided in the
10 resolution. The jurisdiction of a port authority
11 includes the territory described in section 28J.8.
12 2. A port authority created pursuant to this
13 section may sue and be sued, complain, and defend in
14 its name and has the powers and jurisdiction
15 enumerated in this chapter.
16 3. At the time a port authority is created
17 pursuant to this section, the political subdivisions
18 comprising the port authority may restrict the powers
19 granted the port authority pursuant to this chapter by
20 specifically adopting such restrictions in the
21 resolution creating the port authority.
22 4. The political subdivisions comprising the port
23 authority whose powers have been restricted pursuant
24 to subsection 3 may at any time adopt a resolution to
25 grant additional powers to the port authority, so long
26 as the additional powers do not exceed the powers
27 permitted under this chapter.
28 Sec. ___. NEW SECTION. 28J.3 APPROPRIATION AND
29 EXPENDITURE OF PUBLIC FUNDS — DISSOLUTION.
30 1. The political subdivisions comprising a port
31 authority may appropriate and expend public funds to
32 finance or subsidize the operation and authorized
33 purposes of the port authority. A port authority

34 shall control tax revenues allocated to the facilities
35 the port authority administers and all revenues
36 derived from the operation of the port authority, the
37 sale of its property, interest on investments, or from
38 any other source related to the port authority.
39 2. All revenues received by the port authority
40 shall be held in a separate fund in a manner agreed to
41 by the political subdivisions comprising the port
42 authority. Revenues may be paid out only at the
43 direction of the board of directors of the port
44 authority.
45 3. A port authority shall comply with section
46 331.341, subsections 1, 2, 4, and 5, and section
47 331.342, when contracting for public improvements.
48 4. Subject to making due provisions for payment
49 and performance of any outstanding obligations, the
50 political subdivisions comprising the port authority

Page 6

1 may dissolve the port authority, and transfer the
2 property of the port authority to the political
3 subdivisions comprising the port authority in a manner
4 agreed upon between the political subdivisions
5 comprising the port authority prior to the dissolution
6 of the port authority.
7 Sec. ___. NEW SECTION. 28J.4 JOINING AN EXISTING
8 PORT AUTHORITY.
9 1. A political subdivision which is contiguous to
10 either a political subdivision which participated in
11 the creation of the port authority or a political
12 subdivision which proposes to join the port authority
13 at the same time which is contiguous to a political
14 subdivision which participated in the creation of the
15 port authority may join the port authority by
16 resolution.
17 2. If more than one such political subdivision
18 proposes to join the port authority at the same time,
19 the resolution of each such political subdivision
20 shall designate the political subdivisions which are
21 to be so joined.
22 3. Any territory or city not included in a port
23 authority which is annexed to a city included within
24 the jurisdiction of a port authority shall, on such
25 annexation and without further proceedings, be annexed
26 to and be included in the jurisdiction of the port
27 authority.
28 4. Before a political subdivision is joined to a
29 port authority, other than by annexation to a city,
30 the political subdivisions comprising the port
31 authority shall agree upon the terms and conditions
32 pursuant to which such political subdivision is to be

33 joined.
34 5. For the purpose of this chapter, such political
35 subdivision shall be considered to have participated
36 in the creation of the port authority, except that the
37 initial term of any director of the port authority
38 appointed by a joining political subdivision shall be
39 four years.
40 6. After each resolution proposing a political
41 subdivision to join a port authority has become
42 effective and the terms and conditions of joining the
43 port authority have been agreed to, the board of
44 directors of the port authority shall by resolution
45 either accept or reject the proposal. Such proposal
46 to join a port authority shall be effective upon
47 adoption of the resolution by the board of directors
48 of the port authority and thereupon the jurisdiction
49 of the port authority includes the joining political
50 subdivision.

Page 7

1 Sec. ___. NEW SECTION. 28J.5 MEMBERSHIP OF BOARD
2 OF DIRECTORS.
3 1. A port authority created pursuant to section
4 28J.2 shall be governed by a board of directors.
5 Members of a board of directors of a port authority
6 shall be divided among the political subdivisions
7 comprising the port authority in such proportions as
8 the political subdivisions may agree and shall be
9 appointed by the respective political subdivision's
10 elected legislative body.
11 2. The number of directors comprising the board
12 shall be determined by agreement between the political
13 subdivisions comprising the port authority, and which
14 number may be changed by resolution of the political
15 subdivisions comprising the port authority.
16 3. A majority of the directors shall have been
17 qualified electors of, or owned a business or been
18 employed in, one or more political subdivisions within
19 the area of the jurisdiction of the port authority for
20 a period of at least three years preceding
21 appointment.
22 4. The directors of a port authority first
23 appointed shall serve staggered terms. Thereafter
24 each successor director shall serve for a term of four
25 years, except that any person appointed to fill a
26 vacancy shall be appointed to only the unexpired term.
27 A director is eligible for reappointment.
28 5. The board may provide procedures for the
29 removal of a director who fails to attend three
30 consecutive regular meetings of the board. If a
31 director is so removed, a successor shall be appointed

32 for the remaining term of the removed director in the
33 same manner provided for the original appointment.
34 The appointing body may at any time remove a director
35 appointed by it for misfeasance, nonfeasance, or
36 malfeasance in office.
37 6. The board may adopt bylaws and shall elect one
38 director as chairperson and one director as vice
39 chairperson, designate terms of office, and appoint a
40 secretary who need not be a director.
41 7. A majority of the board of directors shall
42 constitute a quorum for the purpose of holding a
43 meeting of the board. The affirmative vote of a
44 majority of a quorum shall be necessary for any action
45 taken by the port authority unless the board
46 determines that a greater number of affirmative votes
47 is necessary for particular actions to be taken by the
48 port authority. A vacancy in the membership of the
49 board shall not impair the rights of a quorum to
50 exercise all the rights and perform all the duties of

Page 8

1 the port authority.
2 8. Each director shall be entitled to receive from
3 the port authority such sum of money as the board may
4 determine as compensation for services as a director
5 and reimbursement for reasonable expenses in the
6 performance of official duties.
7 Sec. ___. NEW SECTION. 28J.6 CIVIL IMMUNITY OF
8 DIRECTORS.
9 A director of a port authority shall not be
10 personally liable for any monetary damages that arise
11 from actions taken in the performance of the
12 director's official duties, except for acts or
13 omissions that are not in good faith or that involve
14 intentional misconduct, a knowing violation of law, or
15 any transaction from which the director derived an
16 improper personal benefit.
17 Sec. ___. NEW SECTION. 28J.7 EMPLOYEES, ADVISORY
18 BOARD, PEACE OFFICERS.
19 1. A port authority shall employ and fix the
20 qualifications, duties, and compensation of any
21 employees and enter into contracts for any services
22 that may be required to conduct the business of the
23 port authority, and may appoint an advisory board,
24 which shall serve without compensation.
25 2. An employee of a port authority is a public
26 employee for the purposes of collective bargaining
27 under chapter 20.
28 3. a. A port authority may provide for the
29 administration and enforcement of the laws of the
30 state by employing peace officers who shall have all

31 the powers conferred by law on peace officers of this
32 state with regard to the apprehension of violators
33 upon all property under its control within and without
34 the port authority. The peace officers may seek the
35 assistance of other appropriate law enforcement
36 officers to enforce its rules and maintain order.
37 b. Peace officers employed by a port authority
38 shall meet all requirements as police officers
39 appointed under the civil service law of chapter 400
40 and shall participate in the retirement system
41 established by chapter 411.
42 c. Peace officers employed by a port authority
43 shall serve as a peace officer force with respect to
44 the property, grounds, buildings, equipment, and
45 facilities under the control of the port authority, to
46 prevent hijacking of aircraft or watercraft, protect
47 the property of the authority and the property of
48 others located thereon, suppress nuisances and
49 disturbances and breaches of the peace, and enforce
50 laws and the rules of the port authority for the

Page 9

1 preservation of good order. Peace officers are vested
2 with the same powers of arrest as peace officers under
3 section 804.7.
4 4. If an employee of a political subdivision
5 comprising the port authority is transferred to a
6 comparable position with the port authority, the
7 employee is entitled to suffer no loss in pay,
8 pension, fringe benefits, or other benefits and shall
9 be entitled to a comparable rank and grade as the
10 employee's prior position. Sick leave, longevity, and
11 vacation time accrued to such employees shall be
12 credited to them as employees of the port authority.
13 All rights and accruals of such employees as members
14 of the Iowa public employees' retirement system
15 pursuant to chapter 97B and the retirement system for
16 police officers pursuant to chapter 411 shall remain
17 in force and shall be automatically transferred to the
18 port authority.
19 Sec. ___. NEW SECTION. 28J.8 AREA OF
20 JURISDICTION.
21 1. The area of jurisdiction of a port authority
22 shall include all of the territory of the political
23 subdivisions comprising the port authority and, if the
24 port authority owns or leases a railroad line or
25 airport, the territory on which the railroad's line,
26 terminals, and related facilities or the airport's
27 runways, terminals, and related facilities are
28 located, regardless of whether the territory is
29 located in the political subdivisions comprising the

30 port authority.
31 2. A political subdivision that has created a port
32 authority or joined an existing port authority shall
33 not be included in any other port authority.
34 Sec. ___. NEW SECTION. 28J.9 POWERS OF PORT
35 AUTHORITY.
36 A port authority may exercise all of the following
37 powers:
38 1. Adopt bylaws for the regulation of the port
39 authority's affairs and the conduct of the port
40 authority's business.
41 2. Adopt an official seal.
42 3. Maintain a principal office and branch offices
43 within the port authority's jurisdiction.
44 4. Acquire, construct, furnish, equip, maintain,
45 repair, sell, exchange, lease, lease with an option to
46 purchase, convey interests in real or personal
47 property, and operate any property of the port
48 authority in connection with transportation,
49 recreational, governmental operations, or cultural
50 activities in furtherance of an authorized purpose.

Page 10

1 5. Straighten, deepen, and improve any channel,
2 river, stream, or other watercourse or way which may
3 be necessary or proper in the development of the
4 facilities of the port authority.
5 6. Make available the use or services of any
6 facility of the port authority to any person or
7 governmental agency.
8 7. Issue bonds or pledge orders pursuant to the
9 requirements and limitations in section 28J.21.
10 8. Issue port authority revenue bonds beyond the
11 limit of bonded indebtedness provided by law, payable
12 solely from revenues as provided in section 28J.21,
13 for the purpose of providing funds to pay the costs of
14 any facility or facilities of the port authority or
15 parts thereof.
16 9. Apply to the proper authorities of the United
17 States for the right to establish, operate, and
18 maintain foreign trade zones and establish, operate,
19 and maintain foreign trade zones and to acquire,
20 exchange, sell, lease to or from, lease with an option
21 to purchase, or operate facilities, land, or property
22 in accordance with the federal Foreign Trade Zones
23 Act, 19 U.S.C. § 81a-81u.
24 10. Enjoy and possess the same legislative and
25 executive rights, privileges, and powers granted
26 cities under chapter 364 and counties under chapter
27 331, including the exercise of police power but
28 excluding the power to levy taxes.

29 11. Maintain such funds as it considers necessary
30 and adhere to the public funds investment standards of
31 chapter 12B, as applicable.
32 12. Direct port authority agents or employees,
33 after at least five days' written notice, to enter
34 upon lands within the port authority's jurisdiction to
35 make surveys and examinations preliminary to location
36 and construction of works for the port authority,
37 without liability of the port authority or its agents
38 or employees except for actual damages.
39 13. Promote, advertise, and publicize the port
40 authority and its facilities, and provide information
41 to shippers and other commercial interests.
42 14. Adopt bylaws, not in conflict with state or
43 federal law, necessary or incidental to the
44 performance of the duties of and the execution of the
45 powers of the port authority under this chapter.
46 15. Do any of the following in regard to interests
47 in real or personal property, including machinery,
48 equipment, plants, factories, offices, and other
49 structures and facilities related to or in furtherance
50 of any authorized purpose as the board in its sole

Page 11

1 discretion may determine:
2 a. Loan money to any person or governmental agency
3 for the acquisition, construction, furnishing, or
4 equipping of the property.
5 b. Acquire, construct, maintain, repair, furnish,
6 or equip the property.
7 c. Sell to, exchange with, lease, convey other
8 interests in, or lease with an option to purchase the
9 same or any lesser interest in the property to the
10 same or any other person or governmental agency.
11 d. Guarantee the obligations of any person or
12 governmental agency.
13 e. Accept and hold as consideration for the
14 conveyance of property or any interest therein such
15 property or interests therein as the board may
16 determine, notwithstanding any restrictions that apply
17 to the investment of funds by a port authority.
18 16. Sell, lease, or convey other interests in real
19 and personal property, and grant easements or rights-
20 of-way over property of the port authority. The board
21 shall specify the consideration and terms for the
22 sale, lease, or conveyance of other interests in real
23 and personal property. A determination made by the
24 board under this subsection shall be conclusive. The
25 sale, lease, or conveyance may be made without
26 advertising and the receipt of bids.
27 17. Enter into an agreement with a political

28 subdivision comprising the port authority for the
29 political subdivision to exercise its right of eminent
30 domain pursuant to chapters 6A and 6B on behalf of the
31 port authority. However, a condemnation exercised on
32 behalf of a port authority pursuant to this subsection
33 shall not take or disturb property or a facility
34 belonging to a governmental agency, utility company,
35 or common carrier, which property or facility is
36 necessary and convenient in the operation of the
37 governmental agency, utility company, or common
38 carrier, unless provision is made for the restoration,
39 relocation, or duplication of such property or
40 facility, or upon the election of the governmental
41 agency, utility company, or common carrier, for the
42 payment of compensation, if any, at the sole cost of
43 the port authority, provided that both of the
44 following apply:
45 a. If a restoration or duplication proposed to be
46 made under this subsection involves a relocation of
47 the property or facility, the new facility and
48 location shall be of at least comparable utilitarian
49 value and effectiveness and shall not impair the
50 ability of the utility company or common carrier to

Page 12

1 compete in its original area of operation.
2 b. If a restoration or duplication made under this
3 subsection involves a relocation of the property or
4 facility, the port authority shall acquire no interest
5 or right in or to the appropriated property or
6 facility, until the relocated property or facility is
7 available for use and until marketable title thereto
8 has been transferred to the utility company or common
9 carrier.
10 18. a. Make and enter into all contracts and
11 agreements and execute all instruments necessary or
12 incidental to the performance of the duties of and the
13 execution of powers of the port authority under this
14 chapter.
15 b. Except as provided in paragraph "c", when the
16 cost of a contract for the construction of a building,
17 structure, or other improvement undertaken by a port
18 authority involves an expenditure exceeding twenty-
19 five thousand dollars, and the port authority is the
20 contracting entity, the port authority shall make a
21 written contract after notice calling for bids for the
22 award of the contract has been given by publication
23 twice, with at least seven days between publications,
24 in a newspaper of general circulation in the area of
25 the port authority. Each such contract shall be let
26 to the lowest responsive and responsible bidder.

27 Every contract shall be accompanied by or shall refer
28 to plans and specifications for the work to be done,
29 prepared for and approved by the port authority, and
30 signed by an authorized officer of the port authority
31 and by the contractor.
32 c. The board of directors may provide criteria for
33 the negotiation and award without competitive bidding
34 of any contract as to which the port authority is the
35 contracting entity for the construction of any
36 building or structure or other improvement under any
37 of the following circumstances:
38 (1) A real and present emergency exists that
39 threatens damage or injury to persons or property of
40 the port authority or other persons, provided that a
41 statement specifying the nature of the emergency that
42 is the basis for the negotiation and award of a
43 contract without competitive bidding shall be signed
44 by the officer of the port authority that executes
45 that contract at the time of the contract's execution
46 and shall be attached to the contract.
47 (2) A commonly recognized industry or other
48 standard or specification does not exist and cannot
49 objectively be articulated for the improvement.
50 (3) The contract is for any energy conservation

Page 13

1 measure as defined in section 7D.34.
2 (4) With respect to material to be incorporated
3 into the improvement, only a single source or supplier
4 exists for the material.
5 (5) A single bid is received by the port authority
6 after complying with the provisions of paragraph "b".
7 d. (1) If a contract is to be negotiated and
8 awarded without competitive bidding for the reason set
9 forth in paragraph "c", subparagraph (2), the port
10 authority shall publish a notice calling for technical
11 proposals at least twice, with at least seven days
12 between publications, in a newspaper of general
13 circulation in the area of the port authority. After
14 receipt of the technical proposals, the port authority
15 may negotiate with and award a contract for the
16 improvement to the person making the proposal
17 considered to be the most advantageous to the port
18 authority.
19 (2) If a contract is to be negotiated and awarded
20 without competitive bidding for the reason set forth
21 in paragraph "c", subparagraph (4), construction
22 activities related to the incorporation of the
23 material into the improvement also may be provided
24 without competitive bidding by the source or supplier
25 of that material.

26 e. A purchase, exchange, sale, lease, lease with
27 an option to purchase, conveyance of other interests
28 in, or other contract with a person or governmental
29 agency that pertains to the acquisition, construction,
30 maintenance, repair, furnishing, equipping, or
31 operation of any real or personal property, related to
32 or in furtherance of economic development and the
33 provision of adequate housing, shall be made in such
34 manner and subject to such terms and conditions as may
35 be determined in the board's discretion. This
36 paragraph applies to all contracts that are subject to
37 this section, notwithstanding any other provision of
38 law that might otherwise apply, including a
39 requirement of notice, competitive bidding or
40 selection, or for the provision of security. However,
41 this paragraph shall not apply to a contract secured
42 exclusively by or to be paid exclusively from the
43 general revenues of the port authority. For the
44 purposes of this paragraph, any revenues derived by
45 the port authority under a lease or other agreement
46 that, by its terms, contemplates the use of amounts
47 payable under the agreement either to pay the costs of
48 the improvement that is the subject of the contract or
49 to secure obligations of the port authority issued to
50 finance costs of such improvement, are excluded from

Page 14

1 general revenues.
2 19. Employ managers, superintendents, and other
3 employees and retain or contract with consulting
4 engineers, financial consultants, accounting experts,
5 architects, attorneys, and any other consultants and
6 independent contractors as are necessary in the port
7 authority's judgment to carry out this chapter, and
8 fix the compensation thereof. All expenses thereof
9 shall be payable from any available funds of the port
10 authority or from funds appropriated for that purpose
11 by the political subdivisions comprising the port
12 authority.
13 20. Receive and accept from a governmental agency
14 grants and loans for the construction of a port
15 authority facility, for research and development with
16 respect to a port authority facility, or any other
17 authorized purpose, and receive and accept aid or
18 contributions from any source of moneys, property,
19 labor, or other things of value, to be held, used, and
20 applied only for the purposes for which the grants,
21 loans, aid, or contributions are made.
22 21. Engage in research and development with
23 respect to a port authority facility.
24 22. Purchase fire and extended coverage and

25 liability insurance for a port authority facility and
26 for the principal office and branch offices of the
27 port authority, insurance protecting the port
28 authority and its officers and employees against
29 liability for damage to property or injury to or death
30 of persons arising from its operations, and any other
31 insurance the port authority may agree to provide
32 under a resolution authorizing port authority revenue
33 bonds, pledge orders, or in any trust agreement
34 securing the same.
35 23. Charge, alter, and collect rental fees and
36 other charges for the use or services of a port
37 authority facility as provided in section 28J.16.
38 24. Perform all acts necessary or proper to carry
39 out the powers expressly granted in this chapter.
40 Sec. ___. NEW SECTION. 28J.10 PARTICIPATION OF
41 PRIVATE ENTERPRISE.
42 The port authority shall foster and encourage the
43 participation of private enterprise in the development
44 of the port authority facilities to the fullest extent
45 practicable in the interest of limiting the necessity
46 of construction and operation of the facilities by the
47 port authority.
48 Sec. ___. NEW SECTION. 28J.11 PROVISIONS DO NOT
49 AFFECT OTHER LAWS OR POWERS.
50 This chapter shall not do any of the following:

Page 15

1 1. Impair a provision of law directing the payment
2 of revenues derived from public property into sinking
3 funds or dedicating those revenues to specific
4 purposes.
5 2. Impair the powers of a political subdivision to
6 develop or improve a port and terminal facility except
7 as restricted by section 28J.15.
8 3. Enlarge, alter, diminish, or affect in any way,
9 a lease or conveyance made, or action taken prior to
10 the creation of a port authority under section 28J.2
11 by a city or a county.
12 4. Impair or interfere with the exercise of a
13 permit for the removal of sand or gravel, or other
14 similar permits issued by a governmental agency.
15 5. Impair or contravene applicable federal
16 regulations.
17 Sec. ___. NEW SECTION. 28J.12 CONVEYANCE, LEASE,
18 OR EXCHANGE OF PUBLIC PROPERTY.
19 A port authority may convey or lease, lease with an
20 option to purchase, or exchange with any governmental
21 agency or other port authority without competitive
22 bidding and on mutually agreeable terms, any personal
23 or real property, or any interest therein.

24 Sec. ___. NEW SECTION. 28J.13 ANNUAL BUDGET —
25 USE OF RENTS AND CHARGES.
26 The board shall annually prepare a budget for the
27 port authority. Revenues received by the port
28 authority shall be used for the general expenses of
29 the port authority and to pay interest, amortization,
30 and retirement charges on money borrowed. Except as
31 provided in section 28J.26, if there remains, at the
32 end of any fiscal year, a surplus of such funds after
33 providing for the above uses, the board shall pay such
34 surplus into the general funds of the political
35 subdivisions comprising the port authority as agreed
36 to by the subdivisions.
37 Sec. ___. NEW SECTION. 28J.14 SECRETARY TO
38 FURNISH BOND — DEPOSIT AND DISBURSEMENT OF FUNDS.
39 Before receiving any revenues, the secretary of a
40 port authority shall furnish a bond in such amount as
41 shall be determined by the port authority with
42 sureties satisfactory to the port authority, and all
43 funds coming into the hands of the secretary shall be
44 deposited by the secretary to the account of the port
45 authority in one or more such depositories as shall be
46 qualified to receive deposits of county funds, which
47 deposits shall be secured in the same manner as county
48 funds are required to be secured. A disbursement
49 shall not be made from such funds except in accordance
50 with policies and procedures adopted by the port

Page 16

1 authority.
2 Sec. ___. NEW SECTION. 28J.15 LIMITATION ON
3 CERTAIN POWERS OF POLITICAL SUBDIVISIONS.
4 A political subdivision creating or participating
5 in the creation of a port authority in accordance with
6 section 28J.2 shall not, during the time the port
7 authority is in existence, exercise the rights and
8 powers provided in chapters 28A, 28K, and 384 relating
9 to the political subdivision's authority over a port,
10 wharf, dock, harbor or other facility substantially
11 similar to that political subdivision's authority
12 under a port authority granted under this chapter.
13 Sec. ___. NEW SECTION. 28J.16 RENTALS OR CHARGES
14 FOR USE OR SERVICES OF FACILITIES — AGREEMENTS WITH
15 GOVERNMENTAL AGENCIES.
16 1. a. A port authority may charge, alter, and
17 collect rental fees or other charges for the use or
18 services of any port authority facility and contract
19 for the use or services of a facility, and fix the
20 terms, conditions, rental fees, or other charges for
21 the use or services.
22 b. If the services are furnished in the

23 jurisdiction of the port authority by a utility
24 company or a common carrier, the port authority's
25 charges for the services shall not be less than the
26 charges established for the same services furnished by
27 a utility company or common carrier in the port
28 authority jurisdiction.
29 c. The rental fees or other charges shall not be
30 subject to supervision or regulation by any other
31 authority, commission, board, bureau, or governmental
32 agency of the state and the contract may provide for
33 acquisition of all or any part of the port authority
34 facility for such consideration payable over the
35 period of the contract or otherwise as the port
36 authority determines to be appropriate, but subject to
37 the provisions of any resolution authorizing the
38 issuance of port authority revenue bonds or any trust
39 agreement securing the bonds.
40 d. A governmental agency that has power to
41 construct, operate, and maintain a port authority
42 facility may enter into a contract or lease with a
43 port authority for the use or services of a port
44 authority facility as may be agreed to by the port
45 authority and the governmental agency.
46 2. a. A governmental agency may cooperate with
47 the port authority in the acquisition or construction
48 of a port authority facility and shall enter into such
49 agreements with the port authority as may be
50 appropriate, which shall provide for contributions by

Page 17

1 the parties in a proportion as may be agreed upon and
2 other terms as may be mutually satisfactory to the
3 parties including the authorization of the
4 construction of the facility by one of the parties
5 acting as agent for all of the parties and the
6 ownership and control of the facility by the port
7 authority to the extent necessary or appropriate.
8 b. A governmental agency may provide funds for the
9 payment of any contribution required under such
10 agreements by the levy of taxes or assessments if
11 otherwise authorized by the laws governing the
12 governmental agency in the construction of the type of
13 port authority facility provided for in the
14 agreements, and may pay the proceeds from the
15 collection of the taxes or assessments; or the
16 governmental agency may issue bonds or notes, if
17 authorized by law, in anticipation of the collection
18 of the taxes or assessments, and may pay the proceeds
19 of the bonds or notes to the port authority pursuant
20 to such agreements.
21 c. A governmental agency may provide the funds for

22 the payment of a contribution by the appropriation of
23 moneys or, if otherwise authorized by law, by the
24 issuance of bonds or notes and may pay the
25 appropriated moneys or the proceeds of the bonds or
26 notes to the port authority pursuant to such
27 agreements.
28 3. When the contribution of any governmental
29 agency is to be made over a period of time from the
30 proceeds of the collection of special assessments, the
31 interest accrued and to accrue before the first
32 installment of the assessments is collected, which is
33 payable by the governmental agency on the contribution
34 under the terms and provisions of the agreements,
35 shall be treated as part of the cost of the
36 improvement for which the assessments are levied, and
37 that portion of the assessments that is collected in
38 installments shall bear interest at the same rate as
39 the governmental agency is obligated to pay on the
40 contribution under the terms and provisions of the
41 agreements and for the same period of time as the
42 contribution is to be made under the agreements. If
43 the assessment or any installment thereof is not paid
44 when due, it shall bear interest until the payment
45 thereof at the same rate as the contribution and the
46 county auditor shall annually place on the tax list
47 and duplicate the interest applicable to the
48 assessment and the penalty thereon as otherwise
49 authorized by law.
50 4. A governmental agency, pursuant to a favorable

1 vote in an election regarding issuing bonds to provide
2 funds to acquire, construct, or equip, or provide real
3 estate and interests in real estate for a port
4 authority facility, whether or not the governmental
5 agency at the time of the election had the authority
6 to pay the proceeds from the bonds or notes issued in
7 anticipation of the bonds to the port authority as
8 provided in this section, may issue such bonds or
9 notes in anticipation of the issuance of the bonds and
10 pay the proceeds of the bonds or notes to the port
11 authority in accordance with an agreement with the
12 port authority; provided, that the legislative
13 authority of the governmental agency finds and
14 determines that the port authority facility to be
15 acquired or constructed in cooperation with the
16 governmental agency will serve the same public purpose
17 and meet substantially the same public need as the
18 facility otherwise proposed to be acquired or
19 constructed by the governmental agency with the
20 proceeds of the bonds and notes.

21 Sec. ___. NEW SECTION. 28J.17 CONTRACTS,
22 ARRANGEMENTS, AND AGREEMENTS.
23 1. a. A port authority may enter into a contract
24 or other arrangement with a person, railroad, utility
25 company, corporation, governmental agency including
26 sewerage, drainage, conservation, conservancy, or
27 other improvement districts in this or other states,
28 or the governments or agencies of foreign countries as
29 may be necessary or convenient for the exercise of the
30 powers granted by this chapter. The port authority
31 may purchase, lease, or acquire land or other property
32 in any county of this state and in adjoining states
33 for the accomplishment of authorized purposes of the
34 port authority, or for the improvement of the harbor
35 and port facilities over which the port authority may
36 have jurisdiction including development of port
37 facilities in adjoining states. The authority granted
38 in this section to enter into contracts or other
39 arrangements with the federal government includes the
40 power to enter into any contracts, arrangements, or
41 agreements that may be necessary to hold and save
42 harmless the United States from damages due to the
43 construction and maintenance by the United States of
44 work the United States undertakes.
45 b. A political subdivision that has participated
46 in the creation of a port authority, or is within, or
47 adjacent to a political subdivision that is within the
48 jurisdiction of a port authority, may enter into an
49 agreement with the port authority to accomplish any of
50 the authorized purposes of the port authority. The

Page 19

1 agreement may set forth the extent to which the port
2 authority shall act as the agent of the political
3 subdivision.
4 2. A port authority may enter into an agreement
5 with a contracting governmental agency, whereby the
6 port authority or the contracting governmental agency
7 undertakes, and is authorized by the port authority or
8 a contracting governmental agency, to exercise any
9 power, perform any function, or render any service, on
10 behalf of the port authority or a contracting
11 governmental agency, which the port authority or the
12 contracting governmental agency is authorized to
13 exercise, perform, or render.
14 Sec. ___. NEW SECTION. 28J.18 REVENUE BONDS ARE
15 LAWFUL INVESTMENTS.
16 Port authority revenue bonds issued pursuant to
17 this chapter are lawful investments of banks, credit
18 unions, trust companies, savings and loan
19 associations, deposit guaranty associations, insurance

20 companies, trustees, fiduciaries, trustees or other
21 officers having charge of the bond retirement funds or
22 sinking funds of port authorities and governmental
23 agencies, and taxing districts of this state, the
24 pension and annuity retirement system, the Iowa public
25 employees' retirement system, the police and fire
26 retirement systems under chapters 410 and 411, a
27 revolving fund of a governmental agency of this state,
28 and are acceptable as security for the deposit of
29 public funds under chapter 12C.
30 Sec. ___. NEW SECTION. 28J.19 PROPERTY TAX
31 EXEMPTION.
32 A port authority shall be exempt from and shall not
33 be required to pay taxes on real property belonging to
34 a port authority that is used exclusively for an
35 authorized purpose as provided in section 427.1,
36 subsection 34.
37 Sec. ___. NEW SECTION. 28J.20 LOANS FOR
38 ACQUISITION OR CONSTRUCTION OF FACILITY — SALE OF
39 FACILITY — POWER TO ENCUMBER PROPERTY.
40 1. With respect to the financing of a facility for
41 an authorized purpose, under an agreement whereby the
42 person to whom the facility is to be leased,
43 subleased, or sold, or to whom a loan is to be made
44 for the facility, is to make payments sufficient to
45 pay all of the principal of, premium, and interest on
46 the port authority revenue bonds issued for the
47 facility, the port authority, in addition to other
48 powers under this chapter, may do any of the
49 following:
50 a. Make loans for the acquisition or construction

Page 20

1 of the facility to such person upon such terms as the
2 port authority may determine or authorize including
3 secured or unsecured loans, and enter into loan
4 agreements and other agreements, accept notes and
5 other forms of obligation to evidence such
6 indebtedness and mortgages, liens, pledges,
7 assignments, or other security interests to secure
8 such indebtedness, which may be prior or subordinate
9 to or on a parity with other indebtedness,
10 obligations, mortgages, pledges, assignments, other
11 security interests, or liens or encumbrances, and take
12 actions considered appropriate to protect such
13 security and safeguard against losses, including,
14 without limitation, foreclosure and the bidding upon
15 and purchase of property upon foreclosure or other
16 sale.
17 b. Sell the facility under terms as the port
18 authority may determine, including sale by conditional

19 sale or installment sale, under which title may pass
20 prior to or after completion of the facility or
21 payment or provisions for payment of all principal of,
22 premium, and interest on the revenue bonds, or at any
23 other time provided in the agreement pertaining to the
24 sale, and including sale under an option to purchase
25 at a price which may be a nominal amount or less than
26 true value at the time of purchase.
27 c. Grant a mortgage, lien, or other encumbrance
28 on, or pledge or assignment of, or other security
29 interest with respect to, all or any part of the
30 facility, revenues, reserve funds, or other funds
31 established in connection with the bonds or with
32 respect to a lease, sublease, sale, conditional sale
33 or installment sale agreement, loan agreement, or
34 other agreement pertaining to the lease, sublease,
35 sale, or other disposition of a facility or pertaining
36 to a loan made for a facility, or a guaranty or
37 insurance agreement made with respect thereto, or an
38 interest of the port authority therein, or any other
39 interest granted, assigned, or released to secure
40 payments of the principal of, premium, or interest on
41 the bonds or to secure any other payments to be made
42 by the port authority, which mortgage, lien,
43 encumbrance, pledge, assignment, or other security
44 interest may be prior or subordinate to or on a parity
45 with any other mortgage, assignment, or other security
46 interest, or lien or encumbrance.
47 d. Contract for the acquisition or construction of
48 the facility or any part thereof and for the leasing,
49 subleasing, sale, or other disposition of the facility
50 in a manner determined by the port authority in its

Page 21

1 sole discretion, without necessity for competitive
2 bidding or performance bonds.
3 e. Make appropriate provision for adequate
4 maintenance of the facility.
5 2. With respect to a facility referred to in this
6 section, the authority granted by this section is
7 cumulative and supplementary to all other authority
8 granted in this chapter. The authority granted by
9 this section does not alter or impair a similar
10 authority granted elsewhere in this chapter for or
11 with respect to other facilities.
12 Sec. ___. NEW SECTION. 28J.21 ISSUANCE OF
13 REVENUE AND REFUNDING BONDS.
14 1. A port authority may issue revenue bonds and
15 pledge orders payable solely from the net revenues of
16 the port authority including the revenues generated
17 from a facility pursuant to section 28J.20. The

18 revenue bonds may be issued in such principal amounts
19 as, in the opinion of the port authority, are
20 necessary for the purpose of paying the cost of one or
21 more port authority facilities or parts thereof.
22 2. a. The resolution to issue the bonds must be
23 adopted at a regular or special meeting of the board
24 called for that purpose by a majority of the total
25 number of members of the board. The board shall fix a
26 date, time, and place of meeting at which it proposes
27 to take action, and give notice by publication in the
28 manner directed in section 331.305. The notice must
29 include a statement of the date, time, and place of
30 the meeting, the maximum amount of the proposed
31 revenue bonds, the purpose for which the revenue bonds
32 will be issued, and the net revenues to be used to pay
33 the principal and interest on the revenue bonds.
34 b. At the meeting the board shall receive oral or
35 written objections from any resident or property owner
36 within the jurisdiction of the port authority. After
37 all objections have been received and considered, the
38 board, at the meeting or a date to which it is
39 adjourned, may take additional action for the issuance
40 of the bonds or abandon the proposal to issue bonds.
41 Any resident or property owner within the jurisdiction
42 of the port authority may appeal a decision of the
43 board to take additional action in district court
44 within fifteen days after the additional action is
45 taken, but the additional action of the board is final
46 and conclusive unless the court finds that the board
47 exceeded its authority.
48 3. The board may sell revenue bonds or pledge
49 orders at public or private sale and may deliver
50 revenue bonds and pledge orders to the contractors,

Page 22

1 sellers, and other persons furnishing materials and
2 services constituting a part of the cost of the port
3 authority facility in payment therefore. The pledge of
4 any net revenues of a port authority is valid and
5 effective as to all persons including but not limited
6 to other governmental bodies when it becomes valid and
7 effective between the port authority and the holders
8 of the revenue bonds or pledge orders.
9 4. A revenue bond is valid and binding for all
10 purposes if it bears the signatures or a facsimile of
11 the signature of the officer designated by the port
12 authority. Port authority revenue bonds may bear
13 dates, bear interest at rates not exceeding those
14 permitted by chapter 74A, bear interest at a variable
15 rate or rates changing from time to time in accordance
16 with a base or formula, mature in one or more

17 installments, be in registered form, carry
18 registration and conversion privileges, be payable as
19 to principal and interest at times and places, be
20 subject to terms of redemption prior to maturity with
21 or without premium, and be in one or more
22 denominations, all as provided by the resolution of
23 the board authorizing their issuance. The resolution
24 may also prescribe additional provisions, terms,
25 conditions, and covenants which the port authority
26 deems advisable, consistent with this chapter,
27 including provisions for creating and maintaining
28 reserve funds, the issuance of additional revenue
29 bonds ranking on a parity with such revenue bonds and
30 additional revenue bonds junior and subordinate to
31 such revenue bonds, and that such revenue bonds shall
32 rank on a parity with or be junior and subordinate to
33 any revenue bonds which may be then outstanding. Port
34 authority revenue bonds are a contract between the
35 port authority and holders and the resolution is a
36 part of the contract.
37 5. The port authority may issue revenue bonds to
38 refund revenue bonds, pledge orders, and other
39 obligations which are by their terms payable from the
40 net revenues of the same port authority, at lower, the
41 same, or higher rates of interest. A port authority
42 may sell refunding revenue bonds at public or private
43 sale and apply the proceeds to the payment of the
44 obligations being refunded, and may exchange refunding
45 revenue bonds in payment and discharge of the
46 obligations being refunded. The principal amount of
47 refunding revenue bonds may exceed the principal
48 amount of the obligations being refunded to the extent
49 necessary to pay any premium due on the call of the
50 obligations being refunded and to fund interest

Page 23

1 accrued and to accrue on the obligations being
2 refunded.
3 6. The final maturity of any original issue of
4 port authority revenue bonds shall not exceed forty
5 years from the date of issue, and the final maturity
6 of port authority revenue bonds that refund
7 outstanding port authority revenue bonds shall not be
8 later than the later of forty years from the date of
9 issue of the original issue of bonds or the date by
10 which it is expected, at the time of issuance of the
11 refunding bonds, that the useful life of all of the
12 property refinanced with the proceeds of the bonds,
13 other than interests in land, will have expired. Such
14 bonds or notes shall be executed in a manner as the
15 resolution may provide.

16 7. The port authority may contract to pay an
17 amount not to exceed ninety-five percent of the
18 engineer's estimated value of the acceptable work
19 completed during the month to the contractor at the
20 end of each month for work, material, or services.
21 Payment may be made in warrants drawn on any fund from
22 which payment for the work may be made. If such funds
23 are depleted, anticipatory warrants may be issued
24 bearing a rate of interest not exceeding that
25 permitted by chapter 74A even if income from the sale
26 of bonds which have been authorized and are applicable
27 to the public improvement takes place after the fiscal
28 year in which the warrants are issued. If the port
29 authority arranges for the private sale of
30 anticipatory warrants, the warrants may be sold and
31 the proceeds used to pay the contractor. The warrants
32 may also be used to pay other persons furnishing
33 services constituting a part of the cost of the public
34 improvement.
35 8. Port authority revenue bonds, pledge orders,
36 and warrants issued under this section are negotiable
37 instruments.
38 9. The board may issue pledge orders pursuant to a
39 resolution adopted by a majority of the total number
40 of supervisors, at a regular or special meeting,
41 ordering their issuance and delivery in payment for
42 all or part of the cost of a project. Pledge orders
43 may bear interest at rates not exceeding those
44 permitted by chapter 74A.
45 10. Except as provided in section 28J.20, the
46 physical properties of the port authority shall not be
47 pledged or mortgaged to secure the payment of revenue
48 bonds, pledge orders, or refunding bonds, or the
49 interest thereon.
50 11. The members of the board of the port authority

1 and any person executing the bonds or pledge orders
2 shall not be personally liable on the bonds or pledge
3 orders or be subject to any personal liability or
4 accountability by reason of the issuance thereof.
5 Sec. ___. NEW SECTION. 28J.22 BONDS MAY BE
6 SECURED BY TRUST AGREEMENT.
7 1. In the discretion of the port authority, a port
8 authority revenue bond issued under this chapter may
9 be secured by a trust agreement between the port
10 authority and a corporate trustee that may be any
11 trust company or bank having the powers of a trust
12 company within this or any other state.
13 2. The trust agreement may pledge or assign
14 revenues of the port authority to be received for

15 payment of the revenue bonds. The trust agreement or
16 any resolution providing for the issuance of revenue
17 bonds may contain provisions for protecting and
18 enforcing the rights and remedies of the bondholders
19 as are reasonable and proper and not in violation of
20 law, including covenants setting forth the duties of
21 the port authority in relation to the acquisition of
22 property, the construction, improvement, maintenance,
23 repair, operation, and insurance of the port authority
24 facility in connection with which the bonds are
25 authorized, the rentals or other charges to be imposed
26 for the use or services of any port authority
27 facility, the custody, safeguarding, and application
28 of all moneys, and provisions for the employment of
29 consulting engineers in connection with the
30 construction or operation of any port authority
31 facility.
32 3. A bank or trust company incorporated under the
33 laws of this state, that may act as the depository of
34 the proceeds of bonds or of revenues, shall furnish
35 any indemnifying bonds or may pledge any securities
36 that are required by the port authority. The trust
37 agreement may set forth the rights and remedies of the
38 bondholders and of the trustee, and may restrict the
39 individual right of action by bondholders as is
40 customary in trust agreements or trust indentures
41 securing similar bonds. The trust agreement may
42 contain any other provisions that the port authority
43 determines reasonable and proper for the security of
44 the bondholders. All expenses incurred in carrying
45 out the provisions of the trust agreement may be
46 treated as a part of the cost of the operation of the
47 port authority facility.
48 Sec. ___. NEW SECTION. 28J.23 REMEDY OF HOLDER
49 OF BOND OR COUPON — STATUTE OF LIMITATIONS.
50 1. The sole remedy for a breach or default of a

Page 25

1 term of a port authority revenue bond or pledge order
2 is a proceeding in law or in equity by suit, action,
3 or mandamus to enforce and compel performance of the
4 duties required by this chapter and of the terms of
5 the resolution authorizing the issuance of the revenue
6 bonds or pledge orders, or to obtain the appointment
7 of a receiver to take possession of and operate the
8 port authority, and to perform the duties required by
9 this chapter and the terms of the resolution
10 authorizing the issuance of the port authority revenue
11 bonds or pledge orders.
12 2. An action shall not be brought which questions
13 the legality of port authority revenue bonds or pledge

14 orders, the power of a port authority to issue revenue
15 bonds or pledge orders, or the effectiveness of any
16 proceedings relating to the authorization and issuance
17 of revenue bonds or pledge orders, from and after
18 fifteen days from the time the bonds or pledge orders
19 are ordered issued by the port authority.
20 Sec. ___. NEW SECTION. 28J.24 BONDS ARE PAYABLE
21 SOLELY FROM REVENUES AND FUNDS PLEDGED FOR PAYMENT.
22 Port authority revenue bonds and pledge orders
23 issued under this chapter do not constitute a debt, or
24 a pledge of the faith and credit, of the state or a
25 political subdivision of the state, and the holders or
26 owners of the bonds or pledge orders shall not have
27 taxes levied by the state or by a taxing authority of
28 a governmental agency of the state for the payment of
29 the principal of or interest on the bonds or pledge
30 orders, but the bonds and pledge orders are payable
31 solely from the revenues and funds pledged for their
32 payment as authorized by this chapter, unless the
33 notes are issued in anticipation of the issuance of
34 bonds or pledge orders or the bonds and pledge orders
35 are refunded by refunding bonds issued under this
36 chapter, which bonds, pledge orders, or refunding
37 bonds shall be payable solely from revenues and funds
38 pledged for their payment as authorized by those
39 sections. All of the bonds or pledge orders shall
40 contain a statement to the effect that the bonds or
41 pledge orders, as to both principal and interest, are
42 not debts of the state or a political subdivision of
43 the state, but are payable solely from revenues and
44 funds pledged for their payment.
45 Sec. ___. NEW SECTION. 28J.25 FUNDS AND PROPERTY
46 HELD IN TRUST — USE AND DEPOSIT OF FUNDS.
47 All revenues, funds, properties, and assets
48 acquired by the port authority under this chapter,
49 whether as proceeds from the sale of port authority
50 revenue bonds, pledge orders, or as revenues, shall be

Page 26

1 held in trust for the purposes of carrying out the
2 port authority's powers and duties, shall be used and
3 reused as provided in this chapter, and shall at no
4 time be part of other public funds. Such funds,
5 except as otherwise provided in a resolution
6 authorizing port authority revenue bonds or in a trust
7 agreement securing the same, or except when invested
8 pursuant to section 28J.26, shall be kept in
9 depositories selected by the port authority in the
10 manner provided in chapter 12C, and the deposits shall
11 be secured as provided in that chapter. The
12 resolution authorizing the issuance of revenue bonds

13 or pledge orders, or the trust agreement securing such
14 bonds or pledge orders shall provide that any officer
15 to whom, or any bank or trust company to which, such
16 moneys are paid shall act as trustee of such moneys
17 and hold and apply them for the purposes hereof,
18 subject to such conditions as this chapter and such
19 resolution or trust agreement provide.
20 Sec. ___. NEW SECTION. 28J.26 INVESTMENT OF
21 EXCESS FUNDS.
22 1. If a port authority has surplus funds after
23 making all deposits into all funds required by the
24 terms, covenants, conditions, and provisions of
25 outstanding revenue bonds, pledge orders, and
26 refunding bonds which are payable from the revenues of
27 the port authority and after complying with all of the
28 requirements, terms, covenants, conditions, and
29 provisions of the proceedings and resolutions pursuant
30 to which revenue bonds, pledge orders, and refunding
31 bonds are issued, the board may transfer the surplus
32 funds to any other fund of the port authority in
33 accordance with this chapter and chapter 12C, provided
34 that a transfer shall not be made if it conflicts with
35 any of the requirements, terms, covenants, conditions,
36 or provisions of a resolution authorizing the issuance
37 of revenue bonds, pledge orders, or other obligations
38 which are payable from the revenues of the port
39 authority which are then outstanding.
40 2. This section does not prohibit or prevent the
41 board from using funds derived from any other source
42 which may be properly used for such purpose, to pay a
43 part of the cost of a facility.
44 Sec. ___. NEW SECTION. 28J.27 CHANGE IN LOCATION
45 OF PUBLIC WAY, RAILROAD, OR UTILITY FACILITY —
46 VACATION OF HIGHWAY.
47 1. When a port authority changes the location of
48 any portion of any public road, railroad, or utility
49 facility in connection with the construction of a port
50 authority facility, the port authority shall

Page 27

1 reconstruct at such location as the governmental
2 agency having jurisdiction over such road, railroad,
3 or utility facility finds most favorable. The
4 construction of such road, railroad, or utility
5 facility shall be of substantially the same type and
6 in as good condition as the original road, railroad,
7 or utility facility. The cost of such reconstruction,
8 relocation, or removal and any damage incurred in
9 changing the location of any such road, railroad, or
10 utility facility shall be paid by the port authority
11 as a part of the cost of the port authority facility.

12 2. When the port authority finds it necessary that
13 a public highway or portion of a public highway be
14 vacated by reason of the acquisition or construction
15 of a port authority facility, the port authority may
16 request the director of the department of
17 transportation to vacate such highway or portion in
18 accordance with chapter 306 if the highway or portion
19 to be vacated is on the state highway system, or, if
20 the highway or portion to be vacated is under the
21 jurisdiction of a county, the port authority shall
22 petition the board of supervisors of that county, in
23 the manner provided in chapter 306, to vacate such
24 highway or portion. The port authority shall pay to
25 the county, as a part of the cost of such port
26 authority facility, any amounts required to be
27 deposited with a court in connection with proceedings
28 for the determination of compensation and damages and
29 all amounts of compensation and damages finally
30 determined to be payable as a result of such vacation.
31 3. The port authority may adopt bylaws for the
32 installation, construction, maintenance, repair,
33 renewal, relocation, and removal of railroad or
34 utility facilities in, on, over, or under any port
35 authority facility. Whenever the port authority
36 determines that it is necessary that any such facility
37 installed or constructed in, on, over, or under
38 property of the port authority pursuant to such bylaws
39 be relocated, the utility company owning or operating
40 such facility shall relocate or remove them in
41 accordance with the order of the port authority. The
42 cost and expenses of such relocation or removal,
43 including the cost of installing such facility in a
44 new location, the cost of any lands, or any rights or
45 interests in lands, and any other rights, acquired to
46 accomplish such relocation or removal, shall be paid
47 by the port authority as a part of the cost of the
48 port authority facility. In case of any such
49 relocation or removal of such facilities, the railroad
50 or utility company owning or operating them, its

Page 28

1 successors, or assigns may maintain and operate such
2 facilities, with the necessary appurtenances, in the
3 new location in, on, over, or under the property of
4 the port authority for as long a period and upon the
5 same terms as the railroad or utility company had the
6 right to maintain and operate such facilities in their
7 former location.
8 Sec. ___. NEW SECTION. 28J.28 FINAL ACTIONS TO
9 BE RECORDED — ANNUAL REPORT — CONFIDENTIALITY OF
10 INFORMATION.

11 1. All final actions of the port authority shall
12 be recorded and the records of the port authority
13 shall be open to public examination and copying
14 pursuant to chapter 22. Not later than the first day
15 of April every year, a port authority shall submit a
16 report to the director of the department of economic
17 development detailing the projects and activities of
18 the port authority during the previous calendar year.
19 The report shall include, but not be limited to, all
20 aspects of those projects and activities, including
21 the progress and status of the projects and their
22 costs, and any other information the director
23 determines should be included in the report.
24 2. Financial and proprietary information,
25 including trade secrets, submitted to a port authority
26 or the agents of a port authority, in connection with
27 the relocation, location, expansion, improvement, or
28 preservation of a business or nonprofit corporation is
29 not a public record subject to chapter 22. Any other
30 information submitted under those circumstances is not
31 a public record subject to chapter 22 until there is a
32 commitment in writing to proceed with the relocation,
33 location, expansion, improvement, or preservation.
34 3. Notwithstanding chapter 21, the board of
35 directors of a port authority, when considering
36 information that is not a public record under this
37 section, may close a meeting during the consideration
38 of that information pursuant to a vote of the majority
39 of the directors present on a motion stating that such
40 information is to be considered. Other matters shall
41 not be considered during the closed session.
42 Sec. ___. NEW SECTION. 28J.29 PROVISIONS TO BE
43 LIBERALLY CONSTRUED.
44 This chapter shall be liberally construed to effect
45 the chapter's purposes.
46 Sec. ___. Section 427.1, Code 2005, is amended by
47 adding the following new subsection:
48 NEW SUBSECTION. 34. PORT AUTHORITY PROPERTY. The
49 property of a port authority created pursuant to
50 section 28J.2, when devoted to public use and not held

Page 29

1 for pecuniary profit.
2 DIVISION ___
3 PROPERTY ASSESSMENT
4 Sec. ___. Section 7E.6, subsection 5, Code 2005,
5 is amended to read as follows:
6 5. Any position of membership on the board of
7 parole, the public employment relations board, the
8 utilities board, ~~and~~ the employment appeal board, and
9 the property assessment appeal board shall be

10 compensated as otherwise provided in law.
11 Sec. ___. Section 13.7, Code 2005, is amended to
12 read as follows:
13 13.7 SPECIAL COUNSEL.
14 Compensation shall not be allowed to any person for
15 services as an attorney or counselor to an executive
16 department of the state government, or the head
17 thereof, or to a state board or commission. However,
18 the executive council may employ legal assistance, at
19 a reasonable compensation, in a pending action or
20 proceeding to protect the interests of the state, but
21 only upon a sufficient showing, in writing, made by
22 the attorney general, that the department of justice
23 cannot for reasons stated by the attorney general
24 perform the service, which reasons and action of the
25 council shall be entered upon its records. When the
26 attorney general determines that the department of
27 justice cannot perform legal service in an action or
28 proceeding, the executive council shall request the
29 department involved in the action or proceeding to
30 recommend legal counsel to represent the department.
31 If the attorney general concurs with the department
32 that the person recommended is qualified and suitable
33 to represent the department, the person recommended
34 shall be employed. If the attorney general does not
35 concur in the recommendation, the department shall
36 submit a new recommendation. This section does not
37 affect the general counsel for the utilities board of
38 the department of commerce, ~~or~~ the legal counsel of
39 the department of workforce development, or the
40 general counsel for the property assessment appeal
41 board.
42 Sec. ___. NEW SECTION. 421.1A PROPERTY
43 ASSESSMENT APPEAL BOARD.
44 1. A statewide property assessment appeal board is
45 created for the purpose of establishing a consistent,
46 fair, and equitable property assessment appeal
47 process. The statewide property assessment appeal
48 board is established within the department of revenue
49 for administrative and budgetary purposes. The
50 board's principal office shall be in the office of the

1 department of revenue in the capital of the state.
2 2. a. The property assessment appeal board shall
3 consist of three members appointed to staggered six-
4 year terms, beginning and ending as provided in
5 section 69.19, by the governor and subject to
6 confirmation by the senate. Subject to confirmation
7 by the senate, the governor shall appoint from the
8 members a chairperson of the board to a two-year term.

9 Vacancies on the board shall be filled for the
10 unexpired portion of the term in the same manner as
11 regular appointments are made. The term of office for
12 the initial board shall begin January 1, 2007.
13 b. Each member of the property assessment appeal
14 board shall be qualified by virtue of at least two
15 years' experience in the area of government,
16 corporate, or private practice relating to property
17 appraisal and property tax administration. One member
18 of the board shall be a certified real estate
19 appraiser or hold a professional appraisal
20 designation, one member shall be an attorney
21 practicing in the area of state and local taxation or
22 property tax appraisals, and one member shall be a
23 professional with experience in the field of
24 accounting or finance and with experience in state and
25 local taxation matters. No more than two members of
26 the board may be from the same political party as that
27 term is defined in section 43.2.
28 c. The property assessment appeal board shall
29 organize by appointing a secretary who shall take the
30 same oath of office as the members of the board. The
31 board may employ additional personnel as it finds
32 necessary. All personnel employed by the board shall
33 be considered state employees and are subject to the
34 merit system provisions of chapter 8A, subchapter IV.
35 3. At the election of a property owner or
36 aggrieved taxpayer or an appellant described in
37 section 441.42, the property assessment appeal board
38 shall review any final decision, finding, ruling,
39 determination, or order of a local board of review
40 relating to protests of an assessment, valuation, or
41 application of an equalization order.
42 4. The property assessment appeal board may do all
43 of the following:
44 a. Affirm, reverse, or modify a final decision,
45 finding, ruling, determination, or order of a local
46 board of review.
47 b. Order the payment or refund of property taxes
48 in a matter over which the board has jurisdiction.
49 c. Grant other relief or issue writs, orders, or
50 directives that the board deems necessary or

Page 31

1 appropriate in the process of disposing of a matter
2 over which the board has jurisdiction.
3 d. Subpoena documents and witnesses and administer
4 oaths.
5 e. Adopt administrative rules pursuant to chapter
6 17A for the administration and implementation of its
7 powers, including rules for practice and procedure for

8 protests filed with the board, the manner in which
9 hearings on appeals of assessments shall be conducted,
10 filing fees to be imposed by the board, and for the
11 determination of the correct assessment of property
12 which is the subject of an appeal.
13 f. Adopt administrative rules pursuant to chapter
14 17A necessary for the preservation of order and the
15 regulation of proceedings before the board, including
16 forms or notice and the service thereof, which rules
17 shall conform as nearly as possible to those in use in
18 the courts of this state.
19 5. The property assessment appeal board shall
20 employ a competent attorney to serve as its general
21 counsel, and assistants to the general counsel as it
22 finds necessary for the full and efficient discharge
23 of its duties. The general counsel is the attorney
24 for, and legal advisor of, the board. The general
25 counsel or an assistant to the general counsel shall
26 provide the necessary legal advice to the board in all
27 matters and shall represent the board in all actions
28 instituted in a court challenging the validity of a
29 rule or order of the board. The general counsel shall
30 devote full time to the duties of the office. During
31 employment as general counsel to the board, the
32 counsel shall not be a member of a political
33 committee, contribute to a political campaign,
34 participate in a political campaign, or be a candidate
35 for partisan political office. The general counsel
36 and assistants to the general counsel shall be
37 considered state employees and are subject to the
38 merit system provisions of chapter 8A, subchapter IV.
39 6. The members of the property assessment appeal
40 board shall receive compensation from the state
41 commensurate with the salary of a district judge. The
42 members of the board shall not be considered state
43 employees for purposes of salary and benefits. The
44 members of the board and any employees of the board,
45 when required to travel in the discharge of official
46 duties, shall be paid their actual and necessary
47 expenses incurred in the performance of duties.
48 7. a. Effective January 1, 2012, a property
49 assessment appeal board review committee is
50 established. Staffing assistance to the committee

1 shall be provided by the department of revenue. The
2 committee shall consist of six members of the general
3 assembly, two appointed by the majority leader of the
4 senate, one appointed by the minority leader of the
5 senate, two appointed by the speaker of the house of
6 representatives, and one appointed by the minority

7 leader of the house of representatives; the director
8 of revenue or the director's designee; a county
9 assessor appointed by the Iowa state association of
10 counties; and a city assessor appointed by the Iowa
11 league of cities.
12 b. The property assessment appeal board review
13 committee shall review the activities of the property
14 assessment appeal board since its inception. The
15 review committee may recommend the revision of any
16 rules, regulations, directives, or forms relating to
17 the activities of the property assessment appeal
18 board.
19 c. The review committee shall report to the
20 general assembly by January 15, 2013. The report
21 shall include any recommended changes in laws relating
22 to the property assessment appeal board, the reasons
23 for the committee's recommendations, and any other
24 information the committee deems advisable.
25 Sec. ___. Section 428.4, unnumbered paragraph 1,
26 Code 2005, is amended to read as follows:
27 Property shall be assessed for taxation each year.
28 Real estate shall be listed and assessed in 1981 and
29 every two years thereafter. The assessment of real
30 estate shall be the value of the real estate as of
31 January 1 of the year of the assessment. The year
32 1981 and each odd-numbered year thereafter shall be a
33 reassessment year. In any year, after the year in
34 which an assessment has been made of all the real
35 estate in an assessing jurisdiction, the assessor
36 shall value and assess or revalue and reassess, as the
37 case may require, any real estate that the assessor
38 finds was incorrectly valued or assessed, or was not
39 listed, valued, and assessed, in the assessment year
40 immediately preceding, also any real estate the
41 assessor finds has changed in value subsequent to
42 January 1 of the preceding real estate assessment
43 year. However, a percentage increase on a class of
44 property shall not be made in a year not subject to an
45 equalization order unless ordered by the department of
46 revenue. The assessor shall determine the actual
47 value and compute the taxable value thereof as of
48 January 1 of the year of the revaluation and
49 reassessment. The assessment shall be completed as
50 specified in section 441.28, but no reduction or

Page 33

1 increase in actual value shall be made for prior
2 years. If an assessor makes a change in the valuation
3 of the real estate as provided for, sections 441.23,
4 441.37, <u>441.37A,</u> 441.38 and 441.39 apply.
5 Sec. ___. Section 441.19, subsection 4, Code 2005,

is amended to read as follows:

4. The supplemental returns ~~herein~~ provided for in this section shall be preserved in the same manner as assessment rolls, but shall be confidential to the assessor, board of review, property assessment appeal board, or director of revenue, and shall not be open to public inspection, but any final assessment roll as made out by the assessor shall be a public record, provided that such supplemental return shall be available to counsel of either the person making the return or of the public, in case any appeal is taken to the board of review, to the property assessment appeal board, or to the court.

Sec. ___. Section 441.21, subsection 1, Code 2005, is amended by adding the following new paragraphs:

NEW PARAGRAPH. h. The assessor shall determine the value of real property in accordance with rules adopted by the department of revenue and in accordance with forms and guidelines contained in the real property appraisal manual prepared by the department as updated from time to time. Such rules, forms, and guidelines shall not be inconsistent with or change the means, as provided in this section, of determining the actual, market, taxable, and assessed values.

NEW PARAGRAPH. i. If the department finds that a city or county assessor is not in compliance with the rules of the department relating to valuation of property or has disregarded the forms and guidelines contained in the real property appraisal manual, the department shall notify the assessor and each member of the conference board for the appropriate assessing jurisdiction. The notice shall be mailed by restricted certified mail. The notice shall specify the areas of noncompliance and the steps necessary to achieve compliance. The notice shall also inform the assessor and conference board that if compliance is not achieved, a penalty may be imposed.

The conference board shall respond to the department within thirty days of receipt of the notice of noncompliance. The conference board may respond to the notice by asserting that the assessor is in compliance with the rules, guidelines, and forms of the department or by informing the department that the conference board intends to submit a plan of action to achieve compliance. If the conference board responds

to the notification by asserting that the assessor is in compliance, a hearing before the director of revenue shall be scheduled on the matter.

A plan of action shall be submitted within sixty

5 days of receipt of the notice of noncompliance. The
6 plan shall contain a time frame under which compliance
7 shall be achieved which shall be no later than January
8 1 of the following assessment year. The plan of
9 action shall contain the signature of the assessor and
10 of the chairperson of the conference board. The
11 department shall review the plan to determine whether
12 the plan is sufficient to achieve compliance. Within
13 thirty days of receipt of the plan, the department
14 shall notify the assessor and the chairperson of the
15 conference board that it has accepted the plan or that
16 it is necessary to submit an amended plan of action.
17 By January 1 of the assessment year following the
18 calendar year in which the plan was submitted to the
19 department, the conference board shall submit a report
20 to the department indicating that the plan of action
21 was followed and compliance has been achieved. The
22 department may conduct a field inspection to ensure
23 that the assessor is in compliance. By January 31,
24 the department shall notify the assessor and the
25 conference board, by restricted certified mail, either
26 that compliance has been achieved or that the assessor
27 remains in noncompliance. If the department
28 determines that the assessor remains in noncompliance,
29 the department shall take steps to withhold up to five
30 percent of the reimbursement payment authorized in
31 section 425.1 until the director of revenue determines
32 that the assessor is in compliance.
33 If the conference board disputes the determination
34 of the department, the chairperson of the conference
35 board may appeal the determination to the state board
36 of tax review.
37 The department shall adopt rules relating to the
38 administration of this paragraph "i".
39 Sec. ___. Section 441.21, subsection 2, Code 2005,
40 is amended to read as follows:
41 2. In the event market value of the property being
42 assessed cannot be readily established in the
43 foregoing manner, then the assessor may determine the
44 value of the property using the other uniform and
45 recognized appraisal methods including its productive
46 and earning capacity, if any, industrial conditions,
47 its cost, physical and functional depreciation and
48 obsolescence and replacement cost, and all other
49 factors which would assist in determining the fair and
50 reasonable market value of the property but the actual

1 value shall not be determined by use of only one such
2 factor. The following shall not be taken into
3 consideration: Special value or use value of the

4 property to its present owner, and the good will or
5 value of a business which uses the property as
6 distinguished from the value of the property as
7 property. However, in assessing property that is
8 rented or leased to low-income individuals and
9 families as authorized by section 42 of the Internal
10 Revenue Code, as amended, and which section limits the
11 amount that the individual or family pays for the
12 rental or lease of units in the property, the assessor
13 shall use the productive and earning capacity from the
14 actual rents received as a method of appraisal and
15 shall take into account the extent to which that use
16 and limitation reduces the market value of the
17 property. The assessor shall not consider any tax
18 credit equity or other subsidized financing as income
19 provided to the property in determining the assessed
20 value. The property owner shall notify the assessor
21 when property is withdrawn from section 42 eligibility
22 under the Internal Revenue Code. The property shall
23 not be subject to section 42 assessment procedures for
24 the assessment year for which section 42 eligibility
25 is withdrawn. This notification must be provided to
26 the assessor no later than March 1 of the assessment
27 year or the owner will be subject to a penalty of five
28 hundred dollars for that assessment year. The penalty
29 shall be collected at the same time and in the same
30 manner as regular property taxes. Upon adoption of
31 uniform rules by the ~~revenue~~ department of revenue or
32 succeeding authority covering assessments and
33 valuations of such properties, ~~said~~ the valuation on
34 such properties shall be determined in accordance
35 ~~therewith~~ with such rules and in accordance with forms
36 and guidelines contained in the real property
37 appraisal manual prepared by the department as updated
38 from time to time for assessment purposes to assure
39 uniformity, but such rules, forms, and guidelines
40 shall not be inconsistent with or change the foregoing
41 means of determining the actual, market, taxable and
42 assessed values.
43 Sec. ___. Section 441.28, Code 2005, is amended to
44 read as follows:
45 441.28 ASSESSMENT ROLLS — CHANGE — NOTICE TO
46 TAXPAYER.
47 The assessment shall be completed not later than
48 April 15 each year. If the assessor makes any change
49 in an assessment after it has been entered on the
50 assessor's rolls, the assessor shall note on ~~said~~ the

Page 36

1 roll, together with the original assessment, the new
2 assessment and the reason for the change, together

with the assessor's signature and the date of the change. Provided, however, in the event the assessor increases any assessment the assessor shall give notice of the increase in writing ~~thereof~~ to the taxpayer by mail ~~prior to the meeting of the board of review~~ postmarked no later than April 15. No changes shall be made on the assessment rolls after April 15 except by order of the board of review or of the property assessment appeal board, or by decree of court.

Sec. ___. Section 441.35, unnumbered paragraph 2, Code 2005, is amended to read as follows:

In any year after the year in which an assessment has been made of all of the real estate in any taxing district, ~~it shall be the duty of~~ the board of review ~~to~~ shall meet as provided in section 441.33, and where ~~it~~ the board finds the same has changed in value, ~~to~~ the board shall revalue and reassess any part or all of the real estate contained in such taxing district, and in such case, ~~it~~ the board shall determine the actual value as of January 1 of the year of the revaluation and reassessment and compute the taxable value thereof~~, and any~~. Any aggrieved taxpayer may petition for a revaluation of the taxpayer's property, but no reduction or increase shall be made for prior years. If the assessment of any such property is raised, or any property is added to the tax list by the board, the clerk shall give notice in the manner provided in section 441.36~~, provided, however, that~~. However, if the assessment of all property in any taxing district is raised, the board may instruct the clerk to give immediate notice by one publication in one of the official newspapers located in the taxing district, and such published notice shall take the place of the mailed notice provided for in section 441.36, but all other provisions of ~~said~~ that section shall apply. The decision of the board as to the foregoing matters shall be subject to appeal to the property assessment appeal board within the same time and in the same manner as provided in section 441.37A and to the district court within the same time and in the same manner as provided in section 441.38.

Sec. ___. NEW SECTION. 441.37A APPEAL OF PROTEST TO PROPERTY ASSESSMENT APPEAL BOARD.

1. For the assessment year beginning January 1, 2007, and all subsequent assessment years, appeals may be taken from the action of the board of review with reference to protests of assessment, valuation, or

Page 37

1 application of an equalization order to the property
2 assessment appeal board created in section 421.1A.
3 However, a property owner or aggrieved taxpayer or an
4 appellant described in section 441.42 may bypass the
5 property assessment appeal board and appeal the
6 decision of the local board of review to the district
7 court pursuant to section 441.38. For an appeal to
8 the property assessment appeal board to be valid,
9 written notice must be filed by the party appealing
10 the decision with the secretary of the property
11 assessment appeal board within twenty days after the
12 date the board of review's letter of disposition of
13 the appeal is postmarked to the party making the
14 protest. The written notice of appeal shall include a
15 petition setting forth the basis of the appeal and the
16 relief sought. No new grounds in addition to those
17 set out in the protest to the local board of review as
18 provided in section 441.37 can be pleaded, but
19 additional evidence to sustain those grounds may be
20 introduced. The assessor shall have the same right to
21 appeal to the assessment appeal board as an individual
22 taxpayer, public body, or other public officer as
23 provided in section 441.42.
24 Filing of the written notice of appeal and petition
25 with the secretary of the property assessment appeal
26 board shall preserve all rights of appeal of the
27 appellant, except as otherwise provided in subsection
28 2. A copy of the appellant's written notice of appeal
29 and petition shall be mailed by the secretary of the
30 property assessment appeal board to the local board of
31 review whose decision is being appealed. In all cases
32 where a change in assessed valuation of one hundred
33 thousand dollars or more is petitioned for, the local
34 board of review shall mail a copy of the written
35 notice of appeal and petition to all affected taxing
36 districts as shown on the last available tax list.
37 2. A party to the appeal may request a hearing or
38 the appeal may proceed without a hearing. If a
39 hearing is requested, the appellant and the local
40 board of review from which the appeal is taken shall
41 be given at least thirty days' written notice by the
42 property assessment appeal board of the date the
43 appeal shall be heard and the local board of review
44 may be present and participate at such hearing.
45 Notice to all affected taxing districts shall be
46 deemed to have been given when written notice is
47 provided to the local board of review. Failure by the
48 appellant to appear at the property assessment appeal
49 board hearing shall be grounds for dismissal of the
50 appeal unless a continuance is granted to the

Page 38

1 appellant. If an appeal is dismissed for failure to
2 appear, the property assessment appeal board shall
3 have no jurisdiction to consider any subsequent appeal
4 on the appellant's protest.
5 An appeal may be considered by less than a majority
6 of the members of the board, and the chairperson of
7 the board may assign members to consider appeals. If
8 a hearing is requested, it shall be open to the public
9 and shall be conducted in accordance with the rules of
10 practice and procedure adopted by the board. However,
11 any deliberation of a board member considering the
12 appeal in reaching a decision on any appeal shall be
13 confidential. The property assessment appeal board or
14 any member of the board may require the production of
15 any books, records, papers, or documents as evidence
16 in any matter pending before the board that may be
17 material, relevant, or necessary for the making of a
18 just decision. Any books, records, papers, or
19 documents produced as evidence shall become part of
20 the record of the appeal. Any testimony given
21 relating to the appeal shall be transcribed and made a
22 part of the record of the appeal.
23 3. a. The board member considering the appeal
24 shall determine anew all questions arising before the
25 local board of review which relate to the liability of
26 the property to assessment or the amount thereof. All
27 of the evidence shall be considered and there shall be
28 no presumption as to the correctness of the valuation
29 of assessment appealed from. The property assessment
30 appeal board shall make a decision in each appeal
31 filed with the board. If the appeal is considered by
32 less than a majority of the board, the determination
33 made by that member shall be forwarded to the full
34 board for approval, rejection, or modification. If
35 the initial determination is rejected by the board, it
36 shall be returned for reconsideration to the board
37 member making the initial determination. Any
38 deliberation of the board regarding an initial
39 determination shall be confidential.
40 b. The decision of the board shall be considered
41 the final agency action for purposes of further
42 appeal, except as otherwise provided in section
43 441.49. The decision shall be final unless appealed
44 to district court as provided in section 441.38. The
45 levy of taxes on any assessment appealed to the board
46 shall not be delayed by any proceeding before the
47 board, and if the assessment appealed from is reduced
48 by the decision of the board, any taxes levied upon
49 that portion of the assessment reduced shall be abated
50 or, if already paid, shall be refunded. If the

Page 39

subject of an appeal is the application of an equalization order, the property assessment appeal board shall not order a reduction in assessment greater than the amount that the assessment was increased due to application of the equalization order. Each party to the appeal shall be responsible for the costs of the appeal incurred by that party.

Sec. ___. Section 441.38, Code 2005, is amended to read as follows:

441.38 APPEAL TO DISTRICT COURT.

1. Appeals may be taken from the action of the local board of review with reference to protests of assessment, to the district court of the county in which the board holds its sessions within twenty days after its adjournment or May 31, whichever date is later. Appeals may be taken from the action of the property assessment appeal board to the district court of the county where the property which is the subject of the appeal is located within twenty days after the letter of disposition of the appeal by the property assessment appeal board is postmarked to the appellant. No new grounds in addition to those set out in the protest to the local board of review as provided in section 441.37, or in addition to those set out in the appeal to the property assessment appeal board, if applicable, can be pleaded, but additional evidence to sustain those grounds may be introduced. The assessor shall have the same right to appeal and in the same manner as an individual taxpayer, public body or other public officer as provided in section 441.42. Appeals shall be taken by filing a written notice of appeal with the clerk of district court. Filing of the written notice of appeal shall preserve all rights of appeal of the appellant.

2. Notice of appeal shall be served as an original notice on the chairperson, presiding officer, or clerk of the board of review, and on the secretary of the property assessment appeal board, if applicable, after the filing of notice under subsection 1 with the clerk of district court.

Sec. ___. Section 441.39, Code 2005, is amended to read as follows:

441.39 TRIAL ON APPEAL.

~~The~~ If the appeal is from a decision of the local board of review, the court shall hear the appeal in equity and determine anew all questions arising before the board which relate to the liability of the property to assessment or the amount thereof. The court shall consider all of the evidence and there

Page 40

1 shall be no presumption as to the correctness of the
2 valuation of assessment appealed from. If the appeal
3 is from a decision of the property assessment appeal
4 board, the court's review shall be limited to the
5 correction of errors at law. Its decision shall be
6 certified by the clerk of the court to the county
7 auditor, and the assessor, who shall correct the
8 assessment books accordingly.
9 Sec. ___. Section 441.43, Code 2005, is amended to
10 read as follows:
11 441.43 POWER OF COURT.
12 Upon trial of any appeal from the action of the
13 board of review or of the property assessment appeal
14 board fixing the amount of assessment upon any
15 property concerning which complaint is made, the court
16 may increase, decrease, or affirm the amount of the
17 assessment appealed from.
18 Sec. ___. Section 441.49, unnumbered paragraph 5,
19 Code 2005, is amended to read as follows:
20 The local board of review shall reconvene in
21 special session from October 15 to November 15 for the
22 purpose of hearing the protests of affected property
23 owners or taxpayers within the jurisdiction of the
24 board whose valuation of property if adjusted pursuant
25 to the equalization order issued by the director of
26 revenue will result in a greater value than permitted
27 under section 441.21. The board of review shall
28 accept protests only during the first ten days
29 following the date the local board of review
30 reconvenes. The board of review shall limit its
31 review to only the timely filed protests. The board
32 of review may adjust all or a part of the percentage
33 increase ordered by the director of revenue by
34 adjusting the actual value of the property under
35 protest to one hundred percent of actual value. Any
36 adjustment so determined by the board of review shall
37 not exceed the percentage increase provided for in the
38 director's equalization order. The determination of
39 the board of review on filed protests is final,
40 subject to appeal to the property assessment appeal
41 board. A final decision by the local board of review,
42 or the property assessment appeal board, if the local
43 board's decision is appealed, is subject to review by
44 the director of revenue for the purpose of determining
45 whether the board's actions substantially altered the
46 equalization order. In making the review, the
47 director has all the powers provided in chapter 421,
48 and in exercising the powers the director is not
49 subject to chapter 17A. Not later than fifteen days
50 following the adjournment of the board, the board of

Page 41

1 review shall submit to the director of revenue, on
2 forms prescribed by the director, a report of all
3 actions taken by the board of review during this
4 session.
5 Sec. ___. Section 445.60, Code 2005, is amended to
6 read as follows:
7 445.60 REFUNDING ERRONEOUS TAX.
8 The board of supervisors shall direct the county
9 treasurer to refund to the taxpayer any tax or portion
10 of a tax found to have been erroneously or illegally
11 paid, with all interest, fees, and costs actually
12 paid. A refund shall not be ordered or made unless a
13 claim for refund is presented to the board within two
14 years of the date the tax was due, or if appealed to
15 the board of review, the property assessment appeal
16 board, the state board of tax review, or district
17 court, within two years of the final decision.
18 Sec. ___. FUTURE REPEAL.
19 1. The sections of this division of this Act
20 amending sections 7E.6, 13.7, 428.4, 441.19, 441.35,
21 441.38, 441.39, 441.43, 441.49, and 445.60, and
22 enacting sections 421.1A and 441.37A, are repealed
23 effective July 1, 2013.
24 2. The portion of the section of this division of
25 this Act amending section 441.28 relating only to the
26 property assessment appeal board is repealed effective
27 July 1, 2013."“
28 6. Page 5, line 6, by striking the word “to” and
29 inserting the following: “property tax assessment,
30 to”.
31 7. Page 5, line 7, by inserting after the word
32 “gasoline,” the following: “to issuance of revenue
33 bonds,”.
34 8. By renumbering as necessary.

S–3329

1 Amend the House amendment, S–3321, to Senate File
2 342, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 7, line 37, by striking the word “either”
5 and inserting the following: “any”.
6 2. Page 7, by inserting after line 43, the
7 following:
8 “b. The employee would incur fees charged to the
9 employee’s account as a result of the direct deposit.”
10 3. By relettering as necessary.

WILLIAM A. DOTZLER, JR.

S–3330

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 882

Amend the Senate amendment, H–1703, to House File 882, as amended, passed, and reprinted by the House, as follows:

1. By striking page 1, line 3, through page 49, line 22, and inserting the following:

"___. Page 2, by inserting after line 5 the following:

"Sec. ___. BUDGET PROCESS FOR FISCAL YEAR 2006–2007.

1. For the budget process applicable to the fiscal year beginning July 1, 2006, on or before October 1, 2005, in lieu of the information specified in section 8.23, subsection 1, unnumbered paragraph 1, and paragraph "a", all departments and establishments of the government shall transmit to the director of the department of management, on blanks to be furnished by the director, estimates of their expenditure requirements, including every proposed expenditure, for the ensuing fiscal year, together with supporting data and explanations as called for by the director of the department of management after consultation with the legislative services agency.

2. The estimates of expenditure requirements shall be in a form specified by the director of the department of management, and the expenditure requirements shall include all proposed expenditures and shall be prioritized by program or the results to be achieved. The estimates shall be accompanied by performance measures for evaluating the effectiveness of the programs or results.

___. Page 4, by inserting after line 22, the following:

"Sec. ___. Section 8.8, Code 2005, is amended to read as follows:

8.8 SPECIAL OLYMPICS FUND — APPROPRIATION.

A special olympics fund is created in the office of the treasurer of state under the control of the department of management. There is appropriated annually from the general fund of the state to the special olympics fund ~~thirty~~ fifty thousand dollars for distribution to one or more organizations which administer special olympics programs benefiting the citizens of Iowa with disabilities."

___. Page 5, by inserting after line 11 the following:

"Sec. ___. DEPARTMENT OF CULTURAL AFFAIRS —

47 NONPROFIT MUSIC ENTITIES. There is appropriated from
48 the general fund of the state to the department of
49 cultural affairs for the fiscal year beginning July 1,
50 2005, and ending June 30, 2006, twenty-five thousand

Page 2

1 dollars for purposes of providing two twelve thousand
2 five hundred dollar grants to nonprofit music
3 entities. A recipient of a grant shall be a nonprofit
4 entity that is formed with members including local
5 musicians, music promoters, representatives of music
6 venues and businesses, community leaders, and live
7 music enthusiasts who discuss, assess, and expedite
8 the implementation of a unified music agenda for a
9 local community and aggressively advocates, sponsors,
10 and develops an independent, progressive live music
11 economy in a local community."
12 ___. Page 5, line 13, by inserting before the
13 word "department" the following: "Iowa".
14 ___. Page 5, by inserting before line 21, the
15 following:
16 "Sec. ___. HEALTHY IOWANS TOBACCO TRUST — PKU
17 ASSISTANCE. There is appropriated from the healthy
18 Iowans tobacco trust created in section 12.65 to the
19 Iowa department of public health for the fiscal year
20 beginning July 1, 2005, and ending June 30, 2006, the
21 following amount, or so much thereof as is necessary,
22 to be used for the purpose designated:
23 For providing grants to individual patients who
24 have phenylketonuria (PKU) to assist with the costs of
25 special food needed:
26 ..... $ 60,000
27 Sec. ___. ENRICH IOWA LIBRARIES PROGRAM. There is
28 appropriated from the rebuild Iowa infrastructure fund
29 to the department of education for the fiscal year
30 beginning July 1, 2005, and ending June 30, 2006, the
31 following amount, or so much thereof as is necessary:
32 To provide resources for structural and
33 technological improvements to local libraries and for
34 the enrich Iowa program, notwithstanding section 8.57,
35 subsection 6, paragraph "c":
36 ..... $ 200,000
37 Sec. ___. DEPARTMENT OF EDUCATION — COMMUNITY
38 COLLEGES. There is appropriated from the rebuild Iowa
39 infrastructure fund to the department of education for
40 the designated fiscal years, the following amounts, or
41 so much thereof as is necessary, to be used for the
42 purposes designated:
43 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 community colleges:
48 FY 2006–2007 ..... $ 2,000,000
49 FY 2007–2008 ..... $ 2,000,000
50 FY 2008–2009 ..... $ 2,000,000

Page 3

1 The moneys appropriated in this section shall be
2 allocated to the community colleges based upon the
3 distribution formula established in section 260C.18C,
4 if enacted by 2005 Iowa Acts, House File 816.
5 Notwithstanding section 8.33, moneys appropriated
6 in this section shall not revert at the close of the
7 fiscal year for which they were appropriated but shall
8 remain available for the purposes designated until the
9 close of the fiscal year that begins July 1, 2010, or
10 until the project for which the appropriation was made
11 is completed, whichever is earlier."
12 ___. Page 5, by striking lines 21 through 29.
13 ___. Page 5, lines 31 and 32, by striking the
14 words "state department of transportation" and
15 inserting the following: "homeland security and
16 emergency management division of the department of
17 public safety".
18 ___. Page 6, line 1, by striking the figure
19 "125,000" and inserting the following: "100,000".
20 ___. Page 6, by striking lines 2 through 19.
21 ___. Page 6, by inserting before line 20, the
22 following:
23 "Sec. ___. HEALTHY IOWANS TOBACCO TRUST — AIDS
24 DRUG ASSISTANCE PROGRAM. There is appropriated from
25 the healthy Iowans tobacco trust created in section
26 12.65 to the Iowa department of public health for the
27 fiscal year beginning July 1, 2005, and ending June
28 30, 2006, the following amount, or so much thereof as
29 is necessary, to be used for the purpose designated:
30 For additional funding to leverage federal funding
31 through the federal Ryan White Care Act, Title II,
32 AIDS drug assistance program supplemental drug
33 treatment grants:
34 ..... $ 275,000
35 Sec. ___. GREAT PLACES. There is appropriated
36 from the general fund of the state to the department
37 of cultural affairs for the fiscal year beginning July
38 1, 2004, and ending June 30, 2005, the following
39 amount, or so much thereof as is necessary, to be used
40 for the purposes designated:
41 For salaries, support, maintenance, and
42 miscellaneous purposes:
43 ..... $ 100,000
44 Notwithstanding section 8.33, any moneys

45 appropriated in this section that remain unencumbered
46 or unobligated at the close of the fiscal year shall
47 not revert but shall remain available for expenditure
48 for the purposes designated until the close of the
49 succeeding fiscal year.
50 Sec. ___. UNDERGROUND STORAGE TANK FUND —

Page 4

1 WATERSHED IMPROVEMENT FUND — FY 2005–2006.
2 Notwithstanding section 455G.3, subsection 1, there is
3 appropriated from the Iowa comprehensive petroleum
4 underground storage tank fund created in section
5 455G.3, subsection 1, to the office of the treasurer
6 of state during the fiscal year beginning July 1,
7 2005, and ending June 30, 2006, the following amount,
8 or so much thereof as is necessary, to be used for the
9 purpose designated:
10 For deposit in the watershed improvement fund
11 created in 2005 Iowa Acts, Senate File 200, if
12 enacted:
13 ..... $ 5,000,000
14 Moneys in the watershed improvement fund are
15 appropriated for the fiscal year beginning July 1,
16 2005, and ending June 30, 2006, to fulfill the duties
17 of the watershed improvement review board, if enacted
18 by 2005 Iowa Acts, Senate File 200."
19 ___. Page 6, by striking lines 31 through 35.
20 ___. By striking page 7, line 1, through page 11,
21 line 16.
22 ___. Page 11, by inserting before line 17, the
23 following:
24 "Sec. ___. 2005 Iowa Acts, House File 862, section
25 1, subsection 2, paragraph h, unnumbered paragraph 1,
26 and paragraph i, unnumbered paragraph 1, if enacted,
27 are amended to read as follows:
28 For a grant program to provide substance abuse
29 prevention programming for children:
30 ..... $ ~~400,000~~
31 200,000
32 For a grant to a program that utilizes high school
33 mentors to teach life skills, violence prevention, and
34 character education in an effort to reduce the illegal
35 use of alcohol, tobacco, and other substances:
36 ..... $ ~~400,000~~
37 200,000
38 Sec. ___. 2005 Iowa Acts, House File 862, section
39 1, subsection 2, paragraph j, if enacted, is amended
40 to read as follows:
41 j. For a grant program to provide substance abuse
42 prevention programming, including tobacco use
43 prevention programming, for children:

44 ..... $ ~~800,000~~
45 400,000
46 The Iowa department of public health shall utilize
47 a request for proposals process to implement this
48 paragraph "j". A program approved for a grant under
49 paragraph "h" or paragraph "i" shall not be eligible
50 for a grant under this paragraph "j".

Page 5

1 Eligible grant applicants shall include, but shall
2 not be limited to, mentoring organizations and
3 organizations that practice and implement nationally
4 accepted standards for mentoring programs.
5 All grant recipients shall participate in a program
6 evaluation as a requirement for receiving grant funds.
7 Sec. ___. NATIONAL GOVERNORS ASSOCIATION MEETING.
8 2004 Iowa Acts, chapter 1175, section 12, subsection
9 4, as amended by 2005 Iowa Acts, House File 810, if
10 enacted, is amended to read as follows:
11 4. NATIONAL GOVERNORS ASSOCIATION
12 For payment of Iowa's membership in the national
13 governors association:
14 ..... $ ~~364,393~~
15 164,393
16 Of the funds appropriated in this subsection,
17 ~~$300,000~~ $100,000 is allocated for security-related
18 costs and other expenses associated with the national
19 governors association national meeting.
20 Notwithstanding section 8.33, the moneys allocated for
21 the meeting that remain unencumbered or unobligated at
22 the close of the fiscal year shall not revert but
23 shall remain available for expenditure for the
24 purposes designated until the close of the succeeding
25 fiscal year.
26 Sec. ___. 2005 Iowa Acts, House File 881, section
27 5, unnumbered paragraph 1, if enacted, is amended to
28 read as follows:
29 There is appropriated from the general fund of the
30 state to the salary adjustment fund for distribution
31 by the department of management to the various state
32 departments, boards, commissions, councils, and
33 agencies, excluding the state board of regents, for
34 the fiscal year beginning July 1, 2005, and ending
35 June 30, 2006, the amount of $~~38,500,000~~ 40,900,000,
36 or so much thereof as may be necessary, to fully fund
37 annual pay adjustments, expense reimbursements, and
38 related benefits implemented pursuant to the
39 following:"
40 ___. By striking page 12, line 18, through page
41 13, line 4.
42 ___. Page 13, by striking lines 27 through 33.

43 ___. Page 13, by inserting before line 34, the
44 following:
45 "___. The sections of this division of this Act
46 appropriating moneys to the department of cultural
47 affairs for great places and amending 2004 Iowa Acts,
48 chapter 1175, section 12, subsection 4, being deemed
49 of immediate importance, take effect upon enactment."
50 ___. Page 13, by inserting before line 34 the

Page 6

1 following:
2 "DIVISION ___
3 APPROPRIATION REVISIONS
4 Sec. ___. JOBS FOR AMERICA'S GRADUATES. There is
5 appropriated from the general fund of the state to the
6 department of education for the fiscal year beginning
7 July 1, 2005, and ending June 30, 2006, the following
8 amount, or so much thereof as is necessary, to be used
9 for the purpose designated:
10 For school districts to provide direct services to
11 the most at-risk senior high school students enrolled
12 in school districts through direct intervention by a
13 jobs for America's graduates specialist:
14 ..... $ 400,000
15 Sec. ___. DEPARTMENT OF ADMINISTRATIVE SERVICES —
16 FINANCIAL ADMINISTRATION. There is appropriated from
17 the general fund of the state to the department of
18 administrative services for the fiscal year beginning
19 July 1, 2005, and ending June 30, 2006, the following
20 amount, or so much thereof as is necessary, to be used
21 for the purpose designated:
22 For financial administration duties:
23 ..... $ 200,000
24 Sec. ___. DEPARTMENT OF MANAGEMENT — PERFORMANCE
25 AUDITS. There is appropriated from the general fund
26 of the state to the department of management for the
27 fiscal year beginning July 1, 2005, and ending June
28 30, 2006, the following amount, or so much thereof as
29 is necessary, to be used for the purposes designated:
30 For conducting performance audits and developing
31 performance measures, including salaries, support,
32 maintenance, miscellaneous purposes, and for not more
33 than the following full-time equivalent positions:
34 ..... $ 216,000
35 ..... FTEs 2.50
36 Sec. ___. GOVERNOR'S OFFICE OF DRUG CONTROL
37 POLICY. If 2005 Iowa Acts, House File 810, is enacted
38 and provides for an appropriation from the general
39 fund of the state to the governor's office of drug
40 control policy for the fiscal year beginning July 1,
41 2005, and ending June 30, 2006, that appropriation is

42 reduced by the following amount:
43 ..... $ 13,195
44 Sec. ___. DEPARTMENT OF INSPECTIONS AND APPEALS —
45 ADMINISTRATION DIVISION. If 2005 Iowa Acts, House
46 File 810, is enacted and provides for an appropriation
47 from the general fund of the state to the department
48 of inspections and appeals, administration division,
49 for the fiscal year beginning July 1, 2005, and ending
50 June 30, 2006, that appropriation is reduced by the

Page 7

1 following amount:
2 ..... $ 49,000
3 Sec. ___. DEPARTMENT OF REVENUE — OPERATIONS. If
4 2005 Iowa Acts, House File 810, is enacted and
5 provides for an appropriation from the general fund of
6 the state to the department of revenue for operations
7 for the fiscal year beginning July 1, 2005, and ending
8 June 30, 2006, that appropriation is reduced by the
9 following amount:
10 ..... $ 25,882
11 Sec. ___. DEPARTMENT OF AGRICULTURE AND LAND
12 STEWARDSHIP — SOIL AND WATER CONSERVATION DISTRICTS.
13 If 2005 Iowa Acts, House File 808, is enacted and
14 provides for an appropriation from the general fund of
15 the state to the department of agriculture and land
16 stewardship for purposes of reimbursing commissioners
17 of soil and water conservation districts for expenses,
18 for the fiscal year beginning July 1, 2005, and ending
19 June 30, 2006, that appropriation is reduced by the
20 following amount:
21 ..... $ 50,000
22 Sec. ___. COLLEGE STUDENT AID COMMISSION. If 2005
23 Iowa Acts, House File 816, is enacted and provides for
24 an appropriation from the general fund of the state to
25 the college student aid commission for the national
26 guard educational assistance program for the fiscal
27 year beginning July 1, 2005, and ending June 30, 2006,
28 that appropriation is reduced by the following amount:
29 ..... $ 75,000
30 Sec. ___. DEPARTMENT OF MANAGEMENT. If 2005 Iowa
31 Acts, House File 816 is enacted and provides for an
32 appropriation from the general fund of the state to
33 the department of management for allocation to the
34 institute for tomorrow's workforce created under
35 chapter 7K, if enacted by 2005 Iowa Acts, House File
36 816, for the fiscal year beginning July 1, 2005, and
37 ending June 30, 2006, that appropriation is reduced by
38 the following amount:
39 ..... $ 100,000
40 Sec. ___. IOWA DEPARTMENT OF PUBLIC HEALTH. If

41 2005 Iowa Acts, House File 825, is enacted and
42 provides for appropriations from the general fund of
43 the state to the Iowa department of public health for
44 the fiscal year beginning July 1, 2005, and ending
45 June 30, 2006, for the following indicated purposes in
46 2005 Iowa Acts, House File 825, those appropriations
47 are reduced by the following amounts:
48 1. For environmental hazards:
49 ..... $ 50,000
50 2. For injuries:

Page 8

1 ..... $ 50,000
2 3. For public protection:
3 ..... $ 40,000
4 Sec. ___. MEDICAL ASSISTANCE APPROPRIATION. If
5 2005 Iowa Acts, House File 825, is enacted and
6 provides for an appropriation from the general fund of
7 the state to the department of human services for the
8 fiscal year beginning July 1, 2005, and ending June
9 30, 2006, for the medical assistance program, that
10 appropriation is reduced by the following amount:
11 ..... $ 11,353,381
12 Sec. ___. SENIOR LIVING TRUST FUND APPROPRIATION.
13 If 2005 Iowa Acts, House File 825, is enacted and
14 provides for an appropriation from the senior living
15 trust fund to the department of human services for the
16 fiscal year beginning July 1, 2005, and ending June
17 30, 2006, to supplement the medical assistance
18 appropriation, that appropriation is increased by the
19 following amount:
20 ..... $ 9,353,381
21 Sec. ___. DEPARTMENT OF HUMAN SERVICES. If 2005
22 Iowa Acts, House File 825, is enacted and provides for
23 appropriations from the general fund of the state to
24 the department of human services for the fiscal year
25 beginning July 1, 2005, and ending June 30, 2006, for
26 the following indicated purposes, those appropriations
27 are reduced by the following amounts:
28 1. For the children's health insurance program:
29 ..... $ 50,000
30 2. For MI/MR/DD state cases:
31 ..... $ 50,000
32 Sec. ___. DEPARTMENT OF JUSTICE — GENERAL OFFICE.
33 If 2005 Iowa Acts, House File 811, is enacted and
34 provides for an appropriation from the general fund of
35 the state to the department of justice for the
36 department's general office, that appropriation is
37 reduced by the following amount:
38 ..... $ 25,000
39 Sec. ___. DEPARTMENT OF CORRECTIONS. If 2005 Iowa

40 Acts, House File 811, is enacted and provides for an
41 appropriation from the general fund of the state to
42 the department of corrections for offender substance
43 abuse and mental health treatment for the fiscal year
44 beginning July 1, 2005, and ending June 30, 2006, that
45 appropriation is reduced by the following amount:
46 ..... $ 100,000
47 Sec. ___. DEPARTMENT OF PUBLIC SAFETY — BUILDING
48 SECURITY. If 2005 Iowa Acts, House File 875, is
49 enacted and provides for an appropriation from the
50 general fund of the state to the department of public

Page 9

1 safety for capitol building and judicial building
2 security for the fiscal year beginning July 1, 2005,
3 and ending June 30, 2006, that appropriation is
4 reduced by the following amount:
5 ..... $ 25,000
6 Sec. ___. JUDICIAL BRANCH. If 2005 Iowa Acts,
7 House File 807, is enacted and provides for an
8 appropriation from the general fund of the state to
9 the judicial branch for the fiscal year beginning July
10 1, 2005, and ending June 30, 2006, that appropriation
11 is reduced by the following amount:
12 ..... $ 50,000
13 Sec. ___. REGISTERED NURSE RECRUITMENT PROGRAM
14 FUNDS. From the funds appropriated for tuition grants
15 pursuant to section 261.25, subsection 1, for the
16 fiscal year beginning July 1, 2005, up to fifty
17 thousand dollars shall be used to provide forgivable
18 loans as provided in section 261.23 to residents of
19 Iowa who are registered nurses and who are seeking to
20 become qualified as nursing faculty in Iowa and to
21 teach in Iowa schools. To qualify for a forgivable
22 loan pursuant to this section, in addition to the
23 requirements of section 261.23, a person shall be
24 enrolled at a not-for-profit accredited school of
25 nursing that is located in this state.
26 Sec. ___. HEALTH FACILITIES COUNCIL. If 2005 Iowa
27 Acts, House File 810, is enacted and includes an
28 appropriation from the general fund of the state to
29 the department of inspections and appeals for the
30 health facilities council for the fiscal year
31 beginning July 1, 2005, and ending June 30, 2006, any
32 provision of that appropriation designating the use of
33 $80,000 and a full-time equivalent position for a
34 particular purpose shall not be applied.
35 Sec. ___. YOUTH ENRICHMENT PILOT PROJECT — YOUTH
36 LEADERSHIP PROGRAM.
37 1. Of the funds appropriated in 2005 Iowa Acts,
38 House File 807, if enacted, from the general fund of

39 the state to the judicial branch for purposes of a
40 youth enrichment pilot project, for the fiscal year
41 beginning July 1, 2005, and ending June 30, 2006,
42 $50,000 is transferred to the department of
43 corrections to be used for a youth leadership program
44 in the sixth judicial district department of
45 correctional services in accordance with subsection 2.
46 2. The moneys transferred pursuant to subsection 1
47 shall be used by the judicial district department of
48 correctional services to establish or maintain a youth
49 leadership model program to help at-risk youth in the
50 judicial district department of correctional services.

Page 10

1 As a part of the program, the judicial district
2 department of correctional services may recruit
3 college or high school students in the judicial
4 district to work with at-risk youth. The student
5 workers shall be recruited regardless of gender, be
6 recommended by their respective schools as good role
7 models, including, but not limited to, students who
8 possess capabilities in one or more of the following
9 areas of ability: intellectual capacity, athletic,
10 visual arts, or performing arts.
11 Sec. ___. CENTER FOR CONGENITAL AND INHERITED
12 DISORDERS CENTRAL REGISTRY. Notwithstanding section
13 144.13A, subsection 4, paragraph "a", for the fiscal
14 year beginning July 1, 2005, $40,000 of the fees
15 collected by the state registrar that would otherwise
16 be appropriated and used for the center for congenital
17 and inherited disorders central registry established
18 pursuant to section 136A.6 shall be credited to the
19 general fund of the state."
20 ___. Page 13, by inserting after line 35, the
21 following:
22 "Sec. ___. Section 8D.2, subsection 5, paragraph
23 b, Code 2005, is amended to read as follows:
24 b. For the purposes of this chapter, "public
25 agency" also includes any homeland security or defense
26 facility <u>or disaster response agency</u> established by
27 the administrator of the homeland security and
28 emergency management division of the department of
29 public defense or the governor or any facility
30 connected with a security or defense system <u>or</u>
31 <u>disaster response</u> as required by the administrator of
32 the homeland security and emergency management
33 division of the department of public defense or the
34 governor.
35 Sec. ___. Section 8D.9, subsection 3, Code 2005,
36 is amended to read as follows:
37 3. A facility that is considered a public agency

38 pursuant to section 8D.2, subsection 5, paragraph "b",
39 shall be authorized to access the Iowa communications
40 network strictly for homeland security communication
41 purposes and disaster communication purposes. Any
42 utilization of the network that is not related to
43 communications concerning homeland security or a
44 disaster, as defined in section 29C.2, is expressly
45 prohibited. Access under this subsection shall be
46 available only if a state of disaster emergency is
47 proclaimed by the governor pursuant to section 29C.6
48 or a homeland security or disaster event occurs
49 requiring connection of disparate communications
50 systems between public agencies to provide for a

Page 11

1 multi-agency or multi-jurisdictional response. Access
2 shall continue only for the period of time the
3 homeland security or disaster event exists. For
4 purposes of this subsection, disaster communication
5 purposes includes training and exercising for a
6 disaster if public notice of the training and
7 exercising session is posted on the website of the
8 homeland security and emergency management division of
9 the department of public defense. A scheduled and
10 noticed training and exercising session shall not
11 exceed five days. Interpretation and application of
12 the provisions of this subsection shall be strictly
13 construed."
14 ___. By striking page 14, line 1, through page
15 15, line 17.
16 ___. Page 18, by inserting after line 30, the
17 following:
18 "Sec. ___. Section 331.439, Code 2005, is amended
19 by adding the following new subsection:
20 NEW SUBSECTION. 9. The county management plan
21 shall designate at least one hospital licensed under
22 chapter 135B that the county has contracted with to
23 provide services covered under the plan. If the
24 designated hospital does not have a bed available to
25 provide the services, the county is responsible for
26 the cost of covered services provided at an alternate
27 hospital licensed under chapter 135B.
28 Sec. ___. Section 364.17, subsection 3, paragraph
29 a, Code 2005, is amended to read as follows:
30 a. A schedule of civil penalties or criminal fines
31 for violations. A city may charge the owner of
32 housing a late payment fee of twenty-five dollars and
33 may add interest of up to one and one-half percent per
34 month if a penalty or fine imposed under this
35 paragraph is not paid within thirty days of the date
36 that the penalty or fine is due. The city shall send

37 a notice of the late payment fee to such owner by
38 first class mail to the owner's personal or business
39 mailing address. The late payment fee and the
40 interest shall not accrue if such owner files an
41 appeal with either the city, if the city has
42 established an appeals procedure, or the district
43 court. Any unpaid penalty, fine, fee, or interest
44 shall constitute a lien on the real property and may
45 be collected in the same manner as a property tax.
46 However, before a lien is filed, the city shall send a
47 notice of intent to file a lien to the owner of the
48 housing by first class mail to such owner's personal
49 or business mailing address.
50 Sec. ___. Section 364.17, subsection 5, Code 2005,

Page 12

1 is amended to read as follows:
2 5. Cities may establish reasonable fees for
3 inspection and enforcement procedures. A city may
4 charge the owner of housing a late payment penalty of
5 twenty-five dollars and may add interest of up to one
6 and one-half percent per month if a fee imposed under
7 this subsection is not paid within thirty days of the
8 date that the fee is due. The city shall send a
9 notice of the late payment penalty to such owner by
10 first class mail to the owner's personal or business
11 mailing address. The late payment penalty and the
12 interest shall not accrue if such owner files an
13 appeal with either the city, if the city has
14 established an appeals procedure, or the district
15 court. Any unpaid fee, penalty, or interest shall
16 constitute a lien on the real property and may be
17 collected in the same manner as a property tax.
18 However, before a lien is filed, the city shall send a
19 notice of intent to file a lien to the owner of the
20 housing by first class mail to such owner's personal
21 or business mailing address.
22 Sec. ___. Section 384.16, subsection 1, unnumbered
23 paragraph 2, Code 2005, is amended to read as follows:
24 A budget must show comparisons between the
25 estimated expenditures in each program in the
26 following year ~~and the actual expenditures in each~~
27 ~~program during the two preceding years~~, the latest
28 estimated expenditures in each program in the current
29 year, and the actual expenditures in each program from
30 the annual report as provided in section 384.22, or as
31 corrected by a subsequent audit report. Wherever
32 practicable, as provided in rules of the committee, a
33 budget must show comparisons between the levels of
34 service provided by each program as estimated for the
35 following year, and actual levels of service provided

36 by each program during the two preceding years.
37 Sec. ___. Section 384.16, Code 2005, is amended by
38 adding the following new subsection:
39 NEW SUBSECTION. 7. A city that does not submit a
40 budget in compliance with this section shall have all
41 state funds withheld until a budget that is in
42 compliance with this section is filed with the county
43 auditor and subsequently received by the department of
44 management. The department of management shall send
45 notice to state agencies responsible for disbursement
46 of state funds and that notice is sufficient
47 authorization for those funds to be withheld until
48 later notice is given by the department of management
49 to release those funds."
50 ___. Page 20, by inserting after line 34, the

Page 13

1 following:
2 "Sec. ___. Section 427.1, subsection 21, Code
3 2005, is amended to read as follows:
4 21. LOW-RENT HOUSING. The property owned and
5 operated or controlled by a nonprofit organization, as
6 recognized by the internal revenue service, providing
7 low-rent housing for persons who are elderly and
8 persons with physical and mental disabilities. The
9 exemption granted under the provisions of this
10 subsection shall apply only until the ~~terms~~ final
11 payment due date of the borrower's original low-rent
12 housing development mortgage or until the borrower's
13 original low-rent housing development mortgage is paid
14 in full or expires, whichever is sooner, subject to
15 the provisions of subsection 14. However, if the
16 borrower's original low-rent housing development
17 mortgage is refinanced, the exemption shall apply only
18 until the date that would have been the final payment
19 due date under the terms of the borrower's original
20 low-rent housing development mortgage or until the
21 refinanced mortgage is paid in full or expires,
22 whichever is sooner, subject to the provisions of
23 subsection 14."
24 ___. Page 21, by inserting after line 8, the
25 following:
26 "Sec. ___. Section 427.1, subsection 30, Code
27 2005, is amended to read as follows:
28 30. MANUFACTURED HOME COMMUNITY OR MOBILE HOME
29 PARK STORM SHELTER. A structure constructed as a
30 storm shelter at a manufactured home community or
31 mobile home park as defined in section 435.1. An
32 application for this exemption shall be filed with the
33 assessing authority not later than February 1 of the
34 first year for which the exemption is requested, on

35 forms provided by the department of revenue. The
36 application shall describe and locate the storm
37 shelter to be exempted. If the storm shelter
38 structure is used exclusively as a storm shelter, all
39 of the structure's assessed value shall be exempt from
40 taxation. If the storm shelter structure is not used
41 exclusively as a storm shelter, the storm shelter
42 structure shall be assessed for taxation at ~~seventy-~~
43 ~~five~~ fifty percent of its value as commercial
44 property."
45 ___. Page 23, by inserting after line 35, the
46 following:
47 "Sec. ___. Section 602.10110, Code 2005, is
48 amended to read as follows:
49 602.10110 OATH.
50 All persons on being admitted to the bar shall take

Page 14

1 an oath or affirmation, as promulgated by the supreme
2 court, declaring to support the Constitutions of the
3 United States and of the state of Iowa, and to
4 faithfully discharge, according to the best of their
5 ability, the duties of an attorney ~~and counselor of~~
6 ~~this state according to the best of their ability~~.
7 Sec. ___. Section 692A.4A, if enacted by 2005 Iowa
8 Acts, House File 619, is amended to read as follows:
9 692A.4A ELECTRONIC MONITORING.
10 A person required to register under this chapter
11 who is placed on probation, parole, work release,
12 special sentence, or any other type of conditional
13 release, may be supervised by an electronic tracking
14 and monitoring system in addition to any other
15 conditions of supervision. However, if the person
16 committed a criminal offense against a minor, or an
17 aggravated offense, sexually violent offense, or other
18 relevant offense that involved a minor, the person
19 shall be supervised for a period of at least five
20 years by an electronic tracking and monitoring system
21 in addition to any other conditions of release.
22 Sec. ___. Section 692A.13A, subsection 1,
23 unnumbered paragraph 1, if enacted by 2005 Iowa Acts,
24 House File 619, is amended to read as follows:
25 The department of corrections, the department of
26 human services, and the department of public safety
27 shall, in consultation with one another, develop
28 methods and procedures for the assessment of the risk
29 to reoffend for persons newly required to register
30 under this chapter on or after the effective date of
31 this division of this Act, who have committed a
32 criminal offense against a minor, or an aggravated
33 offense, sexually violent offense, or other relevant

34 offense that involved a minor. The department of
35 corrections, in consultation with the department of
36 human services, the department of public safety, and
37 the attorney general, shall adopt rules relating to
38 assessment procedures. The assessment procedures
39 shall include procedures for the sharing of
40 information between the department of corrections,
41 department of human services, the juvenile court, and
42 the division of criminal investigation of the
43 department of public safety, as well as the
44 communication of the results of the risk assessment to
45 criminal and juvenile justice agencies. The
46 assignment of responsibility for the assessment of
47 risk shall be as follows:
48 Sec. ___. Section 602.10112, Code 2005, is
49 repealed."
50 ___. Page 24, by inserting before line 1, the

Page 15

1 following:
2 "Sec. ___. VEHICLE DEALERSHIP STUDY. The
3 legislative council is requested to appoint an interim
4 study committee that will study the motor vehicle
5 licensing law as it pertains to motor vehicle
6 dealerships' moves from one facility and location to
7 another facility and location in the state. A report
8 should be provided to the general assembly by January
9 15, 2006."
10 2. Page 24, line 18, by striking the word
11 "section" and inserting the following: "sections".
12 3. Page 24, line 19, by inserting after the word
13 "Act" the following: "amending section 427.1,
14 subsection 21, and".
15 4. Page 24, line 20, by striking the words "a
16 property tax exemption" and inserting the following:
17 "property tax exemptions".
18 5. Page 24, by inserting after line 21, the
19 following:
20 "Sec. ___. RETROACTIVE APPLICABILITY DATE. The
21 section of this division of this Act amending section
22 423E.5, being deemed of immediate importance, takes
23 effect upon enactment and applies retroactively to
24 July 1, 2004.
25 Sec. ___. EFFECTIVE AND APPLICABILITY DATES. The
26 sections of this division of this Act amending section
27 427.1, subsection 21, and enacting new subsection 21A
28 to section 427.1, being deemed of immediate
29 importance, take effect upon enactment and apply
30 retroactively to January 1, 2005, for assessment years
31 beginning on or after that date.
32 Sec. ___. APPLICABILITY. Section 25B.7 does not

33 apply to the amendment to section 427.1, subsection
34 30, in this division of this Act."
35 ___. Page 24, by inserting after line 27, the
36 following:
37 "Sec. ___. EFFECTIVE DATE. The sections of this
38 division of this Act amending section 602.10110 and
39 repealing section 602.10112, being deemed of immediate
40 importance, take effect upon enactment."
41 ___. By striking page 24, line 28, through page
42 28, line 30.
43 ___. By striking page 35, line 25, through page
44 36, line 25 and inserting the following:
45 "Sec. ___. COUNTY REAL ESTATE ELECTRONIC
46 GOVERNMENT ADVISORY COMMITTEE.
47 1. A county real estate electronic government
48 advisory committee is created. Staffing services for
49 the advisory committee shall be provided by the
50 auditor of state. The advisory committee membership

Page 16

1 shall consist of the following:
2 a. Two members selected by the Iowa state
3 association of county auditors.
4 b. Two members selected by the Iowa state county
5 treasurers association.
6 c. Two members selected by the Iowa county
7 recorders association.
8 d. Two members selected by the Iowa state
9 association of assessors.
10 e. One member selected by each of the following
11 organizations:
12 (1) Iowa state association of counties.
13 (2) Iowa land title association.
14 (3) Iowa bankers association.
15 (4) Iowa credit union league.
16 (5) Iowa state bar association.
17 (6) Iowa association of realtors.
18 2. The county real estate electronic government
19 advisory committee shall facilitate discussion to
20 integrate the county land record information system
21 created pursuant to section 331.605C with the
22 electronic government internet applications of county
23 treasurers, county recorders, county auditors, and
24 county assessors. The advisory committee shall file
25 an integration plan with the governor and the general
26 assembly on or before November 1, 2005."
27 6. By striking page 36, line 34, through page 37,
28 line 2, and inserting the following: "of the county
29 land record information system. The Iowa county
30 recorders".
31 7. Page 37, by striking line 21, and inserting

32 the following: "documents in the county land record
33 information system until authorized by the".
34 8. Page 37, line 22, by inserting after the word
35 "assembly." the following: "However, county recorders
36 may collect actual third-party fees associated with
37 accepting and processing statutorily authorized fees
38 including credit card fees, treasury management fees,
39 and other transaction fees required to enable
40 electronic payment. For the purposes of this
41 subsection, the term "third-party" does not include
42 the county land record information system, the Iowa
43 state association of counties, or any of the
44 association's affiliates."
45 9. Page 37, lines 24 and 25, by striking the
46 words "and the department of administrative services".
47 10. Page 37, by inserting after line 33, the
48 following:
49 "Sec. ___. DATA SECURITY AUDIT.
50 1. The Iowa county recorders association shall

Page 17

1 select a vendor to conduct a data security audit of
2 the county land record information system created
3 pursuant to section 331.605C. The review and
4 assessment utilized in the audit shall include, but
5 are not limited to, a review of the functional and
6 system requirements, design documentation, software
7 code developed to support the business requirements,
8 operational procedures, financial flows including a
9 financial forecast, requests for proposals, and all
10 contracts.
11 2. The costs of the data security audit conducted
12 pursuant to subsection 1 shall be paid from moneys
13 appropriated to the treasurer of state pursuant to
14 section 331.605C.
15 3. The Iowa county recorders association shall
16 forward the complete results of the data security
17 audit to the government oversight committees of the
18 senate and the house of representatives and the
19 general assembly on or before December 1, 2005, and
20 the government oversight committees may request
21 additional updates."
22 ___. Page 39, by striking lines 26 through 33.
23 ___. Page 39, by inserting before line 34 the
24 following:
25 "Sec. ___. Section 28.3, subsection 6, paragraph
26 b, Code 2005, as amended by 2005 Iowa Acts, House File
27 761, section 5, if enacted, is amended to read as
28 follows:
29 b. In addition, a community empowerment office is
30 established as a division of the department of

31 management to provide a center for facilitation,
32 communication, and coordination for community
33 empowerment activities and funding and for improvement
34 of the early care, education, health, and human
35 services systems. Staffing for the community
36 empowerment office shall be provided by a facilitator
37 or coordinator appointed by the governor, subject to
38 confirmation by the senate, and who serves at the
39 pleasure of the governor. A deputy and support staff
40 may be designated, subject to appropriation made for
41 this purpose. The facilitator or coordinator shall
42 submit reports to the governor, the Iowa board, and
43 the general assembly. The facilitator or coordinator
44 shall provide primary staffing to the board,
45 coordinate state technical assistance activities and
46 implementation of the technical assistance system, and
47 other communication and coordination functions to move
48 authority and decision-making responsibility from the
49 state to communities and individuals.
50 Sec. ___. Section 28.4, subsection 14, if enacted

Page 18

1 by 2005 Iowa Acts, House File 761, section 9, is
2 amended to read as follows:
3 14. With the assistance of the state departments
4 represented on the Iowa empowerment board and the
5 community empowerment office, develop and implement
6 requirements for community empowerment areas and the
7 state administrators of programs providing early care
8 or early care services to annually report to the
9 public and the early care ~~coordinator~~ staff designated
10 pursuant to section 28.3 regarding the results
11 produced by the community empowerment initiative and
12 by the programs. Source data shall also be made
13 available to the early care ~~coordinator~~."
14 ___. Page 43, by inserting after line 17, the
15 following:
16 "___. Section 135M.6, as enacted by 2005 Iowa
17 Acts, House File 724, section 6, is amended to read as
18 follows:
19 135M.6 SAMPLE PRESCRIPTION DRUGS.
20 This chapter shall not be construed to restrict the
21 use of samples by a physician or other person legally
22 authorized to prescribe drugs ~~pursuant to section~~
23 ~~147.107~~ under state and federal law during the course
24 of the physician's or other person's duties at a
25 medical facility or pharmacy."
26 ___. Page 46, by inserting after line 18, the
27 following:
28 "Sec. ___. Section 453A.47A, subsection 4, and
29 subsection 9, unnumbered paragraph 1, as enacted by

2005 Iowa Acts, House File 339, section 4, are amended to read as follows:

4. RETAILER — CIGARETTES AND TOBACCO PRODUCTS. A retailer, as defined in section 453A.1, who holds a permit under division I of this chapter is not required to also obtain a ~~retailer~~ retail permit under this division. However, if a retailer, as defined in section 453A.1, only holds a permit under division I of this chapter and that permit is suspended, revoked, or expired, the retailer shall not sell any cigarettes or tobacco products during the time which the permit is suspended, revoked, or expired.

~~Retailer~~ Retail permits shall be issued only upon applications, accompanied by the fee indicated above, made upon forms furnished by the department upon written request. The failure to furnish such forms shall be no excuse for the failure to file the form unless absolute refusal is shown. The forms shall specify:

Sec. ___. Section 483A.8, subsection 5, Code 2005, is amended to read as follows:

Page 19

5. A nonresident owning land in this state may apply for ~~one of the first six thousand~~ a nonresident antlered or any sex deer ~~licenses not limited to antlerless deer~~ hunting license, and the provisions o subsection 3 shall apply. However, if a nonresident owning land in this state is unsuccessful in obtaining one of the ~~first six thousand~~ nonresident antlered or any sex deer hunting licenses, the landowner shall be given preference for one of the ~~two thousand five hundred~~ antlerless deer only nonresident deer hunting licenses available pursuant to subsection 3. A nonresident owning land in this state shall pay the fee for a nonresident antlerless only deer license and the license shall be valid to hunt on the nonresident's land only. ~~A nonresident owning land in this state is eligible for only one nonresident deer license annually.~~ If one or more parcels of land have multiple nonresident owners, only one of the nonresident owners is eligible for a nonresident antlerless only deer license. If a nonresident jointly owns land in this state with a resident, the nonresident shall not be given preference for a nonresident antlerless only deer license. The department may require proof of land ownership from a nonresident landowner applying for a nonresident antlerless only deer license.

Sec. ___. Section 501A.231, subsection 5, if enacted by 2005 Iowa Acts, House File 859, section 17,

29 is amended to read as follows:
30 5. The secretary of state may provide for the
31 change of registered office or registered agent on the
32 form prescribed by the secretary of state for the
33 biennial report, provided that the form contains the
34 information required by section 501A.402. If the
35 secretary of state determines that a biennial report
36 does not contain the information required by this
37 section but otherwise meets the requirements of
38 section ~~501.402~~ 501A.402 for the purpose of changing
39 the registered office or registered agent, the
40 secretary of state shall file the statement of change
41 of registered office or registered agent, effective as
42 provided in section 501A.203, before returning the
43 biennial report to the cooperative as provided in this
44 section. A statement of change of registered office
45 or agent pursuant to this subsection shall be executed
46 by a person authorized to execute the biennial report.
47 Sec. ___. Section 501A.1001, subsection 4, if
48 enacted by 2005 Iowa Acts, House File 859, section 73,
49 is amended to read as follows:
50 4. The determinations of the board as to the

Page 20

1 amount or fair value or the fairness to the
2 cooperative of the contribution accepted or to be
3 accepted by the cooperative or the terms of payment or
4 performance, including under a contribution ~~rights~~
5 agreement in section 501A.1003, and a contribution
6 rights agreement in section 501A.1004, are presumed to
7 be proper if they are made in good faith and on the
8 basis of accounting methods, or a fair valuation or
9 other method, reasonable in the circumstances.
10 Directors who are present and entitled to vote, and
11 who, intentionally or without reasonable
12 investigation, fail to vote against approving a
13 consideration that is unfair to the cooperative, or
14 overvalue property or services received or to be
15 received by the cooperative as a contribution, are
16 jointly and severally liable to the cooperative for
17 the benefit of the then members who did not consent to
18 and are damaged by the action to the extent of the
19 damages of those members. A director against whom a
20 claim is asserted under this subsection, except in
21 case of knowing participation in a deliberate fraud,
22 is entitled to contribution on an equitable basis from
23 other directors who are liable under this subsection.
24 Sec.__. Section 10B.4, subsection 1, Code 2005,
25 as amended by 2005 Iowa Acts, House File 859, section
26 102, if enacted, is amended to read as follows:
27 1. A biennial report shall be filed by a reporting

entity with the secretary of state on or before March 31 of each odd-numbered year as required by rules adopted by the secretary of state pursuant to chapter 17A. However, a reporting entity required to file a biennial report pursuant to chapter 490, 490A, 496C, 497, 498, ~~490A,~~ 499, 501, 501A, or 504A shall file the report required by this section in the same year as required by that chapter. The reporting entity may file the report required by this section together with the biennial report required to be filed by one of the other chapters referred to in this subsection. The reports shall be filed on forms prepared and supplied by the secretary of state. The secretary of state may provide for combining its reporting forms with other biennial reporting forms required to be used by the reporting entities.

Sec. ___. 2005 Iowa Acts, House File 859, section 104, if enacted, is amended by striking the section and inserting in lieu thereof the following:

SEC. 104. Section 15.385, subsection 4, paragraph a, Code 2005, is amended to read as follows:

a. An eligible business may claim a tax credit equal to a percentage of the new investment directly

related to new jobs created by the location or expansion of an eligible business under the program. The tax credit shall be allowed against taxes imposed under chapter 422, division II, III, or V. If the business is a partnership, S corporation, limited liability company, cooperative organized under chapter 501 or 501A and filing as a partnership for federal tax purposes, or estate or trust electing to have the income taxed directly to the individual, an individual may claim the tax credit allowed. The amount claimed by the individual shall be based upon the pro rata share of the individual's earnings of the partnership, S corporation, limited liability company, cooperative organized under chapter 501 or 501A and filing as a partnership for federal tax purposes, or estate or trust. The percentage shall be equal to the amount provided in paragraph "d". Any tax credit in excess of the tax liability for the tax year may be credited to the tax liability for the following seven years or until depleted, whichever occurs first.

Subject to prior approval by the department of economic development, in consultation with the department of revenue, an eligible business whose project primarily involves the production of value-added agricultural products or uses biotechnology-related processes may elect to receive a

27 refund of all or a portion of an unused tax credit.
28 For purposes of this subsection, such an eligible
29 business includes a cooperative described in section
30 521 of the Internal Revenue Code which is not required
31 to file an Iowa corporate income tax return, and whose
32 project primarily involves the production of ethanol.
33 The refund may be applied against a tax liability
34 imposed under chapter 422, division II, III, or V. If
35 the business is a partnership, S corporation, limited
36 liability company, cooperative organized under chapter
37 501 or 501A and filing as a partnership for federal
38 tax purposes, or estate or trust electing to have the
39 income taxed directly to the individual, an individual
40 may claim the tax credit allowed. The amount claimed
41 by the individual shall be based upon the pro rata
42 share of the individual's earnings of the partnership,
43 S corporation, limited liability company, cooperative
44 organized under chapter 501 or 501A and filing as a
45 partnership for federal tax purposes, or estate or
46 trust."
47 ___. Page 48, by inserting after line 23 the
48 following:
49 "Sec. ___. Section 805.8C, subsection 6, as
50 amended by 2005 Iowa Acts, Senate File 169, section 9,

Page 22

1 is amended to read as follows:
2 6. PSEUDOEPHEDRINE SALES VIOLATIONS. For
3 violations of section 126.23A, subsection 1, by an
4 employee of a retailer, or for violations of section
5 126.23A, subsection 2, paragraph "a", by a purchaser,
6 the scheduled fine is as follows:
7 a. If the violation is a first offense, the
8 scheduled fine is one hundred dollars.
9 b. If the violation is a second offense, the
10 scheduled fine is two hundred fifty dollars.
11 c. If the violation is a third or subsequent
12 offense, the scheduled fine is five hundred dollars."
13 ___. Page 48, by inserting after line 23, the
14 following:
15 "Sec. ___. 2005 Iowa Acts, House File 739, section
16 7, if enacted, is amended to read as follows:
17 SEC. 7. CONTINGENT EFFECTIVENESS. The sections of
18 this Act ~~creating~~ amending Code chapter 280A or
19 enacting new sections in Code chapter 280A take effect
20 only if the general assembly appropriates funds for
21 the fiscal year beginning July 1, 2005, in an amount
22 sufficient to implement the provisions of Code chapter
23 280A, if enacted.
24 Sec. ___. 2005 Iowa Acts, House File 839, is
25 amended by adding the following new section:

26 SEC. ___. EFFECTIVE DATE. This Act, being deemed
27 of immediate importance, takes effect upon enactment
28 of 2005 Iowa Acts, House File 882."
29 ___. Page 48, by inserting after line 26 the
30 following:
31 "DIVISION ___
32 STATE LIQUOR ACTIVITIES
33 Sec. ___. Section 123.53, subsection 3, Code 2005,
34 is amended to read as follows:
35 3. The treasurer of state shall transfer into a
36 special revenue account in the general fund of the
37 state, a sum of money at least equal to seven percent
38 of the gross amount of sales made by the division from
39 the beer and liquor control fund on a monthly basis
40 but not less than nine million dollars annually~~, and~~
41 ~~any amounts so~~. Of the amounts transferred, two
42 million dollars, plus an additional amount determined
43 by the general assembly, shall be ~~used by~~ appropriated
44 to the substance abuse division of the Iowa department
45 of public health to be used for substance abuse
46 treatment and prevention programs ~~in an amount~~
47 ~~determined by the general assembly and any~~. Any
48 amounts received in excess of the amounts appropriated
49 to the substance abuse division of the Iowa department
50 of public health shall be considered part of the

Page 23

1 general fund balance.
2 Sec. ___. ALCOHOLIC BEVERAGES DIVISION — STATE
3 LIQUOR WAREHOUSE AND TRUCKING FUNCTIONS. The
4 department of administrative services shall issue a
5 request for proposals developed with the alcoholic
6 beverages division of the department of commerce or
7 otherwise utilize a competitive process not
8 inconsistent with the division's current charter
9 agency agreement to select a provider to perform the
10 state liquor warehouse and trucking functions. The
11 request for proposals or competitive process shall be
12 issued or commenced as soon as is reasonably possible
13 and a provider shall be selected no later than
14 December 31, 2005. The division may submit a bid in
15 response to a request for proposals issued or
16 competitive process conducted pursuant to this
17 section. If the division submits a bid, the division
18 shall include in the bid the cost of labor to perform
19 the contract which shall be calculated by using the
20 cost of hiring full-time equivalent positions to
21 perform the contract pursuant to state pay grade
22 classifications and benefits as outlined in the most
23 recent collective bargaining agreement applicable to
24 other employees of the division. Notwithstanding any

provision of chapter 22 to the contrary, the division's bid and any documents the division uses in developing its bid shall be considered a confidential record until the department of administrative services announces the results of the request for proposals or competitive process.

Sec. ___. EFFECTIVE DATE. The section of this division of this Act amending section 123.53 takes effect July 1, 2006.

DIVISION ___

BOARD OF REGENTS

Sec. ___. Section 12B.10C, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 10. The state board of regents governed by chapter 262.

Sec. ___. Section 73A.1, subsection 2, Code 2005, is amended to read as follows:

2. "Municipality" as used in this chapter means township, school corporation, and state fair board~~, and state board of regents~~.

Sec. ___. Section 262.9, subsection 7, Code 2005, is amended to read as follows:

7. ~~With the approval of the executive council, acquire~~ Acquire real estate for the proper uses of ~~said~~ institutions under its control, and dispose of real estate belonging to ~~said~~ the institutions when

not necessary for their purposes. ~~A~~ The disposal of ~~such~~ real estate shall be made upon such terms, conditions, and consideration as the board may recommend ~~and subject to the approval of the executive council~~. If real estate subject to sale ~~hereunder~~ has been purchased or acquired from appropriated funds, the proceeds of such sale shall be deposited with the treasurer of state and credited to the general fund of the state. There is hereby appropriated from the general fund of the state a sum equal to the proceeds so deposited and credited to the general fund of the state to the state board of regents, which~~, with the prior approval of the executive council,~~ may be used to purchase other real estate and buildings~~,~~ and for the construction and alteration of buildings and other capital improvements. All transfers shall be by state patent in the manner provided by law. The board is also authorized to grant easements for rights-of-way over, across, and under the surface of public lands under its jurisdiction when in the board's judgment such easements are desirable and will benefit the state of Iowa.

Sec. ___. Section 262.9, subsection 15, unnumbered

24 paragraph 2, Code 2005, is amended by striking the
25 unnumbered paragraph.
26 Sec. ___. Section 262.10, unnumbered paragraph 1,
27 Code 2005, is amended to read as follows:
28 No sale or purchase of real estate shall be made
29 save upon the order of the board, made at a regular
30 meeting, or one called for that purpose, and then in
31 such manner and under such terms as the board may
32 prescribe ~~and only with the approval of the executive~~
33 ~~council~~. No member of the board or any of its
34 committees, offices or agencies nor any officer of any
35 institution, shall be directly or indirectly
36 interested in such purchase or sale.
37 Sec. ___. Section 262.33A, Code 2005, is amended
38 to read as follows:
39 262.33A FIRE AND ENVIRONMENTAL SAFETY — REPORT —
40 EXPENDITURES.
41 It is the intent of the general assembly that each
42 institution of higher education under the control of
43 the state board of regents shall, in consultation with
44 the state fire marshal, identify and correct all
45 critical fire and environmental safety deficiencies.
46 ~~The state fire marshal shall report annually to the~~
47 ~~joint subcommittee on education appropriations. The~~
48 ~~report shall include, but is not limited to, the~~
49 ~~identified deficiencies in fire and environmental~~
50 ~~safety at the institutions, and plans for correction~~

Page 25

1 ~~of the deficiencies and for compliance with this~~
2 ~~section.~~ Commencing July 1, 1993, each institution
3 under the control of the state board of regents shall
4 expend annually for fire safety and deferred
5 maintenance at least the amount budgeted for these
6 purposes for the fiscal year beginning July 1, 1992,
7 in addition to any moneys appropriated from the
8 general fund for these purposes in succeeding years.
9 Sec. ___. Section 262.34, Code 2005, is amended to
10 read as follows:
11 262.34 IMPROVEMENTS — ADVERTISEMENT FOR BIDS —
12 DISCLOSURES — PAYMENTS.
13 1. When the estimated cost of construction,
14 repairs, or improvement of buildings or grounds under
15 charge of the state board of regents exceeds ~~twenty-~~
16 ~~five~~ one hundred thousand dollars, the board shall
17 advertise for bids for the contemplated improvement or
18 construction and shall let the work to the lowest
19 responsible bidder. However, if in the judgment of
20 the board bids received are not acceptable, the board
21 may reject all bids and proceed with the construction,
22 repair, or improvement by a method as the board may

23 determine. All plans and specifications for repairs
24 or construction, together with bids on the plans or
25 specifications, shall be filed by the board and be
26 open for public inspection. All bids submitted under
27 this section shall be accompanied by a deposit of
28 money, a certified check, or a credit union certified
29 share draft in an amount as the board may prescribe.
30 2. A bidder awarded a contract shall disclose the
31 names of all subcontractors, who will work on the
32 project being bid, within forty-eight hours after the
33 award of the contract. If a subcontractor named by a
34 bidder awarded a contract is replaced, or if the cost
35 of work to be done by a subcontractor is reduced, the
36 bidder shall disclose the name of the new
37 subcontractor or the amount of the reduced cost.
38 3. Payments made by the board for the construction
39 of public improvements shall be made in accordance
40 with the provisions of chapter 573 except that:
41 a. Payments may be made without retention until
42 ninety-five percent of the contract amount has been
43 paid. The remaining five percent of the contract
44 amount shall be paid as provided in section 573.14,
45 except that:
46 (1) At any time after all or any part of the work
47 is substantially completed in accordance with
48 paragraph "c", the contractor may request the release
49 of all or part of the retainage owed. Such request
50 shall be accompanied by a waiver of claim rights under

Page 26

1 the provisions of chapter 573 from any person, firm,
2 or corporation who has, under contract with the
3 principal contractor or with subcontractors performed
4 labor, or furnished materials, service, or
5 transportation in the construction of that portion of
6 the work for which release of the retainage is
7 requested.
8 (2) Upon receipt of the request, the board shall
9 release all or part of the unpaid funds. Retainage
10 that is approved as payable shall be paid at the time
11 of the next monthly payment or within thirty days,
12 whichever is sooner. If partial retainage is released
13 pursuant to a contractor's request, no retainage shall
14 be subsequently held based on that portion of the
15 work. If within thirty days of when payment becomes
16 due the board does not release the retainage due,
17 interest shall accrue on the retainage amount due as
18 provided in section 573.14 until that amount is paid.
19 (3) If at the time of the request for the
20 retainage there are remaining or incomplete minor
21 items, an amount equal to two hundred percent of the

22 value of each remaining or incomplete item, as
23 determined by the board's authorized contract
24 representative, may be withheld until such item or
25 items are completed.
26 (4) An itemization of the remaining or incomplete
27 items, or the reason that the request for release of
28 the retainage was denied, shall be provided to the
29 contractor in writing within thirty calendar days of
30 the receipt of the request for release of retainage.
31 b. For purposes of this section, "authorized
32 contract representative" means the architect or
33 engineer who is in charge of the project and chosen by
34 the board to represent its interests, or if there is
35 no architect or engineer, then such other contract
36 representative or officer as designated in the
37 contract documents as the party representing the
38 board's interest regarding administration and
39 oversight of the project.
40 c. For purposes of this section, "substantially
41 completed" means the first date on which any of the
42 following occurs:
43 (1) Completion of the project or when the work has
44 been substantially completed in general accordance
45 with the terms and provisions of the contract.
46 (2) The work or the portion designated is
47 sufficiently complete in accordance with the
48 requirements of the contract so the board can occupy
49 or utilize the work for its intended purpose.
50 (3) The project is certified as having been

Page 27

1 substantially completed by either of the following:
2 (a) The architect or engineer authorized to make
3 such certification.
4 (b) The contracting authority representing the
5 board.
6 4. Each contractor or subcontractor shall withhold
7 retainage, if at all, in the same manner as retainage
8 is withheld from the contractor or subcontractor; and
9 each subcontractor shall pass through all retainage
10 payments to lower tier subcontractors in accordance
11 with the provisions of chapter 573.
12 Sec. ___. Section 262.57, unnumbered paragraph 1,
13 Code 2005, is amended to read as follows:
14 To pay all or any part of the cost of carrying out
15 any project at any institution the board is authorized
16 to borrow money and to issue and sell negotiable bonds
17 or notes and to refund and refinance bonds or notes
18 heretofore issued or as may be hereafter issued for
19 any project or for refunding purposes at a lower rate,
20 the same rate or a higher rate or rates of interest

21 and from time to time as often as the board shall find
22 it to be advisable and necessary so to do. Such bonds
23 or notes may be sold by said board at public sale in
24 the manner prescribed by chapter 75 but if the board
25 shall find it to be advantageous and in the public
26 interest to do so, such bonds or notes may be sold by
27 the board at private sale without published notice of
28 any kind and without regard to the requirements of
29 chapter 75 in such manner and upon such terms as may
30 be prescribed by the resolution authorizing the same~~,~~
31 ~~but such bonds or notes shall in any event be sold~~
32 ~~upon terms of not less than par plus accrued interest~~.
33 Bonds or notes issued to refund other bonds or notes
34 heretofore or hereafter issued by the board for
35 residence hall or dormitory purposes at any
36 institution, including dining or other facilities and
37 additions, or heretofore or hereafter issued for
38 refunding purposes, may either be sold in the manner
39 hereinbefore specified and the proceeds thereof
40 applied to the payment of the obligations being
41 refunded, or the refunding bonds or notes may be
42 exchanged for and in payment and discharge of the
43 obligations being refunded, and a finding by the board
44 in the resolution authorizing the issuance of such
45 refunding bonds or notes that the bonds or notes being
46 refunded were issued for a purpose specified in this
47 division and constitute binding obligations of the
48 board shall be conclusive and may be relied upon by
49 any holder of any refunding bond or note issued under
50 the provisions of this division. The refunding bonds

Page 28

1 or notes may be sold or exchanged in installments at
2 different times or an entire issue or series may be
3 sold or exchanged at one time. Any issue or series of
4 refunding bonds or notes may be exchanged in part or
5 sold in parts in installments at different times or at
6 one time. The refunding bonds or notes may be sold or
7 exchanged at any time on, before, or after the
8 maturity of any of the outstanding notes, bonds or
9 other obligations to be refinanced thereby and may be
10 issued for the purpose of refunding a like or greater
11 principal amount of bonds or notes, except that the
12 principal amount of the refunding bonds or notes may
13 exceed the principal amount of the bonds or notes to
14 be refunded to the extent necessary to pay any premium
15 due on the call of the bonds or notes to be refunded
16 or to fund interest in arrears or about to become due.
17 Sec. ___. Section 262.78, subsection 6, Code 2005,
18 is amended by striking the subsection.
19 Sec. ___. Section 262A.5, unnumbered paragraph 1,

20 Code 2005, is amended to read as follows:
21 The board is authorized to borrow money under this
22 chapter, and the board may issue and sell negotiable
23 bonds to pay all or any part of the cost of carrying
24 out any project at any institution and may refund and
25 refinance bonds issued for any project or for
26 refunding purposes at the same rate or at a higher or
27 lower rate or rates of interest. Bonds issued under
28 the provisions of this chapter shall be sold by said
29 board at public sale on the basis of sealed proposals
30 received pursuant to a notice specifying the time and
31 place of sale and the amount of bonds to be sold which
32 shall be published at least once not less than seven
33 days prior to the date of sale in a newspaper
34 published in the state of Iowa and having a general
35 circulation in said state. The provisions of chapter
36 75 shall ~~not~~ apply to bonds issued under authority
37 contained in this chapter~~, but such bonds shall be~~
38 ~~sold upon terms of not less than par plus accrued~~
39 ~~interest~~ to the extent not in conflict with this
40 chapter. Bonds issued to refund other bonds issued
41 under the provisions of this chapter may either be
42 sold in the manner hereinbefore specified and the
43 proceeds thereof applied to the payment of the
44 obligations being refunded, or the refunding bonds may
45 be exchanged for and in payment and discharge of the
46 obligations being refunded. The refunding bonds may
47 be sold or exchanged in installments at different
48 times or an entire issue or series may be sold or
49 exchanged at one time. Any issue or series of
50 refunding bonds may be exchanged in part or sold in

Page 29

1 parts in installments at different times or at one
2 time. The refunding bonds may be sold or exchanged at
3 any time on, before, or after the maturity of any of
4 the outstanding bonds or other obligations to be
5 refinanced thereby and may be issued for the purpose
6 of refunding a like or greater principal amount of
7 bonds, except that the principal amount of the
8 refunding bonds may exceed the principal amount of the
9 bonds to be refunded to the extent necessary to pay
10 any premium due on the call of the bonds to be
11 refunded or to fund interest in arrears or which is to
12 become due.
13 Sec. ___. Section 266.39F, subsection 2,
14 unnumbered paragraph 2, Code 2005, is amended to read
15 as follows:
16 The provisions of section 262.9, subsection 7, ~~and~~
17 ~~section 262.10,~~ shall not apply to the sale of any
18 portion of land to be sold in accordance with this

19 section or to the use of the proceeds from the sale of
20 the land.
21 Sec. ___. Section 573.12, subsection 1, unnumbered
22 paragraph 1, Code 2005, is amended to read as follows:
23 Payments made under contracts for the construction
24 of public improvements, unless provided otherwise by
25 law, shall be made on the basis of monthly estimates
26 of labor performed and material delivered, as
27 determined by the project architect or engineer. The
28 public corporation shall retain from each monthly
29 payment not more than five percent of that amount
30 which is determined to be due according to the
31 estimate of the architect or engineer. ~~However,~~
32 ~~institutions governed pursuant to chapter 262 may, on~~
33 ~~contracts where a bond is required under section~~
34 ~~573.2, make payments under this section without~~
35 ~~retention until ninety-five percent of the contract~~
36 ~~amount has been paid and the remaining five percent of~~
37 ~~the contract amount shall be paid as provided under~~
38 ~~section 573.14.~~
39 Sec. ___. Section 573.14, unnumbered paragraph 2,
40 Code 2005, is amended to read as follows:
41 The public corporation shall order payment of any
42 amount due the contractor to be made in accordance
43 with the terms of the contract. Except as provided in
44 section 573.12 for progress payments, failure to make
45 payment pursuant to this section, of any amount due
46 the contractor, within forty days, unless a greater
47 time period not to exceed fifty days is specified in
48 the contract documents, after the work under the
49 contract has been completed and if the work has been
50 accepted and all required materials, certifications,

Page 30

1 and other documentations required to be submitted by
2 the contractor and specified by the contract have been
3 furnished the awarding public corporation by the
4 contractor, shall cause interest to accrue on the
5 amount unpaid to the benefit of the unpaid party.
6 Interest shall accrue during the period commencing the
7 thirty-first day following the completion of work and
8 satisfaction of the other requirements of this
9 paragraph and ending on the date of payment. The rate
10 of interest shall be determined by the period of time
11 during which interest accrues, and shall be the same
12 as the rate of interest that is in effect under
13 section 12C.6, as of the day interest begins to
14 accrue, for a deposit of public funds for a comparable
15 period of time. <u>However, for institutions governed</u>
16 <u>pursuant to chapter 262, the rate of interest shall be</u>
17 <u>determined by the period of time during which interest</u>

18 accrues, and shall be calculated as the prime rate
19 plus one percent per year as of the day interest
20 begins to accrue. This paragraph does not abridge any
21 of the rights set forth in section 573.16. Except as
22 provided in sections 573.12 and 573.16, interest shall
23 not accrue on funds retained by the public corporation
24 to satisfy the provisions of this section regarding
25 claims on file. This chapter does not apply if the
26 public corporation has entered into a contract with
27 the federal government or accepted a federal grant
28 which is governed by federal law or rules that are
29 contrary to the provisions of this chapter. For
30 purposes of this unnumbered paragraph, "prime rate"
31 means the prime rate charged by banks on short-term
32 business loans, as determined by the board of
33 governors of the federal reserve system and published
34 in the federal reserve bulletin.
35 Sec. ___. Sections 262.64A, 262.67, 262A.3,
36 262A.6A, 263A.11, 265.6, and 473.12, Code 2005, are
37 repealed.
38 DIVISION ___
39 ENTREPRENEURS WITH DISABILITIES
40 Sec. ___. ENTREPRENEURS WITH DISABILITIES PROGRAM
41 — TRANSFER OF ADMINISTRATION. The department of
42 economic development shall transfer the administrative
43 duties of the entrepreneurs with disabilities program
44 to the Iowa finance authority. The authority shall
45 adopt rules pursuant to chapter 17A for purposes of
46 administering the program. Any contract entered into
47 under the program by the department of economic
48 development remains valid. The transfer of
49 administrative duties to the authority shall not
50 constitute grounds for recision or modification of a

Page 31

1 contract under the program entered into with the
2 department.
3 Sec. ___. ENTREPRENEURS WITH DISABILITIES PROGRAM
4 — APPROPRIATION. For the fiscal year beginning July
5 1, 2005, and ending June 30, 2006, there is
6 appropriated from the general fund of the state to the
7 Iowa finance authority two hundred thousand dollars
8 for purposes of the entrepreneurs with disabilities
9 program."
10 ___. Page 48, by inserting after line 26, the
11 following:
12 "DIVISION ___
13 WIND ENERGY PRODUCTION TAX CREDIT
14 Sec. ___. Section 476B.1, subsection 4, paragraph
15 c, Code 2005, is amended to read as follows:
16 c. Was originally placed in service on or after

17 July 1, ~~2004~~ 2005, but before July 1, ~~2007~~ 2008.
18 Sec. ___. Section 476B.3, Code 2005, is amended to
19 read as follows:
20 476B.3 CREDIT AMOUNT.
21 ~~1. Except as limited by subsection 2, the~~ The wind
22 energy production tax credit allowed under this
23 chapter equals the product of one cent multiplied by
24 the number of kilowatt-hours of qualified electricity
25 sold by the owner during the taxable year.
26 ~~2. a. The maximum amount of tax credit which a~~
27 ~~group of qualified facilities operating as one unit~~
28 ~~may receive for a taxable year equals the rate of~~
29 ~~credit times thirty-two percent of the total number of~~
30 ~~kilowatts of nameplate generating capacity.~~
31 ~~b. However, if for the previous taxable year the~~
32 ~~amount of the tax credit for the group of qualified~~
33 ~~facilities operating as one unit is less than the~~
34 ~~maximum amount available as provided in paragraph "a",~~
35 ~~the maximum amount for the next taxable year shall be~~
36 ~~increased by the amount of the previous year's unused~~
37 ~~maximum credit.~~
38 Sec. ___. Section 476B.4, subsection 1, paragraph
39 b, Code 2005, is amended by striking the paragraph.
40 Sec. ___. Section 476B.5, Code 2005, is amended by
41 striking the section and inserting in lieu thereof the
42 following:
43 476B.5 DETERMINATION OF ELIGIBILITY.
44 1. An owner may apply to the board for a written
45 determination regarding whether a facility is a
46 qualified facility by submitting to the board a
47 written application containing all of the following:
48 a. Information regarding the ownership of the
49 facility including the percentage of equity interest
50 held by each owner.

Page 32

1 b. The nameplate generating capacity of the
2 facility.
3 c. Information regarding the facility's initial
4 placement in service.
5 d. Information regarding the type of facility.
6 e. A copy of an executed power purchase agreement
7 or other agreement to purchase electricity upon
8 completion of the project.
9 f. Any other information the board may require.
10 2. The board shall review the application and
11 supporting information and shall make a preliminary
12 determination regarding whether the facility is a
13 qualified facility. The board shall notify the
14 applicant of the approval or denial of the application
15 within thirty days of receipt of the application and

16 information required. If the board fails to notify
17 the applicant of the approval or denial within thirty
18 days, the application shall be deemed denied. An
19 applicant who receives a determination denying an
20 application may file an appeal with the board within
21 thirty days from the date of the denial pursuant to
22 the provisions of chapter 17A. In the absence of a
23 timely appeal, the preliminary determination shall be
24 final. If the application is incomplete, the board
25 may grant an extension of time for the provision of
26 additional information.
27 3. A facility that is not operational within
28 eighteen months after issuance of an approval for the
29 facility by the board shall cease to be a qualified
30 facility. A facility that is granted and thereafter
31 loses approval may reapply to the board for a new
32 determination.
33 4. The maximum amount of nameplate generating
34 capacity of all qualified facilities the board may
35 find eligible under this chapter shall not exceed four
36 hundred fifty megawatts of nameplate generating
37 capacity.
38 5. An owner shall not be an owner of more than two
39 qualified facilities.
40 Sec. ___. Section 476B.6, Code 2005, is amended by
41 striking the section and inserting in lieu thereof the
42 following:
43 476B.6 TAX CREDIT CERTIFICATE PROCEDURE.
44 1. a. To be eligible to receive the wind energy
45 production tax credit, the owner must first receive
46 approval of the board of supervisors of the county in
47 which the qualified facility is located. The
48 application for approval may be submitted prior to
49 commencement of the construction of the qualified
50 facility but shall be submitted no later than the

1 close of the owner's first taxable year for which the
2 credit is to be applied for. The application must
3 contain the owner's name and address, the address of
4 the qualified facility, and the dates of the owner's
5 first and last taxable years for which the credit will
6 be applied for. Within forty-five days of the receipt
7 of the application for approval, the board of
8 supervisors shall either approve or disapprove the
9 application. After the forty-five-day limit, the
10 application is deemed to be approved.
11 b. Upon approval of the application, the owner may
12 apply for the tax credit as provided in subsection 2.
13 In addition, approval of the application is acceptance
14 by the applicant for the assessment of the qualified

15 facility for property tax purposes for a period of
16 twelve years and approval by the board of supervisors
17 for the payment of the property taxes levied on the
18 qualified property to the state. For purposes of
19 property taxation, the qualified facility shall be
20 centrally assessed and shall be exempt from any
21 replacement tax under section 437A.6 for the period
22 during which the facility is subject to property
23 taxation. The property taxes to be paid to the state
24 are those property taxes which make up the
25 consolidated tax levied on the qualified facility and
26 which are due and payable in the twelve-year period
27 beginning with the first fiscal year beginning on or
28 after the end of the owner's first taxable year for
29 which the credit is applied for. Upon approval of the
30 application, the board of supervisors shall notify the
31 county treasurer to state on the tax statement which
32 lists the taxes on the qualified facility that the
33 amount of the property taxes shall be paid to the
34 department. Payment of the designated property taxes
35 to the department shall be in the same manner as
36 required for the payment of regular property taxes and
37 failure to pay designated property taxes to the
38 department shall be treated the same as failure to pay
39 property taxes to the county treasurer.
40 c. Once the owner of the qualified facility
41 receives approval under paragraph "a", subsequent
42 approval under paragraph "a" is not required for the
43 same qualified facility for subsequent taxable years.
44 2. An owner of a qualified facility may apply to
45 the board for the wind energy production tax credit by
46 submitting to the board all of the following:
47 a. A completed application in a form prescribed by
48 the board.
49 b. A copy of the determination granting approval
50 of the facility as a qualified facility by the board.

Page 34

1 c. A copy of a signed power purchase agreement or
2 other agreement to purchase electricity.
3 d. Sufficient documentation that the electricity
4 has been generated by the qualified facility and sold
5 to a purchaser.
6 e. Any other information the board deems
7 necessary.
8 3. The board shall notify the department of the
9 amount of kilowatt-hours generated and purchased from
10 a qualified facility. The department shall calculate
11 the amount of the tax credit for which the applicant
12 is eligible and shall issue the tax credit certificate
13 for that amount or notify the applicant in writing of

14 its refusal to do so. An applicant whose application
15 is denied may file an appeal with the department
16 within sixty days from the date of the denial pursuant
17 to the provisions of chapter 17A.
18 4. Each tax credit certificate shall contain the
19 owner's name, address, and tax identification number,
20 the amount of tax credits, the first taxable year the
21 certificate may be used, the type of tax to which the
22 tax credits shall be applied, and any other
23 information required by the department. The tax
24 credit certificate shall only list one type of tax to
25 which the amount of the tax credit may be applied.
26 Once issued by the department, the tax credit
27 certificate shall not be terminated or rescinded.
28 5. If the tax credit application is filed by a
29 partnership, limited liability company, S corporation,
30 estate, trust, or other reporting entity all of the
31 income of which is taxed directly to its equity
32 holders or beneficiaries, for the taxes imposed under
33 chapter 422, division II or III, the tax credit
34 certificate shall be issued directly to equity holders
35 or beneficiaries of the applicant in proportion to
36 their pro rata share of the income of such entity.
37 The applicant shall, in the application made under
38 this section, identify its equity holders or
39 beneficiaries, and the percentage of such entity's
40 income that is allocable to each equity holder or
41 beneficiary. If the tax credit application is filed
42 by a partnership, limited liability company, S
43 corporation, estate, trust, or other reporting entity,
44 all of whose income is taxed directly to its equity
45 holders or beneficiaries for the taxes imposed under
46 chapter 422, division V, or under chapter 432, the tax
47 credit certificate shall be issued directly to the
48 partnership, limited liability company, S corporation,
49 estate, trust, or other reporting entity.
50 6. The department shall not issue a tax credit

Page 35

1 certificate if the facility approved by the board as a
2 qualified facility is not operational within eighteen
3 months after the approval is issued.
4 7. Once a tax credit certificate is issued
5 pursuant to this section, the tax credit may only be
6 claimed against the type of tax reflected on the
7 certificate.
8 8. A tax credit certificate shall not be used or
9 attached to a return filed for a taxable year
10 beginning prior to July 1, 2006.
11 Sec. ___. Section 476B.7, unnumbered paragraph 1,
12 Code 2005, is amended to read as follows:

13 Wind energy production tax credit certificates
14 issued under this chapter may be transferred to any
15 person or entity. Within thirty days of transfer, the
16 transferee must submit the transferred tax credit
17 certificate to the ~~board~~ department along with a
18 statement containing the transferee's name, tax
19 identification number, and address, and the
20 denomination that each replacement tax credit
21 certificate is to carry and any other information
22 required by the department. Within thirty days of
23 receiving the transferred tax credit certificate and
24 the transferee's statement, the ~~board~~ department shall
25 issue one or more replacement tax credit certificates
26 to the transferee. Each replacement certificate must
27 contain the information required under section 476B.6
28 and must have the same effective taxable year and the
29 same expiration date that appeared in the transferred
30 tax credit certificate. Tax credit certificate
31 amounts of less than the minimum amount established by
32 rule of the board shall not be transferable. A tax
33 credit shall not be claimed by a transferee under this
34 chapter until a replacement tax credit certificate
35 identifying the transferee as the proper holder has
36 been issued.
37 Sec. ___. Section 476B.8, Code 2005, is amended to
38 read as follows:
39 476B.8 USE OF TAX CREDIT CERTIFICATES.
40 To claim a wind energy production tax credit under
41 this chapter, a taxpayer must attach one or more tax
42 credit certificates to the taxpayer's tax return. A
43 tax credit certificate shall not be used or attached
44 to a return filed for a taxable year beginning prior
45 to July 1, ~~2005~~ 2006. The tax credit certificate or
46 certificates attached to the taxpayer's tax return
47 shall be issued in the taxpayer's name, expire on or
48 after the last day of the taxable year for which the
49 taxpayer is claiming the tax credit, and show a tax
50 credit amount equal to or greater than the tax credit

Page 36

1 claimed on the taxpayer's tax return. Any tax credit
2 in excess of the taxpayer's tax liability for the
3 taxable year may be credited to the taxpayer's tax
4 liability for the following seven taxable years or
5 until depleted, whichever is the earlier.
6 Sec. ___. Section 476B.9, Code 2005, is amended to
7 read as follows:
8 476B.9 REGISTRATION OF TAX CREDIT CERTIFICATES.
9 The ~~board shall, in conjunction with the~~
10 department~~,~~ shall develop a system for the
11 registration of the wind energy production tax credit

12 certificates issued or transferred under this chapter
13 and a system that permits verification that any tax
14 credit claimed on a tax return is valid and that
15 transfers of the tax credit certificates are made in
16 accordance with the requirements of this chapter. The
17 tax credit certificates issued under this chapter
18 shall not be classified as a security pursuant to
19 chapter 502.
20 Sec. ___. NEW SECTION. 476B.10 RULES.
21 The department and the board may adopt rules
22 pursuant to chapter 17A for the administration and
23 enforcement of this chapter."
24 ___. Page 48, by inserting after line 26, the
25 following:
26 "DIVISION ___
27 PROVISIONS RELATING TO THE PRACTICE OF PHARMACY
28 Sec. ___. Section 155A.3, subsection 11, Code
29 2005, is amended to read as follows:
30 11. "Dispense" means to deliver a prescription
31 drug, device, or controlled substance to an ultimate
32 user or research subject by or pursuant to the lawful
33 prescription drug order or medication order of a
34 practitioner, including the prescribing,
35 administering, packaging, labeling, or compounding
36 necessary to prepare the substance for that delivery.
37 Sec. ___. Section 155A.3, Code 2005, is amended by
38 adding the following new subsection:
39 NEW SUBSECTION. 22A. "Logistics provider" means
40 an entity that provides or coordinates warehousing,
41 distribution, or other services on behalf of a
42 manufacturer or other owner of a drug, but does not
43 take title to the drug or have general responsibility
44 to direct its sale or other disposition.
45 Sec. ___. Section 155A.3, Code 2005, is amended by
46 adding the following new subsection:
47 NEW SUBSECTION. 23A. "Pedigree" means a recording
48 of each distribution of any given drug or device, from
49 the sale by the manufacturer through acquisition and
50 sale by any wholesaler, pursuant to rules adopted by

1 the board.
2 Sec. ___. Section 155A.3, subsection 33, paragraph
3 b, Code 2005, is amended to read as follows:
4 b. A drug or device that under federal law is
5 required, prior to being dispensed or delivered, to be
6 labeled with ~~either~~ one of the following statements:
7 (1) Caution: Federal law prohibits dispensing
8 without a prescription.
9 (2) Caution: Federal law restricts this drug to
10 use by or on the order of a licensed veterinarian.

(3) Caution: Federal law restricts this device to sale by, or on the order of, a physician.

(4) Rx only.

Sec. ___. Section 155A.3, subsection 35, Code 2005, is amended to read as follows:

35. "Proprietary medicine" or "over-the-counter medicine" means a nonnarcotic drug or device that may be sold without a prescription and that is labeled and packaged in compliance with applicable state or federal law.

Sec. ___. Section 155A.3, subsection 38, Code 2005, is amended to read as follows:

38. "Wholesaler" means a person operating or maintaining, either within or outside this state, a manufacturing plant, wholesale distribution center, wholesale business, or any other business in which prescription drugs or devices, medicinal chemicals, medicines, or poisons are sold, manufactured, compounded, dispensed, stocked, exposed, distributed from, or offered for sale at wholesale in this state. "Wholesaler" does not include those wholesalers who sell only proprietary or over-the-counter medicines. "Wholesaler" also does not include a commercial carrier that temporarily stores prescription drugs or devices, medicinal chemicals, medicines, or poisons while in transit.

Sec. ___. Section 155A.4, subsection 2, paragraph a, Code 2005, is amended to read as follows:

a. A ~~manufacturer or~~ wholesaler to distribute prescription drugs or devices as provided by state or federal law.

Sec. ___. Section 155A.13, subsection 6, unnumbered paragraph 1, Code 2005, is amended to read as follows:

To qualify for a pharmacy license, the applicant shall submit to the board a license fee as determined by the board and a completed application on a form prescribed by the board ~~that shall include the following information and~~. The application shall include the following and such other information as

required by rules of the board and shall be given under oath:

Sec. ___. Section 155A.17, subsection 2, Code 2005, is amended to read as follows:

2. The board shall establish standards for drug wholesaler licensure and may define specific types of wholesaler licenses. The board may deny, suspend, or revoke a drug wholesale license for failure to meet the applicable standards or for a violation of the

10 laws of this state, another state, or the United
11 States relating to prescription drugs, devices, or
12 controlled substances, or for a violation of this
13 chapter, chapter 124, 124A, 124B, 126, or 205, or a
14 rule of the board.
15 Sec. ___. Section 155A.17, subsection 3, Code
16 2005, is amended to read as follows:
17 3. The board shall adopt rules pursuant to chapter
18 17A on matters pertaining to the issuance of a
19 wholesale drug license. The rules shall provide for
20 conditions of licensure, compliance standards,
21 licensure fees, disciplinary action, and other
22 relevant matters. Additionally, the rules shall
23 establish provisions or exceptions for pharmacies,
24 chain pharmacy distribution centers, logistics
25 providers, and other types of wholesalers relating to
26 pedigree requirements, drug or device returns, and
27 other related matters, so as not to prevent or
28 interfere with usual, customary, and necessary
29 business activities.
30 Sec. ___. Section 155A.19, subsection 1, paragraph
31 f, Code 2005, is amended by striking the paragraph and
32 inserting in lieu thereof the following:
33 f. Change of legal name or doing-business-as name.
34 Sec. ___. Section 155A.19, Code 2005, is amended
35 by adding the following new subsection:
36 NEW SUBSECTION. 3. A wholesaler shall report in
37 writing to the board, pursuant to its rules, the
38 following:
39 a. Permanent closing or discontinuation of
40 wholesale distributions into this state.
41 b. Change of ownership.
42 c. Change of location.
43 d. Change of the wholesaler's responsible
44 individual.
45 e. Change of legal name or doing-business-as name.
46 f. Theft or significant loss of any controlled
47 substance on discovery of the theft or loss.
48 g. Disasters, accidents, and emergencies that may
49 affect the strength, purity, or labeling of drugs,
50 medications, devices, or other materials used in the

1 diagnosis or the treatment of injury, illness, and
2 disease.
3 h. Other information or activities as required by
4 rule.
5 Sec. ___. Section 155A.20, subsection 1, Code
6 2005, is amended to read as follows:
7 1. A person, other than a pharmacy or wholesaler
8 licensed under this chapter, shall not display in or

on any store, internet site, or place of business, nor use in any advertising or promotional literature, communication, or representation, the word or words: "apothecary", "drug", "drug store", or "pharmacy", either in English or any other language, any other word or combination of words of the same or similar meaning, or any graphic representation in a manner that would mislead the public ~~unless it is a pharmacy or drug wholesaler licensed under this chapter~~.

Sec. ___. Section 155A.21, Code 2005, is amended to read as follows:

155A.21 UNLAWFUL POSSESSION OF PRESCRIPTION DRUG OR DEVICE — PENALTY.

1. A person found in possession of a drug or device limited to dispensation by prescription, unless the drug or device was so lawfully dispensed, commits a serious misdemeanor.

2. Subsection 1 does not apply to a licensed pharmacy, licensed wholesaler, physician, veterinarian, dentist, podiatric physician, therapeutically certified optometrist, advanced registered nurse practitioner, physician assistant, a nurse acting under the direction of a physician, or the board of pharmacy examiners, its officers, agents, inspectors, and representatives, nor to a common carrier, manufacturer's representative, or messenger when transporting the drug or device in the same unbroken package in which the drug or device was delivered to that person for transportation.

Sec. ___. Section 155A.23, Code 2005, is amended to read as follows:

155A.23 PROHIBITED ACTS.

A person shall not perform or cause the performance of or aid and abet any of the following acts:

1. ~~Obtain or attempt~~ Obtaining or attempting to obtain a prescription drug or device or ~~procure or attempt~~ procuring or attempting to procure the administration of a prescription drug or device by:

a. ~~Fraud~~ Engaging in fraud, deceit, misrepresentation, or subterfuge.

b. ~~Forgery or alteration of~~ Forging or altering a written, electronic, or facsimile prescription or ~~of~~

any written, electronic, or facsimile order.

c. ~~Concealment of~~ Concealing a material fact.

d. ~~Use of~~ Using a false name or ~~the~~ giving ~~of~~ a false address.

2. Willfully ~~make~~ making a false statement in any prescription, report, or record required by this chapter.

3. For the purpose of obtaining a prescription drug or device, falsely ~~assume~~ assuming the title of or ~~claim~~ claiming to be a manufacturer, wholesaler, pharmacist, pharmacy owner, physician, dentist, podiatric physician, veterinarian, or other authorized person.

4. ~~Make or utter~~ Making or uttering any false or forged oral, written, electronic, or facsimile prescription or oral, written, electronic, or facsimile order.

5. ~~Affix any false or forged label to a package or receptacle containing prescription drugs~~ Forging, counterfeiting, simulating, or falsely representing any drug or device without the authority of the manufacturer, or using any mark, stamp, tag, label, or other identification device without the authorization of the manufacturer.

6. Manufacturing, repackaging, selling, delivering, or holding or offering for sale any drug or device that is adulterated, misbranded, counterfeit, suspected of being counterfeit, or that has otherwise been rendered unfit for distribution.

7. Adulterating, misbranding, or counterfeiting any drug or device.

8. Receiving any drug or device that is adulterated, misbranded, stolen, obtained by fraud or deceit, counterfeit, or suspected of being counterfeit, and delivering or proffering delivery of such drug or device for pay or otherwise.

9. Adulterating, mutilating, destroying, obliterating, or removing the whole or any part of the labeling of a drug or device or committing any other act with respect to a drug or device that results in the drug or device being misbranded.

10. Purchasing or receiving a drug or device from a person who is not licensed to distribute the drug or device to that purchaser or recipient.

11. Selling or transferring a drug or device to a person who is not authorized under the law of the jurisdiction in which the person receives the drug or device to purchase or possess the drug or device from the person selling or transferring the drug or device.

12. Failing to maintain or provide records as

required by this chapter, chapter 124, or rules of the board.

13. Providing the board or any of its representatives or any state or federal official with false or fraudulent records or making false or fraudulent statements regarding any matter within the

7 scope of this chapter, chapter 124, or rules of the
8 board.
9 14. Distributing at wholesale any drug or device
10 that meets any of the following conditions:
11 a. The drug or device was purchased by a public or
12 private hospital or other health care entity.
13 b. The drug or device was donated or supplied at a
14 reduced price to a charitable organization.
15 c. The drug or device was purchased from a person
16 not licensed to distribute the drug or device.
17 d. The drug or device was stolen or obtained by
18 fraud or deceit.
19 15. Failing to obtain a license or operating
20 without a valid license when a license is required
21 pursuant to this chapter or chapter 147.
22 16. Engaging in misrepresentation or fraud in the
23 distribution of a drug or device.
24 17. Distributing a drug or device to a patient
25 without a prescription drug order or medication order
26 from a practitioner licensed by law to use or
27 prescribe the drug or device.
28 18. Distributing a drug or device that was
29 previously dispensed by a pharmacy or distributed by a
30 practitioner except as provided by rules of the board.
31 19. Failing to report any prohibited act.
32 Information communicated to a physician in an
33 unlawful effort to procure a prescription drug or
34 device or to procure the administration of a
35 prescription drug shall not be deemed a privileged
36 communication.
37 Subsections 6 and 7 shall not apply to the
38 wholesale distribution by a manufacturer of a
39 prescription drug or device that has been delivered
40 into commerce pursuant to an application approved by
41 the federal food and drug administration.
42 Sec. ___. Section 155A.24, Code 2005, is amended
43 to read as follows:
44 155A.24 PENALTIES.
45 1. ~~A~~ Except as otherwise provided in this section,
46 a person who violates a provision of section 155A.23
47 or who sells or offers for sale, gives away, or
48 administers to another person any prescription drug or
49 device in violation of this chapter commits a public
50 offense and shall be punished as follows:

Page 42

1 a. If the prescription drug is a controlled
2 substance, the person shall be punished pursuant to
3 ~~section 124.401, subsection 1, and section 124.411~~
4 chapter 124, division IV.
5 b. If the prescription drug is not a controlled

substance, the person, upon conviction of a first offense, is guilty of a serious misdemeanor. For a second offense, or if in case of a first offense the offender previously has been convicted of any violation of the laws of the United States or of any state, territory, or district thereof relating to prescription drugs or devices, the offender is guilty of an aggravated misdemeanor. For a third or subsequent offense or if in the case of a second offense the offender previously has been convicted two or more times in the aggregate of any violation of the laws of the United States or of any state, territory, or district thereof relating to prescription drugs or devices, the offender is guilty of a class "D" felony.

2. A person who violates any provision of this chapter by selling, giving away, or administering any prescription drug or device to a minor is guilty of a class "C" felony.

3. A wholesaler who, with intent to defraud or deceive, fails to deliver to another person, when required by rules of the board, complete and accurate pedigree concerning a drug prior to transferring the drug to another person is guilty of a class "C" felony.

4. A wholesaler who, with intent to defraud or deceive, fails to acquire, when required by rules of the board, complete and accurate pedigree concerning a drug prior to obtaining the drug from another person is guilty of a class "C" felony.

5. A wholesaler who knowingly destroys, alters, conceals, or fails to maintain, as required by rules of the board, complete and accurate pedigree concerning any drug in the person's possession is guilty of a class "C" felony.

6. A wholesaler who is in possession of pedigree documents required by rules of the board, and who knowingly fails to authenticate the matters contained in the documents as required, and who nevertheless distributes or attempts to further distribute drugs is guilty of a class "C" felony.

7. A wholesaler who, with intent to defraud or deceive, falsely swears or certifies that the person has authenticated any documents related to the wholesale distribution of drugs or devices is guilty of a class "C" felony.

Page 43

8. A wholesaler who knowingly forges, counterfeits, or falsely creates any pedigree, who falsely represents any factual matter contained in any pedigree, or who knowingly omits to record material

information required to be recorded in a pedigree is guilty of a class "C" felony.

9. A wholesaler who knowingly purchases or receives drugs or devices from a person not authorized to distribute drugs or devices in wholesale distribution is guilty of a class "C" felony.

10. A wholesaler who knowingly sells, barters, brokers, or transfers a drug or device to a person not authorized to purchase the drug or device under the jurisdiction in which the person receives the drug or device in a wholesale distribution is guilty of a class "C" felony.

11. A person who knowingly manufacturers, sells, or delivers, or who possesses with intent to sell or deliver, a counterfeit, misbranded, or adulterated drug or device is guilty of the following:

a. If the person manufactures or produces a counterfeit, misbranded, or adulterated drug or device; or if the quantity of a counterfeit, misbranded, or adulterated drug or device being sold, delivered, or possessed with intent to sell or deliver exceeds one thousand units or dosages; or if the violation is a third or subsequent violation of this subsection, the person is guilty of a class "C" felony.

b. If the quantity of a counterfeit, misbranded, or adulterated drug or device being sold, delivered, or possessed with intent to sell or deliver exceeds one hundred units or dosages but does not exceed one thousand units or dosages; or if the violation is a second or subsequent violation of this subsection, the person is guilty of a class "D" felony.

c. All other violations of this subsection shall constitute an aggravated misdemeanor.

12. A person who knowingly forges, counterfeits, or falsely creates any label for a drug or device or who falsely represents any factual matter contained on any label of a drug or device is guilty of a class "C" felony.

13. A person who knowingly possesses, purchases, or brings into the state a counterfeit, misbranded, or adulterated drug or device is guilty of the following:

a. If the quantity of a counterfeit, misbranded, or adulterated drug or device being possessed, purchased, or brought into the state exceeds one hundred units or dosages; or if the violation is a

second or subsequent violation of this subsection, the person is guilty of a class "D" felony.

b. All other violations of this subsection shall constitute an aggravated misdemeanor.

5 14. This section does not prevent a licensed
6 practitioner of medicine, dentistry, podiatry,
7 nursing, veterinary medicine, optometry, or pharmacy
8 from acts necessary in the ethical and legal
9 performance of the practitioner's profession.
10 15. Subsections 1 and 2 shall not apply to a
11 parent or legal guardian administering, in good faith,
12 a prescription drug or device to a child of the parent
13 or a child for whom the individual is designated a
14 legal guardian.
15 Sec. ___. NEW SECTION. 155A.40 CRIMINAL HISTORY
16 RECORD CHECKS.
17 1. The board may request and obtain,
18 notwithstanding section 692.2, subsection 5, criminal
19 history data for any applicant for an initial or
20 renewal license or registration issued pursuant to
21 this chapter or chapter 147, any applicant for
22 reinstatement of a license or registration issued
23 pursuant to this chapter or chapter 147, or any
24 licensee or registrant who is being monitored as a
25 result of a board order or agreement resolving an
26 administrative disciplinary action, for the purpose of
27 evaluating the applicant's, licensee's, or
28 registrant's eligibility for licensure, registration,
29 or suitability for continued practice of the
30 profession. Criminal history data may be requested
31 for all owners, managers, and principal employees of a
32 pharmacy or drug wholesaler licensed pursuant to this
33 chapter. The board shall adopt rules pursuant to
34 chapter 17A to implement this section. The board
35 shall inform the applicant, licensee, or registrant of
36 the criminal history requirement and obtain a signed
37 waiver from the applicant, licensee, or registrant
38 prior to submitting a criminal history data request.
39 2. A request for criminal history data shall be
40 submitted to the department of public safety, division
41 of criminal investigation and bureau of
42 identification, pursuant to section 692.2, subsection
43 1. The board may also require such applicants,
44 licensees, and registrants to provide a full set of
45 fingerprints, in a form and manner prescribed by the
46 board. Such fingerprints may be submitted to the
47 federal bureau of investigation through the state
48 criminal history repository for a national criminal
49 history check. The board may authorize alternate
50 methods or sources for obtaining criminal history

1 record information. The board may, in addition to any
2 other fees, charge and collect such amounts as may be
3 incurred by the board, the department of public

4 safety, or the federal bureau of investigation in
5 obtaining criminal history information. Amounts
6 collected shall be considered repayment receipts as
7 defined in section 8.2.
8 3. Criminal history information relating to an
9 applicant, licensee, or registrant obtained by the
10 board pursuant to this section is confidential. The
11 board may, however, use such information in a license
12 or registration denial proceeding. In a disciplinary
13 proceeding, such information shall constitute
14 investigative information under section 272C.6,
15 subsection 4, and may be used only for purposes
16 consistent with that section.
17 4. This section shall not apply to a manufacturer
18 of a prescription drug or device that has been
19 delivered into commerce pursuant to an application
20 approved by the federal food and drug administration.
21 Sec. ___. NEW SECTION. 155A.41 CONTINUOUS
22 QUALITY IMPROVEMENT PROGRAM.
23 1. Each licensed pharmacy shall implement or
24 participate in a continuous quality improvement
25 program to review pharmacy procedures in order to
26 identify methods for addressing pharmacy medication
27 errors and for improving patient use of medications
28 and patient care services. Under the program, each
29 pharmacy shall assess its practices and identify areas
30 for quality improvement.
31 2. The board shall adopt rules for the
32 administration of a continuous quality improvement
33 program. The rules shall address all of the
34 following:
35 a. Program requirements and procedures.
36 b. Program record and reporting requirements.
37 c. Any other provisions necessary for the
38 administration of a program."
39 ___. Title page, line 1, by inserting after the
40 word "Act" the following: "relating to state and
41 local finances by providing for tax exemptions,
42 credits, tax credit transfers, and other tax-related
43 matters and by".
44 ___. Title page, line 2, by inserting after the
45 word "fees," the following: "providing for wind
46 energy production tax credits,".
47 ___. Title page, line 2, by inserting after the
48 word "matters" the following: "and penalties"."
49 11. By renumbering, relettering, or redesignating
50 and correcting internal references as necessary.

REPORTS OF CONFERENCE COMMITTEES
(Senate Files)

SENATE FILE 169

To the Co-Presidents of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and House of Representatives on Senate File 169, a bill for an Act relating to the regulation of substances which are precursors to amphetamine and methamphetamine and providing a penalty and effective dates, respectfully make the following report:

1. That the House recedes from its amendment, S–3015.

2. That Senate File 169, as amended, passed, and reprinted by the Senate, is amended to read as follows:

1. By striking everything after the enacting clause and inserting the following:

"Section 1. Section 124.212, subsection 4, Code 2005, is amended by striking the subsection and inserting in lieu thereof the following:

4. PRECURSORS TO AMPHETAMINE AND METHAMPHETAMINE. Unless specifically excepted in paragraph "d" or "e" or listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following precursors to amphetamine or methamphetamine, including their salts, optical isomers, and salts of their optical isomers:

a. Ephedrine.

b. Phenylpropanolamine.

c. Pseudoephedrine. A person shall not purchase more than seven thousand five hundred milligrams of pseudoephedrine, either separately or collectively, within a thirty-day period from a pharmacy, unless the person has a prescription for a pseudoephedrine product in excess of that quantity.

d. Any product that contains three hundred sixty milligrams or less of pseudoephedrine, its salts, optical isomers, and salts of its optical isomers, which is in liquid, liquid capsule, or liquid-filled gel capsule form, is excepted from this schedule and may be warehoused, distributed, and sold over the counter pursuant to section 126.23A.

e. A pseudoephedrine product warehoused by a distributor located in this state which is warehoused for export to a retailer outside this state is excepted from this schedule. A distributor warehousing and exporting a pseudoephedrine product shall register with the board and comply with any rules adopted by the board and relating to the diversion of pseudoephedrine products from legitimate commerce.

Sec. 2. NEW SECTION. 124.213 PHARMACY PSEUDOEPHEDRINE SALE RESTRICTION — PENALTY.

A person who purchases more than seven thousand five hundred milligrams of pseudoephedrine from a pharmacy in violation of section 124.212 or a retailer in violation of section 126.23A, either separately or collectively, within a thirty-day period commits a serious misdemeanor.

Sec. 3. Section 126.23A, Code 2005, is amended by striking the section and inserting in lieu thereof the following:

126.23A PSEUDOEPHEDRINE RETAIL RESTRICTIONS.

1. a. A retailer or an employee of a retailer shall not do any of the following:

(1) Sell a product that contains more than three hundred sixty milligrams of pseudoephedrine in violation of section 124.212, subsection 4.

(2) Knowingly sell more than one package of a product containing pseudoephedrine to a person in a twenty-four-hour period.

(3) Sell a package of a pseudoephedrine product that can be further broken down or subdivided into two or more separate and distinct packages or offer promotions where a pseudoephedrine product is given away for free as part of any purchase transaction.

b. A retailer or an employee of a retailer shall do the following:

(1) Provide for the sale of a pseudoephedrine product in a locked cabinet or behind a sales counter where the public is unable to reach the product and where the public is not permitted.

(2) Require a purchaser to present a government-issued photo identification card identifying the purchaser prior to purchasing a pseudoephedrine product.

(3) Require the purchaser to legibly sign a logbook and to also require the purchaser to print the purchaser's name and address in the logbook.

(4) Determine the signature in the logbook corresponds with the name on the government-issued photo identification card.

(5) Keep the logbook twelve months from the date of the last entry.

(6) Provide notification in a clear and conspicuous manner in a location where a pseudoephedrine product is offered for sale stating the following:

Iowa law prohibits the over-the-counter purchase of more than one package of a product containing pseudoephedrine in a twenty-four-hour period or of more than seven thousand five hundred milligrams of pseudoephedrine within a thirty-day period. If you purchase a product containing pseudoephedrine, you are required to sign a logbook which may be accessible to law enforcement officers.

2. A purchaser shall not do any of the following:

a. Purchase more than one package of a pseudoephedrine product within a twenty-four-hour period from a retailer.

b. Purchase more than seven thousand five hundred milligrams of pseudoephedrine from a retailer, either separately or collectively, within a thirty-day period.

3. A purchaser shall legibly sign the logbook and also print the purchaser's name and address in the logbook.

4. Enforcement of this section shall be implemented uniformly throughout the state. A political subdivision of the state shall not adopt an ordinance regulating the display or sale of products containing pseudoephedrine. An ordinance adopted in violation of this section is void and unenforceable and any enforcement activity of an ordinance in violation of this section is void.

5. The logbook may be kept in an electronic format upon approval by the department of public safety.

6. A pharmacy that sells a product that contains three hundred sixty milligrams or less of pseudoephedrine on a retail basis shall comply with the provisions of this section with respect to the sale of such product. However, a pharmacy is exempted from the provisions of this section when selling a pseudoephedrine product pursuant to section 124.212.

7. A retailer or an employee of a retailer that reports to any law enforcement agency any alleged criminal activity related to the purchase or sale of pseudoephedrine or who refuses to sell a pseudoephedrine product to a person is immune from civil liability for that conduct, except in cases of willful misconduct.

8. If a retailer or an employee of a retailer violates any provision of this section, a city or county may assess a civil penalty against the retailer upon hearing and notice as provided in section 126.23B.

9. An employee of a retailer who commits a violation of subsection 1 or a purchaser who commits a violation of subsection 2 commits a simple misdemeanor punishable by a scheduled fine under section 805.8C, subsection 6.

10. As used in this section, "retailer" means a person or business entity engaged in this state in the business of selling products on a retail basis. An "employee of a retailer" means any employee, contract employee, or agent of the retailer.

Sec. 4. NEW SECTION. 126.23B CIVIL PENALTY.

1. A city or a county may enforce section 126.23A, after giving the retailer an opportunity to be heard upon ten days' written notice by restricted certified mail stating the alleged violation and the time and place at which the retailer may appear and be heard.

2. For a violation of section 126.23A by the retailer or an employee of the retailer a civil penalty shall be assessed against the retailer as follows:

a. For a first violation, the retailer shall be assessed a civil penalty in the amount of three hundred dollars.

b. For a second violation within a period of two years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars.

c. For a third violation within a period of three years, the retailer shall be assessed a civil penalty in the amount of two thousand dollars. The retailer may also be prohibited from selling pseudoephedrine for up to three years from the date of assessment of the civil penalty.

d. For a fourth or subsequent violation within a period of three years, the retailer shall be assessed a civil penalty in the amount of three thousand dollars. On a fourth or subsequent violation, the retailer shall be prohibited from selling pseudoephedrine products for three years from the date of the assessment of the civil penalty.

3. The city or county that takes legal action against a retailer under this section shall report the assessment of a civil penalty to the department of public safety within thirty days of the penalty being assessed.

4. The civil penalty shall be collected by the clerk of the district court and shall be distributed as provided in section 602.8105, subsection 4.

Sec. 5. Section 602.8105, subsection 4, Code 2005, is amended to read as follows:

4. The clerk of the district court shall collect a civil penalty assessed against a retailer pursuant to section ~~126.23A~~ 126.23B. Any moneys collected from the civil penalty shall be distributed to the ~~state or a political subdivision of the state as provided in~~ city or county that brought the enforcement action for a violation of section 126.23A~~, subsection 7~~.

Sec. 6. Section 714.7C, Code 2005, is amended to read as follows:

714.7C THEFT OF PSEUDOEPHEDRINE — ENHANCEMENT.

Notwithstanding section 714.2, subsection 5, a person who commits a simple misdemeanor theft of ~~more than two packages~~ a product containing ~~any of the following~~ pseudoephedrine from a retailer as defined in section 126.23A commits a serious misdemeanor~~:~~.

~~1. Pseudoephedrine as the product's sole active ingredient.~~

~~2. Pseudoephedrine in combination with other active ingredients.~~

~~A simple misdemeanor theft of more than two packages containing pseudoephedrine as the products' sole active ingredient which are in liquid form does not constitute a serious misdemeanor under this section.~~

Sec. 7. Section 804.21, subsection 1, Code 2005, is amended to read as follows:

1. A person arrested in obedience to a warrant shall be taken without unnecessary delay before the nearest or most accessible magistrate. The officer shall at the same time deliver to the magistrate the warrant with the officer's return endorsed on it and subscribed by the officer with the officer's official title. However, this section, and sections 804.22 and 804.23, do not preclude the release of an arrested person within the period of time the person would otherwise remain incarcerated while waiting to be taken before a magistrate if the release is pursuant to pretrial release guidelines or a bond schedule promulgated by the judicial council, unless the person is charged with manufacture, delivery, possession with intent to deliver, or distribution of methamphetamine. If, however, a person is released pursuant to pretrial release guidelines, a magistrate must, within twenty-four hours of the release, or as soon as practicable on the next subsequent working day of the court, either approve in writing of the release, or disapprove of the release and issue a warrant for the person's arrest.

Sec. 8. Section 804.22, unnumbered paragraph 2, Code 2005, is amended to read as follows:

This section and the rules of criminal procedure do not affect the provisions of chapter 805 authorizing the release of a person on citation or bail prior to initial appearance, unless the person is charged with manufacture, delivery, possession with intent to deliver, or distribution of methamphetamine. The initial appearance of a person so released shall be scheduled for a time not more than thirty days after the date of release.

Sec. 9. Section 805.8C, subsection 6, Code 2005, is amended by striking the subsection and inserting in lieu thereof the following:

6. PSEUDOEPHEDRINE SALES VIOLATIONS. For violations of section 126.23A, subsection 1, by an employee of a retailer, or for violations of section 126.23A, subsection 2, by a purchaser, the scheduled fine is as follows:

a. If the violation is a first offense, the scheduled fine is one hundred dollars.

b. If the violation is a second offense, the scheduled fine is two hundred fifty dollars.

c. If the violation is a third or subsequent offense, the scheduled fine is five hundred dollars.

Sec. 10. Section 811.2, subsection 1, unnumbered paragraph 2, Code 2005, is amended to read as follows:

Any bailable defendant who is charged with unlawful possession, manufacture, delivery, or distribution of a controlled substance or other drug under chapter 124 and is ordered released shall be required, as a condition of that release, to submit to a substance abuse evaluation and follow any recommendations proposed in the evaluation for appropriate substance abuse treatment. However, if a bailable defendant is charged with manufacture, delivery, possession with the intent to deliver, or distribution of methamphetamine, its salts, optical isomers, and salts of its optical isomers, the defendant shall, in addition to a substance abuse evaluation, remain under supervision and be required to undergo random drug tests as a condition of release.

Sec. 11. Section 811.2, subsection 3, Code 2005, is amended to read as follows:

3. RELEASE AT INITIAL APPEARANCE. This chapter does not preclude the release of an arrested person as authorized by section 804.21, unless the arrested person is charged with manufacture, delivery, possession with the intent to deliver, or distribution of methamphetamine.

Sec. 12. RETAILER COMPLIANCE. Be it deemed necessary for public safety purposes, retailers shall begin to take steps to come into compliance with the provisions of this Act as soon as possible.

Sec. 13. DRUG POLICY COORDINATOR — REPORT. The drug policy coordinator shall report, in a joint meeting, to the committee on judiciary of the senate

and the committee on public safety of the house of representatives in January 2006 and in January 2007, the effects of this Act on methamphetamine abuse and related criminal activity.

Sec. 14. EFFECTIVE DATES. This Act takes effect sixty days from the date of enactment or July 1, 2005, whichever is earlier. However, the portion of the section of this Act amending section 124.212, subsection 4, which makes all ephedrine products schedule V controlled substances, and the sections of this Act amending sections 804.21, 804.22, and 811.2, takes effect upon enactment."

On the part of the Senate:

BOB BRUNKHORST, Co-chair
KEITH A. KREIMAN, Co-chair
TOM HANCOCK
DAVID MILLER
STEVE WARNSTADT
BRAD ZAUN

On the part of the House:

CLEL BAUDLER, Chair
CECIL DOLECHECK
JIM LYKAM
KEVIN McCARTHY
TOM SANDS

SENATE FILE 200

To the Co-Presidents of the Senate and the Speaker of the House of Representatives:

We the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 200, a bill for an Act relating to the administration of the department of agriculture and land stewardship, by providing for its powers and duties, respectfully make the following report:

1. That the Senate recedes from its amendment, H–1630.

2. That the House amendment, S–3208, to Senate File 200, as passed by the Senate, is amended to read as follows:

1. By striking page 1, line 8, through page 4, line 33, and inserting the following:

"Sec. ___. NEW SECTION. 466A.1 DEFINITIONS.

As used in the chapter, unless the context otherwise requires:

1. "Board" means the watershed improvement review board as established in section 466A.3.

2. "Committee" means a local watershed improvement committee as provided in section 466A.4.

3. "Division" means the division of soil conservation within the department of agriculture and land stewardship as established in section 161A.4.

4. "Fund" means the watershed improvement fund as created pursuant to section 466A.2.

Sec. ___. NEW SECTION. 466A.2 WATERSHED IMPROVEMENT FUND.

1. A watershed improvement fund is created in the state treasury which shall be administered by the treasurer of state upon direction of the watershed improvement review board. Moneys appropriated to the fund and any other moneys available to and obtained or accepted by the treasurer of state for placement in the fund shall be deposited in the fund. Additionally, payments of interest, recaptures of awards, and other repayments to the fund shall be deposited in the fund. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund. Notwithstanding section 8.33, moneys in the fund that remain unencumbered or

unobligated at the end of the fiscal year shall not revert, but shall remain available for the same purpose in the succeeding fiscal year. The moneys in the fund shall be used exclusively for carrying out the purposes of the fund as provided in this section. Moneys appropriated to the treasurer of state and deposited in the fund shall not be used by the treasurer of state for administrative purposes.

2. The purposes of the watershed improvement fund are the following:

a. Enhancement of water quality in the state through a variety of impairment-based, locally directed watershed improvement grant projects.

b. Positively affecting the management and use of water for the purposes of drinking, agriculture, recreation, sport, and economic development in the state.

c. Ensuring public participation in the process of determining priorities related to water quality including but not limited to all of the following:

(1) Agricultural runoff and drainage.
(2) Stream bank erosion.
(3) Municipal discharge.
(4) Stormwater runoff.
(5) Unsewered communities.
(6) Industrial discharge.
(7) Livestock runoff.

Sec. ___. NEW SECTION. 466A.3 WATERSHED IMPROVEMENT REVIEW BOARD.

1. A watershed improvement review board is established.

a. The board shall consist of all of the following voting members, appointed by the named entity or entities and approved by the governor:

(1) One member of the agribusiness association of Iowa.
(2) One member of the Iowa association of water agencies.
(3) One member of the Iowa environmental council.
(4) One member of the Iowa farm bureau federation.
(5) One member of the Iowa pork producers association.
(6) One member of the Iowa rural water association.
(7) One member of the Iowa soybean association.
(8) One member representing soil and water conservation districts of Iowa.
(9) One member of the Iowa association of county conservation boards.
(10) One person representing the department of agriculture and land stewardship.
(11) One person representing the department of natural resources.

b. The board shall consist of four members of the general assembly who shall serve as voting members. Not more than one member from each house shall be from the same political party. Two state senators shall be appointed, one by the majority leader of the senate and one by the minority leader of the senate. Two state representatives shall be appointed, one by the speaker of the house of representatives and one by the minority leader of the house of representatives. A member may designate another person to attend a board meeting if the member is unavailable. Only the member is eligible for per diem and expenses as provided in section 2.10.

2. a. The voting members of the board shall serve three-year staggered terms commencing and ending as provided in section 69.19. If a vacancy occurs, a successor shall be appointed in the same manner and subject to the same qualifications as the original appointment, to serve the remainder of the term.

b. The voting members of the board shall elect a chairperson and vice chairperson annually from the voting membership of the board. A majority of the voting members of the board constitutes a quorum. If the chairperson and vice chairperson are unable to preside over the board due to absence or disability, a majority of the voting members

present may elect a temporary chairperson by a majority vote providing a quorum is present.

3. The watershed improvement review board shall do all of the following:

a. Award local watershed improvement grants and monitor the progress of local watershed improvement projects awarded grants. A local watershed improvement grant may be awarded for a period not to exceed three years. Each local watershed improvement grant awarded shall not exceed ten percent of the moneys appropriated for the grants during a fiscal year.

b. Assist with the development of monitoring plans for local watershed improvement projects.

c. Review monitoring results before, during, and after completion of a local watershed improvement project.

d. Review costs and benefits of mitigation practices utilized by a project.

e. By January 31, annually, submit an electronic report to the governor and the general assembly regarding the progress of the watershed improvement projects during the previous calendar year.

f. Elicit the expertise of other organizations for technical assistance in the work of the board.

g. Independently develop and adopt administrative rules pursuant to chapter 17A to administer this chapter.

4. A watershed improvement review board member who also serves on a local watershed improvement committee shall abstain from voting on a local watershed improvement grant application submitted by the same local watershed improvement committee of which the person is a member. A member of the general assembly shall abstain from participating on any issue relating to a watershed which is in the member's legislative district.

Sec. ___. NEW SECTION. 466A.4 LOCAL WATERSHED IMPROVEMENT COMMITTEES.

1. A local watershed improvement committee shall be organized for the purposes of applying for a local watershed improvement grant and implementing a local watershed improvement project. Each local watershed improvement grant application shall include a methodology for attaining measurable, observable, and performance-based results. A majority of the members of the committee shall represent a cause for the impairment of the watershed. The committee shall be authorized as a not-for-profit organization by the secretary of state. Soil and water conservation districts may also be eligible and apply for and receive local watershed improvement grants.

2. A local watershed improvement committee shall be responsible for application for and implementation of an approved local watershed improvement grant, including providing authorization for project bids and project expenditures under the grant. A portion of the grant moneys may be used to engage engineering expertise related to the project. The committee shall monitor local performance throughout the local watershed grant project and shall submit a report at six-month intervals regarding the progress and findings of the project as required by the committee.

Sec. ___. NEW SECTION. 466A.5 ADMINISTRATION.

The soil conservation division of the department of agriculture and land stewardship shall provide administrative support to the board. Not more than one percent of the total moneys deposited in the watershed improvement fund on July 1 of a fiscal year or fifty thousand dollars, whichever is less, is appropriated each fiscal year to the division for the purposes of assisting the watershed improvement review board in administering this chapter."

___. Title page, by striking lines 1 through 3 and inserting the following: "An Act relating to agriculture by providing for the powers and duties of the department of agriculture and land stewardship and watershed improvement.""

2. By renumbering as necessary.

On the part of the Senate:

DENNIS H. BLACK, Co-chair
STEVE KETTERING, Co-chair
HUBERT HOUSER
DAVID JOHNSON
AMANDA RAGAN
BRIAN SCHOENJAHN

On the part of the House:

SANDRA H. GREINER, Chair
ROBERT M. HOGG
JAMES M. KURTENBACH
DELORES M. MERTZ
DANIEL J. RASMUSSEN

RESOLUTIONS ADOPTED

EIGHTY-FIRST GENERAL ASSEMBLY
2005 REGULAR SESSION

SENATE JOINT RESOLUTIONS

SENATE JOINT RESOLUTION 6: filed March 7, 2005; adopted by the Senate on March 16, 2005; adopted by the House on April 13, 2005; printed on Senate Journal page 536.

SENATE JOINT RESOLUTION 7: filed March 7, 2005; amended and adopted by the Senate on March 16, 2005; adopted by the House on April 13, 2005; printed on Senate Journal page 538.

SENATE CONCURRENT RESOLUTIONS

SENATE CONCURRENT RESOLUTION 3: filed February 3, 2005; adopted by the Senate on February 3, 2005; amended and adopted by the House on March 2, 2005; concurred in as amended (amendment S–3009) and adopted by the Senate on March 9, 2005.

SENATE CONCURRENT RESOLUTION 3
By: Committee on Rules and Administration
A concurrent resolution relating to the compensation of chaplains, officers, and employees of the ~~eightieth~~ eighty-first general assembly.
WHEREAS, section 2.11 of the Code provides that "The compensation of the chaplains, officers, and employees of the general assembly shall be fixed by joint action of the house and senate by resolution at the opening of each session, or as soon thereafter as conveniently can be done.", NOW THEREFORE,
BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, ~~That the compensation for the following officers for the period commencing January 13, 2003 and ending January 10, 2005, shall be within the following ranges:~~
~~Secretary of the Senate and Chief Clerk of the House..... $63,024 to $100,581~~
~~Within the indicated ranges the exact compensation shall be set or adjusted for the senate officers by the senate rules and administration committee and for the house officers by the house administration and rules committee. The committees shall report the~~

~~exact compensation assigned to each position on the next legislative day, or, if such action is during the interim, on the first day the senate or house shall convene. Any action by the senate or house to disapprove or amend the report shall be effective the day after the action.~~

~~BE IT FURTHER RESOLVED,~~ That the compensation of

Page 2

the employees of the ~~eightieth~~ eighty-first general assembly is set, effective from ~~January 13, 2003~~ January 10, 2005, until ~~January 10, 2005~~ January 8, 2007, in accordance with the following salary schedule:

~~#9~~
~~$15,828.80~~
~~7.61~~

~~#10~~	~~#11~~	~~#12~~	~~#13~~	~~#14~~
~~$16,702.40~~	~~$17,576.00~~	~~$18,449.60~~	~~$19,344.00~~	~~$20,384.00~~
~~8.03~~	~~8.45~~	~~8.87~~	~~9.30~~	~~9.80~~

~~#15~~	~~#16~~	~~#17~~	~~#18~~	~~#19~~
~~$21,465.60~~	~~$22,547.20~~	~~$23,524.80~~	~~$24,710.40~~	~~$25,812.80~~
~~10.32~~	~~10.84~~	~~11.31~~	~~11.88~~	~~12.41~~

~~#20~~	~~#21~~	~~#22~~	~~#23~~	~~#24~~
~~$27,164.80~~	~~$28,371.20~~	~~$29,764.80~~	~~$31,241.60~~	~~$32,656.00~~
~~13.06~~	~~13.64~~	~~14.31~~	~~15.02~~	~~15.70~~

~~#25~~	~~#26~~	~~#27~~	~~#28~~	~~#29~~
~~$34,299.20~~	~~$35,880.00~~	~~$37,627.20~~	~~$39,478.40~~	~~$41,350.40~~
~~16.49~~	~~17.25~~	~~18.09~~	~~18.98~~	~~19.88~~

~~#30~~	~~#31~~	~~#32~~	~~#33~~	~~#34~~
~~$43,347.20~~	~~$45,468.80~~	~~$47,569.60~~	~~$49,920.00~~	~~$52,249.60~~
~~20.84~~	~~21.86~~	~~22.87~~	~~24.00~~	~~25.12~~

~~#35~~	~~#36~~	~~#37~~	~~#38~~	~~#39~~

Page 3

~~$54,745.60~~	~~$57,387.20~~	~~$60,174.40~~	~~$63,024.00~~	~~$66,102.40~~
~~26.32~~	~~27.59~~	~~28.93~~	~~30.30~~	~~31.78~~

~~#40~~	~~#41~~	~~#42~~	~~#43~~	~~#44~~
~~$69,284.80~~	~~$72,612.80~~	~~$76,169.60~~	~~$79,684.80~~	~~$83,595.20~~
~~33.31~~	~~34.91~~	~~36.62~~	~~38.31~~	~~40.19~~

~~#45~~	~~#46~~	~~#47~~	~~#48~~	~~#49~~
~~$87,609.60~~	~~$91,790.40~~	~~$96,179.20~~	~~$100,580.80~~	~~$110,739.20~~

~~42.12~~	~~44.13~~	~~46.24~~	~~50.76~~	~~53.24~~

#9
$16,473.60
7.92

#10	#11	#12	#13	#14
$17,368.00	$18,283.20	$19,198.40	$20,134.40	$21,216.00
8.35	8.79	9.23	9.68	10.20

#15	#16	#17	#18	#19
$22,339.20	$23,462.40	$24,481.60	$25,708.80	$26,852.80
10.74	11.28	11.77	12.36	12.91

#20	#21	#22	#23	#24
$28,267.20	$29,515.20	$30,971.20	$32,510.40	$33,966.40
13.59	14.19	14.89	15.63	16.33

#25	#26	#27	#28	#29
$35,692.80	$37,336.00	$39,145.60	$41,080.00	$43,035.20
17.16	17.95	18.82	19.75	20.69

Page 4

#30	#31	#32	#33	#34
$45,115.20	$47,320.00	$49,504.00	$51,937.60	$54,350.40
21.69	22.75	23.80	24.97	26.13

#35	#36	#37	#38	#39
$56,971.20	$59,696.00	$62,608.00	$65,582.40	$68,785.60
27.39	28.70	30.10	31.53	33.07

#40	#41	#42	#43	#44
$72,092.80	$75,545.60	$79,248.00	$82,908.80	$86,964.80
34.66	36.32	38.10	39.86	41.81

#45	#46	#47	#48	#49
$91,145.60	$95,492.80	$100,048.00	$104,852.80	$109,865.60
43.82	45.91	48.10	50.41	52.82

#50
$115,211.20
55.39

In this schedule, each numbered block shall be the yearly and hourly compensation for the pay grade of the number heading the block. Within each grade there shall be ~~six~~ seven steps numbered "1" through ~~"6"~~ "7". In the above schedule the steps for all grades are determined in the following manner. Each numbered block is counted as the "1" step for that grade. The next higher block is counted as the "2" step; the next

29 higher block is the “3” step; the next higher block is
30 the “4” step; the next higher block is the “5” step;

Page 5

1 the next higher block is the “6” step; and the next
2 higher block is the “7” step.
3 Alternatively, the senate rules and administration
4 committee for senate employees, and the house
5 administration and rules committee for house employees
6 may allow their employees’ compensation to be flexibly
7 set anywhere between steps “1” through ~~“6”~~ “7” for an
8 employee’s prescribed pay grade.
9 All employees shall be available to work daily
10 until completion of the senate’s and house of
11 representatives’ business. The employee’s division
12 supervisor shall schedule all employees’ working hours
13 to, as far as possible, maintain regular working
14 hours.
15 All employees, other than those designated “part-
16 time”, shall be compensated for 40 hours of work in a
17 one-week pay period. Secretaries to senators and
18 representatives are presumed to have 36 hours of work
19 each week the legislature is in session and shall be
20 paid only on that basis. Full-time employees who are
21 required to work in excess of 80 hours in a two-week
22 pay period shall be allowed compensatory time off at a
23 rate of one hour for each hour of overtime up to a
24 maximum of 120 hours of compensatory time. Joint
25 security employees of the senate and house of
26 representatives may be compensated for each hour of
27 overtime at a rate of pay equal to one-and-one-half
28 times the hourly pay provided.
29 BE IT FURTHER RESOLVED, That part-time employees
30 shall be compensated at the scheduled hourly rate for

Page 6

1 their pay grade and step.
2 BE IT FURTHER RESOLVED, That in the event the
3 salary schedule for employees of the State of Iowa as
4 promulgated by the ~~personnel commission~~ department of
5 administrative services pursuant to section ~~19A.9~~
6 8A.413, subsection 2, is revised upward at any time
7 during the ~~eightieth~~ eighty-first general assembly,
8 such revised schedule shall simultaneously be adopted
9 for the compensation of the employees of the ~~eightieth~~
10 eighty-first general assembly assigned a grade by this
11 resolution, unless otherwise provided by the senate
12 and house of representatives. ~~The pay ranges of those~~
13 ~~positions specifically listed on page one of this~~
14 ~~resolution shall be automatically adjusted to reflect~~

~~any cost of living increases granted to those employees not included in the collective bargaining agreements made final under chapter 20 of the Code and increases provided by the legislative council for agency directors.~~

BE IT FURTHER RESOLVED, That adjustments in the positions and compensation listed in this resolution may be made through an ~~annual~~ interim review of all legislative employees for internal equity and to assure compliance with appropriate legal standards for granting of overtime and compensatory time off. Such review shall be conducted by a legislative committee made up of members of the service committee of legislative council and the appropriate salary subcommittees of the senate and house. Only one such review may be done in any fiscal year and adjustments

Page 7

suggested must be approved by the appropriate hiring body.

BE IT FURTHER RESOLVED, That the employees of the ~~eightieth~~ eighty-first general assembly be placed in the following pay grades:

EMPLOYEES OF THE HOUSE

Chief Clerk of the House ..... Grade 44
Sr. Assistant Chief Clerk of the House..... Grade 41
Assistant Chief Clerk of the House III ..... Grade 38
Assistant Chief Clerk of the House II..... Grade 35
Assistant Chief Clerk of the House I ..... Grade 32
Legal Counsel II..... Grade 35
Legal Counsel I ..... Grade 32
Legal Counsel..... Grade 30
Sr. Caucus Staff Director ..... Grade 41
Caucus Staff Director ..... Grade 38
Administrative Assistant to Leader
or Speaker ..... Grade 27
Administrative Assistant I to Leader
or Speaker ..... Grade 29
Administrative Assistant II to Leader
or Speaker ..... Grade 32
Administrative Assistant III to Leader
or Speaker ..... Grade 35
Sr. Administrative Assistant to
Leader or Speaker..... Grade 38
Research Assistant ..... Grade 24
Legislative Research Analyst..... Grade 27
Legislative Research Analyst I ..... Grade 29
Legislative Research Analyst II..... Grade 32

Page 8

Legislative Research Analyst III ..... Grade 35
Sr. Legislative Research Analyst ..... Grade 38
Assistant Secretary to Leader
or Speaker ..... Grade 18
Secretary to Leader or Speaker ..... Grade 19
Caucus Secretary ..... Grade 21
Senior Caucus Secretary ..... Grade 24
Administrative Secretary to Leader,
Speaker, or Chief Clerk ..... Grade 21
Executive Secretary to Leader,
Speaker or Chief Clerk ..... Grade 24
Confidential Secretary to Leader,
Speaker, or Chief Clerk ..... Grade 27
Confidential Secretary II to Leader,
Speaker or Chief Clerk ..... Grade 32
Clerk to Chief Clerk ..... Grade 16
Supervisor of Secretaries ..... Grade 21
Supervisor of Secretaries I ..... Grade 24
Supervisor of Secretaries II ..... Grade 27
Senior Editor ..... Grade 30
Editor II ..... Grade 25
Editor I ..... Grade 22
Assistant Editor ..... Grade 19
Compositor/Desk Top Specialist ..... Grade 17
Sr. Text Processor ..... Grade 25
Text Processor II ..... Grade 22
Text Processor I ..... Grade 19
Senior Finance Officer III ..... Grade 38
Senior Finance Officer II ..... Grade 35
Senior Finance Officer I ..... Grade 31

Page 9

Finance Officer II ..... Grade 27
Finance Officer I ..... Grade 24
Assistant Finance Officer ..... Grade 21
Recording Clerk II ..... Grade 24
Recording Clerk I ..... Grade 21
Assistant Legal Counsel ..... Grade 27
Engrossing & Enrolling Processor ..... Grade 27
Assistant to the Legal Counsel ..... Grade 19
Senior Indexer ..... Grade 28
Indexer II ..... Grade 25
Indexer I ..... Grade 22
Indexing Assistant ..... Grade 19
Supply Clerk ..... Grade 16
Switchboard Operator ..... Grade 14
Legislative Secretary ..... Grade 15
Legislative Committee Secretary ..... Grade 17
Bill Clerk ..... Grade 14

18 Assistant Bill Clerk ..... Grade 12
19 Postmaster ..... Grade 12
20 Sergeant-at-Arms II ..... Grade 20
21 Sergeant-at-Arms I ..... Grade 17
22 Assistant Sergeant-at-Arms ..... Grade 14
23 Chief Doorkeeper ..... Grade 12
24 Doorkeepers ..... Grade 11
25 Pages Grade 9
26 EMPLOYEES OF THE SENATE
27 Secretary of the Senate ..... Grade 44
28 Sr. Assistant Secretary of the Senate ..... Grade 41
29 Assistant Secretary of the Senate III ..... Grade 38
30 Assistant Secretary of the Senate II ..... Grade 35

Page 10

1 Assistant Secretary of the Senate I ..... Grade 32
2 Legal Counsel II ..... Grade 35
3 Legal Counsel I ..... Grade 32
4 Legal Counsel ..... Grade 30
5 Sr. Caucus Staff Director ..... Grade 41
6 Caucus Staff Director ..... Grade 38
7 Administrative Assistant to Leader
8 or President ..... Grade 27
9 Administrative Assistant I to Leader
10 or President ..... Grade 29
11 Administrative Assistant II to Leader
12 or President ..... Grade 32
13 Administrative Assistant III to Leader
14 or President ..... Grade 35
15 Sr. Administrative Assistant to
16 Leader or President ..... Grade 38
17 Research Assistant ..... Grade 24
18 Legislative Research Analyst ..... Grade 27
19 Legislative Research Analyst I ..... Grade 29
20 Legislative Research Analyst II ..... Grade 32
21 Legislative Research Analyst III ..... Grade 35
22 Sr. Legislative Research Analyst ..... Grade 38
23 Caucus Secretary II ..... Grade 21
24 Senior Caucus Secretary ..... Grade 24
25 Secretary to Leader, ~~or~~ President, or ..... Grade ~~19~~
26 Caucus 18
27 Administrative Secretary to Leader, President,
28 or Secretary of the Senate ..... Grade 21
29 Executive Secretary to Leader, President,
30 or Secretary of the Senate ..... Grade 24

Page 11

1 Confidential Secretary to Leader, President,
2 or Secretary of the Senate ..... Grade 27
3 Confidential Secretary II to Leader, President,

4 or Secretary of the Senate ..... Grade 32
5 Supervisor of Secretaries..... Grade 21
6 Supervisor of Secretaries I ..... Grade 24
7 Supervisor of Secretaries II..... Grade 27
8 Senior Editor ..... Grade 30
9 Editor II..... Grade 25
10 Editor I ..... Grade 22
11 Assistant Editor ..... Grade 19
12 Compositor/Desk Top Specialist ..... Grade 17
13 Assistant Legal Counsel..... Grade 27
14 Assistant to the Legal Counsel ..... Grade 19
15 Proofreader..... Grade 16
16 Senior Finance Officer III ..... Grade 38
17 Senior Finance Officer II..... Grade 35
18 Senior Finance Officer I ..... Grade 31
19 Finance Officer II..... Grade 27
20 Finance Officer I ..... Grade 24
21 Assistant Finance Officer..... Grade 21
22 Recording Clerk II ..... Grade 24
23 Recording Clerk I..... Grade 21
24 Senior Indexer..... Grade 28
25 Indexer II ..... Grade 25
26 Indexer I ..... Grade 22
27 Indexing Assistant..... Grade 19
28 Records and Supply Clerk ..... Grade 18
29 Switchboard Operator ..... Grade 14
30 Legislative Secretary..... Grade 15

Page 12

1 Legislative Committee Secretary..... Grade 17
2 Bill Clerk ..... Grade 14
3 Assistant Bill Clerk ..... Grade 12
4 Postmaster ..... Grade 12
5 Sergeant-at-Arms II ..... Grade 20
6 Sergeant-at-Arms I..... Grade 17
7 Assistant Sergeant-at-Arms..... Grade 14
8 Chief Doorkeeper ..... Grade 12
9 Doorkeepers ..... Grade 11
10 Pages ..... Grade 9
11 JOINT SENATE/HOUSE EMPLOYEES
12 Facilities Manager I ..... Grade 35
13 Facilities Manager II ..... Grade 38
14 Sr. Facilities Manager ..... Grade 41
15 Legislative Security Secretary ..... Grade 19
16 Legislative Security Coordinator I ..... Grade 23
17 Legislative Security Coordinator II..... Grade 26
18 Legislative Security Officer I ..... Grade 20
19 Legislative Security Officer II..... Grade 23
20 Conservation/Restoration Specialist II..... Grade 31
21 Sr. Copy Center Operator..... Grade 21
22 BE IT FURTHER RESOLVED, That there shall be four

23 classes of appointments as employees of the general
24 assembly:
25 A "permanent full-time" or "permanent part-time"
26 employee is one who is employed the year around and
27 eligible to receive state benefits.
28 An "exempt full-time" employee is one who is
29 employed for only a portion of the year, usually the
30 period of the legislative sessions with extensions

Page 13

1 post-session and pre-session as scheduled. This class
2 is eligible to receive state benefits with the cost of
3 benefits to the state to be paid, using accrued leave
4 if authorized, by the employee when not on the
5 payroll.
6 A "session-only" employee is one who is employed
7 for only a portion of the year, usually the
8 legislative session. This class is not eligible for
9 state benefits, except IPERS, and insurance as
10 provided in section 2.40.
11 A "part-time" employee is one who is employed to
12 work less than 40 hours per week. This class is not
13 eligible for state benefits, except IPERS if eligible.
14 BE IT FURTHER RESOLVED, That the exact
15 classification for individuals in a job series created
16 by this resolution shall be set or changed for senate
17 employees by the senate rules and administration
18 committee and for the house employees by the house
19 administration and rules committee. The committees
20 shall base the classification upon the following
21 factors:
22 1. The extent of formal education required of the
23 position; and,
24 2. The extent of the responsibilities to be
25 assigned to the position; and,
26 3. The amount of supervision placed over the
27 position; and,
28 4. The number of persons the position is assigned
29 to supervise and skills and responsibilities of those
30 positions supervised.

Page 14

1 The committees shall report the exact
2 classifications assigned to each individual on the
3 next legislative day, or, if such action is during the
4 interim, on the first day the senate or house shall
5 convene. Any action by the senate or house to
6 disapprove a report or a portion of a report shall be
7 effective the day after the action.
8 Recommendations for a pay grade for a new position

9 shall be developed in accordance with the factor
10 scores in the comparable worth report. Beginning in
11 1999, every four years the senate rules and
12 administration committee, the house administration and
13 rules committee, and the legislative council may
14 review all positions in the legislative branch to
15 assure conformity to comparable worth.
16 BE IT FURTHER RESOLVED, That a senator or
17 representative may employ a secretary who in the
18 judgment of the senator or representative employing
19 such person, possesses the necessary skills to perform
20 the duties such senator or representative shall
21 designate, under the administrative direction, as
22 appropriate, of the secretary of the senate or the
23 chief clerk of the house.
24 Each standing committee chairperson, ethics
25 committee chairperson, and each appropriations
26 subcommittee chairperson shall designate a secretary
27 who is competent to perform the following duties:
28 prepare committee minutes, committee reports, type
29 committee correspondence, maintain committee records,
30 and otherwise assist the committee. Such duties shall

Page 15

1 be performed in accordance with standards which shall
2 be provided by the secretary of the senate and chief
3 clerk of the house. In making the designation,
4 chairpersons shall consider persons for possible
5 designation as the secretary to the committee in the
6 following order:
7 First: The secretary to the chairperson.
8 Second: The secretary to the committee's vice-
9 chairperson.
10 Third: The secretary to any other member of the
11 committee.
12 Fourth: The secretary to any other member in the
13 same house as the committee.
14 BE IT FURTHER RESOLVED, That a Legal Counsel II
15 shall be a person who has graduated from an accredited
16 school of law and is admitted to practice in Iowa as
17 an Attorney and Counselor at Law and possesses either
18 a Masters of Law degree or has at least two years of
19 legal experience after admission to practice.
20 A Legal Counsel I shall be a person who has
21 graduated from an accredited school of law and is
22 admitted to practice in Iowa as an Attorney and
23 Counselor at Law.
24 BE IT FURTHER RESOLVED, That employees of the
25 general assembly may be eligible for either:
26 a) increases in salary grade or step based on
27 evaluation of their job performance and

recommendations of their administrative officers, subject to approval of the senate committee on rules and administration or the house committee on

Page 16

administration and rules, as appropriate~~, provided, however, that for promotions between classes with a three or more pay grade difference, the employee shall be given a two step increase in pay or the employee's salary shall be adjusted to the entry level in the grade of the new position, whichever is greater~~; or

b) mobility within a pay grade at the discretion of the chief clerk of the house upon recommendation by the employee's division supervisor on the part of the house, and the discretion of the employee's division supervisor on the part of the senate, subject to the approval of the house committee on administration and rules or the senate committee on rules and administration, as appropriate—either in accord with a flexible pay plan approved by the senate rules and administration committee or the house administration and rules committee, or in accord with the following schedule:

(1) Progression from step "1" to "2" for a newly hired employee—six months of actual employment.

(2) Progression from step "1" to "2" following promotion within a job series—twelve months of actual employment in that position.

(3) Progression from step "2" to "3", and step "3" to "4", and step "4" to "5", and step "5" to "6"<u>, and step "6" to "7"</u>—twelve months of actual employment at the lower step.

BE IT FURTHER RESOLVED, ~~that~~ <u>That</u> in addition to the steps provided in the preceding paragraph, that secretaries to senators and representatives who were

Page 17

employees of the senate or house of representatives during any general assembly prior to January 9, 1989, and who have received certification for passing a typing and shorthand performance examination shall be eligible for two additional steps.

BE IT FURTHER RESOLVED, That in addition to the steps provided in the preceding paragraph, that secretaries to senators and representatives shall be eligible for a maximum of three additional grades beyond grade 15, in any combination, as provided in this paragraph:

1. One additional grade for a secretary to a standing committee chair, ethics committee chair or

appropriations subcommittee chair who is not the designated committee secretary.

2. One additional grade for a secretary to a vice-chairperson or ranking member of a standing committee, ethics committee or appropriations subcommittee.

3. One additional grade for a secretary to the chairperson of the chaplain's committee.

4. Two additional grades for a secretary to an assistant floor leader or speaker pro tempore or president pro tempore.

5. One additional grade for a designated committee secretary who is also the designated committee secretary for an additional standing committee, ethics committee, or appropriations subcommittee.

BE IT FURTHER RESOLVED, That in the event the secretary to the chairperson of the chaplain's committee is the secretary to the president, president

Page 18

pro tempore, speaker, speaker pro tempore, or the majority or minority leader, such secretary shall receive one additional step.

BE IT FURTHER RESOLVED, That the entrance salary for employees of the general assembly shall be at step 1 in the grade of the position held. Such employee may be hired above the entrance step if possessing outstanding and unusual experience for the position~~, provided that the entrance is not beyond step 3~~. Such employee who is hired above the entrance step shall be mobile above that step in the same period of time as other employees in that same step. An officer or employee who is moved to another position may be considered for partial or full credit for their experience in the former position in determining the step in the new grade.

The entry level for the position of research analyst shall be Legislative Research Analyst, unless extraordinary conditions justify increasing that entry level~~; however, that entry level may not be increased beyond Legislative Research Analyst I. A research analyst must have shown knowledge of legislative rules and procedures as well as the Code of Iowa to be considered at any level above a Legislative Research Analyst.~~

BE IT FURTHER RESOLVED, That a pay increase for employees of one step within the pay grade for the position may be made for exceptionally meritorious service in addition to step increases provided for in this resolution, at the discretion of the chief clerk

Page 19

upon recommendation by the employee's division supervisor on the part of the house, and upon recommendation by the employee's division supervisor on the part of the senate, and the approval of the senate committee on rules and administration or the house committee on administration and rules. Exceptionally meritorious service pay increases shall be governed by the following:

a. The employee must have served in the position for at least twelve months;

b. Written justification, setting forth in detail the nature of the exceptionally meritorious service rendered, must be submitted to the senate rules and administration committee or house administration and rules committee and approved in advance of granting the pay increase;

c. No more than one exceptionally meritorious service pay increase may be granted in any twelve-month period.

d. Such meritorious service pay increase shall not be granted beyond the ~~six-step~~ seven-step maximum for that position.

BE IT FURTHER RESOLVED, That the senate rules and administration committee and the house administration and rules committee shall both hire officers and employees for their respective bodies and fill any vacancies which may occur, to be effective at such time as they shall set. The committee shall report the names of those it has hired for the positions specified in this resolution or the filling of any

Page 20

vacancies on the next legislative day or, if such action is during the interim, on the first day the senate or house shall convene. Any action by the senate or house to amend or disapprove a report or a portion of a report shall be effective the day after the action.

The chief clerk of the house shall submit to the house committee on administration and rules and the secretary of the senate shall submit to the senate committee on rules and administration the list of names, or amendments thereto, of employee classifications and recommended pay step for each officer and employee. Such list shall include recommendations for the pay step for all employees. Each respective committee shall approve or amend the list of recommended classifications and pay steps and publish said list in the journal.

BE IT FURTHER RESOLVED, That permanent employees of the general assembly shall receive vacation allowances, sick leave, health and accident insurance, life insurance, and disability income insurance as are comparably provided for full-time permanent state employees. The computations shall be maintained by the finance officers in each house and coordinated with the department of ~~revenue and finance~~ administrative services.

BE IT FURTHER RESOLVED, That should any employee have a grievance, the grievance shall be resolved as provided by procedures determined by the senate rules and administration committee for senate employees or

Page 21

the house administration and rules committee for house employees.

BE IT FURTHER RESOLVED, That the legislative council ~~adopt A resolution similar~~ take action to ~~this resolution which provides for the~~ provide the same compensation and benefits ~~of~~ to all legislative central staff agency employees for the ~~eightieth~~ eighty-first general assembly as is provided by this resolution. ~~The resolution shall be adopted as soon as practicable after the convening of the eightieth general assembly, and published in the journals of the senate and house.~~

BE IT FURTHER RESOLVED, That the compensation of chaplains officiating at the opening of the daily sessions of the house of representatives and the senate of the ~~eightieth~~ eighty-first general assembly be fixed at ten dollars for each house of the general assembly, and that mileage ~~for chaplains be fixed at the rate of twenty-nine cents per mile~~ to and from the State Capitol for chaplains be fixed at the rate established for members of the general assembly.

SENATE CONCURRENT RESOLUTION 5: filed March 2, 2005; adopted by the Senate on March 16, 2005; adopted by the House on April 12, 2005.

SENATE CONCURRENT RESOLUTION 5

By: McKibben and Dotzler

A concurrent resolution urging the United States Congress to appropriate funding for the Historic Barn Preservation Act.

WHEREAS, historic preservation provides opportunities to rapidly employ persons in diverse areas of the economy; revitalize neighborhoods, communities, and rural areas; entice nationwide

10 private capital investment; and foster heritage
11 tourism; and
12 WHEREAS, the family farm is the foundation of rural
13 America and the barn is an integral part of these
14 family farms; and
15 WHEREAS, historic barns are becoming national
16 treasures and rehabilitating and repairing historic
17 barns as necessary, to preserve the barns'
18 functionality and to preserve the rural landscape,
19 provides benefits to farmers, as well as to the
20 communities and economic vitality of the areas in
21 which the barns are located; and
22 WHEREAS, Governor Tom Vilsack has proclaimed 2005
23 as the "Year of the Barn and the Family Farm" to
24 celebrate our agricultural heritage as well as
25 recognize the need to document our historic barns; and
26 WHEREAS, Congress acted in 2002 to establish a
27 Historic Barn Preservation Program; NOW THEREFORE,
28 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
29 REPRESENTATIVES CONCURRING, That the Iowa General
30 Assembly urges the appropriations committees of the

Page 2

1 United States Senate and the House of Representatives
2 to appropriate such funds as necessary to implement
3 the Historic Barn Preservation Act in the federal
4 fiscal year 2005–2006; and
5 BE IT FURTHER RESOLVED, That a copy of this
6 resolution be prepared and sent to the Iowa
7 congressional delegation, the United States Senate,
8 and the United States House of Representatives; and
9 BE IT FURTHER RESOLVED, That a copy of this
10 resolution be prepared and sent to the Honorable
11 Senator Thad Cochran, Chair of the United States
12 Senate Committee on Appropriations, and to the
13 Honorable Congressman Jerry Lewis, Chair of the United
14 States House of Representatives Committee on
15 Appropriations.

SENATE CONCURRENT RESOLUTION 6: filed March 9, 2005; adopted by the Senate on March 17, 2005; adopted by the House on March 17, 2005.

1 SENATE CONCURRENT RESOLUTION 6
2 By: McCoy and Tinsman
3 A concurrent resolution designating March 2005 as
4 Iowa Women's History Month.
5 WHEREAS, Iowa women of every race, class, and
6 ethnic background have made historic contributions to
7 the growth and strength of our state and nation in

8 countless recorded and unrecorded ways, including
9 through the struggle for women's rights; and
10 WHEREAS, Iowa women have played and continue to
11 play a critical economic, cultural, and social role by
12 constituting a significant portion of the labor force
13 working inside and outside the home despite being
14 underpaid; and
15 WHEREAS, Iowa women were particularly important in
16 the establishment of early charitable, philanthropic,
17 and cultural institutions in our state and nation; and
18 WHEREAS, Iowa women and men finally amended the
19 Constitution of the State of Iowa to provide that "All
20 men and women are, by nature, free and equal, and have
21 certain inalienable rights ..."; and
22 WHEREAS, Iowa women have been leaders in the
23 abolitionist movement, the emancipation movement, the
24 industrial labor movement, the civil rights movement,
25 the peace movement, and the woman suffrage movement,
26 thereby creating a more fair and just society for all
27 people; and
28 WHEREAS, despite these contributions, and those of
29 women throughout the world, the role of women has been
30 consistently overlooked and undervalued in the

Page 2

1 literature, teaching, and study of history; NOW
2 THEREFORE,
3 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
4 REPRESENTATIVES CONCURRING, That the General Assembly
5 designates the month of March 2005 as Iowa Women's
6 History Month and invites the citizens of Iowa to
7 continue to discover the roles women have played
8 throughout history.

SENATE CONCURRENT RESOLUTION 9: filed March 16, 2005; adopted by the Senate on April 19, 2005.

1 SENATE CONCURRENT RESOLUTION 9
2 By: Miller and Kreiman
3 A concurrent resolution relating to the creation of a
4 criminal code revisions legislative study committee.
5 WHEREAS, a need exists to review, reorganize,
6 update, and revise the criminal code; and
7 WHEREAS, current criminal penalties and sentencing
8 practices should be reviewed, including but not
9 limited to the effects of mandatory minimum penalties,
10 limitations on parole, and sentence enhancements; and
11 WHEREAS, a comparative assessment should be
12 conducted of the relative penalties imposed for
13 various crimes, based not only on the threat posed by

14 the prohibited conduct, but also the risk associated
15 with particular criminal offenders; NOW THEREFORE,
16 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
17 REPRESENTATIVES CONCURRING, That the legislative
18 council establish an interim study committee to study,
19 review, reorganize, update, and revise the criminal
20 code; and
21 BE IT FURTHER RESOLVED, That the committee shall
22 consist of fifteen members with each organization
23 selecting their members as follows:
24 1. One member to be selected by the democratic
25 floor leader of the senate.
26 2. One member to be selected by the republican
27 floor leader of the senate.
28 3. One member to be selected by the speaker of the
29 house of representatives.
30 4. One member to be selected by the minority

Page 2

1 leader of the house of representatives.
2 5. One member from the department of corrections.
3 6. One member from the board of parole.
4 7. One member from a judicial district department
5 of correctional services chosen by a majority of the
6 directors of the district departments.
7 8. One member from the department of justice.
8 9. One member from the Iowa defense counsel
9 association.
10 10. Two members of the Iowa state bar association.
11 11. Two members of the Iowa county attorneys
12 association.
13 12. Two members of the Iowa judges association;
14 and
15 BE IT FURTHER RESOLVED, That the committee shall
16 submit a status report to the general assembly by
17 January 15, 2006.

SENATE CONCURRENT RESOLUTION 11: filed March 29, 2005; amended and adopted by the Senate on April 20, 2005.

1 SENATE CONCURRENT RESOLUTION 11
2 By: Tinsman
3 A concurrent resolution requesting the establishment
4 of a planning group to develop a plan for unifying
5 the state administration of services utilized by
6 older Iowans age 60 or older.
7 WHEREAS, the provision of long-term living services
8 to older Iowans is vital in enhancing the lives of
9 older Iowans as well as the overall community life in
10 the state; and

11 WHEREAS, providing the correct balance of long-term
12 living services involves coordination of a variety of
13 disciplines and programs, and activities of state
14 governmental agencies; and
15 WHEREAS, the role of the state in administering
16 long-term care services should be to streamline access
17 to appropriate services in the most cost-effective
18 manner possible; and
19 WHEREAS, access to Iowa's quality long-term living
20 services could be improved by increased unification of
21 the administration of these services; NOW THEREFORE,
22 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
23 REPRESENTATIVES CONCURRING, That the leadership of the
24 senate and the house of representatives is requested
25 to establish a blue ribbon planning group to develop a
26 plan for unifying the state administration of long-
27 term living services utilized by older Iowans who are
28 age 60 or older; and
29 BE IT FURTHER RESOLVED, That the plan developed
30 should address options for implementing the

Page 2

1 unification of the state administration through
2 legislation, funding changes, or other appropriate
3 means and should address the services paid for or
4 provided to older Iowans by the departments of elder
5 affairs, human services, and public health; and
6 BE IT FURTHER RESOLVED, That the departments that
7 are the focus of the planning process are requested to
8 provide information to the planning group and the
9 legislative services agency is requested to provide
10 staffing services to the planning group; and
11 BE IT FURTHER RESOLVED, That the unification plan
12 should be presented to the general assembly upon
13 completion, no later than April 1, 2006, and should be
14 designed to achieve the following goals:
15 1. Provide for a more effective delivery of long-
16 term living services to older Iowans.
17 2. Create financial efficiencies.
18 3. Increase accountability; and
19 BE IT FURTHER RESOLVED, That the appointments
20 necessary for the planning group be made by the senate
21 republican and democratic leaders and by the speaker
22 of the house of representatives in consultation with
23 the majority leader of the house of representatives
24 and the minority leader of the house of
25 representatives and that the membership of the
26 planning group should include all of the following:
27 1. The directors of the three departments or the
28 directors' designees.

29 2. A director of an area agency on aging.
30 3. A representative of the office of the governor.

Page 3

1 4. A representative of the banking industry in
2 this state who has significant experience with
3 reorganization or restructuring of agencies.
4 5. The chief executive officer of a united way
5 organization located in Iowa.
6 6. The president of an Iowa resource center for
7 nonprofit organizations.
8 7. The president of the university of northern
9 Iowa.
10 8. The chairman of the board of the largest
11 private employer in the state.
12 9. An individual retired as president of the
13 state's largest private health insurer who has served
14 as mayor of Iowa's largest city.
15 10. The head of the AARP Iowa chapter.
16 11. The chief executive officer of an Iowa-based
17 financial services company ranked by Fortune magazine
18 as the sixth among life and health companies.
19 12. Two members of the senate and two members of
20 the house of representatives.

SENATE CONCURRENT RESOLUTION 13: filed April 18, 2005; adopted by the Senate on April 19, 2005; adopted by the House on April 27, 2005.

1 SENATE CONCURRENT RESOLUTION 13
2 By: Ragan, Boettger, Gronstal, Ward, Tinsman, Lundby,
3 Angelo, Zieman, Danielson, Courtney, Dearden,
4 Kreiman, Stewart, Hancock, and Lamberti
5 (COMPANION TO LSB 3591HH BY UPMEYER)
6 A concurrent resolution relating to cervical cancer
7 awareness, and recognizing efforts by the Iowa
8 Department of Public Health and the Iowa Consortium
9 for Comprehensive Cancer Control in promoting that
10 awareness.
11 WHEREAS, after breast cancer, cervical cancer is
12 the second most common cancer in women on a worldwide
13 basis; and
14 WHEREAS, according to federal government
15 statistics, cervical cancer is the third most common
16 gynecological cancer among American women; and
17 WHEREAS, the American Cancer Society estimates that
18 approximately 10,370 new cases of cervical cancer will
19 be diagnosed in 2005, 3,710 of which will result in
20 fatalities; and
21 WHEREAS, despite the fact that with regular and

22 accurate screening cervical cancer is highly
23 preventable, and that widespread screening programs
24 have helped to reduce cervical cancer death rates,
25 fatalities continue to occur; and
26 WHEREAS, cervical cancer cases in the United States
27 are generally attributed to a lack of education,
28 reduced access to regular cervical cancer screening,
29 and inaccurate screening analysis; and
30 WHEREAS, experience indicates that increasing

Page 2

1 cervical cancer awareness, especially among minority
2 women and women with lower incomes, significantly
3 reduces the probability of mortality; and that such
4 women are disproportionately affected by cervical
5 cancer because they are less likely to have access to
6 routine screenings and may lack insurance coverage;
7 and
8 WHEREAS, approximately half of all women diagnosed
9 with cervical cancer have never been screened for
10 cervical cancer, and 10 percent of women diagnosed
11 with cervical cancer have not been screened within the
12 five-year period preceding diagnosis; and
13 WHEREAS, the median age of cervical cancer patients
14 at diagnosis is 47, the youngest median age for all
15 female reproductive cancers; and
16 WHEREAS, new screening technologies, including
17 technologies approved by the federal Food and Drug
18 Administration for human papillomavirus testing, which
19 is the most important risk factor for the development
20 of cervical cancer, offer new opportunities to finally
21 eliminate this potentially deadly disease through
22 early identification of women at increased risk; and
23 WHEREAS, leading medical organizations, including
24 the American College of Obstetricians and
25 Gynecologists, the American Cancer Society, and the
26 Association of Reproductive Health Professionals, have
27 recently updated their screening guidelines to include
28 the technologies approved by the federal Food and Drug
29 Administration for human papillomavirus testing; and
30 WHEREAS, women are entitled to proper cervical

Page 3

1 cancer information and access to routine screening so
2 they can be empowered to make informed health care
3 decisions; and
4 WHEREAS, the General Assembly recognizes that
5 through education and screening, women can lower their
6 likelihood for developing cervical cancer and that
7 through early detection, cervical cancer can be

8 successfully treated after it develops; NOW THEREFORE,
9 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
10 REPRESENTATIVES CONCURRING, That the General Assembly
11 commends and supports the Iowa Department of Public
12 Health and the Iowa Consortium for Comprehensive
13 Cancer Control in taking the lead in formulating and
14 continually developing the "Changing the Face of
15 Cancer in Iowa: A State Plan", which serves as a
16 nationwide model of effective cancer control
17 strategies; in updating the department's "Healthy
18 Iowans 2010" publication to include data regarding
19 cervical cancer in Iowa women and the evaluation of
20 current methods used to provide Iowa women with
21 information regarding cervical cancer, access to
22 regular screening, and options for increasing
23 screening accuracy; and in identifying pockets of need
24 and priority strategies for enhancing the ability of
25 health care providers to recommend or perform early
26 detection services, programs, and procedures for their
27 patients; and
28 BE IT FURTHER RESOLVED, That updates, successes,
29 and progress reports related to the "Changing the Face
30 of Cancer in Iowa: A State Plan" shall be presented

Page 4

1 annually to the Governor, the President of the Senate,
2 and the Speaker of the House of Representatives, and
3 posted annually on the state of Iowa website homepage.

SENATE CONCURRENT RESOLUTION 14: filed April 18, 2005; adopted by the Senate on April 21, 2005; adopted by the House on April 21, 2005.

1 SENATE CONCURRENT RESOLUTION 14
2 By: Hatch, Danielson, Dotzler, Warnstadt, Seng,
3 Hancock, Rielly, Wood, Schoenjahn, Connolly,
4 Courtney, Quirmbach, Gronstal, Fraise, Black,
5 Stewart, Ragan, Beall, Kreiman, and Dvorsky
6 A concurrent resolution designating November 13
7 through 19, 2005, as Iowa Homeless Awareness Week.
8 WHEREAS, the Iowa Homelessness Study conducted in
9 2001 concluded that over 18,000 homeless people, with
10 4,300 in Des Moines alone, and over 7,000 near-
11 homeless people live in Iowa; and
12 WHEREAS, the 2001 report indicates that nearly 60
13 percent of those homeless and near-homeless people are
14 children, over 11 percent of those homeless and near-
15 homeless people are less than five years of age, and
16 unaccompanied children represent more than 10 percent
17 of the homeless population; and

18 WHEREAS, 82 percent of the homeless and 90 percent
19 of the near-homeless single adult households with
20 children are headed by a woman; and
21 WHEREAS, family breakup, potential utility
22 disconnection, and job loss are consistently the
23 leading causes of homelessness; and
24 WHEREAS, Iowa's homeless and near-homeless people
25 exist in rural and urban areas, and in low-poverty and
26 high-poverty communities; and
27 WHEREAS, the poverty level population is defined by
28 the federal poverty line, $19,350 in income for a
29 family of four, which equates roughly to between 30
30 percent and 50 percent of the median income in most

Page 2

1 Iowa counties; and
2 WHEREAS, the lack of living wage jobs and
3 affordable housing are reported as the most
4 significant barriers to resolving homelessness in
5 every type of community, and long-term economic
6 solutions that create living wage jobs and affordable
7 housing seem necessary to solve this crisis; NOW
8 THEREFORE,
9 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
10 REPRESENTATIVES CONCURRING, That the General Assembly
11 designates the week of November 13 through 19, 2005,
12 as Iowa Homeless Awareness Week, and invites the
13 citizens of Iowa to increase their awareness of the
14 causes of homelessness and seek to implement solutions
15 to homelessness; and
16 BE IT FURTHER RESOLVED, That the General Assembly
17 requests that the Governor issue a proclamation
18 calling upon the people of Iowa to observe Iowa
19 Homeless Awareness Week with appropriate programs,
20 ceremonies, and activities.

SENATE CONCURRENT RESOLUTION 16: filed May 3, 2005; adopted by the Senate on May 4, 2005.

1 SENATE CONCURRENT RESOLUTION 16
2 By: Boettger, Beall, Black, Fraise, Johnson, Tinsman,
3 Behn, Gronstal, Connolly, and Iverson
4 A concurrent resolution expressing the State of Iowa's
5 appreciation of its strong relations with the Republic
6 of China on Taiwan and urging the establishment of an
7 Iowa presence in the Republic of China on Taiwan.
8 WHEREAS, the Republic of China on Taiwan and the
9 United States have been important strategic partners
10 for the past half century; and
11 WHEREAS, the Republic of China on Taiwan and the

12 United States share many values and the relationship
13 between the United States and the Republic of China on
14 Taiwan has continued to develop over time into a
15 mutually beneficial relationship, resulting in
16 progress in the areas of political interaction,
17 security affairs, trade, investment, culture, and
18 education; and
19 WHEREAS, the Republic of China on Taiwan is the
20 United States' eighth largest trading partner, ninth
21 largest export market overall, and sixth largest
22 export market in agricultural goods; and
23 WHEREAS, the State of Iowa, one of the leading
24 agricultural production areas in the world, has
25 developed strong economic ties with the Republic of
26 China on Taiwan, which includes a dynamic trading
27 partnership with Iowa commodity organizations and
28 producers of agricultural products, including beef,
29 pork, corn, and soybeans; and
30 WHEREAS, the State of Iowa and several Iowa cities

Page 2

1 have established formal sister state and sister city
2 relationships with regions and cities in the Republic
3 of China on Taiwan; and
4 WHEREAS, both the Republic of China on Taiwan and
5 the State of Iowa are interested in encouraging the
6 flourishing of this partnership; and
7 WHEREAS, the Republic of China on Taiwan has
8 expressed interest in furthering its relationship with
9 the State of Iowa by inviting the State of Iowa to
10 establish a physical presence in the Republic of China
11 on Taiwan; NOW THEREFORE,
12 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
13 REPRESENTATIVES CONCURRING, That the State of Iowa
14 should consider the possibility of establishing an
15 office or other physical presence in the World Trade
16 Center in Taipei in the Republic of China on Taiwan to
17 facilitate increased relations; and
18 BE IT FURTHER RESOLVED, That the Iowa Department of
19 Economic Development shall organize a work group of
20 public and private organizations interested in
21 enhancing Iowa's presence in the Republic of China on
22 Taiwan by establishing an office in the World Trade
23 Center in Taipei and shall report the findings of the
24 work group to the Governor, the offices of the Co-
25 leaders of the Senate, the offices of the Majority and
26 Minority Leaders of the House of Representatives, and
27 the International Relations Committee of the
28 Legislative Council by October 1, 2005.

SENATE CONCURRENT RESOLUTION 18: filed May 20, 2005; adopted by the Senate on May 20, 2005; adopted by the House on May 20, 2005.

SENATE CONCURRENT RESOLUTION
By: Committee on Rules and Administration
A concurrent resolution to provide for
adjournment sine die.
BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
That when adjournment is had on Friday, May 20, 2005,
it be the final adjournment of the 2005 Regular
Session of the Eighty-first General Assembly.

SENATE RESOLUTIONS

SENATE RESOLUTION 1: filed January 10, 2005; adopted by the Senate on January 10, 2005.

SENATE RESOLUTION 1
By: Committee on Rules and Administration
A resolution relating to bipartisan control of
the Senate for the Eighty-First General Assembly.
WHEREAS, the Senate, being composed of an equal
number of members of each major political party,
acknowledges that this extraordinary circumstance
requires extraordinary policies of procedure and
administration which provide for bipartisan control
and responsibility, ensure fairness, and promote
cooperation; NOW THEREFORE,
BE IT RESOLVED BY THE SENATE, That the following
extraordinary policies shall be in effect as long as
the Senate for the Eighty-First General Assembly is
composed of an equal number of members of each major
political party:
SECTION 1. SENATE RULES. The Rules of the Senate
and Mason's Manual of Legislative Procedure are hereby
superseded to the extent they are inconsistent with
the policies set forth in this resolution. All
references to president, president pro tempore, or
majority or minority leader in the Senate Rules or in
Mason's Manual shall be held to refer to the co-
presidents, co-presidents pro tempore, and co-floor
leaders, respectively.
SEC. 2. ELECTION OF OFFICERS. At the commencement
of the Eighty-First General Assembly, the Senate shall
elect co-presidents, who both shall be called
president, and co-presidents pro tempore, who both
shall be called president pro tempore.

Page 2

1 SEC. 3. CO-PRESIDENTS' DUTIES.
2 1. The duties of the President of the Senate under
3 the Constitution of the State of Iowa, including the
4 signing of bills and resolutions and succession to the
5 office of the governor, shall rotate quarterly between
6 the co-presidents as follows:
7 a. January 10–March 31, 2005: Republican
8 president.
9 b. April 1–June 30, 2005: Democratic president.
10 c. July 1–September 30, 2005: Republican
11 president.
12 d. October 1–December 31, 2005: Democratic
13 president.
14 e. January 1–March 31, 2006: Democratic
15 president.
16 f. April 1–June 30, 2006: Republican president.
17 g. July 1–September 30, 2006: Democratic
18 president.
19 h. October 1, 2006–January 8, 2007: Republican
20 president.
21 2. The remaining duties of the office of President
22 of the Senate shall rotate as follows:
23 a. For the week of January 10, 2005, the
24 Republican president shall preside on Monday,
25 Wednesday, and Friday (if necessary); and the
26 Democratic president shall preside on Tuesday and
27 Thursday.
28 b. The Democratic president shall preside the week
29 of January 17, 2005. Thereafter, the co-presidents
30 shall rotate the duties of presiding officer weekly,

Page 3

1 e.g., the Republican president shall preside the week
2 of January 24, 2005. Whenever one of the co-
3 presidents is unable to preside, that co-president
4 shall be replaced as presiding officer by the co-
5 president pro tempore of the same political party or
6 by another member of the same political party.
7 c. During the week a co-president presides, that
8 co-president's office shall be responsible for
9 receiving bills and resolutions filed that week. The
10 co-presidents' respective administrative assistants
11 shall jointly recommend the committee assignment of
12 each bill and resolution. If they cannot agree, the
13 co-presidents shall meet to resolve the conflict. If
14 the co-presidents cannot agree, the committee
15 assignment shall be determined jointly by the co-
16 presidents and the co-floor leaders. If the four
17 leaders cannot agree, the bill or resolution in

18 dispute shall be assigned to the Committee on Rules
19 and Administration.
20 d. Except for the weekly rotation of duties
21 described above, the co-presidents shall jointly
22 perform all of the remaining duties and
23 responsibilities of the office of President of the
24 Senate and may represent the entire Senate in that
25 capacity. Such powers of the president shall not be
26 exercised individually by a co-president without the
27 prior agreement of both co-presidents. These
28 decisions shall include, but not be limited to,
29 appointment powers, approval of Senate expenditures,
30 and approval of travel requests.

Page 4

1 SEC. 4. STRUCTURE OF COMMITTEES. The various
2 standing committees of the Senate shall each have an
3 equal number of Democratic and Republican members and
4 shall each have two co-chairs, a Democratic chair
5 named by the Democratic floor leader and a Republican
6 chair named by the Republican floor leader. The co-
7 chairs shall jointly perform the duties and
8 responsibilities of the committee chair, including
9 committee administration, staff assignments, and
10 scheduling. The co-chairs shall agree upon a
11 procedure for dividing the duties of presiding at
12 committee meetings. The powers of the chair shall not
13 be exercised individually by a co-chair without the
14 prior agreement of both co-chairs, except that any co-
15 chair may individually request a study bill on behalf
16 of the committee.
17 SEC. 5. CO-FLOOR LEADERS. Except as otherwise
18 provided in these extraordinary policies, the
19 Democratic floor leader and Republican floor leader
20 shall jointly perform the duties and responsibilities
21 of the offices of Senate Majority Leader and Minority
22 Leader, including but not limited to appointment
23 powers, approval of Senate expenditures, and approval
24 of travel requests.
25 In addition, the daily debate calendar shall be
26 determined jointly by the co-floor leaders. Bills and
27 resolutions to be debated and the time of such debate
28 shall be decided jointly by the co-floor leaders.
29 Only bills that both have approved shall be debated.
30 The responsibilities of the floor leader during debate

Page 5

1 and for the distribution of the daily debate calendar
2 and the Senate's weekly calendar shall rotate on a
3 weekly basis in such a manner that the Republican

4 floor leader shall discharge those responsibilities
5 the weeks that the Democratic co-president is
6 presiding and the Democratic floor leader shall
7 discharge those responsibilities the weeks that the
8 Republican co-president is presiding.
9 SEC. 6. LEGISLATIVE COUNCIL. The 12 members of
10 the Senate appointed to the Legislative Council shall
11 be as follows: the two co-presidents, the two co-
12 floor leaders, the two presidents pro tempore, the two
13 committee on appropriations co-chairs, and two
14 Democratic members and two Republican members selected
15 at large. The Democratic floor leader will chair the
16 Legislative Council in 2005 and the Republican floor
17 leader will chair the Legislative Council in 2006.
18 SEC. 7. ADMINISTRATIVE RULES REVIEW COMMITTEE AND
19 OTHER STATUTORY COMMITTEES. The five positions
20 appointed by the Senate to the Administrative Rules
21 Review Committee shall be distributed as follows: For
22 calendar year 2005, three positions shall be held by
23 Republicans and two positions shall be held by
24 Democrats. For calendar year 2006, three positions
25 shall be held by Democrats and two positions shall be
26 held by Republicans. This policy shall supersede all
27 other provisions of law or rules relating to the
28 senators appointed to the Administrative Rules Review
29 Committee. All other statutory committees that
30 require the appointment of an odd number of senators

Page 6

1 shall have those positions distributed in the same
2 fashion as above with the question of which party will
3 hold the majority of positions in 2005 and 2006 for
4 each committee to be agreed upon by the co-floor
5 leaders
6 SEC. 8. TERMINATION. These extraordinary policies
7 shall immediately terminate in the event one political
8 party reaches or exceeds 26 elected and sworn members.
9 At that time, the Senate shall reorganize and elect
10 new officers.

SENATE RESOLUTION 2: filed January 12, 2005; adopted by the Senate on January 13, 2005.

1 SENATE RESOLUTION 2
2 By: Committee on Rules and Administration
3 A resolution relating to permanent rules of the
4 senate for the ~~eightieth~~ eighty-first general assembly.
5 BE IT RESOLVED BY THE SENATE, That the permanent
6 rules of the senate for the ~~eightieth~~ eighty-first
7 general assembly be as follows:

RULES OF THE SENATE

Rule 1

Quorum

A constitutional majority shall constitute a quorum of the senate. Any senator may insist a quorum be present.

Rule 2

Adoption and Amendment of Rules

Whenever the senate is operating under temporary rules, the rules may be amended or repealed, or permanent rules may be adopted, by a constitutional majority of the senators. After adoption of permanent rules of the senate during any general assembly, the rules may be amended or repealed by a constitutional majority of the senators voting on a simple resolution.

Rule 2A

Procedure in the Event of A Tie

In the event that neither of the two major political parties has 26 elected and sworn members, each party shall elect a floor leader, and all references in these rules to powers and duties of the majority or minority leader shall, in this case, apply

Page 2

to powers and duties to be shared equally by the two floor leaders. Each party shall also elect a president of the senate, and these two individuals shall share the office by rotating the duties related to presiding over the daily operations of the senate in a time frame to be agreed upon by the two parties. The rotation of the two individuals elected president as it relates to the constitutional questions of gubernatorial succession and the signing of enrolled bills shall be scheduled such that it is clear that only one individual acts as the president of the senate at any one time. Each party may also elect a president pro tempore, as well as assistant floor leaders.

All standing committees shall be co-chaired by two members, one from each of the two major political parties, and shall have an equal number of members from both parties. Senate co-chairs and members of joint appropriations subcommittees shall also be equally divided between the two parties.

Details of a power-sharing agreement to govern the operation of the senate during the period in which there is a tie shall be presented to the members of the senate for a vote in the form of a senate resolution upon the convening of the general assembly, or as soon thereafter as possible.

27 Rule 3
28 Rules of Parliamentary Procedure
29 In cases not covered by senate rules or joint
30 rules, Mason's Manual of Legislative Procedure shall

Page 3

1 govern.
2 Rule 4
3 Sessions of the General Assembly
4 The election of officers, organization, hiring and
5 compensation of employees, and committees of the
6 senate shall carry over from the first to the second
7 regular sessions and to any extraordinary sessions of
8 the same general assembly.
9 All bills and resolutions introduced in the first
10 regular session of a general assembly which are not
11 withdrawn, lost, or indefinitely postponed shall carry
12 over into the second regular session and to any
13 extraordinary session of the same general assembly.
14 Appointments received from the governor for senate
15 confirmation during any session of a general assembly
16 shall be acted upon prior to adjournment of that
17 session as provided by section 2.32 of the Code.
18 Except as provided by this rule, upon the adjournment
19 of the first regular session and any extraordinary
20 session, each bill or resolution shall be
21 automatically referred back to the committee to which
22 it was originally assigned. The secretary of the
23 senate shall publish in the Journal a list of the
24 bills returned to committee under this rule. Within
25 seven days after the first committee meeting after the
26 convening of the second regular session, committees
27 shall either authorize the chair to refer such bills
28 and resolutions to a subcommittee for consideration,
29 indefinitely postpone further consideration of such
30 bills, or report them out to the floor and place them

Page 4

1 on the calendar. If the subcommittee is different
2 than that appointed during the first session, the
3 committee chair shall report to the senate the bill or
4 resolution number and the names of the subcommittee
5 members.
6 Bills and resolutions which have been voted upon on
7 final passage by either house in any session shall
8 remain on the calendar in the same status as at the
9 end of the session at any subsequent regular or
10 extraordinary session.

Rule 5

Regular Order of Daily Business

The following order shall govern, subject to any special order:

1. Correction of the journal.
2. Senators to be excused.
3. Communications to the Senate.
4. Introduction of bills and resolutions.
5. Consideration of senate calendar.

~~Points of personal privilege may be made at the time designated each legislative day by the majority leader.~~

Rule 6

Senate Calendar

1. Each legislative day the secretary of the senate shall prepare a listing of bills to be known as the "Senate Calendar".

2. The senate calendar may contain a listing under the category "Special Order" which shall be placed at the head of the calendar. Bills in such category

shall be those which are specifically set for debate by the majority leader with the consent of the senate on a certain date and time. Bills shall be listed by the secretary in numerical order.

3. The senate calendar shall include separate listings for any bills and resolutions in the following categories:

a. Conference Committee Report
b. Bills in Conference Committee
c. House Amendment to Senate Amendment to House File
d. House Refuses to Concur in Senate Amendment to House File
e. Senate Files Amended by the House
f. Unfinished Business
g. Motions to Reconsider
h. Administrative Rules Nullification Resolutions
i. Veto Messages from the Governor

4. The secretary shall list bills and resolutions in the above categories in numerical order. Upon their first publication in the calendar, bills and resolutions in the above categories may be called up for debate at any time by the majority leader. Motions to reconsider shall be called up as provided by Rule 24.

5. The senate calendar shall include a listing of senate appropriations committee bills and bills reported out by the senate appropriations committee.

29 The list shall be known as the "Appropriations
30 Calendar". The secretary shall list the bills in

Page 6

1 numerical order. Upon their first publication in the
2 calendar, bills on the appropriations calendar may be
3 called up for debate at any time by the majority
4 leader provided they are eligible under Rule 8.
5 6. The senate calendar shall include a listing of
6 bills which pertain to the levy, assessment or
7 collection of taxes sponsored by or initially assigned
8 to and reported out by the senate ways and means
9 committee. The list shall be known as the "Ways and
10 Means Calendar". The secretary shall list the bills
11 in numerical order. Upon their first publication in
12 the calendar, bills on the ways and means calendar may
13 be called up for debate at any time by the majority
14 leader provided they are eligible under Rule 8.
15 7. The senate calendar shall include a list of
16 bills and resolutions, known as the "Regular
17 Calendar", which shall consist of bills and
18 resolutions reported out by a senate committee. The
19 bills and resolutions reported out each day shall be
20 listed in numerical order. Priority shall be given to
21 senate over house bills and resolutions. Upon their
22 first publication in the calendar, bills on the
23 regular calendar may be called up for debate at any
24 time by the majority leader, provided they are
25 eligible under Rule 8.
26 A bill reported out of committee which is
27 subsequently referred to the ways and means or
28 appropriations committee and then reported out of that
29 committee, shall be returned to the regular calendar
30 in numerical order.

Page 7

1 8. The senate calendar shall include a listing of
2 the governor's appointees to state boards,
3 commissions, and other offices requiring senate
4 confirmation. This listing shall be known as the
5 "Confirmation Calendar". Names on the confirmation
6 calendar may be called up for confirmation at any time
7 by the majority leader provided they are eligible
8 under rule 59.
9 9. The majority leader, or in the absence of the
10 majority leader the assistant majority leaders, may
11 select from among the bills on the previous
12 legislative day's Senate calendar and from the bills
13 selected create a new listing which shall be known as
14 the "Debate Calendar". The debate calendar shall list

15 bills as the majority leader expects to take them up
16 during the following week. A bill or resolution on
17 the debate calendar may be debated only when eligible
18 under Rule 8.
19 10. The majority leader, or in the absence of the
20 majority leader the assistant majority leaders, may
21 create a list of bills or resolutions about which no
22 controversy is believed to exist which shall be known
23 as the "Proposed Noncontroversial Calendar". Bills or
24 resolutions included on this listing may be debated at
25 any time upon being called up for debate by the
26 majority leader. Any bill or resolution which
27 appeared on the previous day's Senate calendar may be
28 placed by any senator on the proposed noncontroversial
29 calendar, which shall be published. Any bill or
30 resolution on the proposed noncontroversial calendar

Page 8

1 shall be stricken from the list if any senator files a
2 written objection with the secretary of the senate on
3 the first or second legislative day after it appears
4 on the proposed noncontroversial calendar. Any bill
5 stricken from the proposed noncontroversial calendar
6 shall be returned to its former place on the Senate
7 calendar. The secretary shall prepare the
8 noncontroversial calendar which shall consist of all
9 bills or resolutions on the proposed noncontroversial
10 calendar to which no objection was received.
11 11. If the senate shall not be in session on a day
12 assigned in paragraphs nine and ten for action upon a
13 calendar, such assigned action shall occur on the next
14 succeeding legislative day.
15 12. On any bill called up for debate from any
16 calendar, debate may continue from day to day until it
17 is adopted, fails, or is postponed or deferred. If
18 further debate is postponed or deferred without a time
19 to continue being set, except for bills on the debate
20 calendar, the bill shall be listed as unfinished
21 business. Bills which are returned to the committee
22 of first referral or to a different committee after
23 being considered by the senate and classified as
24 unfinished business shall be returned to the
25 unfinished business calendar by that committee when
26 the bill is reported out of committee. The unfinished
27 business date on the calendar shall be the date on
28 which the bill was returned to committee. Bills on
29 the debate calendar upon which further debate is
30 postponed or deferred without a time to continue being

Page 9

1 set shall return to the regular calendar.
2 Rule 7
3 Steering Committee
4 The senate may authorize the appointment of a
5 steering committee. The majority leader shall appoint
6 the majority party members to the steering committee.
7 The minority leader shall appoint the minority party
8 members to the steering committee. The function of
9 the steering committee shall be to create its own
10 calendar from the bills and resolutions on the regular
11 calendar. Bills and resolutions on the steering
12 committee calendar shall have priority over bills and
13 resolutions on all other calendars, except the
14 appropriations calendar.
15 Rule 8
16 When Eligible for Consideration
17 Bills, resolutions, and appointments shall be
18 eligible for consideration by the senate as follows:
19 1. An appointment by the governor which requires
20 senate confirmation shall be eligible on the
21 legislative day after it is first printed in the
22 senate calendar as provided by Rule 59.
23 2. A house or individually sponsored bill or
24 resolution reported out by a committee shall be
25 eligible on the legislative day after it is first
26 printed in the senate calendar.
27 3. A committee bill or resolution sponsored by the
28 appropriations committee shall be eligible on the
29 legislative day after it is first printed in the
30 senate calendar.

Page 10

1 4. Any committee bill or resolution, other than a
2 bill or resolution sponsored by the appropriations
3 committee, shall be eligible on the third legislative
4 day it is printed in the senate calendar.
5 5. A bill that has been reported out to the senate
6 calendar, referred to a different committee and
7 reported out by that committee is eligible for
8 consideration by the senate on the day it would have
9 been eligible under subsection 2, 3, or 4, whichever
10 is applicable, as if the bill had been printed in the
11 calendar after having been reported out by the first
12 committee.
13 6. Any bill or resolution placed on the steering
14 committee calendar is eligible for consideration on
15 the day of its placement on that calendar.
16 When a bill or resolution on the calendar is not
17 yet eligible, the date when it will become eligible

shall be printed in the calendar.

Rule 9

Debate and Decorum

Before addressing the senate, the senator shall request recognition by depressing the "speak" device and, when recognized, rise and respectfully address the chair.

The senator shall confine all remarks to the question under debate and shall avoid discussing personalities or implication of improper motives. No questions except by the senator recognized shall be entertained after a senator is recognized to give final remarks.

Page 11

Rule 10

Point of Personal Privilege

A point of personal privilege shall only be recognized when there is no motion pending or other business being considered by the senate. Points of personal privilege shall not be in order during the time when appropriation subcommittees are scheduled to meet. Senators speaking on a point of personal privilege shall be limited to ten minutes ~~at the time designated each legislative day by the majority leader~~.

Rule 11

Introduction and Presentation of Guests

Only former members of the senate and former and present members of Congress shall be presented to the senate, except that the president of the senate may present a visitor whose presence is of special significance to the senate. The presence of school groups accompanied by school officials shall be announced by the president of the senate and shall be recorded in the journal upon written request of a member of the senate.

Rule 12

Form and Withdrawal of Motions, Amendments and Signatures

Motions need not be in writing unless required by the president or by the senate. No motion requires a second. Any amendment, motion (including a motion to reconsider), or resolution may be withdrawn by the mover if it has not been amended by the senate and if no amendment is pending. All amendments to bills,

Page 12

resolutions, and reports shall be in writing and filed before being acted upon by the senate.

No amendment, resolution, bill, or conference

4 committee report shall be considered by the senate
5 without a copy of the amendment, resolution, bill, or
6 conference committee report being on the desks of the
7 entire membership of the senate prior to
8 consideration.
9 All amendments, reports, petitions or other
10 documents requiring a signature shall have the name
11 typed under the place for the signature. Once a
12 signature is affixed and the document containing the
13 signature filed with the recording clerk in the well,
14 that signature shall not be removed.
15 When an amendment to a main amendment is filed that
16 would negate the effect of the main amendment and
17 thereby leave the bill unchanged, the presiding
18 officer shall have the authority to declare the
19 amendment to the main amendment out of order, subject
20 to an appeal to the full senate.
21 When a house amendment to a senate file is before
22 the senate, an amendment to the house amendment shall
23 be considered an amendment in the first degree.
24 Regardless of its origin, an amendment in the third
25 degree shall be ruled out of order.
26 When a ruling on germaneness is issued by the
27 presiding officer, it shall be accompanied by an
28 explanation of the ruling.
29 Rule 13
30 Order and Precedence of Motions and Amendments

Page 13

1 When a question is under debate, no motion shall be
2 received but to adjourn, to recess, questions of
3 privilege, to lay on the table, for the previous
4 question, to postpone to a day certain, to refer, to
5 amend, to postpone indefinitely, to defer, or
6 incidental motions. A substitute is not in order
7 unless it is in the form of a motion to substitute.
8 Such motions shall have precedence in the order in
9 which they are named. No motion to postpone to a day
10 certain, to refer, or postpone indefinitely, being
11 decided, shall be again allowed on the same day with
12 regard to the same question. A motion to strike out
13 the enacting clause of a bill shall have precedence
14 over all amendments and, if carried, shall be
15 considered equivalent to the rejection of the bill.
16 A motion to strike everything after the enacting
17 clause has precedence over a committee amendment and
18 all other amendments except one to strike the enacting
19 clause. A committee amendment has precedence over all
20 other amendments except as provided in this rule.
21 A motion to rerefer a bill to committee may specify
22 when the committee shall report the bill to the

23 senate. If the motion is adopted in such form, the
24 committee must report the bill by the date and time
25 specified with or without recommendation or the bill
26 shall automatically be returned to the calendar. When
27 the bill is returned to the calendar, it shall occupy
28 the same position it occupied at the time the bill was
29 rereferred to the committee. If the committee to
30 which the bill is rereferred submits an amendment in

Page 14

1 its report, that committee amendment shall take
2 precedence over other amendments except if that
3 committee amendment is in conflict with amendments
4 previously adopted, the committee amendment shall not
5 be considered until consideration of motions to
6 reconsider the previously adopted amendments result in
7 removing the conflict. A committee may not file an
8 amendment to a bill unless the bill is in the
9 committee's possession.
10 Rule 14
11 MOTIONS BEFORE THE SENATE
12 Motions before the senate shall be displayed on the
13 electronic voting system display boards.
14 Rule 15
15 Nondebatable Motions
16 The following motions are not debatable:
17 Adjourn
18 Recess
19 Call of the Senate
20 Lay on Table or Take from Table
21 Previous Question
22 Reconsider vote by which bill was placed on last reading.
23 A Motion to Reconsider and Lay the Motion to Reconsider
24 on the Table (Double-barreled Motion).
25 Rule 16
26 Division of the Question
27 Any senator may call for a division of a question,
28 which shall be divided if it includes propositions so
29 distinct that if one is taken away, a substantive
30 proposition shall remain in a technically proper form

Page 15

1 for the decision of the senate. A motion to strike
2 out and insert is indivisible; but a motion to strike
3 out, if lost, shall not preclude amendments to the
4 matter attempted to be stricken or a motion to strike
5 out and insert.
6 Rule 17
7 The Previous Question
8 The previous question shall be in this form: "Shall

9 debate be closed on the pending question?" A motion
10 for the previous question may be adopted by a majority
11 of the senators present and voting. Its effect shall
12 be to put an end to debate and bring the senate to a
13 direct vote upon the pending question. However, any
14 senator who has not previously spoken on the pending
15 question and who, after the main question is taken up
16 and before the motion for the previous question has
17 been made, requested recognition by depressing the
18 "speak" device may speak no longer than five minutes
19 on the pending question. If action on the pending
20 question continues into another legislative day or is
21 deferred, the previous question shall apply and the
22 requests to be recognized shall be honored.
23 When the motion applies to an amendment, the
24 senator proposing the amendment shall have five
25 minutes to close debate on the amendment.
26 The senator handling the measure under
27 consideration shall have ten minutes to close debate
28 on the main question.
29 Rule 18
30 Call of the Senate

Page 16

1 Ten senators may file in writing a call of the
2 senate on any single item of legislative business. A
3 call of the senate requires the presence of every
4 senator and is in order at any time prior to the vote
5 being announced by the president. The sergeant-at-
6 arms shall return promptly all absent senators.
7 Debate on the item may continue while absent senators
8 are returning, but no vote on the item is in order on
9 it until all have returned. Adoption of a motion to
10 recess or adjourn to a specific time will not lift the
11 call. The call may be lifted, or a senator may be
12 excused from the call without lifting the call, by a
13 vote of a constitutional majority of the senators.
14 Those senators excused prior to the filing of the call
15 are excused from the call.
16 Rule 19
17 Committee of the Whole
18 The senate may resolve itself into a committee of
19 the whole senate when it wishes to permit more free
20 and informal discussion. Persons other than senators
21 may appear and present information.
22 Any senator may move "that the senate now resolve
23 itself into a committee of the whole to consider" a
24 stated subject.
25 The president of the senate shall be chair of the
26 committee of the whole unless otherwise ordered by the
27 senate.

The procedure in committee of the whole is subject to the rules of the senate. The previous question and the motion to reconsider shall be in order.

Page 17

The committee of the whole cannot take any final action and its power is limited to recommendation to the senate. The proceedings of the committee of the whole, including any roll call vote, shall be printed in the journal.

Any senator may at any time, except while voting or while a senator has the floor, move that "the committee rise" which is equivalent to a motion to adjourn.

After adoption of the motion to rise, the chair may report to the senate in the same manner as other committee reports are given.

Rule 20

Last Reading and Passage of Bills

When a motion to place a bill on its last reading is lost, the same motion shall be in order at any later time. After the last reading of a bill, no amendment shall be received. The vote on final passage shall be taken immediately without debate.

Rule 21

Engrossment of Bills

An engrossment is a proofreading and verification in order to be certain that a bill before the senate is identical with the original bill as introduced with all amendments which have been adopted correctly inserted.

In an engrossed bill, all obvious typographical, spelling or other clerical errors are corrected and section or paragraph numbers and internal references are changed as required to conform the original bill

Page 18

to any amendments which have been adopted. All such corrections or changes shall be reported in the journal by the secretary of the senate. The engrossed bill shall be placed in the bill file with the original bill and amendments.

Rule 22

Manner of Voting

On voice vote, the question shall be distinctly put in this form: "Those in favor of (the question) say "aye"." "Those opposed to (the question) say "no"."

A non-record or record roll call vote may be requested by any senator or ordered by the president any time before the results are announced. A non-

14 record roll call shall be requested by asking for a
15 "division". A record roll call shall be requested by
16 asking for a "record". Upon request for a non-record
17 or record roll call vote, the president shall announce
18 that such a non-record or record roll call vote has
19 been requested and shall state the question to be put
20 to the senate. The president then shall direct the
21 secretary of the senate to receive the votes.
22 Senators present may cast their votes, either by
23 operating the voting mechanism located at their
24 assigned desk or by signaling the president if they
25 are unable to vote at their assigned desk. The
26 president shall enter the votes of senators signaling
27 their votes.
28 After sufficient time has elapsed for all senators
29 present to record their votes, the president shall
30 direct the secretary of the senate to close the voting

Page 19

1 system. The president shall still enter the senators'
2 votes at any time prior to directing the secretary of
3 the senate to lock the voting system. The president
4 shall then immediately announce the vote.
5 During a non-record or record roll call vote, both
6 individual votes and vote totals shall be indicated
7 openly on the display boards. On non-record roll
8 calls, only vote totals shall be printed in the
9 journal.
10 In the event the electronic voting system is not in
11 operating order, the president shall direct the
12 secretary of the senate to take the non-record or
13 record roll call by calling the names of the senators
14 in alphabetical order.
15 Rule 23
16 Duty of Voting
17 Every senator present when a question is put shall
18 vote "aye", "no" or "present" unless previously
19 excused by the senate. Upon demand being made by any
20 senator, the secretary of the senate shall call in
21 alphabetical order the names of the senators not
22 voting or voting "present". Those senators called
23 shall vote "aye" or "no" unless the senator states a
24 personal interest in the question or concludes that he
25 or she should not vote under the senate code of
26 ethics.
27 Rule 24
28 Reconsideration
29 When a main motion has been decided by the senate,
30 any senator having voted on the prevailing side may

Page 20

1 move to reconsider the vote on the same or next
2 legislative day. Motions to reconsider the vote on a
3 bill or resolution shall be in writing and filed with
4 the secretary of the senate.
5 Notwithstanding any time limitations applicable to
6 motions to reconsider main motions, a motion to
7 reconsider the vote on an amendment may be made at any
8 time before final disposition of the motion to be
9 amended. Such motion shall be in writing and filed
10 with the secretary of the senate. A motion to
11 reconsider an amendment to a main motion shall be
12 taken up for consideration only prior to the
13 disposition of the main motion or upon reconsideration
14 of the main motion.
15 A constitutional majority by a record roll call is
16 necessary to reconsider a bill or joint resolution.
17 During three legislative days from the date the motion
18 to reconsider a bill or resolution is filed, only the
19 mover may call it up. Thereafter, any senator may
20 call up the motion. If a date for adjournment has
21 been set by resolution of the senate, any senator may
22 call up a motion to reconsider at any time within
23 three days prior to the date set for adjournment.
24 If the motion to reconsider a bill or resolution
25 prevails, motions to reconsider amendments thereto
26 shall be in order and shall be disposed of without
27 delay.
28 A motion that any action taken by the senate be
29 reconsidered and the motion to reconsider be laid upon
30 the table shall be a single and indivisible motion,

Page 21

1 known as the double-barreled motion, which, if
2 carried, shall have the effect of preventing
3 reconsideration unless a motion to take from the table
4 prevails. A constitutional majority is necessary for
5 the double-barreled motion to prevail on a bill or
6 joint resolution. The double-barreled motion can only
7 be made from the floor after the vote is announced and
8 the member who moved the final reading shall have
9 priority in making it.
10 A motion to reconsider and lay on the table shall
11 have priority over a motion to reconsider if they are
12 both filed on the same legislative day.
13 In the event that a motion to reconsider is pending
14 at the end of the first session or any extraordinary
15 session of any general assembly, or the general
16 assembly adjourns sine die, and the motion has not

17 been voted upon by the senate, it shall be determined
18 to have failed.
19 Rule 25
20 Suspension of Rules and Taking from Table
21 No standing rule or rules incorporated by reference
22 under Rule 3 or order of the senate shall be rescinded
23 or suspended, nor shall any matter, tabled upon
24 motion, be taken up, except by an affirmative vote of
25 a constitutional majority of the senate.
26 INTRODUCTION AND FORM OF BILLS
27 Rule 26
28 Time and Method of Introducing Bills and Amendments
29 All bills to be introduced in the senate shall be
30 typed in proper form by the legislative ~~service bureau~~

Page 22

1 services agency and shall be filed with the recording
2 clerk.
3 All amendments shall be typed in proper form and
4 filed with the recording clerk not later than 4:30
5 p.m., or adjournment, whichever is later, in order to
6 be listed in the following day's clip sheet.
7 An "impact amendment" is an amendment which
8 reasonably could have an annual effect of at least one
9 hundred thousand dollars or a combined total effect
10 within five years after enactment of five hundred
11 thousand dollars or more on the aggregate revenues,
12 expenditures or fiscal liability of the state or its
13 subdivisions.
14 An impact amendment to a bill which has been on the
15 special order calendar for at least three full
16 legislative days prior to its consideration shall not
17 be taken up by the senate unless:
18 1) a fiscal note is attached, and the amendment is
19 filed at least one legislative day prior to the date
20 set for consideration of the bill; or
21 2) the amendment is an appropriation or other
22 measure where the total effect is stated in dollar
23 amounts.
24 Rule 27
25 Limit on Introduction of Bills
26 No bill or joint resolution, except bills and joint
27 resolutions cosponsored by the majority and minority
28 floor leaders, or companion bills and joint
29 resolutions sponsored by the majority floor leaders of
30 both houses, shall be introduced in the senate after

Page 23

1 4:30 p.m. on Friday of the sixth week of the first
2 regular session of a general assembly unless a written

3 request for drafting the bill has been filed with the
4 legislative ~~service bureau~~ services agency before that
5 time. After adjournment of the first regular session,
6 bills may be prefiled at any time before the convening
7 of the second regular session. No bill shall be
8 introduced after 4:30 p.m. on Friday of the first week
9 of the second regular session of a general assembly
10 unless a written request for drafting the bill has
11 been filed with the legislative ~~service bureau~~
12 services agency before that time. However, standing
13 committees may introduce bills and joint resolutions
14 at any time. A bill which relates to departmental
15 rules sponsored by the administrative rules review
16 committee and approved by a majority of the members of
17 the committee in each house may be introduced at any
18 time and must be referred to a standing committee
19 which must take action on the bill within three weeks.
20 Senate and concurrent resolutions may be introduced at
21 any time.
22 No bill, joint resolution, concurrent resolution or
23 senate resolution shall be introduced at any
24 extraordinary session unless sponsored by a standing
25 committee, the majority and minority floor leaders, or
26 the committee of the whole.
27 Rule 28
28 Introduction, Reading and Form of Bills and Resolutions
29 Every senate bill and resolution shall be
30 introduced by one or more senators or by any standing

Page 24

1 committee of the senate and shall at once be given its
2 first reading.
3 If the senate is in session when a bill or
4 resolution is introduced, the first reading shall
5 consist of reading its file number, the title and
6 sponsor of the bill. If the senate is not in session
7 but a journal is published for the day, the first
8 reading shall consist of a journal entry of the bill's
9 file number, title, sponsor and the notation "Read
10 first time under Rule 28.".
11 Any bill or resolution approved for introduction by
12 a standing committee during an interim period between
13 sessions of one General Assembly shall be introduced
14 without further action by the committee at the next
15 succeeding regular session of the same General
16 Assembly and placed immediately upon the regular
17 calendar.
18 Every bill and resolution referred to committee
19 shall have received two readings before its passage.
20 The subject of every bill shall be expressed in its
21 title.

22 Rule 29
23 Explanations
24 No bill, except appropriation committee bills and
25 simple or concurrent resolutions, shall be introduced
26 unless a concise and accurate explanation is attached.
27 The chief sponsor or a committee to which the bill has
28 been referred may add a revised explanation at any
29 time before the last reading, and it shall be included
30 in the daily clip sheet.

Page 25

1 Rule 30
2 Resolutions
3 A "senate resolution" is A resolution acted upon
4 only by the senate which expresses sentiment or is
5 used for the appointment of special committees within
6 the senate. A senate resolution requires the
7 affirmative vote of a majority of the senators present
8 and voting. A senate resolution shall be filed with
9 the secretary of the senate. A senate resolution
10 shall be printed in the bound journal after its
11 adoption and in the daily journal upon written request
12 to the secretary of the senate by the sponsor of the
13 resolution.
14 Rule 31
15 Nullification Resolutions
16 A nullification resolution may be introduced by a
17 standing committee, the administrative rules review
18 committee, or any member of the senate. A
19 nullification resolution introduced by the
20 administrative rules review committee or a member of
21 the senate shall be referred to the same standing
22 committee it would be referred to if it was a bill.
23 Any nullification resolution may be referred to the
24 administrative rules review committee by a majority
25 vote of the standing committee which introduced it or
26 to which it was referred. The administrative rules
27 review committee may seek an agreement with the
28 affected administrative agency wherein the agency
29 agrees to voluntarily rescind or modify a rule or
30 rules relating to the subject matter of the

Page 26

1 nullification resolution. An agreement to voluntarily
2 rescind or modify an administrative agency rule shall
3 be in writing and signed by the chief administrative
4 officer of the administrative agency and a majority of
5 the administrative rules review committee members of
6 each house and shall be placed on file in the offices
7 of the chief clerk of the house, the secretary of the

8 senate and the secretary of state. If an agreement is
9 not reached, or the nullification resolution is not
10 approved by a majority of the administrative rules
11 review committee members of each house, within two
12 weeks of the date the resolution is referred to the
13 administrative rules review committee, the resolution
14 shall be placed on the calendar. If the nullification
15 resolution is approved by the administrative rules
16 review committee it shall be placed on the calendar.
17 A nullification resolution is subject to a motion to
18 withdraw the nullification resolution as provided in
19 rule 42.
20 A nullification resolution is debatable, but cannot
21 be amended on the floor of the senate.
22 Rule 32
23 Resolutions, Applicable Rules
24 All rules applicable to bills shall apply to
25 resolutions, except as otherwise provided in the
26 rules.
27 Rule 33
28 Study Bills
29 1. A study bill is any matter which a senator
30 wishes to have considered by a standing committee or

Page 27

1 appropriations subcommittee for introduction as a
2 committee bill or resolution. The term "study bill"
3 includes "proposed bills" provided for in Rule 37 and
4 departmental requests prefiled in the manner specified
5 in section 2.16 of the Code.
6 2. A study bill shall bear the name of the member
7 who wishes to have the bill considered. A study bill
8 proposed by a state agency shall bear the name of the
9 agency. A committee chair may submit a study bill in
10 the name of that committee.
11 3. Upon first receiving a study bill from a
12 senator, a committee chairperson shall submit three
13 copies to the secretary of the senate. Study bills
14 received in the secretary of the senate's office
15 before 3:00 p.m. shall be filed, numbered, and
16 reported in the journal for that day. Study bills
17 received in the secretary of the senate's office after
18 3:00 p.m. shall be filed, numbered, and reported in
19 the journal for the subsequent day. The secretary
20 shall number such bills in consecutive order. The
21 secretary shall maintain a record of all study bills
22 and their assigned number. Committee records shall
23 refer to study bills by the number assigned by the
24 secretary.
25 4. The secretary shall file a report in the
26 journal of each study bill received. The report shall

27 show the study bill number, its title or subject
28 matter and the committee which is considering it. If
29 a study bill is referred to a subcommittee, then the
30 committee chairperson shall report in the journal the

Page 28

1 names of the subcommittee members to which it is
2 assigned.
3 5. If a committee bill or resolution is introduced
4 which was not previously the subject of a study bill
5 in the sponsoring committee, the majority leader may
6 re-refer the bill back to the committee.
7 6. A study bill not prepared by the legislative
8 ~~service bureau~~ services agency may be submitted to a
9 standing committee, but shall not be considered by the
10 full committee unless reviewed and typed in proper
11 form by the legislative service bureau.
12 COMMITTEES AND COMMITMENT
13 Rule 34
14 Committee Appointments
15 Committee appointments shall be made by the
16 majority leader for majority party members, after
17 consultation with the president, and by the minority
18 leader for minority party members, after consultation
19 with the president. No senator shall serve on more
20 than five standing committees. The majority leader,
21 after consultation with the president, shall designate
22 the chairperson and vice-chairperson of each standing
23 committee. The minority leader, after consultation
24 with the president, shall designate the ranking member
25 of each standing committee from the minority
26 membership of that committee.
27 Rule 35
28 Standing Committees
29 The names of the standing committees of the senate
30 shall be:

Page 29

1 Agriculture
2 Appropriations
3 Business and labor relations
4 Commerce
5 Economic growth
6 Education
7 Government oversight
8 Human resources
9 Judiciary
10 Local government
11 Natural resources & Environment
12 Rules and administration

13 State government
14 Transportation
15 Ways and means
16 Rule 36
17 Committee on Rules and Administration
18 The committee on rules and administration shall
19 recommend rules and rule changes to the senate, shall
20 hire senate employees, shall recommend salary scales
21 for all senate employees, and shall oversee senate
22 budget and administration matters.
23 The committee on rules and administration will
24 select, for senate approval, an individual to serve as
25 secretary of the senate.
26 Upon authorization being given by the committee on
27 rules and administration, the minority party members
28 of the committee will select, for senate approval, an
29 individual to serve as assistant parliamentarian.
30 The committee shall have the following standing

Page 30

1 subcommittees:
2 1. Joint Rules
3 2. Senate Rules
4 3. Administrative Services
5 4. Caucus Services.
6 The majority leader shall serve as chair of the
7 rules and administration committee and as chair of the
8 standing subcommittee on caucus services. The
9 president of the senate shall serve as vice-chair of
10 the rules and administration committee, and as chair
11 of the subcommittee on administrative services.
12 Rule 37
13 Appropriations Committee
14 The appropriations committee shall receive bills
15 committed to it and shall assign each to one of the
16 appropriations subcommittees.
17 The appropriations subcommittees shall be named:
18 Administration & Regulation
19 Agriculture and Natural Resources
20 Economic Development
21 Education
22 Health and Human Services
23 Justice System
24 Transportation, Infrastructure & Capitals
25 The appropriations subcommittees shall receive
26 bills assigned to them or may originate proposed bills
27 within the subcommittee's jurisdiction as defined by
28 the appropriations committee for consideration by the
29 appropriations committee. Each subcommittee may
30 submit amendments to bills together with the

Page 31

1 subcommittee's recommended action to the
2 appropriations committee.
3 If a bill or proposed bill is submitted to the
4 appropriations committee by an appropriations
5 subcommittee the appropriations committee may:
6 1. report the bill or approve the proposed bill
7 for introduction by the appropriations committee;
8 2. report the bill with any appropriations
9 committee-approved amendments incorporated;
10 3. draft a new bill for sponsorship by the
11 appropriations committee and report it; or
12 4. re-refer it together with the appropriations
13 committee's objections to the appropriations
14 subcommittee from which it was originally referred or
15 which originated the draft bill.
16 The appropriations committee and subcommittees may
17 meet jointly with the appropriations committee of the
18 house of representatives.
19 Rule 38
20 First Reading and Commitment
21 Upon the first reading of an individual bill or
22 resolution, or a house committee bill or resolution,
23 the president shall refer the bill or resolution to an
24 appropriate standing committee unless otherwise
25 ordered by the senate. If the bill or resolution is a
26 senate committee bill or resolution, the president
27 shall place it on the calendar after its first
28 reading. If the subject of the bill or resolution is
29 not germane to the title of the committee presenting
30 it, the president of the senate may refer it to a

Page 32

1 committee deemed appropriate.
2 All bills carrying an appropriation for any purpose
3 or involving the expenditure of state funds shall be
4 referred to the committee on appropriations.
5 All bills pertaining to the levy, assessment or
6 collection of taxes or fees shall be referred to the
7 committee on ways and means.
8 Any bill which provides for a new state board,
9 commission, agency or department or makes separate or
10 autonomous an existing state board, commission, agency
11 or department, shall be referred to the committee on
12 state government. This rule shall also apply when
13 such a provision is added to a bill or resolution by
14 amendment adopted by the senate. If the bill or
15 resolution is so referred after being sponsored or
16 reported out by another committee, and if the
17 committee on state government does not report out the

18 bill or resolution within ten legislative days after
19 referral, the bill or resolution shall automatically
20 be restored to the calendar with the same priority it
21 had immediately before referral.
22 Rule 39
23 Rules for Standing Committees
24 The following rules shall govern all standing
25 committees of the senate. Any committee may adopt
26 additional rules which are consistent with these
27 rules:
28 1. A majority of the members shall constitute a
29 quorum.
30 2. The chair of a committee shall refer each bill

Page 33

1 and resolution to a subcommittee within seven days
2 after the bill or resolution has been referred to the
3 committee. The chair may appoint subcommittees for
4 study of bills and resolutions without calling a
5 meeting of the committee, but the subcommittee must be
6 announced at the next meeting of the committee. No
7 bill or resolution shall be reported out of a
8 committee until the next meeting after the
9 subcommittee is announced, except that the chair of
10 the appropriations committee may make the announcement
11 of the assignment to a subcommittee by placing a
12 notice in the journal. Any bill so assigned by the
13 appropriations committee chair shall be eligible for
14 consideration by the committee upon report of the
15 subcommittee but not sooner than three legislative
16 days following the publication of the announcement in
17 the journal.
18 When a bill or resolution has been assigned to a
19 subcommittee, the chair shall report to the senate the
20 bill or resolution number and the names of the
21 subcommittee members and such reports shall be
22 reported in the journal. Subcommittee assignments
23 shall be reported to the journal daily. Reports filed
24 before 3:00 p.m. shall be printed in the journal for
25 that day; reports filed after 3:00 p.m. shall be
26 printed in the journal for the subsequent day.
27 Where standing subcommittees of any committee have
28 been named, the names of the members and the title of
29 the subcommittee shall be published once and
30 thereafter publication of assignments may be made by

Page 34

1 indicating the title of the subcommittee.
2 3. No bill or resolution shall be considered by a
3 committee until it has been referred to a subcommittee

and the subcommittee has made its report unless otherwise ordered by a majority of the members.

4. The rules adopted by a committee, including subsections 2, 3, 9, 10, 11, and 12 of this rule, may be suspended by an affirmative vote of a majority of the members of the committee.

5. The affirmative vote of a majority of the members of a committee is needed to sponsor a committee bill or resolution or to report a bill or resolution out for passage.

6. The vote on all bills and resolutions shall be by roll call unless a short-form vote is unanimously agreed to by the committee. A record shall be kept by the secretary.

7. No committee, except a conference committee or the steering committee, is authorized to meet when the senate is in session.

8. A subcommittee shall not report a bill to the committee unless the bill has been typed into proper form by the legislative ~~service bureau~~ <u>services agency</u>.

9. A bill or resolution shall not be voted upon the same day a public hearing called under subsection 10 is held on that bill or resolution.

10. Public hearings may be called at the discretion of the chair. The chair shall call a public hearing upon the written request of one-half

Page 35

the membership of the committee. The chair shall set the time and place of the public hearing.

11. A subcommittee chair must notify the committee chair not later than one legislative day prior to bringing the bill or resolution before the committee. The committee cannot vote on a bill or resolution for at least one full day following the receipt of the subcommittee report by the chairperson.

12. A motion proposing action on a bill or resolution that has been defeated by a committee shall not be voted upon again at the same meeting of the committee.

13. Committee meetings shall be open.

Rule 40

Voting in Committee

All committee meetings shall be open at all times. Voting by secret ballot is prohibited. Roll call votes shall be taken in each committee when final action on any bill or resolution is voted, unless a short-form vote is unanimously agreed to by the committee. A roll call vote also shall be taken in each committee at the request of a member upon any

amendment or motion. All results shall be entered in the minutes which shall be public records. Records of these votes shall be made available by the chair or the committee secretary at any time. This rule also applies to the steering committee and appropriations subcommittees.

The committee shall not authorize the introduction of a committee bill or resolution until the members

Page 36

have received final copies of the bill or resolution with amendments or changes incorporated, and typed into proper form by the legislative ~~service bureau~~ services agency. The committee may, by unanimous consent, dispense with this requirement and instruct the legislative service bureau to file a report with the committee members detailing the amendments or changes and this report shall become a part of the committee report.

Rule 41

Announcement of Committee Meetings

It shall be in order for the chair of any committee to announce to the senate the time and place of committee meetings. The announcement shall include a proposed agenda for the meeting. The sergeant-at-arms shall post at the rear of the chamber the daily schedule of committee meetings.

Rule 42

Withdrawal of Bills and Resolutions from Committee

The secretary of the senate shall note on each bill and resolution the date of its reference to committee. No bill or resolution shall be withdrawn from any committee within fifteen legislative days after the bill or resolution has been referred to the committee and thereafter only upon written petition for the withdrawal of such bill or resolution signed by a constitutional majority of the senators, except as provided in Rule 38. Only senators may circulate such a petition.

Rule 43

Page 37

Committee Reports

All committees shall file a report of committee meetings. Such reports shall contain the following information:

a. The time the meeting convened;

b. Those senators who were present and absent at the time the meeting convened, as well as the time any senator, who was not present at the time the meeting

9 convened, arrives for the meeting;
10 c. The vote on any bill or resolution reported out
11 of the committee for floor action;
12 d. The title of the bill;
13 e. The file number of the bill or resolution (if
14 known);
15 f. Whether the committee recommends that the bill
16 or resolution be passed, amended and passed,
17 indefinitely postponed, or considered without
18 committee recommendation;
19 g. An indication of other bills or matters
20 discussed;
21 h. Such other matters as the committee chair shall
22 direct; and
23 i. The time the meeting adjourned.
24 No committee report shall be read, but all
25 committee reports shall be printed in the journal.
26 Upon printing, all committee reports shall then stand
27 approved unless the senate directs otherwise.
28 Rule 44
29 Bills or Resolutions Recommended for Indefinite Postponement
30 No senate bill or resolution recommended for

Page 38

1 indefinite postponement shall be considered in the
2 absence of the chief sponsor or, if a house bill or
3 resolution, in the absence of the senator representing
4 the district in which the sponsor resides. When a
5 question is postponed indefinitely, it shall not be
6 again acted upon during that session of the general
7 assembly.
8 GENERAL RULES
9 Rule 45
10 Access to Senate Chamber and Decorum
11 The persons who shall have access to the senate
12 chamber, and the times access shall be available, and
13 the rules governing activities in the chamber and
14 other areas controlled by the senate shall be as
15 prescribed by the rules and administration committee
16 pursuant to a written policy adopted by the committee
17 and filed with the secretary of the senate.
18 Rule 46
19 Legislative Interns and Aides
20 Legislative interns for senators shall be allowed
21 on the floor of the senate in accordance with Rule 45;
22 provided that each intern first has obtained a name
23 badge from the secretary of the senate. The secretary
24 of the senate shall issue an appropriate badge to all
25 interns for senators.
26 In addition, those persons designated as “aides to
27 senators” shall be allowed on the floor of the senate.

28 The secretary of the senate shall issue an appropriate
29 badge for such individuals.
30 Rule 47

Page 39

1 Clearing of Lobby and Gallery
2 In case of disturbance or disorderly conduct in the
3 lobby or gallery, the presiding officer may order it
4 cleared.
5 Rule 48
6 Presentation of Petitions
7 Each petition shall contain a brief statement of
8 its subject matter and the name of the senator
9 presenting it. Petitions shall be filed with the
10 secretary of the senate and noted in the journal.
11 Rule 49
12 Distribution of Printed Material
13 No general distribution of printed material in the
14 senate shall be allowed unless authorized by the
15 secretary of the senate or by a senator.
16 Rule 50
17 Concerning the Printing of Papers
18 Any paper, other than that contemplated by Section
19 10, Article III of the Constitution of the State of
20 Iowa, presented to the senate may, with the consent of
21 a constitutional majority, be printed in the journal.
22 Rule 51
23 Reprinting of Documents
24 When any bill has been substantially amended by the
25 senate, the secretary of the senate shall order the
26 bill reprinted on paper of a different color. All
27 adopted amendments inserting new material shall be
28 distinguishable.
29 The secretary of the senate may order the printing
30 of a reasonable number of additional copies of bills,

Page 40

1 resolutions, amendments or journals.
2 OFFICERS AND EMPLOYEES
3 Rule 52
4 Duties of the President
5 The senate shall elect, from its membership, a
6 president. The president shall call the senate to
7 order at the hour to which the senate is adjourned.
8 Unless otherwise ordered by the senate, the president
9 shall proceed with the regular order of daily
10 business. The president shall preserve order and
11 decorum and decide all questions of order and
12 corrections to the journal, subject to an appeal to
13 the senate. The president shall direct voting as

14 provided in rule 22. When a ruling on germaneness is
15 issued by the presiding officer, it shall be
16 accompanied by an explanation of the ruling. The
17 president of the senate shall be the chair of the
18 committee of the whole unless otherwise ordered by the
19 senate, under rule 19.
20 Upon the first reading of an individual bill or
21 resolution, or a house committee bill or resolution,
22 the president shall refer the bill or resolution to
23 the appropriate standing committee unless otherwise
24 ordered by the senate. If the bill or resolution is a
25 senate committee bill or resolution, the president
26 shall place it on the calendar after its first
27 reading. If the subject of the bill or resolution is
28 not germane to the title of the committee presenting
29 it, the president of the senate may refer it to the
30 appropriate committee.

Page 41

1 The president shall sign legislative enactments
2 upon their enrolling.
3 The president of the senate shall serve as a member
4 of the legislative council and the senate rules and
5 administration committee. The president shall serve
6 on the rules and administration committee as chair of
7 the standing subcommittee designated to supervise the
8 secretary of the senate and other employees of the
9 administrative services division of the senate.
10 Rule 53
11 The President Pro Tempore
12 The senate shall elect, from its membership, a
13 president pro tempore. When the president is absent,
14 the president pro tempore shall preside, except when
15 the chair is filled by temporary appointment by the
16 president or the majority leader.
17 The president pro tempore, when presiding, shall
18 perform duties as prescribed in rule 52, paragraphs 1
19 and 2.
20 The president pro tempore shall serve as a member
21 of the legislative council and as a member of the
22 senate committee on rules and administration.
23 Rule 54
24 Secretary of the Senate
25 The secretary of the senate shall be an officer of
26 the senate and shall:
27 1. Serve as chief administrative officer of the
28 senate.
29 2. Have charge of the secretary's desk.
30 3. Be responsible for the custody and safekeeping

Page 42

of all bills, resolutions, and amendments filed, except while they are in the custody of a committee.

4. Have charge of the daily journal.

5. Have control of all rooms assigned for the use of the senate.

6. Keep a detailed record of senate action on all bills and resolutions.

7. Insert adopted amendments into bills before transmittal to the house of representatives and prior to final enrollment.

8. Prescribe the duties of and supervise all senate employees.

9. Authorize all expenditures of funds within the senate budget.

The secretary of the senate shall also act as senate parliamentarian and shall:

1. Advise the presiding officer of the senate about parliamentary procedures during deliberations of the senate.

2. Perform other duties as prescribed by the committee on rules and administration.

3. Process the handling of amendments when filed and during the floor consideration of bills.

Rule 55

Legal Counsel

The legal counsel shall be a contractual employee of the senate and shall:

1. Serve as attorney and counselor for the senate.

2. At the request of the majority and minority leaders, research any legal issue in which the senate

Page 43

has an interest. However, the legal counsel shall not issue nor venture any opinions on unresolved questions of law unless permitted by both the majority and minority leaders.

Rule 56

Sergeant-at-Arms

The sergeant-at-arms shall be an employee of the senate and shall:

1. Wear the appropriate badge of his or her office.

2. Attend the senate during its sessions.

3. Aid in the enforcement of order under the direction of the president of the senate and the secretary of the senate.

4. Execute the commands of the senate.

5. See that no unauthorized person disturbs the contents of the senators' desks.

18 6. Supervise the doorkeepers, the assistant
19 sergeant-at-arms, and pages.
20 7. Announce all delegations from the governor or
21 house.
22 8. Supervise the seating of visitors and press
23 representatives.
24 Rule 57
25 Senate Secretaries
26 Every senator shall be permitted to employ for each
27 session of a general assembly a personally selected
28 secretary.
29 Rule 58
30 Use of Electronic Voting System

Page 44

1 Any officer or employee of the senate, other than a
2 duly elected member of the senate, who operates the
3 electronic voting machine mechanism located at the
4 desk of said member of the senate shall be subject to
5 immediate termination from employment. The provisions
6 of this paragraph only shall apply during the taking
7 of a record or non-record roll call vote utilizing the
8 electronic voting system.
9 CONFIRMATION OF APPOINTMENTS
10 Rule 59
11 Appointments
12 The secretary of the senate shall:
13 a. send, to each appointee submitted by the
14 governor for senate confirmation, a copy of a senate
15 questionnaire as approved by the rules and
16 administration committee;
17 b. receive completed questionnaires from
18 appointees and forward copies of the completed
19 questionnaires to appropriate committee members;
20 c. maintain "Confirmation Calendar" categories on
21 the senate calendar as directed under this rule,
22 senate rule 6, and by the committee on rules and
23 administration. No appointee shall be listed as
24 eligible on the confirmation calendar until the
25 secretary has received the appointee's completed
26 senate questionnaire.
27 As soon as possible after the convening of a
28 session, and again within one week following March 15,
29 the secretary of the senate shall publish in the
30 senate journal the names of all nominees submitted for

Page 45

1 confirmation. The secretary of the senate shall
2 maintain a file of all appointments received from the
3 governor for confirmation. The file shall contain a

4 description of the duties and the compensation for
5 each nominee. The file shall show the date an
6 appointment was received from the governor, the date
7 the appointment was published in the journal, whether
8 the nominee has been introduced, whether a committee
9 report has been filed, when the senate questionnaire
10 was sent to the appointee, and shall include a copy of
11 the appointee's completed senate questionnaire, upon
12 receipt.
13 INVESTIGATING COMMITTEES. All appointments
14 received from the governor shall be referred to the
15 rules and administration committee by the secretary of
16 the senate on the same day they are published in the
17 senate journal. The rules and administration
18 committee shall establish an en bloc confirmation
19 calendar which must be filed with the secretary of the
20 senate. Within three (3) legislative days after
21 receiving an appointment, the committee shall either
22 place a nominee on the en bloc confirmation calendar
23 or assign the nominee to an appropriate standing
24 committee for further investigation, publishing notice
25 of such assignment in the senate journal for the next
26 legislative day. If the rules and administration
27 committee fails to take action on a nominee within the
28 three days, the nominee shall automatically be placed
29 on the en bloc confirmation calendar.
30 Within the three (3) legislative days after an

Page 46

1 appointment has been referred to the rules and
2 administration committee, any ten senators may require
3 that the nominee be assigned to an appropriate
4 standing committee by filing a written, signed request
5 therefor with the chairperson of the rules and
6 administration committee. The committee chair shall
7 refer the appointment to a subcommittee within one (1)
8 legislative day after a standing committee receives an
9 appointment for further investigation, publishing
10 notice of such assignment in the senate journal for
11 the next legislative day. Within ten (10) legislative
12 days after a standing committee receives an
13 appointment for further investigation the subcommittee
14 shall file its report with the standing committee.
15 Within fourteen (14) legislative days after a
16 standing committee receives an appointment for further
17 investigation, the committee shall conduct an
18 investigation of the nominee and file its report
19 thereon with the secretary of the senate, who shall
20 then place the nominee on the en bloc calendar or
21 individual confirmation calendar as directed by the
22 committee. The failure of a committee to file its

23 report within the prescribed time means that the
24 nominee is to be automatically placed, without
25 recommendation, upon the individual confirmation
26 calendar.
27 Any individual nominated to head a department or
28 agency of state government, whose appointment is
29 subject to senate confirmation, must be introduced to
30 the full senate prior to a vote on confirmation of the

Page 47

1 nominee. Additionally, any five (5) senators may
2 request that any nominee be introduced to the senate
3 by filing a written request with the secretary of the
4 senate within ten (10) legislative days of the
5 nominee's name appearing in the journal. Any
6 individual nominated to a position requiring senate
7 confirmation may request to be introduced to the full
8 senate by notifying the secretary of the senate at
9 least one (1) legislative day in advance of their
10 appearance. If an individual is nominated both to
11 fill a vacancy for an unexpired term and is also
12 nominated for reappointment to that position during
13 the same session, a single introduction is sufficient
14 for eligibility for confirmation to both terms.
15 HEARINGS. Any member of a committee investigating
16 an appointment may, within five (5) legislative days
17 after the committee receives the appointment, obtain
18 a hearing with the nominee by filing a written request
19 with the secretary of the senate who shall forward it
20 to the chair of the standing committee and the chair
21 of the subcommittee. Notice of the hearing shall be
22 published in the journal at least two (2) legislative
23 days prior to the hearing. At the hearing, which
24 shall be before the subcommittee, the nominee may be
25 questioned as to his or her qualifications to fulfill
26 the office to which nominated and further questioned
27 as to his or her viewpoints on issues facing the
28 office to which nominated. Any senator may at the
29 discretion of the chair of the subcommittee be
30 permitted to submit oral questions. The public may, at

Page 48

1 the discretion of the investigating committee, be
2 permitted to submit oral or written statements as to
3 the qualifications of the nominee.
4 Also, within five (5) legislative days after the
5 subcommittee receives an appointment for
6 investigation, any senator may submit written
7 questions to be answered by the nominee prior to
8 consideration of the nominee's confirmation by the

9 senate.
10 INFORMATIONAL MEETINGS. After a nominee has been
11 placed on the calendar and prior to the vote on
12 confirmation, any senator may request an informational
13 meeting on the nomination which shall be held before
14 the subcommittee.
15 VOTING ON CONFIRMATIONS. Upon the motion of the
16 majority leader or his or her designee, the nominees
17 on the en bloc confirmation calendar shall be
18 confirmed en bloc by the affirmative vote of two-
19 thirds of the members elected to the senate. The
20 journal shall reflect a single roll call accompanied
21 by a statement of the names of those individuals
22 subject to the en bloc confirmation vote.
23 Prior to an en bloc vote, any senator may request,
24 either in writing or from the floor, an individual
25 vote on any nominee on the en bloc confirmation
26 calendar. The senate shall vote separately on the
27 nominee.
28 Nominees on the individual confirmation calendar
29 shall be confirmed by a two-thirds vote; however, the
30 senate shall take a separate roll call on each

Page 49

1 nominee, unless by unanimous consent, it determines to
2 take one vote on all nominees under consideration. In
3 any case, the journal shall reflect a single roll call
4 vote for each nominee.
5 If an individual is nominated both to fill a
6 vacancy for an unexpired term and is also nominated
7 for reappointment to that position, and such
8 appointment and reappointment appear on the senate
9 calendar as eligible at the same time, a single vote
10 is sufficient for confirmation to both terms.
11 Rule 60
12 Time of Committee Passage and Consideration of Bills
13 1. This rule does not apply to concurrent or
14 simple resolutions, joint resolutions nullifying
15 administrative rules, senate confirmations, bills
16 embodying redistricting plans prepared by the
17 legislative ~~service bureau~~ services agency pursuant to
18 chapter 42, or bills passed by both houses in
19 different forms. Subsection 2 of this rule does not
20 apply to appropriations bills, ways and means bills,
21 legalizing acts, administrative rules review committee
22 bills, bills sponsored by standing committees in
23 response to a referral from the president of the
24 senate or the speaker of the house of representatives
25 relating to an administrative rule whose effective
26 date has been delayed until the adjournment of the
27 next regular session of the general assembly by the

28 administrative rules review committee, bills
29 cosponsored by the majority and minority floor leaders
30 of the senate, bills in conference committee, and

Page 50

1 companion bills sponsored by the majority floor
2 leaders of both houses after consultation with the
3 respective minority floor leaders. For the purposes
4 of this rule, a joint resolution is considered as a
5 bill. To be considered an appropriations or ways and
6 means bill for the purposes of this rule, the
7 appropriations committee or the ways and means
8 committee must either be the sponsor of the bill or
9 the committee of first referral in the senate.
10 2. To be placed on the calendar in the senate a
11 senate bill must be first reported out of a standing
12 committee by Friday of the 10th week of the first
13 session and the 6th week of the second session. A
14 house bill must be first reported out of a standing
15 committee by Friday of the 13th week of the first
16 session and the 9th week of the second session to be
17 placed on the senate calendar.
18 3. During the 11th week of the first session and
19 the 7th week of the second session, the senate shall
20 consider only bills originating in the senate and
21 unfinished business. During the 14th week of the
22 first session and the 10th week of the second session,
23 the senate shall consider only bills originating in
24 the house and unfinished business. Beginning with the
25 15th week of the first session and the 11th week of
26 the second session, the senate shall consider only
27 bills passed by both houses, bills exempt from
28 subsection 2 and unfinished business.
29 4. A motion to reconsider filed and not disposed
30 of on an action taken on a bill or resolution which is

Page 51

1 subject to a deadline under this rule may be called up
2 at any time before or after the day of the deadline by
3 the person filing the motion or after the deadline by
4 the majority floor leader, notwithstanding any other
5 rule to the contrary.
6 BE IT FURTHER RESOLVED, That should a system of
7 deadlines for the time of committee passage and
8 consideration of bills be adopted by joint action of
9 the senate and house at any time during the ~~eightieth~~
10 eighty-first general assembly, those provisions shall
11 supersede the provisions of rule 60.

SENATE RESOLUTION 3: filed January 13, 2005; adopted by the Senate on March 3, 2005.

SENATE RESOLUTION 3

By: Warnstadt, Beall, and Kibbie

A resolution urging congressional action to allow all eligible veterans to receive concurrently both their full military retired pay and military disability compensation.

WHEREAS, those persons who have served in the nation's armed forces should be honored for their service; and

WHEREAS, veterans who become disabled while serving our country are rightfully compensated for their disability; and

WHEREAS, veterans who have served our country and have earned a military retirement are rightfully compensated for this service; and

WHEREAS, legislation in place since the 19th century has required that veterans who are retired and disabled have their retirement pay reduced one dollar for each dollar of disability compensation they receive; and

WHEREAS, federal legislation has been introduced for several years seeking to eliminate this inequitable burden on our nation's veterans; and

WHEREAS, the federal National Defense Authorization Act for fiscal year 2004 authorized the phaseout, over 10 years, of the ban on concurrent receipt of both military retired pay and disability compensation for retirees but only for disabilities rated 50 percent or higher; and

WHEREAS, the federal National Defense Authorization

Page 2

Act for fiscal year 2005 further addressed this issue by authorizing, as of January 1, 2005, the full concurrent receipt of military retired pay and disability compensation for 100 percent disabled retirees with at least 20 years of service; and

WHEREAS, military retirees with disabilities rated less than 50 percent and military disability retirees with less than 20 years of military service should be just as deserving of relief from the ban on receiving both their military retired pay and disability compensation that they have earned; NOW THEREFORE,

BE IT RESOLVED BY THE SENATE, That the United States Congress be urged to pass, and the President be urged to sign, legislation to provide full relief for all eligible veterans from the law that requires a

16 dollar-for-dollar offset of military retired pay for
17 disability compensation received by certain veterans
18 from the United States Department of Veterans Affairs;
19 and
20 BE IT FURTHER RESOLVED, That suitable copies of
21 this Resolution, duly authenticated by the Iowa
22 Secretary of the Senate, be transmitted to the
23 Honorable George W. Bush, President of the United
24 States, and to each member of the Iowa congressional
25 delegation.

SENATE RESOLUTION 4: filed January 24, 2005; adopted by the Senate on April 12, 2005.

1 SENATE RESOLUTION 4
2 By: Mulder
3 A resolution to recognize Professor Piet Koene of
4 Northwestern College for being selected Iowa Professor
5 of the Year for 2004 by the Carnegie Foundation for
6 the Advancement of Teaching.
7 WHEREAS, Professor Piet Koene came to Northwestern
8 College in Orange City, Iowa, in 2000, bringing with
9 him a passion for Hispanic culture and the Spanish
10 language; and
11 WHEREAS, that passion led Professor Koene not only
12 to teach Spanish to his students but also to expose
13 them to the rich mosaic of Hispanic culture and daily
14 life; and
15 WHEREAS, that passion, along with his skill as an
16 educator, has sparked a greater interest and
17 appreciation of the Hispanic language and culture
18 among the students at Northwestern College; and
19 WHEREAS, Professor Koene serves not only the
20 academic community but also the Hispanic community in
21 northwestern Iowa as a leader in his church and in
22 providing translation and other services to the
23 Hispanic community; and
24 WHEREAS, his dedication has now been recognized by
25 the Carnegie Foundation for the Advancement of
26 Teaching, which has selected Professor Koene as Iowa
27 Professor of the Year for 2004; NOW THEREFORE,
28 BE IT RESOLVED BY THE SENATE, That the Senate, on
29 behalf of all Iowans, extends its gratitude to
30 Professor Koene for his tireless work in promoting the

Page 2

1 Spanish language and Hispanic culture to the students
2 of Northwestern College and for his service to Iowans
3 generally, and congratulates him for the well-deserved

honor conferred upon him by the Carnegie Foundation for the Advancement of Teaching.

SENATE RESOLUTION 5: filed January 26, 2005; adopted by the Senate on January 27, 2005.

SENATE RESOLUTION 5

By: Committee on Ethics

(SUCCESSOR TO SSB 1021)

A resolution relating to the Senate Rules Governing Lobbyists and their interactions with the Senate and members of the Senate during the Eighty-First Assembly.

BE IT RESOLVED BY THE SENATE, That the Senate Rules Governing Lobbyists for the ~~Eightieth~~ Eighty-first General Assembly shall be as follows:

SENATE RULES GOVERNING LOBBYISTS

1. DEFINITIONS. As used in these rules, "client", "gift", "honoraria" or "honorarium", "immediate family member" and "lobbyist" have the meaning provided in chapter 68B. As used in these rules the term "political action committee" means a committee, but not a candidate's committee, which accepts contributions, makes expenditures, or incurs indebtedness in the aggregate of more than seven hundred fifty dollars in any one calendar year to expressly advocate the nomination, election, or defeat of a candidate for public office or to expressly advocate the passage or defeat of a ballot issue or influencing legislative action, or an association, lodge, society, cooperative, union, fraternity, sorority, educational institution, civic organization, labor organization, religious organization, or professional or other organization which makes contributions in the aggregate of more than seven hundred fifty dollars in any one calendar year to

Page 2

expressly advocate the nomination, election, or defeat of a candidate for public office or to expressly advocate the passage or defeat of a ballot issue or influencing legislative action.

2. APPLICABILITY. These rules are only applicable to lobbying activities involving the Iowa general assembly.

3. REGISTRATION REQUIRED. All lobbyists shall, on or before the day their lobbying activity begins, register in the manner provided under section 68B.36 by filing a completed lobbyist's registration form with the person or persons designated by the chief

13 clerk of the house and the secretary of the senate to
14 receive lobbyist registration statements. Lobbyist
15 registration forms shall be available in the office of
16 the chief clerk of the house and the secretary of the
17 senate. In addition, the lobbyist shall file with the
18 secretary of the senate a statement of the general
19 subjects of legislation in which the lobbyist is or
20 may be interested, the numbers of the bills and
21 resolutions and the bill number of study bills (if
22 known) which will be lobbied, whether the lobbyist
23 intends to lobby for or against each bill, resolution,
24 or study bill (if known), and on whose behalf the
25 lobbyist is lobbying the bill, resolution, or study
26 bill.
27 Any change in or addition to the foregoing
28 information shall be registered with the person or
29 persons designated by the chief clerk of the house and
30 the secretary of the senate to receive lobbyist

Page 3

1 registration statements within ten days after the
2 change or addition is known to the lobbyist.
3 Registration expires upon the commencement of the
4 next regular session of the general assembly, except
5 that the secretary of the senate may adopt and
6 implement a reasonable pre-registration procedure in
7 advance of each regular session during which persons
8 may register for that session and the following
9 legislative interim.
10 4. CANCELLATION OF REGISTRATION. If a lobbyist's
11 service on behalf of a particular employer, client, or
12 cause is concluded prior to the end of the calendar
13 year, the lobbyist may cancel the registration on
14 appropriate forms supplied by the secretary of the
15 senate. Upon cancellation of registration, a lobbyist
16 is prohibited from engaging in any lobbying activity
17 on behalf of that particular employer, client, or
18 cause until reregistering and complying with these
19 rules. A lobbyist's registration is valid for only
20 one session of a general assembly.
21 5. AMENDMENT OF REGISTRATION. If a registered
22 lobbyist represents more than one employer, client, or
23 cause and the lobbyist's services are concluded on
24 behalf of a particular employer, client, or cause
25 after the lobbyist registers but before the first day
26 of the next legislative session, the lobbyist shall
27 file an amendment to the lobbyist's registration
28 indicating which employer, client, or cause is no
29 longer represented by the lobbyist and the date upon
30 which the representation concluded.

Page 4

1 If a lobbyist is retained by one or more additional
2 employers, clients, or causes after the lobbyist
3 registers but before the first day of the next
4 legislative session, the lobbyist shall file an
5 amendment to the lobbyist's registration indicating
6 the employer, client, or cause to be added and the
7 date upon which the representation begins.
8 Amendments to a lobbyist's registration regarding
9 changes which occur during the time that the general
10 assembly is in session shall be filed within one
11 working day after the date upon which the change in
12 the lobbyist's representation becomes effective.
13 6. PUBLIC ACCESS. All information filed by a
14 lobbyist or a client of a lobbyist under chapter 68B
15 of the Code is a public record and open to public
16 inspection at any reasonable time.
17 7. LOBBYIST AND CLIENT REPORTING. Each lobbyist
18 registered with the senate and each lobbyist's client
19 shall file the reports required under sections 68B.37
20 and 68B.38 with the secretary of the senate.
21 For purposes of this rule, and the reports required
22 under sections 68B.37 and 68B.38, "services enumerated
23 under section 68B.2, subsection 13, paragraph "a"" and
24 "lobbying purposes" include, but are not limited to,
25 the following:
26 a. Time spent by the lobbyist at the state capitol
27 building commencing with the first day of a
28 legislative session and ending with the day of final
29 adjournment of each legislative session as indicated
30 by the journals of the house and senate.

Page 5

1 b. Time spent by the lobbyist attending meetings
2 or hearings which results in the lobbyist
3 communicating with members of the general assembly or
4 legislative employees about current or proposed
5 legislation.
6 c. Time spent by the lobbyist researching and
7 drafting proposed legislation with the intent to
8 submit the legislation to a member of the general
9 assembly or a legislative employee.
10 d. Time spent by the lobbyist actually
11 communicating with members of the general assembly and
12 legislative employees about current or proposed
13 legislation.
14 8. GOVERNMENT OFFICIALS. All federal, state, and
15 local officials or employees representing their
16 departments, commissions, boards, or agencies shall
17 present to the secretary of the senate a letter of

18 authorization from their department or agency heads
19 prior to the commencement of their lobbying. The
20 lobbyist registration statement of these officials and
21 employees shall not be deemed complete until the
22 letter of authorization is attached. Federal, state,
23 and local officials who wish to lobby in opposition to
24 their departments, commissions, boards, or agencies
25 must indicate such on their lobbyist registration
26 statements.
27 9. CHARGE ACCOUNTS AND LOANS. Lobbyists and the
28 organizations they represent shall not allow any
29 senators to charge any amounts or items to any charge
30 account to be paid for by those lobbyists or by the

Page 6

1 organizations they represent. A lobbyist shall not
2 make a loan to a senator unless the loan is made in
3 the ordinary course of business, the lobbyist is in
4 the business of making loans, and the terms and
5 conditions of the loan are the same or substantially
6 similar to the finance charges and loan terms that are
7 available to members of the general public.
8 10. OFFERS OF ECONOMIC OPPORTUNITY. A lobbyist,
9 an employer of a lobbyist, or a political action
10 committee shall not offer economic or investment
11 opportunity or promise of employment to any senator
12 with intent to influence the senator's conduct in the
13 performance of official duties.
14 A lobbyist shall not take action intended to
15 negatively affect the economic interests of a senator.
16 For purposes of this rule, supporting or opposing a
17 candidate for office or supporting or opposing a bill,
18 amendment, or resolution shall not be considered to be
19 action intended to negatively affect the economic
20 interests of a senator.
21 11. MEMBERSHIP CONTRIBUTIONS. A lobbyist, or
22 employer of a lobbyist, shall not pay for membership
23 in or contributions to clubs or organizations on
24 behalf of a senator.
25 12. ACCESS TO SENATE FLOOR. Lobbyists shall not
26 be permitted on the floor of the senate while the
27 senate is in session. Elected state officials, except
28 the governor, lieutenant governor, and the members of
29 the house of representatives, shall not be permitted
30 on the floor of the senate while the senate is in

Page 7

1 session to encourage the passage, defeat, or
2 modification of legislation.
3 13. EFFECTIVE PERIOD. These rules governing

lobbyists shall be in effect throughout the calendar year, whether or not the general assembly is in session.

14. GIFTS. A lobbyist or the client of a lobbyist shall not, directly or indirectly, offer or make a gift or a series of gifts to a senator, except as otherwise provided in section 68B.22.

15. HONORARIA. A lobbyist or client of a lobbyist shall not give an honorarium to a member or employee of the senate, except as otherwise provided in section 68B.23.

16. COMPLAINTS. Rules 15 through 23 of the senate code of ethics apply to complaints and procedures regarding violations of these rules.

SENATE RESOLUTION 6: filed January 26, 2005; adopted by the Senate on January 27, 2005.

SENATE RESOLUTION 6

By: Committee on Ethics

(SUCCESSOR TO SSB 1022)

A resolution relating to the Senate Code of Ethics governing the conduct of members of the Senate in relation to their senatorial duties during the Eighty-first General Assembly.

BE IT RESOLVED BY THE SENATE, That the Senate Code of Ethics for the ~~Eightieth~~ Eighty-first General Assembly shall be amended to read as follows:

SENATE CODE OF ETHICS

PREAMBLE. Every legislator owes a duty to uphold the integrity and honor of the general assembly, to encourage respect for the law and for the general assembly and the members thereof, and to observe the legislative code of ethics.

In doing so, members of the senate have a duty to conduct themselves so as to reflect credit on the general assembly, and to inspire the confidence, respect, and trust of the public, and to strive to avoid both unethical and illegal conduct and the appearance of unethical and illegal conduct.

Recognizing that service in the Iowa general assembly is a part-time endeavor and that members of the general assembly are honorable individuals who are active in the affairs of their localities and elsewhere and that it is necessary that they maintain a livelihood and source of income apart from their legislative compensation, the following rules are adopted pursuant to section 68B.31, to assist the

Page 2

1 members in the conduct of their legislative affairs.
2 1. ECONOMIC INTEREST OF SENATOR. Taking into
3 account that legislative service is part-time, a
4 senator shall not accept economic or investment
5 opportunity, under circumstances where the senator
6 knows, or should know, that there is a reasonable
7 possibility that the opportunity is being afforded the
8 senator with intent to influence the senator's conduct
9 in the performance of official duties.
10 2. DIVESTITURE. Where a senator learns that an
11 economic or investment opportunity previously accepted
12 was offered with the intent of influencing the
13 senator's conduct in the performance of official
14 duties, the senator shall take steps to divest that
15 senator of that investment or economic opportunity,
16 and shall report the facts of the situation to the
17 senate ethics committee.
18 3. CHARGES FOR SERVICES. A senator shall not
19 charge to or accept from a person, corporation,
20 partnership, or association known to have a
21 legislative interest a price, fee, compensation, or
22 other consideration for the sale or lease of any
23 property or the furnishing of services which is in
24 excess of that which the senator would charge another.
25 4. USE OF CONFIDENTIAL INFORMATION. A senator in
26 order to further the senator's own economic or other
27 interests, or those of any other person, shall not
28 disclose or use confidential information acquired in
29 the course of official duties.
30 5. HONORARIA. A senator shall not accept an

Page 3

1 honorarium from a restricted donor for a speech,
2 writing for publication, or other similar activity,
3 except as otherwise provided in section 68B.23.
4 6. EMPLOYMENT. A senator shall not accept
5 employment, either directly or indirectly, from a
6 political action committee. A senator may accept
7 employment from a political party, but shall disclose
8 the employment relationship in writing to the
9 secretary of the senate within ten days after the
10 beginning of each legislative session. If a senator
11 accepts employment from a political party during a
12 legislative session, the senator shall disclose the
13 employment relationship within ten days after
14 acceptance of the employment.
15 For the purpose of this rule, a political action
16 committee means a committee, but not a candidate's
17 committee, which accepts contributions, makes

18 expenditures, or incurs indebtedness in the aggregate
19 of more than seven hundred fifty dollars in any one
20 calendar year to expressly advocate the nomination,
21 election, or defeat of a candidate for public office
22 or to expressly advocate the passage or defeat of a
23 ballot issue or influencing legislative action, or an
24 association, lodge, society, cooperative, union,
25 fraternity, sorority, educational institution, civic
26 organization, labor organization, religious
27 organization, or professional organization which makes
28 contributions in the aggregate of more than seven
29 hundred fifty dollars in any one calendar year to
30 expressly advocate the nomination, election, or defeat

Page 4

1 of a candidate for public office or ballot issue or
2 influencing legislative action.
3 7. ECONOMIC INTERESTS OF LOBBYIST. With the
4 exception of exercising unfettered discretion in
5 supporting or refusing to support proposed
6 legislation, a senator shall not take action intended
7 to affect the economic interests of a lobbyist or
8 citizen supporting or opposing proposed legislation.
9 8. APPEARANCE BEFORE GOVERNMENTAL AGENCY. A
10 senator may appear before a governmental agency or
11 board in any representation case, except that the
12 senator shall not act as a lobbyist. Whenever a
13 senator appears before a governmental agency or board,
14 the senator shall carefully avoid all conduct which
15 might in any way lead members of the general public to
16 conclude that the senator is using the senator's
17 official position to further the senator's
18 professional success or personal financial interest.
19 9. CONFLICTS OF INTERESTS. In order to permit the
20 general assembly to function effectively, a senator
21 will sometimes be required to vote on bills and
22 participate in committee work which will affect the
23 senator's employment and other monetary interests. In
24 making a decision relative to the senator's activity
25 on given bills or committee work which are subject to
26 the code, the following factors shall be considered:
27 a. Whether a substantial threat to the senator's
28 independence of judgment has been created by the
29 conflict situation.
30 b. The effect of the senator's participation on

Page 5

1 public confidence in the integrity of the legislature.
2 c. The need for the senator's particular
3 contribution, such as special knowledge of the subject

4 matter, to the effective functioning of the
5 legislature.
6 A senator with a conflict of interest may
7 participate in floor debate if prior to debate the
8 senator indicates the conflict of interest.
9 10. GIFTS. Except as otherwise provided in
10 section 68B.22, a senator, or that person's immediate
11 family member, shall not, directly or indirectly,
12 accept or receive any gift or series of gifts from a
13 restricted donor.
14 11. DISCLOSURE REQUIRED. Each senator shall file
15 with the secretary of the senate within ten days after
16 the adoption of the code of ethics by the senate, and
17 within ten days after the convening of the second
18 session of the general assembly, a statement under
19 section 68B.35 on forms provided by the secretary of
20 the senate setting forth the following information:
21 The nature of each business in which the senator is
22 engaged and the nature of the business of each company
23 in which the senator has a financial interest. A
24 senator shall not be required to file a report or be
25 assumed to have a financial interest if the annual
26 income derived from the investment in stocks, bonds,
27 bills, notes, mortgages, or other securities offered
28 for sale through recognized financial brokers is less
29 than one thousand dollars.
30 Disclosures required under this rule shall be as of

Page 6

1 the date filed unless provided to the contrary, and
2 shall be amended to include interests and changes
3 encompassed by this rule that occur while the general
4 assembly is in session. All filings under this rule
5 shall be open to public inspection in the office of
6 the secretary of the senate at all reasonable times.
7 The secretary of the senate shall inform the ethics
8 committee of the statements which are filed and shall
9 report to the ethics committee the names of any
10 senators who appear not to have filed complete
11 statements. The chairperson of the ethics committee
12 shall request in writing that a senator who has failed
13 to complete the report or appears to have filed an
14 incomplete report do so within five days, and, upon
15 the failure of the senator to comply, the ethics
16 committee shall require the senator to appear before
17 the committee.
18 12. STATUTORY VIOLATIONS. Members of the general
19 assembly are urged to familiarize themselves with
20 chapters 68B, 721, and 722.
21 13. CHARGE ACCOUNTS. Senators shall not charge
22 any amount or item to any charge account to be paid

23 for by any lobbyist or any client the lobbyist
24 represents.
25 14. TRAVEL EXPENSES. A senator shall not charge
26 to the state of Iowa amounts for travel and expenses
27 unless the senator actually has incurred those mileage
28 and expense costs. Senators shall not file the
29 vouchers for weekly mileage reimbursement required by
30 section 2.10, subsection 1, unless the travel was

Page 7

1 actually incurred at commensurate expense to the
2 senator.
3 15. COMPLAINTS. Complaints or charges against any
4 senator or any lobbyist shall be in writing, made
5 under oath, and filed with the secretary of the senate
6 or the chairperson of the ethics committee. If filed
7 with the secretary of the senate, the secretary shall
8 immediately advise the chairperson of the ethics
9 committee of the receipt of the complaint.
10 Complaint forms shall be available from the
11 secretary of the senate, or the chairperson of the
12 ethics committee, but a complaint shall not be
13 rejected for failure to use an approved form if the
14 complaint substantially complies with senate
15 requirements.
16 A complainant may submit exhibits and affidavits
17 attached to the complaint.
18 16. FILING OF COMPLAINTS.
19 a. Persons entitled. Complaints may be filed by
20 any person believing that a senator or lobbyist has
21 violated the senate ethics code, the senate rules
22 governing lobbyists, or chapter 68B of the Iowa Code.
23 A violation of the criminal law may be considered to
24 be a violation of this code of ethics if the violation
25 constitutes a serious misdemeanor or greater, or a
26 repetitive and flagrant violation of the law.
27 b. Committee complaint. The ethics committee may,
28 upon its own motion, initiate a complaint,
29 investigation, or disciplinary action.
30 c. Timeliness of filing. A complaint will be

Page 8

1 considered to be timely filed if it is filed within
2 three years of the occurrence of the alleged violation
3 of the ethics code.
4 17. PERMANENT RECORD. The secretary of the senate
5 shall maintain a permanent record of all complaints
6 filed, evidence received by the committee, and any
7 transcripts or other recordings made of committee
8 proceedings, including a separate card file containing

9 the date filed, name and address of the complainant,
10 name and address of the respondent, a brief statement
11 of the charges made, and ultimate disposition of the
12 complaint. The secretary shall keep each such
13 complaint confidential until public disclosure is made
14 by the ethics committee.
15 18. PREHEARING PROCEDURE.
16 a. Defective complaint. Upon receipt of a
17 complaint, the chairperson and ranking member of the
18 ethics committee shall determine whether the complaint
19 substantially complies with the requirements of this
20 code of ethics and section 68B.31, subsection 6. If
21 the complaint does not substantially comply with the
22 requirements for formal sufficiency under the code of
23 ethics, the complaint may be returned to the
24 complainant with a statement that the complaint is not
25 in compliance with the code and a copy of the code.
26 If the complainant fails to amend the complaint to
27 comply with the code within a reasonable time, the
28 chair and ranking member may dismiss the complaint
29 with prejudice for failure to prosecute.
30 b. Service of complaint on respondent. Upon

Page 9

1 receipt of any complaint substantially complying with
2 the requirements of this code of ethics, the
3 chairperson of the ethics committee shall cause a copy
4 of the complaint and any supporting information to be
5 delivered promptly to the respondent, requesting a
6 written response to be filed within ten days. The
7 response may do any of the following:
8 (1) Admit or deny the allegation or allegations.
9 (2) Object that the allegation fails to allege a
10 violation of chapter 68B or the code of ethics.
11 (3) Object to the jurisdiction of the committee.
12 (4) Request a more specific statement of the
13 allegation or allegations.
14 c. Objection to member. In addition to the items
15 which may be included in a response pursuant to
16 paragraph "b", the response may also include an
17 objection to the participation of any member of the
18 committee in the consideration of the allegation or
19 allegations on the grounds that the member cannot
20 render an impartial and unbiased decision.
21 d. Extension of time. At the request of the
22 respondent and upon a showing of good cause, the
23 committee, or the chairperson and ranking member, may
24 extend the time for response, not to exceed ten
25 additional days.
26 e. Confidentiality. If a complaint is not
27 otherwise made public, the members of the committee

28 shall treat the complaint and all supporting
29 information as confidential until the written response
30 is received from the respondent.

Page 10

1 f. Communications with ethics committee. After a
2 complaint has been filed or an investigation has been
3 initiated, a party to the complaint or investigation
4 shall not communicate, or cause another to
5 communicate, as to the merits of the complaint or
6 investigation with a member of the committee, except
7 under the following circumstances:
8 (1) During the course of any meetings or other
9 official proceedings of the committee regarding the
10 complaint or investigation.
11 (2) In writing, if a copy of the writing is
12 delivered to the adverse party or the designated
13 representative for the adverse party.
14 (3) Orally, if adequate prior notice of the
15 communication is given to the adverse party or the
16 designated representative for the adverse party.
17 (4) As otherwise authorized by statute, the senate
18 code of ethics, the senate rules governing lobbyists,
19 or vote of the committee.
20 g. Scheduling hearing. Upon receipt of the
21 response, the committee shall schedule a public
22 meeting to review the complaint and available
23 information, and shall:
24 (1) Notify the complainant that no further action
25 will be taken, unless further substantiating
26 information is produced, or
27 (2) Dismiss the complaint for failure to meet the
28 statutory and code of ethics requirements for valid
29 complaints, or
30 (3) Request that the chief justice of the supreme

Page 11

1 court appoint an independent special counsel to
2 conduct an investigation of the complaint and
3 supporting information, to make a determination of
4 probable cause, and to report the findings to the
5 committee, which shall be received within a reasonable
6 time.
7 h. Public hearing. If independent special counsel
8 is appointed, upon receipt of the report of
9 independent special counsel's findings, the committee
10 shall schedule a public meeting to review the report
11 and shall do either of the following:
12 (1) Cause the complaint to be scheduled for a
13 public hearing.

14 (2) Dismiss the complaint based upon a
15 determination by independent special counsel and the
16 committee that insufficient evidence exists to support
17 a finding of probable cause.
18 19. HEARING PROCEDURE.
19 a. Notice of hearing. If the committee causes a
20 complaint to be scheduled for a public hearing, notice
21 of the hearing date and time shall be given to the
22 complainant and respondent in writing, and of the
23 respondent's right to appear in person, be represented
24 by legal counsel, present statements and evidence, and
25 examine and cross-examine witnesses. The committee
26 shall not be bound by formal rules of evidence, but
27 shall receive relevant evidence, subject to
28 limitations on repetitiveness. Any evidence taken
29 shall be under oath.
30 b. Subpoena power. The committee may require, by

Page 12

1 subpoena or otherwise, the attendance and testimony of
2 witnesses and the production of such books, records,
3 correspondence, memoranda, papers, documents, and any
4 other things it deems necessary to the conduct of the
5 inquiry.
6 c. Ex post facto. An investigation shall not be
7 undertaken by the committee of a violation of a law,
8 rule, or standard of conduct that is not in effect at
9 the time of violation.
10 d. Disqualification of member. Members of the
11 committee may disqualify themselves from participating
12 in any investigation of the conduct of another person
13 upon submission of a written statement that the member
14 cannot render an impartial and unbiased decision in a
15 case. A member may also be disqualified by a
16 unanimous vote of the remaining eligible members of
17 the committee.
18 A member of the committee is ineligible to
19 participate in committee meetings, as a member of the
20 committee, in any proceeding relating to the member's
21 own official conduct.
22 If a member of the committee is disqualified or
23 ineligible to act, the majority or minority leader who
24 appointed the member shall appoint a replacement
25 member to serve as a member of the committee during
26 the period of disqualification or ineligibility.
27 e. Hearing. At the hearing, the chairperson shall
28 open the hearing by stating the charges, the purpose
29 of the hearing, and its scope. The burden of proof
30 rests upon the complainant to establish the facts as

Page 13

1 alleged, by clear and convincing evidence. However,
2 questioning of witnesses shall be conducted by the
3 members of the committee, by independent special
4 counsel, or by a senator. The chairperson shall also
5 permit questioning by legal counsel representing the
6 complainant or respondent.
7 The chairperson or other member of the committee
8 presiding at a hearing shall rule upon procedural
9 questions or any question of admissibility of evidence
10 presented to the committee. Rulings may be reversed
11 by a majority vote of the committee members present.
12 The committee may continue the hearing to a future
13 date if necessary for appropriate reasons or purposes.
14 f. Committee action. Upon receipt of all relevant
15 evidence and arguments, the committee shall consider
16 the same and recommend to the senate:
17 (1) That the complaint be dismissed, or
18 (2) That the senator or lobbyist be censured or
19 reprimanded, and recommend the appropriate form of
20 censure or reprimand, or
21 (3) Any other appropriate sanction, including
22 suspension or expulsion from membership in the senate,
23 or suspension of lobbying privileges.
24 g. Disposition resolution. By appropriate
25 resolution, the senate may amend, adopt, or reject the
26 report of the ethics committee, including the
27 committee's recommendations regarding disciplinary
28 action.
29 20. COMMITTEE AUTHORIZED TO MEET. The senate
30 ethics committee is authorized to meet at the

Page 14

1 discretion of the chairperson to conduct hearings and
2 other business that properly may come before it. If
3 the committee submits a report seeking senate action
4 against a senator or lobbyist after the second regular
5 session of a general assembly has adjourned sine die,
6 the report shall be submitted to and considered by the
7 subsequent general assembly. However, the report may
8 be submitted to and considered during any special
9 session which may take place after the second regular
10 session of a general assembly has adjourned sine die,
11 but before the convening of the next general assembly.
12 20A. ADVISORY OPINIONS.
13 a. Requests for formal opinions. A request for a
14 formal advisory opinion may be filed by any person who
15 is subject to the authority of the ethics committee.
16 The ethics committee may also issue a formal advisory
17 opinion on its own motion, without having previously

18 received a formal request for an opinion, on any issue
19 that is within the jurisdiction of the committee.
20 Requests shall be filed with either the secretary of
21 the senate or the chairperson of the ethics committee.
22 b. Form and contents of requests. A request for a
23 formal advisory opinion shall be in writing and may
24 pertain to any subject matter that is related to the
25 application of the senate code of ethics, the senate
26 rules governing lobbyists, or chapter 68B of the Code
27 to any person who is subject to the authority of the
28 ethics committee. Requests shall contain one or more
29 specific questions and shall relate either to future
30 conduct or be stated in the hypothetical. A request

Page 15

1 for an advisory opinion shall not specifically name
2 any individual or contain any other specific
3 identifying information, unless the request relates to
4 the requester's own conduct. However, any request may
5 contain information which identifies the kind of
6 individual who may be affected by the subject matter
7 of the request. Examples of this latter kind of
8 identifying information may include references to
9 conduct of a category of individuals, such as but not
10 limited to conduct of legislators, legislative staff,
11 or lobbyists.
12 c. Confidentiality of formal requests and
13 opinions. Requests for formal opinions are not
14 confidential and any deliberations of the committee
15 regarding a request for a formal opinion shall be
16 public. Opinions issued in response to requests for
17 formal opinions are not confidential, shall be in
18 writing, and shall be placed on file in the office of
19 the secretary of the senate. Persons requesting
20 formal opinions shall personally receive a copy of the
21 written formal opinion that is issued in response to
22 the request.
23 20B. CALCULATION OF TIME—DAYS. For purposes of
24 these rules, unless the context otherwise requires,
25 the word "day" or "days" shall mean a calendar day
26 except that if the day is the last day of a specific
27 time period and falls upon a Saturday, Sunday, or
28 legal holiday, the time prescribed shall be extended
29 so as to include the whole of the next day in which
30 the offices of the senate and the general assembly are

Page 16

1 open for official business.
2 21. COMPLAINT FILING FORM. The following form
3 shall be used to file a complaint under these rules:

4 THE SENATE
5 Ethics Complaint Form
6 Re: _____ (Senator/Lobbyist),
7 of _____, Iowa.
8 I, _____ (Complainant), residing
9 at _____, in the City of _____,
10 State of _____, hereby complain that
11 _____ (Senator/Lobbyist), whose
12 address is _____,
13 has violated the Senate Code of Ethics or Senate
14 Rules Governing Lobbyists in that:
15 (Explain the basis for the complaint here. Use addi-
16 tional pages, if necessary.)
17 Under penalty of perjury, I certify that the above
18 complaint is true and correct as I verily believe.
19 _____
20 Signature of Complainant
21 SUBSCRIBED AND AFFIRMED to before me this _____
22 day of _____, _____.
23 _____
24 Notary Public in and for the
25 State of _____
26 22. COMPLAINT NOTICE FORM. The following form
27 shall be used for notice of a complaint under these
28 rules:
29 STATE OF IOWA
30 THE SENATE

Page 17

1 COMMITTEE ON ETHICS.....)
2 IOWA STATE SENATE .....)
3 .....)
4 On The Complaint Of .....) NOTICE OF COMPLAINT
5 .....)
6 _____)
7 .....)
8 And Involving.....)
9 .....)
10 _____)
11 .....)
12 TO _____,
13 Senator or Lobbyist named above:
14 You are hereby notified that there is now on file
15 with the Secretary of the Senate, State Capitol, Des
16 Moines, Iowa, a complaint which alleges that you have
17 committed a violation of the Senate's Code of Ethics
18 or Senate Rules Governing Lobbyists.
19 A copy of the complaint and the Senate rules for
20 processing the same are attached hereto and made a
21 part of this notice.
22 You are further notified and requested to file your

23 written answer to the complaint within ten days of the
24 date upon which the notice was caused to be delivered
25 to you, (date) _____, _____. Your
26 answer is to be filed with the Secretary of the Senate,
27 State Capitol, Des Moines, Iowa.
28 Dated this _____ day of _____, _____.
29 _____
30 Chair, Senate Ethics Committee,

Page 18

1 or Secretary of the Senate
2 23. HEARING NOTICE FORM. The following form shall
3 be used for notice of a hearing under these rules:
4 STATE OF IOWA
5 THE SENATE
6 COMMITTEE ON ETHICS.....)
7 IOWA STATE SENATE .....)
8 .....)
9 On The Complaint Of .....) NOTICE OF HEARING
10 .....)
11 _____)
12 .....)
13 And Involving.....)
14 .....)
15 _____)
16 .....)
17 TO _____,
18 Senator or Lobbyist named above:
19 You are hereby notified that there is now on file
20 with the Secretary of the Senate, State Capitol, Des
21 Moines, Iowa, a complaint which alleges that you have
22 committed a violation of the Senate's Code of Ethics
23 or Senate Rules Governing Lobbyists.
24 A copy of the complaint and the Senate rules for
25 processing the same are attached hereto and made a
26 part of this notice.
27 You are further notified that, after preliminary
28 review, the committee has caused a public hearing to
29 be scheduled on (date)_____,
30 _____, at (hour) _____ (a.m.) (p.m.),

Page 19

1 in Room ____, State Capitol, Des Moines, Iowa.
2 At the hearing, you will have the right to appear
3 in person, be represented by legal counsel at your own
4 expense, present statements and evidence, and examine
5 and cross-examine witnesses. The committee shall not
6 be bound by formal rules of evidence, but shall
7 receive relevant evidence, subject to limitations on
8 repetitiveness. Any evidence taken shall be under

9 oath.
10 The committee may continue the hearing to a future
11 date if necessary for appropriate reasons or purposes.
12 You are further notified that the committee will
13 receive such evidence and take such action as
14 warranted by the evidence.
15 Dated this _____ day of _____, _____.
16 _____
17 Chair, Senate Ethics Committee,
18 or Secretary of the Senate
19 24. PERSONAL FINANCIAL DISCLOSURE FORM. The
20 following form shall be used for disclosure of
21 economic interests under these rules and section
22 68B.35:
23 STATEMENT OF ECONOMIC INTERESTS
24 Name: _____
25 (Last) (First) (Middle Initial)
26 Address: _____
27 (Street Address, Apt.# - P.O. Box)
28 _____
29 (City) (State) (Zip)
30 Phone:(Home) ___-___-_____ (Business) ___-___-_____

Page 20

1 **********
2 a. Please list each business, occupation, or
3 profession in which you are engaged. In listing the
4 business, occupation, or profession, it is not
5 necessary that your employer or the name of the
6 business be listed, although all businesses,
7 occupations, or professions must be listed, regardless
8 of the amount of income derived or time spent
9 participating in the activity. (Examples of types of
10 businesses, occupations, or professions that may be
11 listed: teacher, lawyer, legislator, real estate
12 agent, insurance adjuster, salesperson....)
13 (1) _____
14 (2) _____
15 (3) _____
16 (4) _____
17 (5) _____
18 b. Please list the nature of each of the
19 businesses, occupations, or professions which you
20 listed in paragraph “a”, above, unless the nature of
21 the business, occupation, or profession is already
22 apparent from the information indicated above. The
23 descriptions in this paragraph should correspond by
24 number to the numbers for each of the businesses,
25 occupations, or professions listed in paragraph “a”.
26 (Examples: If you indicated, for example, that you
27 were a salesperson in subparagraph (1) of paragraph

28 "a", you should list in subparagraph (1) of this
29 paragraph the types of goods or services sold in this
30 item. If you indicated that you were a teacher in

Page 21

1 subparagraph (2) of paragraph "a", you should indicate
2 in subparagraph (2) of this paragraph the type of
3 school or institution in which you provide instruction
4 or whether the instruction is provided on a private
5 basis. If you indicated that you were a lawyer in
6 subparagraph (3) of paragraph "a", you should indicate
7 your areas of practice and whether you are in private,
8 corporate, or government practice in subparagraph (3)
9 of this paragraph. If you indicated in subparagraph
10 (4) of paragraph "a" that you were a consultant, in
11 subparagraph (4) of this paragraph you should indicate
12 the kind of services provided and types of clients
13 served.)
14 (1) _____
15 (2) _____
16 (3) _____
17 (4) _____
18 (5) _____
19 c. Please list each source, by general
20 description, from which you receive, or which
21 generates, more than one thousand dollars in gross
22 annual income in the categories listed below. For
23 purposes of this item, a source produces gross annual
24 income if the revenue produced by the source is
25 subject to federal or state income taxes. In
26 completing this item, it is not necessary to list the
27 name of the company, business, financial institution,
28 corporation, partnership, or other entity which
29 constitutes the source of the income and the amount or
30 value of the holding should not be listed.

Page 22

1 (1) Securities (Here for example, you need not
2 state that you own X number of shares of any specific
3 company by brand or corporate name, or that the stock
4 is of a certain value, but may instead state that you
5 possess stock in a company and indicate the nature of
6 the company's business.):
7 _____
8 _____
9 _____
10 _____
11 _____
12 (2) Instruments of Financial Institutions (You
13 need not indicate, for example, in which institutions

you hold certificates of deposit that produce annual income over the one thousand dollar threshold, but simply listing the nature of the institution will suffice, e.g., bank, credit union, or savings and loan association.):

_____
_____
_____
_____
_____

(3) Trusts (The name of the particular trust need not be listed. However, if the income is received from a charitable trust/foundation, such as the Pugh Charitable Trust, in the form of a grant, the fact that the trust is a charitable trust should be noted here.):

_____

Page 23

_____
_____
_____
_____

(4) Real Estate (When listing real estate, it is not necessary to list the location of the property, but the general nature of the real estate interest should be indicated, e.g. residential leasehold interest or farm leasehold interest.):

_____
_____
_____
_____
_____

(5) Retirement Systems (When listing retirement benefits, it is not necessary to list the name of the particular pension system or company, but rather the type of benefit should be listed, e.g., health benefits, life insurance benefits, private pension, or government pension.):

_____
_____
_____
_____
_____

(6) Other Income Categories Specified in State or Federal Income Tax Regulations (List description of other sources of income producing over one thousand dollars in annual income not previously reported above, but which must be reported for income tax

Page 24

1 purposes.):
2 _____
3 _____
4 _____
5 _____
6 _____
7 _____
8 _____ _____
9 (Signature of filer) (Date)
10 25. CO-CHAIRPERSONS—DUTIES. For purposes of
11 the Eighty-first General Assembly, all of the
12 following shall apply:
13 a. A reference in these rules to the chairperson
14 of the ethics committee shall be considered to be a
15 reference to the co-chairpersons of the ethics
16 committee and a reference in these rules to the
17 chairperson and ranking member of the ethics committee
18 shall be considered to be a reference to the co-
19 chairpersons of the ethics committee.
20 b. The co-chairpersons shall jointly perform the
21 duties and responsibilities of the committee
22 chairperson, including committee administration, staff
23 assignments, and scheduling. The co-chairpersons
24 shall agree upon a procedure for dividing the duties
25 of presiding at committee meetings. The powers of the
26 committee chairperson shall not be exercised
27 individually by a co-chairperson without the prior
28 agreement of both co-chairpersons, except that any co-
29 chairperson may individually request a study bill on
30 behalf of the committee.

SENATE RESOLUTION 7: filed January 26, 2005; adopted by the Senate on January 27, 2005.

1 SENATE RESOLUTION 7
2 By: Miller and Warnstadt
3 A resolution commending Iowans for their military
4 service in Iraq and supporting their quick return
5 home.
6 WHEREAS, the Iowa Senate supports the right of the
7 Iraqi people to determine their own destiny; and
8 WHEREAS, an election is scheduled for January 30,
9 2005, at which the Iraqi people will vote and elect
10 their leaders; and
11 WHEREAS, this is an important first step in
12 creating a democracy in Iraq; and
13 WHEREAS, United States servicemen and servicewomen
14 are serving their country in Iraq in order to help
15 ensure a free and democratic election; and

WHEREAS, the State of Iowa has many of its citizens serving in Iraq and the Iowa Senate has one of its own members, Senator Chuck Larson, serving in Iraq; NOW THEREFORE,

BE IT RESOLVED BY THE SENATE, That the members of the Iowa Senate support the quick return home of the servicemen and servicewomen who are now serving their country in Iraq; and

BE IT FURTHER RESOLVED, That the members of the Iowa Senate commend the servicemen and servicewomen now in Iraq for the job they are doing in the service of democracy and extend the support of the Senate for a successful election and for the safe return of our servicemen and servicewomen.

SENATE RESOLUTION 8: filed February 10, 2005; adopted by the Senate on February 14, 2005.

SENATE RESOLUTION 8

By: Iverson, Lamberti, Behn, Gaskill, Kettering, Seymour, Ward, Brunkhorst, Tinsman, Johnson, Mulder, Putney, Miller, Angelo, Zieman, Hahn, Wieck, Shull, Gronstal, Zaun, McKinley, Houser, Boettger, Stewart, Courtney, Danielson, Rielly, Bolkcom, Ragan, Kreiman, Warnstadt, Connolly, Horn, Wood, Hatch, Dotzler, Seng, Fraise, Black, Lundby, McKibben, Dearden, Hancock, Kibbie, Dvorsky, Quirmbach, Schoenjahn, McCoy, and Beall

A resolution honoring Senator Charles Larson and the members of the 372nd Engineer Group for their tour of duty in Iraq.

WHEREAS, Iowa State Senator Charles Larson has recently concluded his service in Iraq as Major Charles Larson, Command Judge Advocate of the 372nd Engineer Group, a unit of the United States Army Reserve; and

WHEREAS, Major Larson, along with members of the 372nd Engineer Group, was mobilized for duty in December 2003; and

WHEREAS, while in Iraq Major Larson and the members of the 372nd Engineer Group led an effort to help school children and assist medical clinics in Iraq as part of Operation Iraqi Hope; and

WHEREAS, in addition to his legal duties, Major Larson spearheaded his group's humanitarian mission and supervised the construction of 12 new schools, three city halls, two water treatment facilities, a veterinarian clinic, and the renovation of a rural

Page 2

1 community's electrical infrastructure; NOW THEREFORE,
2 BE IT RESOLVED BY THE SENATE, That the Senate, on
3 behalf of all Iowans, thanks Senator and Major Charles
4 Larson, his fellow members in the 372nd Engineering
5 Group, and indeed the members of all Iowa military
6 units in Iraq and around the world for their service
7 to their country, to the people of Iraq, and to the
8 cause of freedom.
9 BE IT FURTHER RESOLVED BY THE SENATE, That the
10 Senate welcomes Senator and Major Larson back to his
11 home and to the Senate, welcomes the members of the
12 372nd Engineer Group back to Iowa, and wishes all Iowa
13 soldiers a good tour of duty and a safe return home.

SENATE RESOLUTION 9: filed February 10, 2005; adopted by the Senate on February 14, 2005.

1 SENATE RESOLUTION 9
2 By: Iverson
3 (COMPANION TO HR 5 BY ALONS)
4 A resolution to honor the service of the 132nd Fighter
5 Wing of the Iowa Air National Guard.
6 WHEREAS, the motto of the 132nd Fighter Wing of the
7 Iowa Air National Guard is "Excellence in All We Do";
8 and
9 WHEREAS, dedication to that motto has motivated the
10 members of the 132nd Fighter Wing to devote themselves
11 to achieving an excellent rating in their Air Combat
12 Command Operational Readiness Inspection; and
13 WHEREAS, that dedication has now resulted in an
14 excellent rating in the four major areas of the
15 Operational Readiness Inspection: initial response,
16 employment, support, and ability to survive and
17 operate; and
18 WHEREAS, in 73 percent of the 154 areas the 132nd
19 Fighter Wing was rated either excellent or
20 outstanding; and
21 WHEREAS, Major General G. Ron Dardis, Adjutant
22 General for the Iowa National Guard, stated this was
23 the best Operational Readiness Inspection he had ever
24 seen at Volk Field; and
25 WHEREAS, Lieutenant General Daniel James, III,
26 Director of the Iowa Air National Guard, stated that
27 the 132nd Fighter Wing has "set the standard" for the
28 Operational Readiness Inspection; and
29 WHEREAS, that rating demonstrates that the 132nd
30 Fighter Wing stands ready to deploy and ready to

Page 2

1 fight, as they previously demonstrated during
2 operational deployments between 1996 and 2002
3 supporting Operation Provide Comfort and Operations
4 Northern/Southern Watch over Iraq; NOW THEREFORE,
5 BE IT RESOLVED BY THE SENATE, That the Senate, on
6 behalf of all Iowans, congratulates and thanks the men
7 and women of the 132nd Fighter Wing who stand ready to
8 place themselves in harm's way to protect the United
9 States of America.

SENATE RESOLUTION 10: filed February 24, 2005; adopted by the Senate on March 22, 2005.

1 SENATE RESOLUTION 10
2 By: Beall, Boettger, Black, Fraise, Johnson, and
3 Tinsman
4 A resolution recognizing the importance of citizen
5 diplomacy.
6 WHEREAS, citizen diplomacy is exemplified by the
7 participation of unofficial ambassadors in a range of
8 activities, such as youth, educational, cultural,
9 professional, and institutional exchanges, that bring
10 people together across national boundaries to
11 cultivate ideas that promote living in harmony with
12 one another; and
13 WHEREAS, Americans involved in citizen diplomacy
14 supplement diplomacy by public officials in a critical
15 way by providing an effective opportunity for outreach
16 to and interaction with the world that enables
17 Americans to understand the rest of the world and the
18 rest of the world to understand America; and
19 WHEREAS, the international social, economic, and
20 political circumstances of the 21st century, including
21 national and global security, demand citizen diplomacy
22 to a far greater extent than currently exists to
23 replace misunderstanding and misperception with mutual
24 understanding and respect; and
25 WHEREAS, the Coalition for Citizen Diplomacy
26 emerged from the work of the leaders of national
27 organizations involved in international exchange,
28 training, and education to amplify the collective
29 voice of citizen diplomats and to increase the
30 visibility and effectiveness of citizen diplomacy; and

Page 2

1 WHEREAS, the Coalition for Citizen Diplomacy is
2 engaged in a nationwide campaign that will culminate
3 in a White House Summit on Citizen Diplomacy in July

2006, following 50 local and statewide conferences on citizen diplomacy throughout the United States; and

WHEREAS, Iowa will be involved in one of these conferences in April 2005 to bring together community leaders who are committed to citizen diplomacy to develop a set of proposed actions to submit in a report for the White House Summit; and

WHEREAS, an initial proposed action involves the establishment of a United States International Center for Citizen Diplomacy in Iowa; NOW THEREFORE,

BE IT RESOLVED BY THE SENATE, That the Senate supports the work of the Coalition for Citizen Diplomacy, the upcoming statewide conference on citizen diplomacy, and the White House Summit; and

BE IT FURTHER RESOLVED, That the Senate supports the involvement of the International Relations Committee of the Legislative Council in these efforts; and

BE IT FURTHER RESOLVED, That the Senate supports inclusion in the state's action plan to be submitted for the White House Summit, the idea of establishing a United States International Center for Citizen Diplomacy in the state of Iowa to provide a nationally centralized base for the active engagement of individuals in citizen diplomacy.

SENATE RESOLUTION 11: filed March 3, 2005; adopted by the Senate on April 4, 2005.

SENATE RESOLUTION 11

By: Angelo

A resolution honoring and celebrating the life of Iowa's own Johnny Carson.

WHEREAS, with the passing of Johnny (John William) Carson on January 23, 2005, Iowa has lost one of its favorite and most accomplished sons; and

WHEREAS, Johnny Carson was born in Corning, Iowa, on October 23, 1925; and

WHEREAS, he also lived in Clarinda, Red Oak, and Avoca, before leaving the state at the age of eight and growing up in Norfolk, Nebraska; and

WHEREAS, Johnny Carson was the undisputed king of late-night television, hosting The Tonight Show from 1962 to 1992 and winning several Emmy Awards in the process; and

WHEREAS, Johnny Carson never forgot his Iowa roots, as he demonstrated by featuring a "Corning Night" on The Tonight Show, donating funds for an art center in Red Oak, Iowa, providing some $75,000 for a skate park in Corning, Iowa, happily inviting Iowans to become guests on his show, and winning the coveted title,

23 "Cooper, Iowa's 51st Citizen", in competition with
24 game-show host Bob Barker, Henry "Fonzie" Winkler, and
25 Princess Grace of Monaco; NOW THEREFORE,
26 BE IT RESOLVED BY THE SENATE, That the Senate
27 celebrates the life and accomplishments of Johnny
28 Carson, a man of wealth and fame who recognized the
29 value of making people laugh and who never forgot his
30 Iowa roots, characteristics which made him

Page 2

1 unforgettable to citizens throughout the state.

SENATE RESOLUTION 12: filed March 7, 2005; adopted by the Senate on April 4, 2005.

1 SENATE RESOLUTION 12
2 By: Zieman
3 A resolution to recognize the sesquicentennial of the
4 town of New Hampton, Iowa.
5 WHEREAS, the town of New Hampton, now the county
6 seat of Chickasaw County, was founded 150 years ago in
7 the northeast corner of Iowa, and now sits at the
8 junction of United States Highways 18 and 63, with a
9 population of approximately 3,692; and
10 WHEREAS, the name of New Hampton was chosen by its
11 earliest postmaster, who named the town after his own
12 hometown; and
13 WHEREAS, New Hampton serves as the commercial hub
14 of Chickasaw County, with a pro-business attitude that
15 encourages the growth and development of retail,
16 industrial, and service-oriented enterprises; and
17 WHEREAS, the government of New Hampton is served by
18 dedicated and exceptional civic leaders who have been
19 instrumental in maintaining the community as a vibrant
20 part of rural Iowa; and
21 WHEREAS, the public and parochial schools and the
22 community college located in New Hampton have always
23 been a source of pride to the community, each having a
24 faculty and student body dedicated to the pursuit of
25 academic and athletic excellence; and
26 WHEREAS, New Hampton serves the medical needs of
27 the entire county with a large medical clinic, several
28 dental clinics, and an up-to-date hospital providing
29 the best in emergency room services, inpatient and
30 outpatient care, and a variety of specialty clinics;

Page 2

1 and
2 WHEREAS, the surrounding farms and rural businesses

provide a major impetus to the growth and development of the entire area, with a "can-do" spirit and a dedication to cooperation that yields prosperity for the whole community, both town and country; and

WHEREAS, the ideal of civic responsibility remains strong in New Hampton, with community-minded service organizations, civic organizations, and individuals working constantly to maintain and improve the quality of life and ensure a bright future for the entire community; NOW THEREFORE,

BE IT RESOLVED BY THE SENATE, That the Senate salutes the town of New Hampton on its sesquicentennial and thanks the entire community for the role it has played in making Iowa a good place to live, work, and raise a family.

SENATE RESOLUTION 13: filed March 9, 2005; adopted by the Senate on April 4, 2005.

SENATE RESOLUTION 13

By: Iverson

A resolution honoring Rotary International on the occasion of its 100th anniversary and recognizing February 23, 2005, as Rotary International Day.

WHEREAS, Rotary International is a worldwide organization of business and professional leaders that provides humanitarian service, encourages high ethical standards in all vocations, and helps build goodwill and peace in the world; and

WHEREAS, today approximately 1.2 million Rotarians belong to more than 31,000 Rotary clubs located in 166 countries; and

WHEREAS, Rotary is the world's first service club, formed on February 23, 1905, in Chicago, Illinois, and named for the early practice of rotating meetings among members' offices; and

WHEREAS, Rotarians first set up an endowment fund in 1917 for doing good in the world, later designated as the Rotary Foundation in 1928; and

WHEREAS, contributions to the Rotary Foundation today total more than $80 million annually and support a wide range of humanitarian grants and educational programs that bring hope and promote international understanding throughout the world; and

WHEREAS, among its hundreds of projects, in 1985 Rotary International resolved to immunize all of the world's children against polio and to date more than $500 million has been committed to that goal; NOW THEREFORE,

Page 2

1 BE IT RESOLVED BY THE SENATE, That the Iowa Senate
2 congratulates the organization and all of its members
3 for a century of commitment to public service,
4 progress, and prosperity, and recognizes February 23,
5 2005, as Rotary International Day; and
6 BE IT FURTHER RESOLVED, That a copy of this
7 Resolution be transmitted to Glenn E. Estess, Sr.,
8 president of Rotary International.

SENATE RESOLUTION 14: filed March 9, 2005; adopted by the Senate on March 22, 2005.

1 SENATE RESOLUTION 14
2 By: Warnstadt and Behn
3 A resolution designating April 2005 as Financial
4 Literacy for Youth Month in Iowa.
5 WHEREAS, personal financial education is essential
6 for ensuring that the youth of Iowa are prepared to
7 manage money, investments, and credit with wisdom and
8 responsibility; and
9 WHEREAS, acquisition of financial literacy skills
10 by Iowa's youth will improve the quality of their
11 lives as adults, will provide them with skills for
12 success, will contribute to positive changes for the
13 communities in which they live and work, and will
14 benefit the economy of this state; and
15 WHEREAS, the goal of Financial Literacy for Youth
16 Month is to increase public and educator awareness of
17 the need to improve the personal financial literacy of
18 Iowa's young people; and
19 WHEREAS, this endeavor is worthy of support in
20 order to benefit the citizens and consumers of this
21 state and to protect the financial future of the
22 state's youth; NOW THEREFORE,
23 BE IT RESOLVED BY THE SENATE, That the Senate
24 designates the month of April 2005 as Financial
25 Literacy for Youth Month in Iowa and encourages
26 parents and educators to participate in this
27 observance with appropriate activities and exercises.

SENATE RESOLUTION 15: filed March 10, 2005; adopted by the Senate on April 4, 2005.

1 SENATE RESOLUTION 15
2 By: Zieman
3 A resolution honoring the City of Nashua on its
4 sesquicentennial anniversary year.
5 WHEREAS, in 1854 pioneer John Hall first built a
6 log cabin on the west bank of the Cedar River near

present day Nashua; and
WHEREAS, the growing community was formally named Nashua in 1857 by two pioneer residents who originally came from Nashua, New Hampshire; and
WHEREAS, Nashua was incorporated in 1869 and quickly grew into a bustling commercial center, with a Carnegie-endowed library built in 1906; and
WHEREAS, Nashua is located in northeast Iowa on Highway 218 and nestled in a natural valley with Cedar Lake and the Red Cedar River; and
WHEREAS, today Nashua is home to some 1,600 Iowans with a proud mixture of German, Irish, English, Norwegian, French, and American heritages; and
WHEREAS, the city of Nashua is celebrating its 150th anniversary with celebrations scheduled from June 16 through June 26, 2005; NOW THEREFORE,
BE IT RESOLVED BY THE SENATE, That the Senate recognizes and extends its congratulations to the city of Nashua on the city's sesquicentennial year and invites all Iowans to make the June celebration in Nashua part of their summer vacation plans.

SENATE RESOLUTION 16: filed March 14, 2005; adopted by the Senate on April 19, 2005.

SENATE RESOLUTION 16
By: Angelo
A resolution honoring the actress Hilary Swank and her Iowa roots.
WHEREAS, on Sunday, February 27, 2005, actress Hilary Swank earned a second Academy Award as best actress; and
WHEREAS, Hilary's mother, Judy, grew up in Kellerton, Iowa; and
WHEREAS, her father, Steve, grew up in Mount Ayr, Iowa; and
WHEREAS, she has numerous family members who still live and work in Southwestern Iowa; and
WHEREAS, Hilary herself is a Midwesterner, born in Lincoln, Nebraska; NOW THEREFORE,
BE IT RESOLVED BY THE SENATE, That the Senate congratulates Hilary Swank for her remarkable achievement of winning two Academy Awards and celebrates her Iowa roots and connections.

SENATE RESOLUTION 19: filed March 21, 2005; adopted by the Senate on March 21, 2005.

SENATE RESOLUTION 19
By: Putney
A resolution honoring the Grundy Center High School

academic decathlon team and the Grundy Center High School girls basketball team.

WHEREAS, Grundy Center, Iowa, can proudly claim that it has two championship high school teams in 2005; and

WHEREAS, the Grundy Center High School academic decathlon team is, for the second time in a row, the Area Education Agency 267 regional champion, winning in both 2004 and 2005; and

WHEREAS, the academic decathlon team is the small school champion for 2005, placing third overall and besting 10 out of 12 larger schools; and

WHEREAS, all the academic decathlon team members won at least one medal in the 2005 championships; and

WHEREAS, the Grundy Center High School girls basketball team has won the Iowa Class 2A basketball championship, after being ranked the number one Class 2A team for the entire season; and

WHEREAS, the Grundy Center High School girls basketball team amassed an impressive season record of 27 wins and only two losses; and

WHEREAS, the Grundy Center High School girls basketball team also holds the district and regional championships for 2005; NOW THEREFORE,

BE IT RESOLVED BY THE SENATE, That the Senate congratulates the members of both the Grundy Center High School academic decathlon team and the Grundy

Page 2

Center High School girls basketball team for the truly remarkable dual achievements and thanks them for the honor and recognition they have brought to Grundy Center and to the State of Iowa; and

BE IT FURTHER RESOLVED, That, upon adoption, an official copy of this Resolution be prepared for presentation to Coaches Don Osterhaus, Alan Jones, and Tammy Kruse, as well as the members of the Grundy Center High School academic decathlon team and the Grundy Center High School girls basketball team.

SENATE RESOLUTION 20: filed March 21, 2005; adopted by the Senate on April 19, 2005.

SENATE RESOLUTION 20

By: Kreiman, Angelo, Beall, Behn, Black, Boettger, Bolkcom, Brunkhorst, Connolly, Courtney, Danielson, Dearden, Dotzler, Dvorsky, Fraise, Gaskill, Gronstal, Hahn, Hancock, Hatch, Horn, Houser, Iverson, Johnson, Kettering, Kibbie, Lamberti, Larson, Lundby, McCoy, McKibben, McKinley, Miller, Mulder, Putney,

8 Quirmbach, Ragan, Rielly, Schoenjahn, Seng, Seymour,
9 Shull, Stewart, Tinsman, Ward, Warnstadt, Wieck, Wood,
10 Zaun, and Zieman
11 A resolution urging the United States Congress to take
12 action to maintain the United States Veterans Medical
13 Center at Knoxville.
14 WHEREAS, the United States Department of Veterans
15 Affairs, as part of the Capital Asset Realignment for
16 Enhanced Services (CARES) program, has decided to
17 relocate nursing home and inpatient care from the
18 United States Veterans Medical Center at Knoxville to
19 Des Moines; and
20 WHEREAS, for over 70 years the Knoxville facility
21 has provided convenient and essential medical services
22 to Iowa's veterans; and
23 WHEREAS, the proposed cuts will adversely affect
24 both veterans' services and will cost the Knoxville
25 community hundreds of jobs; and
26 WHEREAS, supporters of the Knoxville facility have
27 collected approximately 28,000 signatures on petitions
28 protesting the proposed cuts; and
29 WHEREAS, at a time when more veterans are in need
30 of access to quality health care than ever before, it

Page 2

1 is irresponsible to shut down facilities and cut
2 services; NOW THEREFORE,
3 BE IT RESOLVED BY THE SENATE, That the Iowa Senate
4 urges the United States Congress to take action to
5 preserve the Knoxville, Iowa, Veterans Medical Center
6 and extend its vital mission of providing quality and
7 accessible medical care to veterans; and
8 BE IT FURTHER RESOLVED, That a copy of this
9 Resolution be transmitted to the President of the
10 United States Senate and the Speaker of the United
11 States House of Representatives and to members of
12 Iowa's congressional delegation.

SENATE RESOLUTION 21: filed March 21, 2005; adopted by the Senate on April 4, 2005.

1 SENATE RESOLUTION 21
2 By: Lamberti and Gronstal
3 A resolution relating to the musical programming on
4 Iowa Public Radio.
5 WHEREAS, it is in the vital interest of the State
6 of Iowa to retain and attract a younger and
7 progressive workforce; and
8 WHEREAS, the state recognizes the need for more
9 cultural activities geared toward youth and young

adults; and
WHEREAS, a vibrant local music economy is a critical component for retaining a dynamic and diverse workforce; and
WHEREAS, the continued concentration and centralization of commercial radio inhibits the ability of the local music economy to thrive because progressive, independent musical groups do not have a place in the corporate musical content format; and
WHEREAS, public radio can play a critical role in providing musical content not available on commercial radio; NOW THEREFORE,
BE IT RESOLVED BY THE SENATE, That the Senate respectfully requests Iowa Public Radio and the State Board of Regents to explore opportunities to provide radio listeners through their radio programming with a greater exposure to modern progressive musical content.

SENATE RESOLUTION 24: filed March 24, 2005; adopted by the Senate on April 13, 2005.

SENATE RESOLUTION 24
By: Wieck
A resolution honoring the Morningside College Women's Basketball Team on their national championship.
WHEREAS, Morningside College of Sioux City has, for the second consecutive time, won the women's basketball National Association of Intercollegiate Athletics (NAIA) Division II national championship in Sioux City's Tyson Events Center/Gateway Arena; and
WHEREAS, in that title game the Morningside Mustangs once again were challenged by the number-one-ranked Cedarville University Yellow Jackets, winning by a score of 75 to 65 and snapping the Yellow Jackets' 22-game winning streak; and
WHEREAS, this second NAIA national championship was the capstone to the 2004-2005 season in which the Morningside Mustangs finished with a sizzling 35-3 record, setting a school record for victories in a season; and
WHEREAS, senior guard Megan Cloud, from Sioux City, scored a game-high 28 points for the national champions, including 18 points in the first half; and
WHEREAS, Megan was named the national tournament's Most Valuable Player for the second year in a row and was joined on the all-tournament team by teammate senior guard and Sioux City native Brittany Carper, who scored 12 points; and
WHEREAS, Megan has been named the NAIA Division II

29 Women's Basketball Player of the Year; and
30 WHEREAS, Megan has been named to headline the 2005

Page 2

1 NAIA Division II Women's Basketball All-America team
2 and Brittany has been named to the All-America second-
3 team; and
4 WHEREAS, teammates Jill Pudenz, Vanessa Hasley,
5 Jennifer Francescon, Lindsey Chettinger, and Beth
6 Watson all added points to seal the victory; and
7 WHEREAS, Morningside College coach Jamie Sale, with
8 a 93-42 record, has been named the NAIA Division II
9 National Coach of the Year for the second consecutive
10 season; NOW THEREFORE,
11 BE IT RESOLVED BY THE SENATE, That the Senate
12 congratulates the members of the Morningside College
13 Women's Basketball Team and their coach for the truly
14 remarkable achievement of winning a second straight
15 NAIA Division II Women's Basketball National
16 Championship and thanks them for the honor and
17 recognition they have brought to Morningside College
18 and to the State of Iowa; and
19 BE IT FURTHER RESOLVED, That, upon adoption, an
20 official copy of this Resolution be prepared for
21 presentation to Coach Jamie Sale and the members of
22 the Morningside College Women's Basketball Team.

SENATE RESOLUTION 25: filed March 24, 2005; adopted by the Senate on March 29, 2005.

1 SENATE RESOLUTION 25
2 By: Lamberti, Ward, Lundby, Larson, Dearden,
3 Horn, McCoy, Hatch, Zaun, Angelo, and Dvorsky
4 A resolution honoring Iowa athletes Jenna Schrack,
5 Matt LaRue, Michelle Pettitt, and their coach,
6 Rob Wagner, for their participation in the Special
7 Olympics World Winter Games in Nagano, Japan.
8 WHEREAS, the eighth Special Olympics World Winter
9 Games were held in Nagano, Japan, from February 26
10 through March 5, 2005; and
11 WHEREAS, the event drew some 2,000 athletes from
12 more than 80 countries; and
13 WHEREAS, Jenna Schrack of Ankeny, Iowa, competed in
14 speed skating, winning three silver medals in the 111-
15 meter, 222-meter, and 333-meter events; and
16 WHEREAS, Miss Schrack also won the Special Olympics
17 Iowa Athlete of the Year award in 2000; and
18 WHEREAS, Matt LaRue of Des Moines, Iowa, competed
19 in speed skating, winning two silver medals in the
20 222-meter and 500-meter events, and winning fifth

21 place in the 333-meter event; and
22 WHEREAS, Mr. LaRue currently serves on the Special
23 Olympics Iowa board of directors; and
24 WHEREAS, Michelle Pettitt of Cedar Rapids, Iowa,
25 competed in skiing, bringing home the gold in the
26 giant slalom, winning a silver medal in the downhill
27 event, and placing fifth in the slalom; and
28 WHEREAS, Miss Pettitt continues to train for
29 Special Olympics roller skating events and in June
30 will resume her participation in Special Olympics

Page 2

1 swimming events; and
2 WHEREAS, the Iowa team was ably coached by Rob
3 Wagner of Cedar Rapids; NOW THEREFORE,
4 BE IT RESOLVED BY THE SENATE, That the Senate
5 congratulates Iowa's Special Olympians and Coach
6 Wagner for a truly remarkable string of victories and
7 thanks them for the honor and recognition they have
8 brought to the Special Olympics program and to the
9 State of Iowa; and
10 BE IT FURTHER RESOLVED, That, upon adoption, an
11 official copy of this Resolution be prepared for
12 presentation to Coach Rob Wagner, Jenna Schrack, Matt
13 LaRue, and Michelle Pettitt.

SENATE RESOLUTION 26: filed March 24, 2005; adopted by the Senate on March 28, 2005.

1 SENATE RESOLUTION 26
2 By: Lamberti
3 A resolution honoring the Ankeny High School Girls'
4 Basketball Team.
5 WHEREAS, The Ankeny "Hawkettes" High School Girls'
6 Basketball Team completed the 2004-2005 season with an
7 impressive 27-0 record, ranked first in the class 4A
8 division by the Iowa Girls High School Athletic Union;
9 and
10 WHEREAS, even that remarkable record was topped on
11 Saturday, March 12, 2005, when the Ankeny Hawkettes
12 became the first Iowa high school girls' team to win
13 four consecutive crowns since a state-sanctioned
14 tournament began in 1926; and
15 WHEREAS, that victory gave the Ankeny Hawkettes a
16 sizzling record of 44 wins in consecutive games, 66 in
17 a row against Iowa opponents; and
18 WHEREAS, the 2005 tournament victory was preceded
19 in December 2004 by a victory in one of the nation's
20 most prestigious tournaments, the Kroger Holiday
21 Classic in Pickerington, Ohio, against three out-of-

22 state teams; and
23 WHEREAS, the core members of the team have played
24 together since the 3rd and 4th grades, winning 2nd
25 place in the Great American Shootout in Minneapolis,
26 Minnesota, after their 7th grade year; and
27 WHEREAS, the Ankeny Hawkettes are now ranked the
28 number 2 girls' high school basketball team in the
29 nation in the USA Today Super 25; and
30 WHEREAS, the Ankeny Hawkettes currently own more

Page 2

1 overall titles, nine, than any other school in Iowa,
2 and coach Scott DeJong, can claim six of them; NOW
3 THEREFORE,
4 BE IT RESOLVED BY THE SENATE, That the Senate
5 congratulates the members of the Ankeny High School
6 Girls' Basketball Team and their coach, Scott DeJong,
7 for a decade-long string of sports achievements and
8 thanks them for the honor and recognition they have
9 brought to Ankeny and to the State of Iowa; and
10 BE IT FURTHER RESOLVED, That, upon adoption, an
11 official copy of this Resolution be prepared for
12 presentation to Coach DeJong and the members of the
13 Ankeny "Hawkettes" High School Girls' Basketball Team.

SENATE RESOLUTION 27: filed March 28, 2005; adopted by the Senate on April 19, 2005.

1 SENATE RESOLUTION 27
2 By: Dvorsky and Bolkcom
3 A resolution to recognize and honor Professor James
4 Van Allen for his lifetime of service and achievement.
5 WHEREAS, Professor James Van Allen is Iowa's native
6 son whose life and work have literally stretched from
7 the fields of Iowa up to the stars as a path-breaking
8 astrophysicist, best known for his work in
9 magnetospheric physics; and
10 WHEREAS, Professor Van Allen graduated from Iowa
11 Wesleyan College in 1935 and then enrolled at the
12 University of Iowa where he received a Master of
13 Science degree in 1936 and a Doctorate of Philosophy
14 in 1939; and
15 WHEREAS, Professor Van Allen began his storied
16 career with the Department of Terrestrial Magnetism at
17 the Carnegie Institution of Washington, the Applied
18 Physics Laboratory at the Johns Hopkins University,
19 and the United States Navy; and
20 WHEREAS, in 1950 Professor Van Allen returned to
21 the University of Iowa, serving as the head of the
22 Department of Physics and Astronomy beginning in 1951

23 and dedicating his professional life to high-altitude
24 research; and
25 WHEREAS, in 1955, Professor Van Allen and several
26 other American scientists developed proposals for the
27 launch of a scientific satellite as part of the
28 research program conducted during the International
29 Geophysical Year of 1957–1958; and
30 WHEREAS, Professor Van Allen's Explorer spacecraft

Page 2

1 was launched in 1958 and returned enormously important
2 scientific data about the radiation belts circling the
3 earth; and
4 WHEREAS, Professor Van Allen participated in
5 scientific projects in space throughout his career,
6 with involvement in the first four Explorer probes,
7 the first Pioneer projects, several Mariner efforts,
8 and the orbiting geophysical observatory; and
9 WHEREAS, Professor Van Allen retired from the
10 University of Iowa in 1985 to become Carver Professor
11 of Physics, Emeritus; NOW THEREFORE,
12 BE IT RESOLVED BY THE SENATE, That the Senate
13 honors Professor James Van Allen for his lifetime of
14 truly extraordinary achievements and thanks him for
15 his contributions to the world and to the students and
16 the institutions of the University of Iowa; and
17 BE IT FURTHER RESOLVED, That a copy of this
18 resolution be transmitted to Professor Van Allen as a
19 tribute to his lifetime of achievements.

SENATE RESOLUTION 28: filed March 29, 2005; adopted by the Senate on April 19, 2005.

1 SENATE RESOLUTION 28
2 By: Dvorsky, Black, McCoy, Kibbie, Gronstal,
3 Courtney, Wood, Schoenjahn, Bolkcom, Dearden,
4 Hancock, Seng, Quirmbach, Horn, Warnstadt,
5 Dotzler, Rielly, Fraise, Ragan, Stewart, Connolly,
6 Beall, Danielson, Kreiman, Hatch, Houser, Hahn,
7 Boettger, Johnson, Tinsman, Wieck, Miller, Angelo,
8 Kettering, Behn, Putney, Iverson, McKinley, Seymour,
9 Gaskill, Zieman, and Mulder
10 A resolution to recognize the 50th anniversary of the
11 creation of county conservation boards.
12 WHEREAS, 2005 is a historic year for Iowa's county
13 conservation boards. Fifty years ago the General
14 Assembly passed Iowa's county conservation law, making
15 it possible for county residents to create by local
16 vote their own resource management agencies; and
17 WHEREAS, today, conservation boards serve all 99

18 counties in Iowa and collectively the county
19 conservation board system accounts for over 160,000
20 acres of county park and conservation areas; and
21 WHEREAS, the county conservation program provides
22 millions of pleasurable outdoor experiences to Iowans
23 and to visitors to this state each year; and
24 WHEREAS, the county conservation law was made
25 purposefully broad to allow local citizens in
26 individual Iowa counties to decide what kinds of
27 conservation and outdoor recreation areas and
28 facilities they want for their county residents; and
29 WHEREAS, the success of Iowa's county conservation
30 board system over the past 50 years can in part be

Page 2

1 attributed to the provision of the county conservation
2 law requiring board members to be selected and
3 appointed on the basis of their demonstrated interest
4 in conservation matters; and
5 WHEREAS, once appointed, conservation board members
6 are removed one step from the political process and
7 are empowered to make long-range decisions and have
8 complete oversight of the county conservation board
9 program; and
10 WHEREAS, Iowa's county conservation boards depend
11 on funding from the state's resource enhancement and
12 protection (REAP) program to help support essential
13 county programs; and
14 WHEREAS, this funding assists counties, through
15 their conservation boards, to fulfill locally
16 determined vital needs including, but not limited to,
17 outdoor recreation, conservation education, and
18 natural resource acquisition and protection; NOW
19 THEREFORE,
20 BE IT RESOLVED BY THE SENATE, That the Senate
21 congratulates Iowa's county conservation boards on the
22 50th anniversary of the creation of the system and
23 thanks all the board members, past and present, for
24 their service to the people of Iowa in providing for
25 the conservation of our natural heritage and
26 increasing the recreational opportunities that make
27 Iowa a better place to live.

SENATE RESOLUTION 29: filed March 29, 2005; adopted by the Senate on April 18, 2005.

1 SENATE RESOLUTION 29
2 By: Quirmbach
3 A resolution to recognize Holly Bender, Associate
4 Professor of Veterinary Pathology at Iowa State

University, for receiving the Teaching Excellence Award for Basic Sciences from the Student American Veterinary Medicine Association.

WHEREAS, the Student American Veterinary Medicine Association is an arm of the American Veterinary Medicine Association and functions to advance the science and art of veterinary medicine, including its relationship to agriculture and public health; and

WHEREAS, the Student American Veterinary Medicine Association includes 28 student chapters with a total membership of over 8,000 students; and

WHEREAS, the Student American Veterinary Medicine Association has awarded Associate Professor of Veterinary Pathology Holly Bender the Teaching Excellence Award for Basic Sciences; and

WHEREAS, the award cites Professor Bender for her leadership in developing Diagnostic Pathfinder, an innovative clinical instructional software tool; NOW THEREFORE,

BE IT RESOLVED BY THE SENATE, That the Senate congratulates Professor Holly Bender for being awarded the Teaching Excellence Award for Basic Sciences from the Student American Veterinary Medicine Association and also for her exemplary service to the students of Iowa State University.

SENATE RESOLUTION 30: filed March 29, 2005; adopted by the Senate on April 18, 2005.

SENATE RESOLUTION 30

By: Quirmbach

A resolution of appreciation to the Iowa Chapter of the American Institute of Architects for designating C.Y. Stephens Auditorium as Iowa's Building of the Century.

WHEREAS, construction on C.Y. Stephens Auditorium began in 1966, costing $4.5 million and financed entirely by gifts and grants from alumni, students, faculty, and other friends of Iowa State University; and

WHEREAS, the auditorium is named for Clifford Y. Stephens, a 1925 graduate of the Iowa State College who established a scholarship foundation at Iowa State University, and also chaired the university's national campaign for the construction of a cultural and educational center, the Iowa State Center; and

WHEREAS, Iowa State University's C.Y. Stephens Auditorium has been selected as Iowa's Building of the Century by the American Institute of Architects, Iowa Chapter; NOW THEREFORE,

BE IT RESOLVED BY THE SENATE, That the Senate

23 offers its appreciation, on behalf of all Iowans, to
24 the Iowa Chapter of the American Institute of
25 Architects for designating C.Y. Stephens Auditorium as
26 Iowa's Building of the Century.

SENATE RESOLUTION 31: filed March 29, 2005; adopted by the Senate on April 18, 2005.

1 SENATE RESOLUTION 31
2 By: Quirmbach
3 A resolution to recognize Joanne Olson of Iowa State
4 University for being named the Outstanding Science
5 Teacher Educator of the Year by the Association for
6 Science Teacher Education.
7 WHEREAS, the Association for Science Teacher
8 Education (ASTE) serves educators involved in the
9 professional development of teachers of science,
10 including science teacher educators, staff developers,
11 college level science instructors, education
12 policymakers, instructional material developers, and
13 all others interested in promoting the development of
14 teachers of science; and
15 WHEREAS, the ASTE acts to promote leadership in,
16 and support for those involved in, the professional
17 development of teachers of science; and
18 WHEREAS, in that role the ASTE has named Iowa State
19 University Assistant Professor Joanne Olson the
20 Outstanding Science Teacher Educator of the Year; and
21 WHEREAS, the award cites Professor Olson for
22 excellence in teaching, developing science teacher
23 education programs, research activities, science
24 curricula development, and leadership in the field of
25 science education; NOW THEREFORE,
26 BE IT RESOLVED BY THE SENATE, That the Senate
27 congratulates Professor Joanne Olson for being named
28 the Outstanding Science Teacher Educator of the Year
29 by the Association for Science Teacher Education and
30 also for her exemplary service to the students of Iowa

Page 2

1 State University.

SENATE RESOLUTION 32: filed April 5, 2005; adopted by the Senate on April 6, 2005.

1 SENATE RESOLUTION 32
2 By: Johnson, Angelo, Beall, Behn, Black, Boettger,
3 Bolkcom, Brunkhorst, Connolly, Courtney, Danielson,
4 Dearden, Dotzler, Dvorsky, Fraise, Gaskill, Gronstal,
5 Hahn, Hancock, Hatch, Horn, Houser, Iverson,

6 Kettering, Kibbie, Kreiman, Lamberti, Larson, Lundby,
7 McCoy, McKibben, McKinley, Miller, Mulder, Putney,
8 Quirmbach, Ragan, Rielly, Schoenjahn, Seng, Seymour,
9 Shull, Stewart, Tinsman, Ward, Warnstadt, Wieck, Wood,
10 Zaun, And Zieman
11 A resolution posthumously honoring His Holiness Pope
12 John Paul II and commemorating his life's work.
13 WHEREAS, in 1978, the Bishop of Krakow, Poland,
14 Karol Wojtyla, was elected as Pope of the Roman
15 Catholic Church, taking the name John Paul II; and
16 WHEREAS, the odyssey of his papacy covered more
17 than 104 overseas trips to over 130 countries,
18 covering almost 690,000 miles and lasting more than a
19 quarter of a century, making Pope John Paul II the
20 widest-traveled Pope in history, and one of the
21 longest-serving; and
22 WHEREAS, on October 4, 1979, in response to an
23 invitation from the late Bishop Maurice Dingman and
24 rural Truro farmer Joe Hays, that odyssey brought him
25 to Iowa; and
26 WHEREAS, on that date some 380,000 people crowded
27 into Living History Farms on the outskirts of Des
28 Moines; and
29 WHEREAS, the Pope then celebrated a two-and-one-
30 half-hour mass and delivered a homily praising farmers

Page 2

1 and telling them, "You who are farmers today are
2 stewards of a gift from God ... You have the potential
3 to provide food for the millions who have nothing to
4 eat and thus to help rid the world of famine"; and
5 WHEREAS, for the next 25 years the Pope continued
6 his travels, promoting peace and the dignity of human
7 life and championing the cause of human rights,
8 particularly the rights of children; and
9 WHEREAS, Pope John Paul II was an ecumenical pope,
10 reaching out to Protestant and Orthodox denominations;
11 and
12 WHEREAS, Pope John Paul II sought to engage in
13 dialogue with other world faiths, becoming the first
14 pope to visit a Jewish synagogue since the age of
15 Peter, and in 2001 becoming the first pope to enter an
16 Islamic mosque, and later placing a handwritten prayer
17 in the Wailing Wall in Jerusalem; and
18 WHEREAS, after a lifetime of service to humanity
19 and devotion to God, Pope John Paul II died on
20 Saturday, April 2, 2005; NOW THEREFORE,
21 BE IT RESOLVED BY THE SENATE, That the Senate
22 honors the memory and lifework of Pope John Paul II
23 and on behalf of its members expresses heartfelt
24 condolences on his death.

SENATE RESOLUTION 33: filed April 6, 2005; adopted by the Senate on April 6, 2005.

SENATE RESOLUTION 33

By: Black, Angelo, Warnstadt, Houser, and Kibbie

A resolution to recognize Vernon J. Baker, the only living World War II Medal of Honor recipient with an Iowa attachment.

WHEREAS, Vernon J. Baker of St. Maries, Idaho, lived in the great State of Iowa while attending Clarinda High School, Clarinda, Iowa, where he was a star running back on the Clarinda High School football team, and was a member of the Clarinda High School marching band, and graduated from Clarinda High School with distinct honors in the year 1939; and

WHEREAS, Vernon J. Baker, having joined the United States Army following high school, was later ordered to attend officer training school and was commissioned and assigned to the 370th Regiment, 92nd Infantry Division, the first African-American unit to go into combat in World War II; and

WHEREAS, First Lieutenant Vernon J. Baker, in personal action against the German enemy, served his country in northern Italy in 1945 and was subsequently and appropriately selected, along with six other African-Americans, for decoration with the Medal of Honor, our nation's highest award for valor and intrepidity beyond the call of duty; and

WHEREAS, First Lieutenant Vernon J. Baker was the only living recipient of those seven so honored with the Medal of Honor in ceremonies in the East Room of the White House on January 13, 1997, by President William J. Clinton, who placed the Medal of Honor

Page 2

around Baker's neck, and Vernon J. Baker today remains the lone living African-American serviceman from World War II to receive the Medal of Honor; and

WHEREAS, Vernon J. Baker is but one of three living Medal of Honor recipients of the total 108 having been awarded to soldiers with Iowa attachments; and

WHEREAS, it has come to the attention of the General Assembly of the State of Iowa that Vernon J. Baker, of good health virtually all of his 85 years, is now recovering from critical invasive surgery for removal of a malignant brain tumor; and

WHEREAS, Vernon J. Baker, Medal of Honor recipient, can best be shown appreciation by a grateful nation by consideration of his medical condition and a resolution of his medical benefits dilemma; and

WHEREAS, it is the desire of the citizens of the great State of Iowa, embodied in this resolution prepared by their representatives in the Iowa Senate, that Vernon J. Baker be acknowledged in the eyes of the nation for his sacrifice and valor, and that appreciation be extended by virtue of actions taken at the national level to alleviate his burden; NOW THEREFORE,

BE IT RESOLVED BY THE SENATE, That this resolution seeking the relief described above be immediately submitted to the President of the United States; to the congressional delegations of the State of Iowa and the State of Idaho; to the President of the Senate and the Speaker of the House of the State of Idaho; to the Idaho Military Historical Society; and to Vernon J.

Page 3

Baker and Heidy Baker, St. Maries, Idaho.

SENATE RESOLUTION 34: filed April 7, 2005; adopted by the Senate on April 20, 2005.

SENATE RESOLUTION 34

By: Horn

A resolution honoring Solon Community Schools coach and teacher Ed Hansen.

WHEREAS, Ed Hansen has taught in the Solon Community Schools for 33 years and will be retiring from teaching and coaching at the end of the 2004–2005 school year; and

WHEREAS, Mr. Hansen coached football for 28 years, winning the state title in 1988, with two runner-up finishes and 13 conference or district championships; and

WHEREAS, Mr. Hansen coached girls basketball for 25 years, winning three state titles in 1994, 1997, and 1998, one runner-up finish, and 14 conference championships; and

WHEREAS, over the years, the Solon girls basketball teams averaged over 20 wins a season for their 20 years of five-player basketball; and

WHEREAS, Mr. Hansen coached girls golf for 22 years, winning one state title and two conference championships; and

WHEREAS, Mr. Hansen coached boys golf for three years, winning three conference championships; and

WHEREAS, Mr. Hansen also coached girls track for nine years, baseball for three years, softball for two years, junior high wrestling for five years, junior high football for two years, and sophomore football

29 for one year; and
30 WHEREAS, over the decades, Ed Hansen has coached

Page 2

1 100 seasons and over 1,000 young people; and
2 WHEREAS, Mr. Hansen's work can best be summed up in
3 his own words: "I tried to get them (student-
4 athletes) to strive for excellence in all areas of
5 their lives; to participate in as many activities as
6 they could; develop as a person more so than as an
7 athlete"; NOW THEREFORE,
8 BE IT RESOLVED BY THE SENATE, That the Senate
9 honors the long and truly remarkable career of Ed
10 Hansen and thanks him for over three decades of
11 dedicated service to Iowa's young people and for the
12 example of public service that he provides for all
13 Iowans.

SENATE RESOLUTION 35: filed April 7, 2005; adopted by the Senate on April 19, 2005.

1 SENATE RESOLUTION 35
2 By: Kettering and Shull
3 A resolution honoring the city of Sac City on its
4 sesquicentennial.
5 WHEREAS, in September 1854, Francis Cory and his
6 family arrived on the banks of the Raccoon River in
7 Sac County, soon to be joined by the families of Joel
8 Austin, Jacob McAfee, and David Metcalf; and
9 WHEREAS, the original county land survey reveals
10 that by October of 1855, a small settlement with 10
11 dwellings and three cultivated fields was established
12 in Jackson Township, the location of present-day Sac
13 City; and
14 WHEREAS, Sac City was designated the county seat in
15 1856 and was officially incorporated in 1875, quickly
16 growing into a bustling commercial center with the
17 first courthouse built in 1862, later replaced in
18 1873, and again in 1889; and
19 WHEREAS, Sac City is located in north central Iowa
20 on U.S. Highway 20, and nestled in the Raccoon River
21 Valley; and
22 WHEREAS, Sac City is a family-oriented community
23 with award-winning schools, beautiful tree-lined
24 streets, and turn-of-the-century architecture
25 showcased in many Victorian homes; and
26 WHEREAS, today Sac City is home to some 2,400
27 Iowans with a proud mixture of cultural heritages; and
28 WHEREAS, the city of Sac City is celebrating its

29 150th anniversary, with a celebration on July 1
30 through July 4, 2005; NOW THEREFORE,

Page 2

1 BE IT RESOLVED BY THE SENATE, That the Senate
2 recognizes and extends its congratulations to the city
3 of Sac City on the city's sesquicentennial and invites
4 all Iowans to make the July celebration in Sac City
5 part of their summer vacations.

SENATE RESOLUTION 36: filed April 7, 2005; adopted by the Senate on April 14, 2005.

1 SENATE RESOLUTION 36
2 By: Warnstadt
3 A resolution recognizing April 15, 2005, as "National
4 Youth Service Day".
5 WHEREAS, National Youth Service Day is an annual
6 public awareness and education campaign that
7 highlights the valuable contributions that young
8 people make to their communities throughout the year;
9 and
10 WHEREAS, the goals of National Youth Service Day
11 are to mobilize youth as leaders in identifying and
12 addressing the needs of their communities through
13 service and service learning, to support youth on a
14 lifelong path of service and civic engagement, and to
15 educate the public, the media, and policymakers about
16 the year-round contributions of young people as
17 community leaders; and
18 WHEREAS, young people in the United States, and in
19 many other countries, are volunteering more than in
20 any generation in history; and
21 WHEREAS, young people should be viewed as the hope
22 not only of the future, but also of today, and should
23 be valued for the idealism, energy, creativity, and
24 commitment they bring to the challenges found in their
25 communities; and
26 WHEREAS, there is a fundamental and conclusive
27 correlation between youth service and lifelong adult
28 volunteering and philanthropy; and
29 WHEREAS, through community service, young people
30 build character and learn valuable skills, including

Page 2

1 time management, teamwork, needs assessment, and
2 leadership, that are sought by employers; and
3 WHEREAS, service learning, an innovative teaching
4 method combining service to the community with

5 curriculum-based learning, is a proven strategy to
6 increase academic achievement and strengthens civic
7 engagement and civic responsibility; and
8 WHEREAS, several private foundations and
9 corporations in the United States support service
10 learning because they understand that strong
11 communities begin with strong schools and a community
12 investment in the lives and futures of youth; and
13 WHEREAS, a sustained investment by government,
14 business partners, schools, and communities fuels the
15 positive, long-term cultural change that will make
16 service and service learning the common expectation
17 and the common experience of all young people; and
18 WHEREAS, National Youth Service Day, a program of
19 Youth Service America, is the largest service event in
20 the world and is being observed for the 17th
21 consecutive year in 2005; and
22 WHEREAS, National Youth Service Day, with the
23 support of 50 lead agencies, hundreds of grant
24 winners, and thousands of local partners, engages
25 millions of young people nationwide; and
26 WHEREAS, National Youth Service Day will involve
27 114 national partners, including eight federal
28 agencies and 10 organizations that are offering grants
29 to support National Youth Service Day; and
30 WHEREAS, National Youth Service Day has inspired

Page 3

1 Global Youth Service Day, which occurs concurrently in
2 over 120 countries and is now in its sixth year; and
3 WHEREAS, young people will benefit greatly from
4 expanded opportunities to engage in meaningful
5 volunteer service and service learning; NOW THEREFORE,
6 BE IT RESOLVED BY THE SENATE, That the Senate
7 recognizes and commends the significant contributions
8 of American youth and encourages the cultivation of a
9 common civic bond among young people dedicated to
10 serving their neighbors, their communities, the state,
11 and the nation; and
12 BE IT FURTHER RESOLVED, That the Senate recognizes
13 April 15, 2005, as "National Youth Service Day" and
14 calls on the people of Iowa to observe the day by
15 encouraging youth to participate in civic and
16 community service projects, recognize the volunteer
17 efforts of our state's young people throughout the
18 year, and support these efforts and engage youth in
19 meaningful decision-making opportunities today as an
20 investment in the future of our state and nation.

SENATE RESOLUTION 37: filed April 12, 2005; adopted by the Senate on April 18, 2005.

SENATE RESOLUTION 37

By: Ragan

A resolution honoring the city of Riceville on its sesquicentennial.

WHEREAS, the city of Riceville is a community of 900 friendly people, known as the hub of Northeast Iowa and located on Iowa Highway 9; and

WHEREAS, Riceville, located in both Howard and Mitchell Counties, was settled and platted in 1855 by Dennis Rice and his family, and incorporated in 1892; and

WHEREAS, Lake Hendricks, a 52-acre man-made lake sited on a 130-acre park in Riceville, provides camping, fishing, and picnicking opportunities for the entire area; and

WHEREAS, the James W. Herring Golf Course and Country Club provides a challenging nine-hole golf course for Riceville residents and visitors; and

WHEREAS, the Wapsi Great Western Bike Trail, formerly the location of the Chicago Great Western Railroad, runs through the Lake Hendricks park; and

WHEREAS, five full-size vaudeville curtains painted as scenery and as advertisements which were used in the turn-of-the-century Brown Opera House in Riceville now hang in the public library; and

WHEREAS, famous citizens of Riceville include United States ambassadors John and Larry Dinger, Luther College choral conductor and instructor Weston Noble, author Jane Elliott, inventor Kenneth Mosher, sculptress Isabelle Kimball, editor Beatrice Blackman

Page 2

Gould, athlete Raymond Conger, and tenor Warren Proctor; and

WHEREAS, the city of Riceville is celebrating its 150th anniversary with a sesquicentennial celebration on August 5 through 7, 2005; NOW THEREFORE,

BE IT RESOLVED BY THE SENATE, That the Senate recognizes and extends its congratulations to the city of Riceville on the city's sesquicentennial and invites all Iowans to make a visit to Riceville part of their summer vacations.

SENATE RESOLUTION 39: filed April 13, 2005; adopted by the Senate on April 19, 2005.

SENATE RESOLUTION 39

By: McKinley and Rielly

A resolution honoring the North Mahaska Community Schools boys basketball team.

WHEREAS, the North Mahaska Community Schools boys basketball team, the Warhawks, finished its 2004–2005 season with 27 wins and only one loss; and

WHEREAS, on Friday, March 18, 2005, in the 2005 Boys State Basketball Tournament the North Mahaska Warhawks, ranked number three in the state, captured the 2005 Class 1-A title by convincingly winning their three tournament games and besting the Iowa Mennonite High School boys basketball team, ranked number one, with a score of 74 to 63; and

WHEREAS, in the championship game the North Mahaska Warhawks made 17 of 18 free throws in the fourth quarter to clinch the victory; and

WHEREAS, Blake McGriff led the Warhawks with 21 points, including a 13-for-16 effort on free throws; and

WHEREAS, Mr. McGriff was named as the co-captain of the Class 1-A All-tournament Team; and

WHEREAS, Caleb Stout made four out of seven three-point shots with a total of 18 points; and

WHEREAS, this feat marked the team's first championship in three consecutive appearances; and

WHEREAS, the North Mahaska Warhawks deserve recognition for all of their accomplishments during the 2004-2005 season; NOW THEREFORE,

BE IT RESOLVED BY THE SENATE, That the Senate

Page 2

congratulates the North Mahaska Community Schools boys basketball team and the team coach, Andy Pickering, on their successful season and thanks them for the honor and recognition they have brought to the State of Iowa; and

BE IT FURTHER RESOLVED, That, upon adoption, the Secretary of the Senate shall prepare an official copy of this resolution for presentation to Coach Pickering and the North Mahaska Community Schools boys basketball team.

SENATE RESOLUTION 40: filed April 13, 2005; adopted by the Senate on April 19, 2005.

SENATE RESOLUTION 40

By: Iverson

A resolution to recognize Child Passenger Safety Day.

WHEREAS, motor vehicle crashes remain the single leading cause of death among children 14 years of age and younger and child safety seats and safety belts, when installed and used correctly, can prevent thousands of deaths and injuries; and

WHEREAS, research has indicated that 2,136 children 14 years of age and younger died and another 253,000 were injured in vehicle crashes in 2003; and

WHEREAS, an estimated 82 percent of child safety seats are not installed or used correctly, and child safety seats, when used correctly, can reduce the risk of death in a vehicle crash by 71 percent for infants and 54 percent for children ages one through four; and

WHEREAS, it is estimated that if all children 14 years of age and younger were restrained properly, 182,000 serious injuries could be prevented annually; and

WHEREAS, 56 percent of parents whose children were not using booster seats believed their children were too big for a child safety seat; and

WHEREAS, the total annual cost of motor vehicle occupant-related death and injury exceeds $25.8 billion for all children 14 years of age and younger, and every dollar spent on a child safety seat saves this country $32 in health care expenses; and

WHEREAS, motor vehicle crashes can result in tragic, and unnecessary, death and injury and

Page 2

children, when not properly restrained, are placed at a much greater risk; and

WHEREAS, in response to the change in Iowa's child passenger law and a critical need for education, the American Automobile Association (AAA) Minnesota-Iowa, together with Blank Children's Hospital and the Iowa Safe Kids Coalition, would like July 9, 2005, to be designated Child Passenger Safety Day to help educate the public about the proper use of child passenger safety seats and child passenger restraints; and

WHEREAS, in order to contribute to the educational efforts, AAA Minnesota-Iowa has partnered with Blank Children's Hospital and the Iowa Safe Kids Coalition to help provide education and resources to improve child safety seat use and child restraint compliance;

16 NOW THEREFORE,
17 BE IT RESOLVED BY THE SENATE, That the Senate
18 invites all Iowans to recognize July 9, 2005, as Child
19 Passenger Safety Day and to join in the effort to
20 fight the child passenger safety battle and ensure
21 that all of Iowa's children are riding safely.

SENATE RESOLUTION 41: filed April 18, 2005; adopted by the Senate on April 25, 2005.

1 SENATE RESOLUTION 41
2 By: Larson, Warnstadt, Iverson, and Gronstal
3 A resolution to recognize the life and accomplishments
4 of Colonel Virgil D. Olson, United States Marine
5 Corps-Retired.
6 WHEREAS, Colonel Virgil D. Olson, a man of humble
7 background, worked throughout his life serving freedom
8 and advancing the public good, having served in the
9 United States Marine Corps as a naval aviator and as
10 the first helicopter pilot assigned to the President
11 of the United States, Dwight D. Eisenhower; and
12 WHEREAS, Colonel Virgil D. Olson began his life in
13 Charter Oak, Iowa, graduating from Charter Oak High
14 School in 1937, after which he enrolled in Willamette
15 University and subsequently enlisted in the U.S. Navy
16 at Salem, Oregon, on April 7, 1941, being commissioned
17 as a Second Lieutenant, U.S. Marine Corps, after
18 flight school; and
19 WHEREAS, Colonel Virgil D. Olson flew torpedo
20 bombers in the Solomon Islands until May 1944, when he
21 returned to the United States to marry his college
22 sweetheart, Jean Rodgers, returning again to the
23 Pacific theater of World War II in May 1945 to fly
24 combat missions in the Palau Islands, the Philippines,
25 and Okinawa, and over Tsingtao, China; and
26 WHEREAS, Colonel Virgil D. Olson served a tour on
27 Guam after World War II, attended amphibious warfare
28 school, and later was ordered to helicopter training
29 and served a tour in Korea followed by an assignment
30 to Naval Air Training Command in Pensacola, Florida;

Page 2

1 and
2 WHEREAS, in 1955, Colonel Virgil D. Olson became
3 the Commanding Officer of Marine Experimental
4 Helicopter Squadron One (HMX-1) at Quantico, Virginia;
5 and
6 WHEREAS, in 1957, HMX-1 was designated the official
7 helicopter squadron for the President of the United
8 States of America; and

9 WHEREAS, flying Sikorsky helicopters, Colonel
10 Virgil D. Olson was the sole individual assigned as
11 helicopter pilot for the President of the United
12 States; and
13 WHEREAS, in 1959, Colonel Virgil D. Olson completed
14 the Senior Officers' Course at the Marine Corps School
15 at Quantico, and was named Air Boss and Commanding
16 Officer of the Marine detachment aboard the carrier
17 USS Boxer; and
18 WHEREAS, Colonel Virgil D. Olson served at the
19 Pentagon in the Office of the Chief of Naval
20 Operations, became the Commanding Officer of Marine
21 Helicopter Training Group-30, served as Chief of Staff
22 of the 3rd Marine Aircraft Wing in El Toro,
23 California; and
24 WHEREAS, Colonel Virgil D. Olson served as Chief of
25 Staff of the 1st Marine Aircraft Wing in DaNang,
26 Vietnam, and returned to Quantico as Chief of Staff,
27 Marine Corps Education and Development Command, before
28 retiring in July 1973; and
29 WHEREAS, Colonel Virgil D. Olson's decorations
30 include two Distinguished Flying Crosses, seven Air

Page 3

1 Medals, the Legion of Merit with Combat V, and the
2 Vietnam Cross of Gallantry with palm; and
3 WHEREAS, on February 26, 2005, Colonel Virgil D.
4 Olson attained the age of 86 years; NOW THEREFORE,
5 BE IT RESOLVED BY THE SENATE, That the Senate
6 congratulates retired Colonel Virgil D. Olson for his
7 lifetime of achievements and honors him for his many
8 decades of service to the United States of America.

SENATE RESOLUTION 42: filed April 18, 2005; adopted by the Senate on April 18, 2005.

1 SENATE RESOLUTION 42
2 By: Hahn
3 A resolution honoring America's Vietnam veterans.
4 WHEREAS, from 1961 through 1975, the men and women
5 of America's armed forces fought on behalf of the
6 South Vietnamese people; and
7 WHEREAS, almost 3.5 million Americans served in the
8 Southeast Asia theater of war and more than 2.9
9 million served in Vietnam itself; and
10 WHEREAS, during that long conflict more than 58,000
11 Americans gave their lives for freedom's sake and
12 another 300,000 were wounded; and
13 WHEREAS, Vietnam veterans today continue to be
14 leaders in all walks of life and serve to make America

15 a better place to live; and
16 WHEREAS, Vietnam veterans can be proud of their
17 legacy of devotion to the cause of freedom and service
18 to America; and
19 WHEREAS, the Veterans of Foreign Wars has
20 designated the week of May 1 through 7, 2005, as
21 Vietnam Veterans Recognition Week in America; NOW
22 THEREFORE,
23 BE IT RESOLVED BY THE SENATE, That the Senate, on
24 behalf of all Iowans, humbly thanks America's Vietnam
25 veterans for standing strong when they were needed and
26 answering the challenge when they were called.

SENATE RESOLUTION 43: filed April 18, 2005; adopted by the Senate on April 18, 2005.

1. SENATE RESOLUTION 43
2 By: Danielson, Dotzler, Warnstadt, Gronstal,
3 Courtney, Horn, Dvorsky, Connolly, Seymour,
4 Kettering, Miller, Wieck, McKibben, Hancock,
5 Iverson, Zieman, Lamberti, Angelo, Gaskill,
6 Johnson, Brunkhorst, Ward, Boettger, Putney,
7 Mulder, Shull, Zaun, Behn, Hahn, Seng, Hatch,
8 and Fraise
9 A resolution to recognize Dennis Clark and his
10 associates for their service to wounded veterans
11 of the Iraq war.
12 WHEREAS, Clark and Associates Prosthetics and
13 Orthotics is located in Waterloo, Iowa, and is a
14 leader in the field of orthotics and prosthetics; and
15 WHEREAS, owner Dennis Clark took over the company
16 in 1987 and over the years has revolutionized the
17 orthotics and prosthetics industry; and
18 WHEREAS, when the number of wounded American
19 soldiers with lower limb amputations began to increase
20 as a result of the Iraqi insurgency, the Walter Reed
21 Army Medical Center turned to the company for
22 assistance; and
23 WHEREAS, when Walter Reed administrators wanted to
24 get wounded soldiers up and moving as quickly as
25 possible, Mr. Clark and his associates stepped up to
26 the challenge to make those soldiers whole again; and
27 WHEREAS, for 18 months, Mr. Clark and his
28 associates, Matt Hutchings, Andrew Steele, John
29 Costello, and Dean Sturch, have shuttled between
30 Waterloo, and the Walter Reed Army Medical Center,

Page 2

1 meeting and measuring patients and sending information
2 back to Waterloo, allowing patients to test their

prosthetics within a week's time; and

WHEREAS, the unique needs of the younger, more athletic soldiers have challenged the expertise of Mr. Clark and his associates to develop and test new concepts in prosthetics design; and

WHEREAS, the goal of the company is "to set the worldwide standard for the highest quality products and the fastest service to our clients and their patients", and that goal has been far exceeded by the dedicated service provided to America's wounded soldiers; NOW THEREFORE,

BE IT RESOLVED BY THE SENATE, That the Senate thanks Dennis Clark, Matt Hutchings, Andrew Steele, John Costello, and Dean Sturch and all of the employees of Clark and Associates Prosthetics and Orthotics for their service in the rehabilitation of wounded soldiers and for showing the nation that the spirit of selfless public service is alive and well in Iowa.

SENATE RESOLUTION 45: filed April 21, 2005; adopted by the Senate on April 25, 2005.

SENATE RESOLUTION 45

By: Lamberti and Ward

A resolution honoring actress Annette Bening and her Iowa roots.

WHEREAS, Grant Bening lived in Waterloo and his future wife Shirley lived in La Porte City; and

WHEREAS, the young couple met while attending the University of Iowa, and married in 1950; and

WHEREAS, Grant and Shirley Bening had four children, Jane and Bradley, both born in Waterloo, and Byron and Annette, born in Topeka, Kansas; and

WHEREAS, the Bening family moved to San Diego, California, when Annette Bening was six years old, where she soon developed a love for acting that was to define her education and career; and

WHEREAS, Ms. Bening began her acting career with the American Conservatory Theater in San Francisco, and her stage work earned her a Tony award nomination in 1987; and

WHEREAS, Ms. Bening rocketed to stardom in the 1990 film "The Grifters" and has garnered several Academy Award and Golden Globe nominations, most recently winning the Golden Globe in 2005 for the film "Being Julia" and receiving an Oscar nomination for that same film; and

WHEREAS, Ms. Bening has numerous family members who still live and work in the Des Moines area, including Clark Bening and his wife Chris, and Ray Bening and

29 his wife Carrie; NOW THEREFORE,
30 BE IT RESOLVED BY THE SENATE, That the Senate

Page 2

1 congratulates Annette Bening on her remarkable career
2 and celebrates her Iowa roots and connections.

SENATE RESOLUTION 47: filed April 26, 2005; adopted by the Senate on April 28, 2005.

1 SENATE RESOLUTION 47
2 By: Kreiman
3 A resolution to recognize and honor Johnny
4 Talbot of Centerville for his service as a navy
5 fighter pilot in the Battle of Midway.
6 WHEREAS, Johnny Talbot, a native of Centerville,
7 served in the United States Navy from 1939 through the
8 end of World War II; and
9 WHEREAS, Johnny Talbot was a navy fighter pilot and
10 at 22 years of age flew an F4F-4 Wildcat in the Battle
11 of Midway; and
12 WHEREAS, on June 4, 1942, Johnny Talbot departed in
13 his Wildcat knowing he did not have enough fuel to
14 make it back to his carrier, the USS Hornet; and
15 WHEREAS, Johnny Talbot's part in the engagement
16 ended after four hours of flight time when his Wildcat
17 ran out of fuel; and
18 WHEREAS, Johnny Talbot had only 25 to 30 seconds to
19 exit his cramped cockpit and reach into a back
20 compartment to retrieve his life raft before the
21 Wildcat sank; and
22 WHEREAS, Johnny Talbot almost went down with the
23 plane when his foot became snagged on an antenna; and
24 WHEREAS, once in the water, Johnny Talbot found
25 that his life raft would not automatically inflate and
26 his air pump would not work, so he used his breath to
27 inflate the raft; and
28 WHEREAS, Johnny Talbot spent six days lost at sea,
29 scorched by the sun and chilled by the night, with
30 only a half canteen of water and a bottle of malt

Page 2

1 tablets for survival, without knowledge of whether
2 American forces were left after the engagement to
3 mount rescue operations; and
4 WHEREAS, Johnny Talbot saw several planes fly
5 overhead before a PBY Catalina patrol plane finally
6 spotted him and landed; and
7 WHEREAS, soon after being released from the

hospital, Johnny Talbot taught Army Air Corps pilots about flying in combat; and

WHEREAS, for the rest of the war, Johnny Talbot was transferred between actual combat assignments and the teaching of new pilots; and

WHEREAS, Johnny Talbot, having had many experiences throughout his navy service, also escorted the famous Jimmy Doolittle raid halfway to Tokyo, in which 16 B-25 twin-engine bombers left the deck of the USS Hornet to complete a surprise bombing on the Japanese mainland; and

WHEREAS, Johnny Talbot is among the last of surviving U.S. Navy aviators that so courageously served in the Battle of Midway, making the personal sacrifice required to succeed against Japan in World War II; NOW THEREFORE,

BE IT RESOLVED BY THE SENATE, That the Senate honors Johnny Talbot of Centerville for his service to our nation, especially his service as a navy fighter pilot in the Battle of Midway; and

BE IT FURTHER RESOLVED, That, upon passage, a copy of this resolution be prepared for and transmitted to Johnny Talbot.

SENATE RESOLUTION 48: filed April 26, 2005; adopted by the Senate on April 29, 2005.

SENATE RESOLUTION 48

By: Rielly

A resolution honoring Iowa's Amana Colonies on its sesquicentennial.

WHEREAS, the Community of True Inspiration grew out of the German Lutheran Church in the early 18th century, with some 800 members of this movement coming to the United States in 1842; and

WHEREAS, the group purchased 18,000 acres in the then-fledgling State of Iowa, creating the Community of True Inspiration (the Amana Society) in 1855; and

WHEREAS, the inspirationists called their new home "Amana", a word taken from the Old Testament Song of Solomon, meaning "to remain faithful"; and

WHEREAS, a strong commitment to church discipline and close community relationships caused the inspirationists to adopt a communal way of life, while at the same time embracing industry and economic development; and

WHEREAS, by the 1860s the Amana Colonies consisted of over 20,000 acres of land on which seven villages were established: the original village of Amana, West Amana, South Amana, High Amana, East Amana, Middle Amana, and Homestead; and

25 WHEREAS, with its combination of spiritual devotion
26 and industry, the Amana Colonies quickly became an
27 agricultural, commercial, and manufacturing center;
28 and
29 WHEREAS, in 1932 the members separated the
30 spiritual role of the colonies from its secular

Page 2

1 activity by creating the Amana Society, Incorporated,
2 to operate the colony business enterprises; and
3 WHEREAS, today, the Amana Society, Inc., owns and
4 manages some 26,000 acres of farm, pasture, and forest
5 land and manages a variety of business enterprises,
6 while the Amana Church continues to be a vital part of
7 the Amana community; and
8 WHEREAS, the Amana Colonies today is one of Iowa's
9 preeminent tourist destinations, offering unique
10 scenic, historical, dining, and shopping
11 opportunities; and
12 WHEREAS, the Amana Colonies is celebrating its
13 150th anniversary with a variety of celebrations and
14 events lasting through September 2005; NOW THEREFORE,
15 BE IT RESOLVED BY THE SENATE, That the Senate
16 congratulates the people of the Amana Colonies on its
17 sesquicentennial and notes its unique place in Iowa's
18 history; and
19 BE IT FURTHER RESOLVED BY THE SENATE, That the
20 Senate invites all Iowans to visit the Amana Colonies
21 during the sesquicentennial celebrations and
22 experience this truly remarkable part of Iowa.

SENATE RESOLUTION 49: filed April 26, 2005; adopted by the Senate on April 28, 2005.

1 SENATE RESOLUTION 49
2 By: Tinsman
3 A resolution honoring the Bettendorf High School boys
4 basketball team for its 2005 4A State Championship.
5 WHEREAS, the Bettendorf High School boys basketball
6 team, the Bulldogs, completed the 2004-2005 season
7 with an outstanding 24-1 record, and was ranked first
8 in the class 4A division by the Des Moines Register
9 since early February; and
10 WHEREAS, even that remarkable record was topped on
11 Saturday, March 19, 2005, when the Bettendorf Bulldogs
12 won the 4A Boys Basketball State Championship for the
13 first time since 1986, giving the team a 25-1 record
14 for the season; and
15 WHEREAS, members of the team have been on state
16 championship football, golf, and soccer teams in the

17 last year; and
18 WHEREAS, the Bettendorf Bulldogs are now ranked in
19 USA Today's Top 40 High School Teams; NOW THEREFORE,
20 BE IT RESOLVED BY THE SENATE, That the Senate
21 congratulates the members of the Bettendorf boys
22 basketball team and their coach, Kevin Skillett, for
23 an excellent season and thanks them for the honor and
24 recognition they have brought to Bettendorf and to the
25 State of Iowa; and
26 BE IT FURTHER RESOLVED, That upon adoption, the
27 Secretary of the Senate shall prepare an official copy
28 of this resolution for presentation to Coach Skillett
29 and the members of the Bettendorf "Bulldogs" boys
30 basketball team.

SENATE RESOLUTION 50: filed April 27, 2005; adopted by the Senate on April 27, 2005.

1 SENATE RESOLUTION 50
2 By: Dvorsky and Bolkcom
3 A resolution honoring the University of Iowa football
4 team and Coach Kirk Ferentz.
5 WHEREAS, an unbelievable season for the University
6 of Iowa Hawkeyes football team culminated in a
7 stunning victory over Louisiana State University in
8 the Capital One Bowl; and
9 WHEREAS, Drew Tate's 56-yard touchdown pass to
10 Warren Holloway on the last play of the last game of
11 the season ranks as one of the most dramatic moments
12 in Hawkeye football history; and
13 WHEREAS, the Capital One Bowl appearance marked the
14 third straight year that the Hawkeyes have advanced to
15 a New Year's Day bowl game; and
16 WHEREAS, the Iowa Hawkeyes have won 18 straight
17 home games and finished their regular season with a
18 record of nine wins and two losses, and seven wins and
19 one loss in the Big Ten Conference; and
20 WHEREAS, six different members of Iowa's Big Ten
21 Conference cochampionship team have been named first
22 or second team All-Big Ten, including quarterback Drew
23 Tate, defensive linemen Matt Roth and Jonathan
24 Babineaux, linebackers Chad Greenway and Abdul Hodge,
25 and wide receiver Clinton Solomon, who was a second
26 team selection; and
27 WHEREAS, the Iowa Hawkeyes finished the season
28 ranked eleventh nationally; and
29 WHEREAS, Coach Kirk Ferentz was selected the Dave
30 McClain Coach of the Year and the 2004 Big Ten Coach

Page 2

of the Year, after leading two teams in three years to a share of the Big Ten cochampionship and finishing with a 30-7 record in the past three years; and

WHEREAS, the University of Iowa's football team deserves recognition for all of its accomplishments during the 2004–2005 season; NOW THEREFORE,

BE IT RESOLVED BY THE SENATE, That the Senate congratulates the University of Iowa football team, Coach Kirk Ferentz, and the coaching staff on their successful season and thanks them for the honor and recognition they have brought to the University of Iowa and to the State of Iowa; and

BE IT FURTHER RESOLVED, That, upon adoption, the Secretary of the Senate shall prepare an official copy of this Resolution for presentation to Coach Kirk Ferentz and the University of Iowa football team.

SENATE RESOLUTION 51: filed April 27, 2005; adopted by the Senate on April 29, 2005.

SENATE RESOLUTION 51

By: Miller and Kreiman

A resolution recognizing May 1, 2005, as Law Day.

WHEREAS, on May 1, 2005, citizens across the United States will celebrate Law Day, an opportunity for our nation to honor the rule of law which has served to maintain our nation's heritage of liberty, justice, and equality under the law; and

WHEREAS, the theme of Law Day 2005, "The American Jury: We the People in Action", acknowledges the importance of the role of juries in the American legal system; and

WHEREAS, one of the principles Americans fought for in the Revolutionary War was the right to trial by jury; and

WHEREAS, our founding fathers believed that juries are the cornerstone of democracy and a means for citizens to resist the tyranny of an unjust government; and

WHEREAS, trial by jury is a right guaranteed by both the United States and Iowa constitutions; and

WHEREAS, each day, juries' decisions profoundly affect the lives of countless individuals as well as our society as a whole; NOW THEREFORE,

BE IT RESOLVED BY THE SENATE, That the Senate acknowledges the impact that juries have on government and society and the importance of educating our fellow citizens about the significance of jury service; and

29 BE IT FURTHER RESOLVED, That the Senate expresses
30 its appreciation to the many citizens who take time

Page 2

1 away from their families and jobs to answer the call
2 for jury service.

SENATE RESOLUTION 52: filed April 27, 2005; adopted by the Senate on April 29, 2005.

1 SENATE RESOLUTION 52
2 By: Stewart
3 A resolution honoring the city of Clinton on its
4 sesquicentennial.
5 WHEREAS, in 1836, 10 years before Iowa became a
6 state, the tiny hamlet of New York was platted along
7 the Mississippi River, by its first settler, Joseph
8 Bartlett; and
9 WHEREAS, in 1855 the Chicago, Iowa, and Nebraska
10 Railroad determined that its line would cross the
11 Mississippi directly across from the New York
12 community; and
13 WHEREAS, with the coming of the railroad, the
14 community was renamed Clinton, in honor of New York
15 Governor DeWitt Clinton, and the town began to grow,
16 absorbing nearby communities and becoming the county
17 seat; and
18 WHEREAS, the Clinton area was soon regarded as the
19 sawmill capital of the nation and by 1892, lumber
20 production had risen to more than 195 million board
21 feet; and
22 WHEREAS, the railroad and the river continue to
23 sustain and promote economic activity and diversity,
24 attracting manufacturing and heavy industry to the
25 community, providing opportunities for sport and
26 recreational activities, and promoting commerce; and
27 WHEREAS, today the city of Clinton is home to some
28 28,000 Iowans, the Clinton Community College, and
29 Ashford University; and
30 WHEREAS, the city of Clinton offers a variety of

Page 2

1 attractions, including the Bickelhaupt Arboretum, a
2 14-acre outdoor museum of select-labeled trees,
3 shrubs, ground covers, perennials, and annuals, and
4 the Lillian Russell Theatre, located aboard a restored
5 old river paddle wheeler moored on the riverfront; and
6 WHEREAS, the city of Clinton is celebrating its
7 150th anniversary, with celebrations lasting through

the spring and summer of 2005; NOW THEREFORE,
BE IT RESOLVED BY THE SENATE, That the Senate recognizes and extends its congratulations to the city of Clinton on its sesquicentennial and invites all Iowans to make a visit to Clinton part of their summer plans.

SENATE RESOLUTION 53: filed May 2, 2005; adopted by the Senate on May 3, 2005.

SENATE RESOLUTION 53
By: Gaskill
A resolution honoring the city of Corwith on its quasquicentennial.
WHEREAS, in 1880 the track of the Minneapolis and St. Louis Railroad reached the banks of the Boone River, and at this spot Corwith was platted, on land owned by E.W. Gaylord, and the town began to grow; and
WHEREAS, by 1883 Corwith had become a full-fledged community, with a school, a post office, several retail stores, and several manufacturing concerns, including a lumberyard and a creamery; and
WHEREAS, early on Corwith was a "cattle and hay" town, with wild hay being harvested on open prairie land and bundled for the Chicago market; and
WHEREAS, as farming grew in Hancock County, Corwith grew into a supply center for the surrounding farmers, and a tile factory was established as part of the development of extensive land drainage systems; and
WHEREAS, today Corwith is home to some 350 Iowans and offers the same thing that it did a century ago— a good place to raise a family and live a good life; and
WHEREAS, the city of Corwith is celebrating its 125th anniversary, with celebrations lasting from July 22 through July 24, 2005; NOW THEREFORE,
BE IT RESOLVED BY THE SENATE, That the Senate congratulates the city of Corwith on its quasquicentennial and invites all Iowans to make a trip to the July celebration in Corwith part of their

Page 2

summer plans.

SENATE RESOLUTION 54: filed May 3, 2005; adopted by the Senate on May 3, 2005.

SENATE RESOLUTION 54
By: Iverson and Gronstal
A resolution honoring Charles F. Wasker for 50

years of dedicated service to his clients, to the legislative process, and to the State of Iowa.

WHEREAS, Charles F. Wasker was born on February 4, 1926, in Everett, Massachusetts; and

WHEREAS, Mr. Wasker served his country during World War II as a radioman in the United States Navy where he learned a skill that would serve him well for the next 50 years, boxing; and

WHEREAS, following World War II, Mr. Wasker settled in Des Moines, where he luckily met an Iowa girl, Betty Bubon, who consented to be his wife in 1949; and

WHEREAS, while balancing family life and his studies, Mr. Wasker graduated from Drake University in 1951 and Drake University Law School in 1952; and

WHEREAS, Mr. Wasker was admitted to the practice of law in Iowa in 1952, and in 1955 began his practice as a lobbyist to the General Assembly; and

WHEREAS, Mr. Wasker has continued in that role for every session of the General Assembly for the past 50 years while his wife, Betty, served for over 20 years as a clerk in the House and a secretary in the Senate; and

WHEREAS, during that remarkable tenure, Mr. Wasker has demonstrated the highest standard of integrity; and

WHEREAS, Mr. Wasker has ably and loyally represented a myriad of clients throughout his 50

Page 2

years of service; NOW THEREFORE,

BE IT RESOLVED BY THE SENATE, That the Senate proudly honors Charles F. Wasker for his 50 years of service to his clients, to the legislative process, and to the people of Iowa.

SENATE RESOLUTION 56: filed May 4, 2005; adopted by the Senate on May 5, 2005.

SENATE RESOLUTION 56

By: Bolkcom and Dvorsky

A resolution to recognize and honor Frank Conroy posthumously for his lifetime of service and achievement.

WHEREAS, Frank Conroy came to know Iowa as his lasting home, utilizing the exceptional environment to pass on his wealth of wisdom and instruction; and

WHEREAS, Frank Conroy experienced a unique and sometimes difficult childhood, using that experience to create a lucid and evocative story, captivating the nation, and endearing him to the hearts of his

13 readers; and
14 WHEREAS, Frank Conroy pursued other forms of art,
15 excelling at the piano and playing with some of the
16 great jazz musicians of his time; and
17 WHEREAS, Frank Conroy developed a clear writing
18 style and ventured into journalism, writing for
19 magazines and composing many short stories; and
20 WHEREAS, Frank Conroy accepted teaching positions
21 at the University of Iowa, George Mason University,
22 Brandeis University, and Massachusetts Institute of
23 Technology, passing on his love of the arts and
24 motivating young writers around the country to excel
25 at their craft; and
26 WHEREAS, Frank Conroy took great interest in
27 nurturing young writers and guiding them to realize
28 their absolute potential, bringing true honesty and
29 seriousness to the task; and
30 WHEREAS, Frank Conroy worked as the director of the

Page 2

1 literature program at the National Endowment for the
2 Arts, continuing to support and encourage young
3 writers; and
4 WHEREAS, Frank Conroy was handpicked by University
5 of Iowa President James O. Freedman to lead the
6 innovative and legendary University of Iowa Writers'
7 Workshop; and
8 WHEREAS, Frank Conroy served as a role model and
9 mentor for 18 years at the University of Iowa,
10 bringing talented individuals to the state to study
11 and sharpen their gifts for writing; and
12 WHEREAS, Frank Conroy showed his passion for
13 literature and reading, inspiring others to write and
14 express themselves in ways that resonate with readers
15 around the world; and
16 WHEREAS, Frank Conroy used instinctive care and
17 extraordinary analysis in his teaching, leading the
18 writers to uncover the true greatness within them and
19 share it with the world; and
20 WHEREAS, Frank Conroy showed dedication in writing,
21 music, and teaching, developing a distinctive style
22 that intertwined all these endeavors and made him
23 truly unique; and
24 WHEREAS, Frank Conroy devoted himself to providing
25 a community in which writers could excel, leading them
26 to respect the art and pushing them to reach for
27 greatness; NOW THEREFORE,
28 BE IT RESOLVED BY THE SENATE, That the Senate
29 posthumously honors Frank Conroy for his lifetime of
30 dedication to teaching and enduring demonstration of

Page 3

1 love for the arts and humanities, and expresses its
2 appreciation for his mentoring of so many gifted
3 students and writers, making his contributions to
4 society ongoing and everlasting.

SENATE RESOLUTION 58: filed May 5, 2005; adopted by the Senate on May 20, 2005.

1 SENATE RESOLUTION 58
2 By: Gronstal
3 A resolution declaring support for Amtrak.
4 WHEREAS, Amtrak, the national railroad passenger
5 corporation providing national railroad passenger
6 service, is energy efficient and environmentally
7 beneficial; and
8 WHEREAS, Amtrak provides mobility to citizens of
9 many smaller communities not well served by air and
10 bus services and to those persons with medical
11 conditions which prevent them from traveling by air;
12 and
13 WHEREAS, according to Amtrak, Amtrak ridership in
14 Iowa has increased from 47,442 in 2003 to 54,365 in
15 2004; and
16 WHEREAS, according to Amtrak, during 2004, Amtrak
17 carried over 25 million passengers nationwide,
18 representing an increase of over 4.3 percent compared
19 to 2003; and
20 WHEREAS, in service to those 25 million passengers,
21 Amtrak serves over 500 stations in 46 states on 22,000
22 miles of track with approximately 20,000 employees,
23 contributing strongly to local and regional economies;
24 and
25 WHEREAS, the Amtrak 2004 budget represented only 2
26 percent of the United States Department of
27 Transportation's $59 billion budget, compared to the
28 balance for highway and airline subsidies; NOW
29 THEREFORE,
30 BE IT RESOLVED BY SENATE, That the President of the

Page 2

1 United States and the Congress are urged to do the
2 following:
3 1. Maintain a strong level of Amtrak funding; and
4 2. Include a strong Amtrak system in all plans for
5 the national transportation system; and
6 BE IT FURTHER RESOLVED, That copies of this
7 resolution be sent to the President of the United
8 States, the President of the United States Senate, the

9 Speaker of the United States House of Representatives,
10 and members of Iowa's congressional delegation.

SENATE RESOLUTION 59: filed May 6, 2005; adopted by the Senate on May 6, 2005.

1 SENATE RESOLUTION 59
2 By: Black
3 A resolution supporting a proposal to invite the
4 Republic of China (Taiwan) to participate in the
5 upcoming meeting of the World Health Assembly as an
6 observer.
7 WHEREAS, the next World Health Assembly meeting is
8 scheduled to take place on May 16, 2005, in Geneva,
9 Switzerland; and
10 WHEREAS, the Republic of China, commonly known as
11 Taiwan, was a founding member of the World Health
12 Organization and participated for 24 years as a full
13 member contributing to the achievement of the
14 organization's objectives; and
15 WHEREAS, in 1972, in the wake of the admission of
16 the People's Republic of China to the United Nations,
17 Taiwan's membership in the World Health Organization
18 was discontinued; and
19 WHEREAS, Taiwanese health officials and medical
20 professionals have been unable to participate in World
21 Health Organization forums and workshops regarding
22 technological advances in the diagnosis, monitoring,
23 and control of diseases since 1972, and have been
24 denied the right to maintain contact and coordination
25 with the World Health Organization in emergency
26 situations involving the containment and cure of
27 existing and newly emerging infectious diseases; and
28 WHEREAS, Taiwan's location at the juncture of
29 important maritime routes between northeast and
30 southeast Asia has resulted in extensive world trade

Page 2

1 with Taiwan, a thriving Taiwanese tourism industry,
2 and a large foreign migrant worker population in
3 Taiwan; and
4 WHEREAS, Taiwan's absence from the World Health
5 Organization system has become a missing link in the
6 global framework of providing health care; and
7 WHEREAS, the granting of observer status to Taiwan
8 would not constitute a challenge to participation by
9 the People's Republic of China in the World Health
10 Organization and would demonstrate that the
11 organization is inclusive with regard to Taiwan's 23
12 million inhabitants; and

13 WHEREAS, as a democratically elected government,
14 the government of Taiwan has a duty and responsibility
15 to ensure that the people of Taiwan are represented by
16 an organization which establishes and oversees an
17 international framework for the control of disease and
18 the promotion of universal health; and
19 WHEREAS, Taiwan has made substantial progress in
20 the health field, has one of the highest life
21 expectancy rates in Asia, has maternal and infant
22 mortality rates comparable to those in western
23 countries, has eradicated infectious diseases such as
24 cholera, smallpox, and the plague, and has been the
25 first country in the region to eradicate polio and
26 provide children with hepatitis B vaccinations; and
27 WHEREAS, Taiwan has expressed a willingness in
28 recent years to provide financial and technological
29 assistance in international aid and health activities
30 supported by the World Health Organization; NOW

Page 3

1 THEREFORE,
2 BE IT RESOLVED BY THE SENATE, That the Senate
3 supports the granting of observer status to Taiwan
4 during the World Health Assembly to be held in May
5 2005; and
6 BE IT FURTHER RESOLVED, That an official copy of
7 this Resolution be prepared and forwarded by the
8 Secretary of the Senate to the President of the United
9 States, the government of Taiwan, the Taipei economic
10 and cultural office, located in Chicago, Illinois, and
11 the governing authority of the World Health
12 Organization.

SENATE RESOLUTION 61: filed May 16, 2005; adopted by the Senate on May 20, 2005.

1 SENATE RESOLUTION 61
2 By: Bolkcom
3 A resolution honoring Marilynne Robinson for her
4 Pulitzer Prize-winning novel "Gilead".
5 WHEREAS, Marilynne Robinson has been a faculty
6 member at the famed Iowa Writers' Workshop at the
7 University of Iowa for 14 years; and
8 WHEREAS, Marilynne Robinson authored the novel
9 "Housekeeping" in 1981, earning respect for her style
10 and a Pulitzer Prize nomination for her inaugural
11 effort; and
12 WHEREAS, Marilynne Robinson was a recipient of a
13 Strauss Living, awarded by the American Academy of
14 Arts and Letters, giving up the remaining three years

15 of the honor to continue her mentoring of writers in
16 Iowa; and
17 WHEREAS, Marilynne Robinson also has published two
18 important nonfiction works, placing her in the upper
19 echelon of modern essayists; and
20 WHEREAS, Marilynne Robinson continues to prove her
21 skill and unique touch by crafting a second award-
22 worthy novel, garnering praise and acclaim from across
23 the nation; and
24 WHEREAS, Marilynne Robinson has created "Gilead", a
25 peaceful, mesmerizing, and beautiful look at the
26 relationship between a father and son in rural 1950s
27 Iowa, exploring the complex nature of one's faith and
28 future; and
29 WHEREAS, Marilynne Robinson has received the honor
30 of earning the National Book Critics' Circle Award and

Page 2

1 the celebrated Pulitzer Prize for "Gilead"; and
2 WHEREAS, Marilynne Robinson uses the style of
3 flashbacks and letters to illustrate her delicate
4 message, relating a father's wisdom and life events to
5 his young son; and
6 WHEREAS, Marilynne Robinson allows the reader to
7 feel the poetry and tranquility of the language,
8 bringing heartfelt descriptions to entertaining
9 characters and situations; and
10 WHEREAS, Marilynne Robinson explores the ageless
11 questions of time, eternity, and what lies ahead for
12 us all; NOW THEREFORE,
13 BE IT RESOLVED BY THE SENATE, That the Senate
14 congratulates Marilynne Robinson for her achievements
15 in writing, focus on teaching, and ability to make us
16 feel what is beautiful.

SENATE RESOLUTION 62: filed May 20, 2005; adopted by the Senate on May 20, 2005.

1 SENATE RESOLUTION 62
2 By: Seng, Wood, and Tinsman
3 A resolution urging the President of the United
4 States and the United States Congress to take action
5 to keep all current organizations and positions at
6 the Rock Island Arsenal.
7 WHEREAS, from the 19th century to the present, the
8 Rock Island Arsenal has been a part of the economic
9 and government service history of the Quad Cities; and
10 WHEREAS, from an employment peak of 18,467 during
11 the height of World War II, the arsenal workforce has
12 shrunk to less than 7,000 employees, and is operating

13 at only 45 percent capacity; and
14 WHEREAS, even at this reduced level, the Rock
15 Island Arsenal employs approximately 6,400 people,
16 making it the second largest employer in the area,
17 supports another 12,500 additional jobs, and pumps
18 more than $1.1 billion a year into the local economy;
19 and
20 WHEREAS, the arsenal is a center for logistics and
21 sustainment excellence for the U.S. Department of
22 Defense and is the home to three major U.S. Army
23 headquarters organizations that have regional and
24 global responsibilities to soldiers, ranging from army
25 munitions management to global logistics management;
26 and
27 WHEREAS, the arsenal also houses more than 60 other
28 U.S. Department of Defense organizations and provides
29 infrastructure support to all the organizations at the
30 Rock Island facility; and

Page 2

1 WHEREAS, the Joint Manufacturing and Technology
2 Center at the arsenal is one of the world's largest
3 weapons manufacturing facilities; and has repeatedly
4 proven that, for small-quantity orders and specialty
5 jobs, it has the expertise, equipment, and dedication
6 to the defense of the United States that cannot be
7 equaled in private industry; and
8 WHEREAS, the preliminary list of bases to be
9 considered for realignment by the Defense Base
10 Realignment and Closure Commission includes the Rock
11 Island Arsenal; and
12 WHEREAS, the realignment of the Rock Island Arsenal
13 and the recommended loss of approximately 1,700 jobs
14 could jeopardize the readiness of United States forces
15 to quickly respond in the war on terror or in any
16 future conflict; NOW THEREFORE,
17 BE IT RESOLVED BY THE SENATE, That the Senate urges
18 the President of the United States, the United States
19 Congress, the Secretary of the Department of Defense,
20 and the Chairperson of the Defense Base Realignment
21 and Closure Commission to remove the Rock Island
22 Arsenal from any further consideration for realignment
23 and that the arsenal facility be considered for the
24 relocation of existing operations that are to be
25 transferred as part of the current realignment and
26 closure process; and
27 BE IT FURTHER RESOLVED, That an official copy of
28 this Resolution be transmitted to the President of the
29 United States, the Secretary of the United States
30 Department of Defense, the Chairperson of the Defense

Page 3

1 Base Realignment and Closure Commission, and to
2 members of the Iowa congressional delegation.

MEMORIALS

IN MEMORIAM

Senators

Michael R. "Mick" Lura ..... August 24, 1948 – May 4, 2004

John N. "Jack" Nystrom ..... June 16, 1933 – December 5, 2004

John A. Peterson ..... January 3, 1935 – February 3, 2005

William J. "Bill" Reichardt ..... June 24, 1930 – June 1, 2004

Max E. Reno ..... April 26, 1926 – July 25, 2004

John C. Rhodes..... November 21, 1928 – November 18, 2004

Roger John Shaff..... November 19, 1910 – June 4, 2004

Edwin Alan "Pud" Shirley ..... November 17, 1937 – August 20, 2004

MICHAEL R. "MICK" LURA

Michael R. "Mick" Lura was born on August 24, 1948, in Marshalltown to Geahard R. and Opal M. Herbert Lura. He passed away on May 4, 2004, at the age of fifty-five. He is survived by his wife Susan of Las Vegas, Nevada; daughters Jessica and Jillian and son Jason all of Las Vegas; son Jacob of Starkville, Mississippi; his mother Opal Herbert of Marshalltown, Iowa; and his sister Susan G. Wall of West Des Moines, Iowa.

Lura graduated from Marshalltown High School in 1966 and attended Columbus College in Columbus, Georgia, graduating cum laude with a bachelor's degree in accounting. Lura was united in marriage with Susan Revell in 1967. He served in the U.S. Army for four years, including a tour of duty in Vietnam.

Lura was an accountant, auditor, and computer systems designer. He was an early official of the Iowa Racing and Gaming Commission. He was a deputy director of the Gaming Commission in the state of Mississippi. At the time of his death, he was assistant controller of the Flamingo Hotel and Casino in Las Vegas.

Lura was active in conservative GOP politics in Iowa. He served as a Republican precinct committeeman, and in 1977 and 1978, he was the financial chair for the Marshall County Republican party. Lura was elected to the Iowa House in 1978 and to the Iowa Senate in 1980. He ran Ronald Reagan's presidential campaign in the state of Iowa in 1980.

Lura was an active member of his community. He was a member of the Kiwanis Club and the American Legion, and he was an instructor of adult education programs. He was a member and former financial secretary of Hope United Methodist Church.

Lura was a Marshall County Republican. He served two years in the House from 1979 to 1980 during the 68th General Assembly and served three years in the Senate from 1981 to 1983 during the 69th and the first half of the 70th General Assemblies.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE EIGHTY-FIRST GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Michael R. "Mick" Lura, 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.

LARRY MCKIBBEN
DENNIS H. BLACK
JOHN PUTNEY
Committee

JOHN N. "JACK" NYSTROM

John N. "Jack" Nystrom was born on June 16, 1933, in Boone, Iowa, to Clifford and Agnes Smiley Nystrom. He passed away on December 5, 2004, at the age of seventy-one. He is survived by son Eric of Eagan, Minnesota; daughters Ellen Nystrom of Boone, Iowa, and Monica McHugh and her husband Jamie of Zwingle, Iowa; four grandchildren, Erinn Nystrom and Andrew Nystrom both of Eagan, Minnesota, and John McHugh and Juli McHugh both of Zwingle, Iowa; former wife Joanne Nystrom of Boone, Iowa; and two cousins, Dean Nystrom of Boone, Iowa, and Don Nystrom of Ames, Iowa.

Nystrom graduated from Boone High School in 1951. He graduated from Boone Junior College and attended Iowa State University. He served in the U.S. Army in Korea from 1953 to 1954. In 1955, he married Joanne Barnes at the First Baptist Church in Boone.

Nystrom was a Boone businessman along with his father, former state senator Clifford "Dutch" Nystrom, in Nystrom Implement Company and Nystrom Motors, Inc. He operated the Nystrom Motors, Inc., from 1955 to 1982.

Nystrom was chairman of the Young Republicans and 5th District Republicans from 1968 to 1970. He served on the State Republican Central Committee from 1968 to 1970. He was elected to the Iowa House of Representatives in 1970 and served one term. He was then elected to the Senate where he served until 1991. From 1991 to 1994, he was Director of the Iowa Department of Commerce, and from 1994 to 2000, he was the Administrator of the Iowa Alcoholic Beverages Division.

Nystrom was active in his community. He was a member of the First Baptist Church, Veterans of Foreign Wars, Elks Lodge BPO #563, Za-Ga-Zig Shrine, and Mount Olive Lodge #79 AF & AM.

Nystrom was a Boone County Republican. He served in the House from 1971–1972 during the 64th General Assembly and in the Senate from 1973–1991 during the 65th, 66th, 67th, 67th Extraordinary, 68th, 69th, 69th Extraordinary, 69th Second Extraordinary, 70th, 71st, 72nd, 72nd Extraordinary, 72nd Second Extraordinary, 73rd, and the first half of the 74th General Assemblies.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE EIGHTY-FIRST GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable John N. "Jack" Nystrom, 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.

JERRY BEHN
STEWART E. IVERSON, JR.
HERMAN C. QUIRMBACH
Committee

JOHN A. PETERSON

John A. Peterson was born on January 3, 1935, in Albia, Iowa, to H. C. and Bernice Morehead Peterson. He passed away on February 3, 2005, at the age of seventy. He is survived by three sons, Russell and his wife Vicki of Overland Park, Kansas, Jay and his wife Dora of Moulton, Iowa, and Christopher and his wife Peggy of Florida; a daughter, Gretchen Van Walbeek and her husband Cornie of Pella, Iowa; two sisters, Peg Huluska of Pella and Helen Schleier of West Des Moines; eleven grandchildren; and several great-grandchildren.

Peterson graduated from Albia High School in 1953 and attended Notre Dame University in South Bend, Indiana. He returned to Albia to work in the family cattle auction business. He was a partner in the Albia Sales Company until the mid-1980s. He was well known throughout southern Iowa as an auctioneer. He was a member of the Iowa Auctioneers Association and the Iowa Livestock Auction Association. Peterson married Mary Jo Hoff.

Peterson served as chairman of the Monroe County Democratic Party from 1960–1964. In the mid-1980s, Peterson entered into politics. He was elected to serve in the Iowa Senate in 1985. He was a strong voice in the legislature, working to help those affected by the Farm Crisis years of the 1980s. Peterson was a candidate for Governor of the state of Iowa in 1990.

Peterson was active in his community. He was a member of the St. Mary's Catholic Church and the Knights of Columbus. He was a former president of the Moravia and Albia High School booster clubs.

Peterson was a Monroe County Democrat. He served in the Iowa Senate from 1986–1992 during the second half of the 71st General Assembly, the 72nd, 72nd Extraordinary, 72nd Second Extraordinary, 73rd, 74th, 74th Extraordinary, and 74th Second Extraordinary General Assemblies.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE EIGHTY-FIRST GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable John A. Peterson, 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.

PAUL MCKINLEY
KEITH A. KREIMAN
TOM RIELLY
Committee

WILLIAM J. "BILL" REICHARDT

William J. "Bill" Reichardt was born on June 24, 1930, to Herbert and Ethel Reichardt. He passed away on June 1, 2004, at the age of 73. He is survived by his wife Sue of Des Moines, Iowa; daughter, Barbara Jensen and her husband Buzz Weisberg of Denver, Colorado, and her three children; son Doug and his wife Debbie of Des Moines, Iowa, and their three children; son Duke and his wife Carole of Clive, Iowa, and their three children; and his sisters Sherry Gardner and Mary Ellen Krebs.

Reichardt attended school in Iowa City and graduated from Iowa City High School in 1948. He grew up working in the family restaurant, Reich's Restaurant. Reichardt received many sports honors as a high school student. He was inducted into the Iowa City High School Hall of Fame and received eight athletic letters for varsity competition. He was named to the All-State Football First Team as a fullback.

Reichardt attended the University of Iowa and graduated in 1952 with a degree in economics. He played football for the University of Iowa and received numerous football honors, including being named All-American fullback, All Big Ten First Team, and the Most Valuable Player in the Big Ten in 1951. More recently, he was named to the University of Iowa All-Time Football Team and was inducted into the University of Iowa Athletic Hall of Fame.

In 1952, Reichardt was united in marriage to Sue Manbeck, and they were married for 52 years. In 1953, Reichardt and his business partner opened Bill Reichardt's Sports Shop. He owned his own business, Reichardt's Clothing Store, in the Roosevelt Shopping Center in Des Moines for 47 years.

Reichardt was active in his community. He wrote and published many articles on the topics of competitive athletics and juvenile crime. He served on boards and committees for a variety of organizations in Des Moines and in Iowa. Reichardt was passionate about children's issues and worked to improve the lives of disadvantaged youth in Iowa.

Reichardt was a Polk County Democrat. He served one term in the House from 1965–1966 during the 61st General Assembly and one term in the Senate from 1967–1970 during the 62nd and 63rd General Assemblies. He was a candidate for Governor of the state of Iowa in the 1994 primary.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE EIGHTY-FIRST GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable William J. "Bill" Reichardt, 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.

MATT MCCOY
JACK HATCH
PAT WARD
Committee

MAX E. RENO

Max E. Reno was born on April 26, 1926, in rural Wapello County, Iowa, to Sherman E. and Marjorie E. Heady Reno. He passed away on July 25, 2004, at the age of seventy-eight. He is survived by three sons, Stephen and his wife Joanna of Ankeny, Iowa, Marcus of St. Petersburg, Florida, and R. William of Phoenix, Arizona; a son-in-law, Stephen Shriver of Bonaparte, Iowa; and seven grandchildren.

Reno was educated in the Bloomfield public schools and graduated from Bloomfield High School in 1944. He attended Bloomfield Junior College. He served in the U.S. Navy during World War II and was stationed in the South Pacific. He married Francis Hartzler in 1948.

Reno was an auctioneer, insurance agent, and real estate broker. He had owned and operated a livestock sale barn and a feed service in Bonaparte and was a member of both the Iowa Auctioneer and National Auctioneer Associations. In 1964, Reno was elected to the Iowa Senate, where he served one term.

Reno was active in his community. He was a member of the Bonaparte Baptist Church, Lions Club, American Legion Post 563, and Lodge #73 AF & AM; the Keosauqua VFW; the Farmington Rod and Gun Club; and the KAABA Shrine. He was on the board of directors for the Indian Hills Community College Foundation. He was a former mayor of Bonaparte, Iowa.

Reno was a Van Buren County Democrat. He served in the Senate from 1965–1968 during the 61st and 62nd General Assemblies.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE EIGHTY-FIRST GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Max E. Reno, 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.

DAVID MILLER
GENE FRAISE
THOMAS G. COURTNEY
Committee

JOHN C. RHODES

John C. Rhodes was born on November 21, 1928, in Sanborn, North Dakota, to Alfred and Eva Rhodes. He passed away on November 18, 2004, at the age of seventy-five. He is survived by his wife Audrey of Chariton, Iowa; son Bruce and wife Cheri of Dubuque, Iowa; two daughters, Lori Kautsky and husband Greg of Perry, Iowa, and Marty Magalsky and husband Kevin of Juneau, Wisconsin; and nine grandchildren.

Rhodes graduated from Sanborn High School in 1946. After graduation he enlisted in the Army where he served for three years following World War II. Rhodes married Audrey Swedeen in 1952. He graduated from the University of North Dakota in 1953 with a bachelor's degree in journalism.

From 1953 until 1955, Rhodes was the editor of the Garrison, North Dakota, newspaper. In 1955, he became editor of the Chariton Newspapers in Chariton, Iowa, and served in that position until 1967. At that time, he became the director of information for the Hy-Vee Food Stores, Inc., until his retirement in 1990.

Rhodes was elected to the Chariton City Council in 1962 and served as mayor until 1970, when he was elected to the Iowa Senate. He served in the Senate for two years. Following his Senate term, he was re-elected to the Chariton City Council and again served as mayor until 1980.

Rhodes was an active member of his community, serving on many boards and committees. He was a past president of the Chariton Chamber of Commerce and the Industrial Development Board. He served on the governing boards of Indian Hills Community College, the Iowa League of Municipalities, and the Iowa Good Roads Association. He was a member of the Chariton Planning and Zoning Commission and the McKay Scholarship Committee and was active in the Republican Party for many years. He was a long-time member of the First United Methodist Church.

Rhodes was a Lucas County Republican. He served two years in the Senate, 1971–1972, during the 64th General Assembly.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE EIGHTY-FIRST GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable John C. Rhodes, 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.

PAUL MCKINLEY
DOUG SHULL
KEITH A. KREIMAN
Committee

ROGER JOHN SHAFF

Roger John Shaff was born on November 19, 1910, in rural Clinton County, Iowa, to J. O. and Gladys Melick Shaff. He passed away on June 4, 2004, at the age of ninety-three. He is survived by his wife Marian of Clinton, Iowa; son John and wife Evelyn of Camanche, Iowa; daughter Ann Frein and husband Jim of Vail, Colorado; brothers J. M. of Bettendorf, Iowa, Jim of Cedar Rapids, Iowa, and David of Clinton, Iowa; a sister Jeanne Kieley of Fullerton, California; six grandchildren; and twelve great-grandchildren.

Shaff lived his entire life on the family farm that dates back to his great-grandfather Heman B. Shaff, who settled there in 1837. He attended rural grade school and graduated from Clinton High School in 1928. He graduated from the University of Iowa in 1932 with a degree in economics.

Upon his graduation from college, he returned to the family farm. In 1939, he married Marian Thede. He was actively farming until his death in 2004. He was one of the original directors and stockholders of Camanche State Bank, now a branch of Clinton National Bank.

Shaff was active in his community. He was a member of many organizations, including the Cattle Feeders, Corn Growers, Farm Bureau, Toastmasters, and Rotary. He served as an elder in the First Presbyterian Church.

Shaff served in the Iowa Senate, where he worked diligently on tax issues. He was recognized as one of the most knowledgeable on state taxes, especially property taxes. His greatest accomplishment was bringing equity to schools through the Iowa Education Foundation Funding Act. This law served as a model for other states. He served as President Pro Tempore of the Senate when Iowa was recognized as having the most improved legislature.

Roger John Shaff was a Clinton County Republican. He served three terms in the Senate from 1967 to 1978 during the 62nd, 63rd, 64th, 65th, 66th, 67th, and 67th Extraordinary General Assemblies.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE EIGHTY-FIRST GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Roger John Shaff, 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.

ROGER STEWART
FRANK B. WOOD
MAGGIE TINSMAN
Committee

EDWIN ALAN "PUD" SHIRLEY

Edwin Alan "Pud" Shirley was born on November 17, 1937, in Des Moines, Iowa, to Donald Joseph and Winifred Elizabeth McArthur Shirley. He passed away on August 20, 2004, at the age of sixty-six. He is survived by his wife Viivi-Ann; daughters Jill Shirley, and Elise Reiser and her husband Paul; grandchildren Liisi and William Reiser; and a sister Brenda Turner.

Shirley graduated from Perry High School in 1956, earned his undergraduate degree at the University of Iowa, and his law degree from Drake University. He also earned a master's degree in public administration from Drake University. He married Viivi-Ann Aarma in 1959. Shirley was a partner in the Shirley, Powell, and Finneseth law firm in Perry and Jefferson. He specialized in property, elder, and real estate law.

Shirley ran for the Iowa Legislature in 1964 and was elected as one of the youngest state senators in Iowa. He served in the Senate for six years. Shirley was elected Dallas County Attorney in 1976. He held that position for ten years. He later served as Perry City Attorney for six years.

Shirley was involved in numerous community and civic activities. He was a member of the Elks and the Iowa Bar Association and served as mayor of Perry. In 2004, he received the Perry Chamber of Commerce Citizen of the Year Award. His lifelong passion was the Iowa Red Cross, where he volunteered for more than 25 years. He was a member of the Iowa Red Cross Board of Directors from 1988–2001, and served as the board chair from 1993–1994. He served as chair of the Emergency Services Committee from 1992–1993, and raised a record $5 million plus to help with the Midwest floods in 1993. He was chair of the International Services Committee from 1995 until his death.

Shirley was well known for his gracious, genuine like of people, and his ready sense of humor. Those traits, coupled with a commitment to community, kept him in public service throughout most of his professional life. Shirley had many interests, including performing in several plays in Perry and Granger, collecting rare stamps, collecting books in preparation for launching a used book store, and reading.

Shirley was a Dallas County Democrat. He served in the Iowa Senate from 1965–1970 during the 61st, 62nd, and 63rd General Assemblies.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE EIGHTY-FIRST GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Edwin Alan "Pud" Shirley, 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.

JERRY BEHN
DARYL BEALL
DOUG SHULL
Committee

JOURNAL INDEX

ADDRESSES TO SENATE — (*See also* GUESTS; JOINT CONVENTIONS)
Democratic floor leader of the Senate, Michael E. Gronstal — 10
Democratic president of the Senate, John Kibbie — 6
Republican floor leader of the Senate, Stewart E. Iverson Jr. — 8
Republican president of the Senate, Jeff Lamberti — 5

ADJOURNMENT SINE DIE
Regular session — 1233

ADMINISTRATIVE RULES REVIEW COMMITTEE
Senators appointed — 255

AGRICULTURAL EDUCATION ADVISORY COUNCIL
Senators appointed — 255

AGRICULTURE AND LAND STEWARDSHIP, DEPARTMENT OF
Appointments made by — 562

AGRICULTURE, COMMITTEE ON
Appointees, investigation of — 568, 601, 711
Appointments to — 23
Bills and resolutions introduced — 130, 332, 333, 384, 460, 462, 499
Bills referred to — 147, 156, 280, 383, 402, 411, 413, 481, 531, 575, 597, 906
Committee meeting reports — 68, 116, 172, 189, 237, 258, 329, 367, 400, 425, 457, 705, 743
Committee reports — 135, 336, 388, 434, 464, 502, 708, 747
Study bills — 95, 168, 193, 214, 241, 334, 374, 417
Subcommittee assignments — 98, 158, 170, 194, 216, 242, 323, 335, 374, 376, 418, 419, 431, 528, 548, 564, 594, 652

AMENDMENTS — (*See also individual committees and senators; bill histories in Index volume*)
Filed by House — (*See* HOUSE AMENDMENTS IN SENATE)
Printout of all amendments filed — 1241–2244
Ruled out of order — (*See also* POINTS OF ORDER):
Senate File 200 — 1124
Senate File 220 — 756
Senate File 325 — 737
Senate File 408 — 1040
House File 619 — 1110, 1111
House File 816 — 1165
House File 882 — 1172, 1199

ANGELO, JEFF — Senator, 48th District
Amendments filed — 390, 528, 540, 543, 598, 737, 957, 1025, 1026, 1073, 1086, 1099, 1100, 1105, 1117, 1118, 1121, 1123, 1132, 1134, 1138, 1164, 1171, 1172, 1175, 1214
Amendments offered — 399, 540, 736, 737, 1121, 1134, 1164, 1172, 1175
Amendments withdrawn — 1121
Bills introduced — 55, 94, 129, 175, 192, 238, 272, 291, 411
Certificates of recognition — 400, 456, 655, 656, 1187
Conference committee appointments & reports — 1200, 1230
Presentations — 940
Presiding at session of Senate — 716, 1155
Resolutions introduced — 237, 402, 496, 547, 576, 577, 642, 656, 744, 745, 773, 914, 1218
Senate committee appointments — 26
Statutory appointments — 162, 255

ANNOUNCEMENTS
Appointments by Senate leaders — 41
Statutory appointments of senators — 255–257

APPOINTEES
Accountancy Examining Board
Bruner, Nancy — 183, 187, 205, 311, 341
Engelmann, Thomas — 554, 572, 607, 712, 728
Mickelson, Marianne — 554, 572, 607, 712, 728
African-Americans, Commission on Status of
Westerhaus, Charlotte — 183, 187, 205, 311, 341, 554, 572, 607, 712, 728
Alcoholic Beverages Commission
Clayton, James — 554, 572, 607, 712, 728
Collins, Gayle — 554, 572, 607, 712, 791
Architectural Examining Board
Allers, Terry — 554, 572, 607, 712, 729
Diehl, Annabelle — 554, 572, 607, 712, 791
Petrzalek, Teresa — 554, 572, 607, 712, 729
Athletic Training Examiners, Board of
Coberly, Mark — 554, 569, 603, 711, 729
Healey, Holly — 554, 569, 603, 711, 904
Lindaman, Lynn — 554, 569, 603, 711, 791
Banking, Superintendent of
Gronstal, Thomas — 554, 568, 601, 698, 729
Barber Examiners, Board of
Kauffman, Clark — 554, 572, 607, 712, 729
deferral — 562
Behavioral Science Examiners, Board of
Fann, Kenneth — 183, 186, 196, 365, 394

Michaels, Marcia — 183, 186, 196, 265, 283, 554, 569, 603, 711, 791
Shannahan, Elizabeth — 554, 569, 603, 711, 729
Tarvydas, Vilia — 554, 569, 603, 711, 791
Blind, Commission for the
Scurr, Julia — 554, 569, 603, 711, 729
Boiler and Pressure Vessel Board
Brecke, Robert — 183, 187, 205, 252, 341, 554, 572, 607, 712, 729
Fehr, Timothy — 183, 187, 205, 252, 341, 554, 572, 607, 712, 753
Iles, Amy — 183, 187, 205, 252, 341, 554, 572, 607, 712, 753
Kruzic, James — 183, 187, 205, 311, 341
Oltrogge, Susan — 183, 187, 205, 252, 341
Rodenkirk, Joseph — 183, 187, 205, 252, 341
Rush, Lynne — 183, 187, 205, 252, 341
Taeger, Keith — 183, 187, 205, 252, 341
Brushy Creek Recreation Trails Advisory Board
Grout, Myron — 41
Nellesen, Ruth — 41
Reed, Patrick — 41
Capital Investment Board, Iowa
Blanshan, Eugene — 555, 569, 602, 698, 729
Child Advocacy Board
Bratney, Anna — 555, 570, 603, 711, 792
DeHart, Joseph — 555, 570, 603, 711, 729
Isaacson, Michael — 555, 570, 603, 711, 729
Kaminsky, Katherine — 555, 570, 603, 711, 729
Chiropractic Examiners, Board of
Doohen, Kathleen — 555, 572, 607, 712, 729
Kraus, Steven — 555, 572, 607, 712, 729
Whalen, Karen — 555, 572, 607, 712, 729
Civil Rights Commission, Iowa State
Gronstal, Constance — 555, 571, 605, 768, 779
Morain, Frederick — 555, 571, 605, 768, 779
Tutt, Timothy — 555, 571, 605, 768, 779
Witt, Nancy — 555, 571, 605, 678, 729
Community Action Agencies, Commission on
Beauchamp, Kathy — 555, 570, 604, 740, 779
McFarlane, Merl — 555, 570, 604, 740, 779
Peiffer, Amy — 555, 570, 604, 711, 729
Comprehensive Petroleum Underground Storage Tank Fund Board, Iowa
Beech, Douglas — 559, 571, 606, 768, 780
Holcomb, James — 559, 571, 606, 768, 792
Corrections, Board of
Erickson, David — 555, 571, 605, 768, 779
Hammond, Johnie — 555, 571, 605, 678, 729

APPOINTEES — continued
Cosmetology Arts and Sciences Examiners, Board of
Brockmann, Becky — 555, 572, 607, 712, 729
Leytem, Lois — 555, 572, 607, 712, 729
Myers, Mary Beth — 555, 572, 607, 712, 729
Olsen, Janet — 555, 572, 607, 712, 779
deferral — 562
County Finance Committee
Marlow, Jill — 555, 571, 606, 698, 729
Swanson, Kay — 555, 571, 606, 698, 729
Credit Union Review Board
Gettings, Don — 555, 568, 601, 698, 729
Hass, Melanie — 183, 186, 196, 326, 341
Oliver-Hall, Barbara — 555, 568, 601, 768, 904
Credit Unions, Superintendent of
Forney, James — 555, 568, 601, 698, 834
Criminal & Juvenile Justice Planning, Administrator of Division of
Moore, Richard — 555, 571, 605, 678, 835
Cultural Affairs, Director of Department of
Walker, Anita — 555, 569, 602, 646, 836
Cultural Trust, Board of Trustees of the Iowa
Kelly, Mary — 556, 572, 607, 713, 832
Neuman, Henry — 556, 572, 607, 713, 753
deferral — 563
Deaf, Commission on the
Fletcher, Jacquelyn — 556, 570, 604, 740, 779
Grover, James — 556, 570, 604, 711, 832
Jones, David — 556, 570, 604, 711, 729
Dental Examiners, Board of
Hathaway, Alan — 556, 572, 608, 713, 729
Stewart, Suzan — 556, 572, 608, 713, 729
Yossi, Debra — 556, 572, 608, 713, 753
Dietetic Examiners, Board of
O'Brien, Christine — 556, 572, 608, 713, 730
Schweers, Robert — 556, 572, 608, 713, 730
Drug Policy Advisory Council
Barnes, Stewart — 183, 187, 197, 327, 394
Dettmann, Pamela — 556, 571, 605, 808, 832
Vos, Brian — 183, 187, 197, 327, 342
Wilson, Christina — 183, 187, 197, 327, 342
Economic Development Board, Iowa
Armstrong-Gustafson, Peggy — 556, 569, 602, 698, 730
Courtney, Jerry — 556, 569, 602, 698, 730
Dandekar, Arvind — 556, 569, 602, 698, 730
Sickler, Jack — 556, 569, 602, 698, 730

Educational Examiners, Board of
Aboud, John — 556, 569, 603, 647, 730
Chen, Ying Ying — 556, 569, 603, 647, 730
Henderson, Jeffrey — 556, 569, 603, 647, 730
Paulsen, Thomas — 556, 569, 603, 711, 730
Robinson, Greg — 183, 186, 205, 230, 283
Seeland, Jean — 556, 569, 603, 647, 730
Smith, Beverly — 556, 569, 603, 652, 753
Education, Director of Department of
Jeffrey, Judy — 556, 569, 602, 646, 836
Education, State Board of
Kobberdahl, Wayne — 183, 186, 205, 278, 342
Elder Affairs, Commission of
Carlson, Lisa — 556, 570, 604, 711, 730
Minton, Yvonne — 556, 570, 604, 711, 730
Neumann, Robert — 556, 570, 604, 711, 730
Elevator Safety Board
Christensen, Todd — 183, 187, 205, 311, 342
Conner, Rita — 183, 187, 205, 252, 342
Fromm, Pete — 183, 187, 205, 311, 342
Kesterson, Kristine — 183, 187, 206, 311, 342, 556, 572, 608, 713, 730
Scholle, Scott — 183, 187, 206, 311, 342
Schumacher, Marvin — 184, 188, 206, 252, 283
Sims, Wayne — 184, 188, 206, 311, 342, 556, 572, 608, 713, 730
Workman, Siobhan — 184, 188, 206, 252, 283, 556, 572, 608, 713, 730
Empowerment Board, Iowa
Brown, Barbara — 557, 570, 604, 740, 780
Calhoun, John — 557, 570, 604, 740, 780
Christoffersen, Terri — 557, 570, 604, 740, 780
Davis, Judy McCoy — 184, 186, 196, 326, 342
Odell, Mary — 557, 570, 604, 740, 780
Engineering and Land Surveying Examining Board
Albright, Susan — 557, 572, 608, 713, 730
Benjamin, Gary — 557, 572, 608, 713, 730
TeKippe, Lyle — 557, 572, 608, 713, 730
Environmental Protection Commission
Hanson, Darrell — 557, 571, 606, 768, 780
Marquard, Henry — 557, 571, 606, 768, 780
Morrow, Suzanne — 557, 571, 606, 768, 780
Petty, David — 557, 571, 606, 768, 780
Scott, Mary Gail — 557, 571, 606, 768, 780
Ethics and Campaign Disclosure Board, Iowa
Harper, Patricia — 184, 188, 206, 278, 283, 557, 573, 608, 713, 730
Sullivan, Gerald — 557, 573, 608, 713, 730
Finance Authority, Executive Director of the Iowa
Mills, Bret — 557, 574, 611, 678, 730

APPOINTEES — continued
Finance Authority, Iowa
Adams, Steven — 557, 574, 611, 678, 832
Bordwell, Virginia — 557, 574, 611, 678, 730
Kramer, Heather — 184, 188, 197, 365, 394
Lintz, Vincent — 557, 574, 611, 678, 753
Walter, Douglas — 557, 574, 611, 678, 730
Grain Indemnity Fund Board, Iowa
Simpson, Sandy — 557, 568, 601, 711, 730
Winburn, Donna — 557, 568, 601, 711, 832
Grape and Wine Development Commission
Foster, Karen — 562, 568, 601, 711, 730
Larson-Melin, Linda — 562, 568, 601, 711, 730
Health Facilities Council
Follett, Charles — 557, 570, 604, 712, 730
Hope, Karen — 557, 570, 604, 712, 730
Healthy and Well Kids in Iowa (hawk-i) Board
Salter, Susan — 557, 570, 604, 712, 730
Yeast, James — 557, 570, 604, 740, 780
Hearing Aid Dispensers, Board of Examiners for Licensing and Regulation of
McWilliams, Mary Jane — 557, 573, 608, 713, 832
deferral — 562
Higher Education Loan Authority, Iowa
Fleming, Robert — 557, 569, 603, 647, 730
Human Rights, Director of Department of
Reed, Walter — 558, 570, 604, 710, 837
Human Services, Council on
Peltan, Mark — 558, 570, 604, 712, 731
Schoer, Sylvia — 558, 570, 604, 712, 731
Wright, Donald — 558, 570, 604, 740, 832
Information Technology Council
Gurney, Christian — 184, 188, 206, 252, 283
Junkins, Kristina — 184, 188, 206, 252, 283
Mueller, Donna — 184, 188, 206, 278, 342
Insurance, Commissioner of
Voss, Susan — 640, 698, 753
Interpreters for the Hearing Impaired Examiners, Board of
Gallant, Philippe — 184, 187, 197, 338, 342
Gouldsmith, Judy — 184, 187, 197, 326, 342
Huffman, Carissa — 184, 187, 197, 326, 342, 558, 570, 604, 712, 779
Kautzky, Diana — 184, 187, 197, 326, 342
Moorman-Rice, David — 184, 187, 197, 326, 342
Sather, Bethany — 184, 187, 197, 326, 394
Thiessen, Stuart — 184, 187, 197, 326, 342, 558, 570, 604, 712, 779

IowAccess Advisory Council
Corson, Barbara — 184, 188, 206, 252, 283
Schmidt, Tina — 184, 188, 206, 311, 342
Iowans of Asian and Pacific Islander Heritage, Commission on Status of
Arora, Rita — 184, 186, 196, 326, 342
Baccam, Thomas — 184, 186, 196, 326, 342
Chen, Cyndi — 184, 186, 196, 326, 342
Chia, Ning — 184, 186, 196, 326, 342
Ly, Lin — 184, 186, 196, 326, 342
Osako, Frank — 184, 186, 197, 326, 342
Park, Richard — 184, 187, 197, 326, 343
Peralta, Cecilia — 184, 187, 197, 326, 394
Thongvanh, Barry — 184, 187, 197, 326, 343
IPERS, Investment Board of
Dettbarn, Lana — 558, 573, 608, 713, 753
Stockdale, Joanne — 558, 573, 608, 713, 731
Judicial Nominating Commission, State
Denefe, Coleen — 558, 571, 605, 678, 731
Mikkelsen, Timothy — 558, 571, 605, 678, 731
Judicial Qualifications, Commission on
deferral — 563
Labor Commissioner
Neil, David — 558, 568, 601, 697, 838
Landscape Architectural Examining Board
Magnani, Carolyn — 558, 573, 608, 713, 753
Reinhart, Ann — 558, 573, 608, 713, 832
deferral — 563
Law Enforcement Academy Council, Iowa
Krukow, Randy — 558, 574, 611, 715, 731
Link, Patty — 558, 574, 611, 715, 832
Management, Director of Department of
Tramontina, Michael — 558, 573, 609, 713, 724, 838
Massage Therapy, Board of Examiners for
Black, Laura — 184, 188, 206, 278, 283
Heath, Judith — 558, 573, 608, 713, 731
Lang, Kenneth — 558, 573, 608, 713, 753
Spencer-Jensen, Kathy — 184, 188, 206, 252, 283, 558, 573, 608, 713, 832
deferral — 562
Medical Examiners, Board of
Johnson, Susan — 558, 573, 609, 713, 731
Schroeder, Sally — 558, 573, 609, 713, 731
Shaffer, Dana — 558, 573, 609, 713, 753

APPOINTEES — continued
Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission
Chandler, Shelly — 185, 187, 197, 338, 343, 558, 570, 605, 712, 731
Crannell, Lynn — 185, 187, 197, 265, 343
Kellen, Linda — 558, 570, 605, 712, 731
Penning, Patricia — 558, 570, 605, 712, 731
Rixner, James — 185, 187, 197, 338, 343
Willey, John — 558, 570, 605, 712, 792
deferral — 563
Mental Health Risk Pool Board
Eskildsen, Rebecca — 559, 571, 606, 698, 731
Ferrell, Lynn — 559, 571, 606, 698, 753
Gorman, William — 559, 571, 606, 698, 731
Halliburton, Jane — 185, 187, 197, 198
Strawn, Karen — 559, 571, 606, 698, 731
Mortuary Science Examiners, Board of
Thomsen, Karen — 559, 573, 609, 713, 731
Vigen, Marcus — 559, 573, 609, 713, 753
deferral — 562
Natural Resources Commission
Garst, Elizabeth — 559, 571, 606, 768, 780
Kramer, Carol — 559, 571, 606, 768, 780
Moore, Lennis — 559, 571, 606, 768, 780
Natural Resources, Director of Department of
Vonk, Jeffrey — 559, 571, 606, 767, 833
Nursing Examiners, Board of
Connors, John — 559, 573, 609, 713, 731
Jacobus, Mary — 559, 573, 609, 713, 731
Taylor, Pauline — 559, 573, 609, 713, 833
Nursing Home Administrators, State Board of Examiners for
Hertel, Larry — 559, 573, 609, 713, 731
Van Sickle, Michael — 559, 573, 609, 713, 731
Optometry Examiners, Board of
Brown, Terry — 559, 573, 609, 714, 731
O'Farrell, Edwina — 559, 573, 609, 714, 731
Ohlson, Michael — 559, 573, 609, 714, 731
Parole, Board of
Binnie, Barbara — 559, 571, 605, 678, 731
Jenkins, Curtis — 559, 571, 605, 678, 731
Pharmacy Examiners, Board of
Abramowitz, Paul — 559, 573, 609, 714, 731
Benjamin, Vernon — 559, 573, 609, 714, 731
O'Roake, Barbara — 559, 573, 609, 714, 753
Physical & Occupational Therapy Examiners, Board of
Kestel, Lisabeth — 559, 573, 609, 714, 732

Peterson, Theodore — 559, 573, 609, 714, 732
Rosales, Armando — 559, 573, 609, 714, 732
Physician Assistant Examiners, Board of
deferrals — 562
Podiatry Examiners, Board of
Hastings, Patsy — 560, 573, 609, 714, 732
Yoho, Robert — 560, 573, 609, 714, 753
Prevention of Disabilities Policy Council
Moreland, Patricia — 560, 570, 605, 740, 833
deferral — 563
Psychology Examiners, Board of
Enzle, Susan — 640, 641, 714, 780
Oman, Jennifer Lock — 560, 573, 610, 714, 732
Rypma, Craig — 560, 573, 610, 641
deferral — 562
Racing and Gaming Commission, State
Bair, Gerald — 560, 573, 610, 714, 753
Cutler, Kathryne — 560, 573, 610, 714, 732
Real Estate Appraiser Examining Board
Lara, Michael — 560, 574, 610, 714, 732
Thorne, Amy — 560, 574, 610, 714, 732
Real Estate Commission
Daniels, Patricia — 560, 574, 610, 714, 732
O'Neill, James — 560, 574, 610, 714, 732
Regents, State Board of
Bedell, Thomas — 560, 569, 603, 646, 839
Gartner, Michael — 185, 186, 205, 326, 519, 560, 569, 603, 646, 840
Harkin, Ruth — 560, 569, 603, 646, 842
Vasquez, Rose — 185, 186, 205, 278, 283, 560, 569, 603, 652, 732
Wahlert, Teresa — 560, 569, 603, 646, 841
Renewable Fuels and Coproducts Advisory Committee
Bodholdt, Judith — 560, 572, 606, 768, 780
Furlong, William — 560, 572, 606, 808, 833
Lewis, Kevin — 560, 572, 606, 768, 833
Rowe, Laura — 560, 572, 606, 768, 780
Respiratory Care, State Board for
Bainbridge, Craig — 560, 574, 610, 714, 732
Semke, Kathelene — 560, 574, 610, 714, 732
School Budget Review Committee
Cook, Connie — 560, 569, 603, 652, 732
Small Business Advisory Council
Coldiron, Shelley — 185, 186, 196, 296, 343
Cullen, John — 560, 569, 602, 698, 732
Ingerslev, Dana — 560, 569, 602, 698, 732
Tabor, Paul — 560, 569, 602, 698, 732
Thompson, Stanley — 560, 569, 602, 698, 732

APPOINTEES — continued
Social Work Examiners, Board of
Hoffman, Christine — 185, 188, 206, 311, 343
Schmidt, Robert — 560, 574, 610, 714, 732
Stout, David — 185, 188, 206, 252, 283
Tasler, Mary — 185, 188, 206, 311, 343
Westphal, Joyce — 560, 574, 610, 714, 780
Soil Conservation Committee, State
Lau, Keith — 561, 568, 601, 711, 732
Sand, Duane — 561, 568, 601, 711, 732
Sellers, John — 561, 568, 601, 711, 732
Speech Pathology & Audiology Examiners, Board of
Adamski, Jeannette — 561, 574, 610, 714, 732
Donner-Tiernan, Christine — 561, 574, 610, 714, 732
Tax Review, State Board of
Stork, Frank — 561, 574, 611, 678, 732
Telecommunications and Technology Commission, Iowa
Lapointe, Timothy — 561, 568, 602, 768, 780
Stamp, Curtis — 185, 186, 196, 326, 343
Title Guaranty Division Board
Rodari, Surasee — 561, 568, 602, 768, 780
Taylor, Mitchell — 561, 568, 602, 768, 780
Tobacco Use Prevention and Control, Commission on
Humphrey, Noreen — 561, 570, 605, 712, 833
Squier, Christopher — 561, 570, 605, 740, 780
Transportation Commission, State
Crawford, Patricia — 561, 574, 611, 715, 780
Hart, Thomas — 561, 574, 611, 715, 833
Sawtelle, Wayne — 185, 188, 197, 218, 911
deferral — 911
Utilities Board
Norris, John (member and chair) — 561, 568, 602, 698, 842, 843
Veterans Affairs, Commission of
Bowden, Larry — 185, 188, 206, 278, 283
Regur, Mary — 185, 188, 206, 278, 283
Rehbein, David — 185, 188, 206, 278, 283
Schroeder, Cecelia — 185, 188, 206, 278, 283
Waychus, Rosetta — 185, 188, 206, 252, 283
Veterans Home, Commandant of the Iowa
Steen, Daniel — 561, 574, 610, 714, 732
Veterinary Medicine, Iowa Board of
Garst, Sarah — 561, 574, 610, 714, 732
Stein, Michael — 185, 188, 206, 252, 283, 561, 574, 610, 714, 732
Vision Iowa Board
Anderson, Andrew (chair) — 561, 574, 610, 714, 732
Chamberlin, Mary Ellen — 561, 574, 611, 714, 753

Graf, Charles — 561, 574, 611, 714, 733
Odekirk, David — 561, 574, 611, 714, 833
Rants, Carolyn — 561, 574, 611, 714, 733
Workforce Development Board, Iowa
Duchene, Vicki — 185, 186, 196, 311, 343

APPOINTMENTS BY GOVERNOR
Deferrals — 562, 563, 911
En Bloc Confirmation Calendar
Confirmation — 283, 341–343, 394, 728–733, 753, 779, 780, 791, 792, 832, 833, 904
Placement on — 230, 252, 265, 278, 296, 310, 311, 326, 327, 338, 365, 647, 652, 678, 698, 711–715, 740, 768, 808
Individual Confirmation Calendar
Confirmation — 519, 833–843
Placement on by senators — 724
Placement on by standing committees — 218, 326, 646, 678, 697, 698, 710, 767
Investigating committees — (*See individual committees*)
Referral to standing committees — 186–188, 568–574, 640
Submission by governor — 183–185, 554–562, 640
Withdrawals — 198, 641, 911

APPOINTMENTS BY SENATE LEADERSHIP
Brushy Creek Recreation Trails Advisory Board — 41

APPOINTMENTS OF SENATORS, STATUTORY
Administrative Rules Review Committee — 255
Agricultural Education Advisory Council — 255
Capital Investment Board — 255
Capitol Planning Commission — 255
Child Care Advisory Council, State — 255
Child Support Advisory Committee — 255
College Student Aid Commission — 255
Community College Working Group of Stakeholders — 255
Comprehensive Health Insurance Association, Iowa — 256
Criminal and Juvenile Justice Planning Advisory Committee — 255
Economic Development Board, Iowa — 255
Elder Affairs, Commission of — 255
Empowerment Board, Iowa — 256
Hawk-i Board — 256
Indigent Defense Advisory Commission — 256
Information Technology Council — 256
Interstate Cooperation Commission — 256
IowAccess Advisory Council — 256
IPERS, Investment Board of — 256

APPOINTMENTS OF SENATORS — continued
Law Enforcement Academy Council — 256
Legislative Council, Iowa — 162
Medical Assistance Advisory Council — 256
Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission — 256
Prevention of Disabilities Policy Council — 257
Property Tax Implementation Committee — 257
Public Retirement Systems Committee — 257
Renewable Fuel & Coproducts Advisory Committee — 257
Rural Health and Primary Care Advisory Committee — 257
Senior Living Coordinating Unit — 257
Statewide Fire and Police Retirement System, Board of Trustees for — 256
Tobacco Use Prevention and Control Commission — 257
Women, Commission on the Status of — 257
Workforce Development Board — 257

APPROPRIATIONS, COMMITTEE ON
Amendments filed — 696, 774, 775, 1048
Appointments to — 23
Appointments to subcommittees — 25, 26
Bills and resolutions introduced by — 131, 461, 462
Bills referred to — 55, 76, 85, 160, 192, 263, 369, 371, 384, 392, 445, 493, 536, 599, 616, 636, 641, 681, 682, 704, 761, 771, 790, 799, 859, 914, 954, 977, 983, 1029, 1065, 1093
Committee meeting reports — 69, 126, 189, 288, 457, 546, 694, 772, 978, 1034, 1113, 1157
Committee reports — 135, 277, 465, 696, 697, 774, 775, 979, 980, 1047, 1048, 1114–1116, 1159
Study bills — 103, 104, 273, 319, 418, 450, 501, 527, 612, 613, 787, 979, 998
Subcommittee assignments — 71, 97, 98, 106, 177, 215, 276, 322, 323, 419, 431, 433, 451, 452, 502, 528, 578, 613, 633, 696, 764, 788, 825, 909, 979, 999, 1007, 1023, 1099, 1130
Subcommittee meeting reports:
Administration and Regulation — 92, 101, 118, 127, 145, 165, 173, 189, 210, 222, 260, 269, 526, 546
Agriculture and Natural Resources — 92, 101, 119, 128, 145, 165, 174, 190, 210, 222, 260, 269, 289, 316, 330, 350, 526
Economic Development — 92, 119, 128, 145, 165, 174, 190, 211, 222, 260, 269, 289, 316, 331, 350, 514
Education — 92, 101, 128, 146, 174, 190, 211, 222, 261, 269, 289
Health and Human Services — 93, 102, 119, 128, 146, 165, 174, 190, 211, 223, 261, 270, 290, 317, 331, 350
Justice System — 93, 119, 129, 146, 166, 175, 191, 211, 223, 261, 270, 290

Transportation, Infrastructure, and Capitals — 93, 120, 129, 166, 175, 191, 212, 223, 261, 270, 290, 317, 331

ASSISTANT DEMOCRATIC LEADERS
Bolkcom, Joe — Senator, 39th District
Connolly, Mike — Senator, 14th District
Courtney, Thomas — Senator, 44th District
Dotzler, William — Senator, 11th District
Ragan, Amanda — Senator, 7th District

ASSISTANT REPUBLICAN LEADERS
Behn, Jerry — Senator, 24th District
Gaskill, Thurman — Senator, 6th District
Johnson, David — Senator, 3rd District
Putney, John — Senator, 20th District
Zieman, Mark — Senator, 8th District

BEALL, DARYL — Senator, 25th District
Amendments filed — 528, 529, 548, 653, 670, 864, 981, 1132, 1156
Amendments offered — 864
Amendments withdrawn — 864
Bills introduced — 70, 111, 156, 191, 224, 248, 262–264, 272, 291, 351, 410, 414
Certificates of recognition — 546, 673, 683, 853, 907, 955, 1022, 1072, 1113, 1187, 1192
Presentations — 566, 584, 810, 1095
Resolutions introduced — 76, 238, 351, 577, 656, 745, 934, 935, 1101
Senate committee appointments — 26
Statutory appointments — 162, 255, 256

BEHN, JERRY — Senator, 24th District; Assistant Republican Leader
Amendments filed — 587, 598, 634, 1025, 1026, 1033, 1073, 1099, 1100, 1152, 1155, 1156
Amendments offered — 587, 869
Bills introduced — 120, 122, 129, 155, 175, 176, 192, 238, 428
Certificates of recognition — 456
Resolutions introduced — 237, 448, 577, 656, 745, 914, 1088, 1101
Senate committee appointments — 26

BILLS — (*See also* RESOLUTIONS; *for complete bill histories, see Index volume.*)
Approved (signed by governor) — 178, 422, 472, 511, 581, 595, 710, 777, 875, 956, 1008, 1036, 1057, 1117, 1137, 1162, 1193, 1238, 1239
Companion bills received and attached — 232, 424, 597, 630, 831, 858, 1010, 1221
Referral to committee — (*See individual committees*)

BILLS — continued
Sent to governor — 159, 377, 436, 472, 580, 658, 752, 826, 937, 1000, 1007, 1025, 1090, 1099, 1117, 1182, 1237
Similar bills received and attached — 512, 592, 630, 681, 682, 873, 942, 983
Substitutions — 285, 439, 617, 638, 663, 665, 944, 1010, 1015, 1019, 1223
Unfinished Business Calendar, placement on — 800, 905
Withdrawals — 286, 440, 474, 662, 666, 671, 734, 867, 945, 1003, 1016, 1017, 1020, 1038, 1084, 1224

BLACK, DENNIS H. — Senator, 21st District
Amendments filed — 529, 587, 613, 653, 828, 1014, 1124
Amendments offered — 617, 1014
Bills introduced — 95, 111, 121, 156, 176, 192, 201, 212, 237, 248, 262, 264, 272, 351, 352, 384, 410
Certificates of recognition — 495
Conference committee appointments & reports — 1205, 1231
Presentations — 1010
Resolutions introduced — 238, 351, 576, 577, 656, 744, 745, 773, 934, 935, 1088, 1101, 1166
Senate committee appointments — 26
Statutory appointments — 162, 257

BOARDS — (*See* APPOINTEES; APPOINTMENTS OF SENATORS, STATUTORY; COMMUNICATIONS; *and individual board headings*)

BOETTGER, NANCY — Senator, 29th District
Amendments filed — 598, 957, 1001, 1025, 1026, 1051, 1100, 1110, 1150, 1156
Bills introduced — 70, 129, 155, 175, 176, 192, 200, 238, 271, 411
Certificates of recognition — 154, 683
Conference committee appointments & reports — 1190, 1230
Presentations — 160, 584, 1095
Resolutions introduced — 237, 351, 547, 577, 656, 745, 914, 1101
Senate committee appointments — 26
Statutory appointments — 162, 256, 257

BOLKCOM, JOE — Senator, 39th District; Assistant Democratic Leader
Amendments filed — 564, 652, 741, 828, 855, 1012, 1086, 1127, 1160, 1164, 1173, 1175
Amendments offered — 619, 864, 877, 1086, 1141
Amendments withdrawn — 1173
Bills introduced — 111, 121, 130, 147, 148, 156, 167, 191, 192, 200, 201, 212, 248, 249, 262–264, 272, 317, 319, 332, 351, 352, 361, 369–371, 384, 410, 411, 413, 415

Certificates of recognition — 207, 763
Resolutions introduced — 120, 238, 547, 577, 612, 651, 656, 745, 1035, 1130, 1193
Senate committee appointments — 26
Statutory appointments — 162

BRUNKHORST, BOB — Senator, 9th District
Amendments filed — 287, 407, 528, 529, 548, 587, 627, 670, 896, 957, 1008, 1025, 1026, 1070, 1073, 1100, 1111, 1117, 1152, 1154, 1174
Amendments offered — 287, 587, 896, 963, 1011, 1070, 1111, 1146, 1152, 1154, 1174
Amendments withdrawn — 586
Bills introduced — 54, 55, 94, 95, 102, 111, 112, 121, 129, 155, 175, 176, 192, 238, 248, 249, 411, 428, 577, 643
Conference committee appointments & reports — 532, 542
Presentations — 1128
Resolutions introduced — 237, 547, 577, 745, 914
Senate committee appointments — 27
Statutory appointments — 256

BUDGET MESSAGE, CONDITION OF THE
Delivery by Governor Tom Vilsack — 44

BUSINESS AND LABOR RELATIONS, COMMITTEE ON
Appointees, investigation of — 186, 196, 311, 568, 601, 697
Appointments to — 23
Bills and resolutions introduced by — 460, 462, 500
Bills referred to — 55, 122, 156, 166, 201, 339, 371, 414, 429, 906, 1089
Committee meeting reports — 74, 109, 314, 441, 457, 694, 1088
Committee reports — 452, 465, 502, 1089
Study bills — 113, 214, 215, 225, 226, 292, 320
Subcommittee assignments — 86, 114, 215–217, 228, 295, 323, 364, 431, 432, 442, 1089

CAPITAL INVESTMENT BOARD, IOWA
Senators appointed — 255

CAPITOL PLANNING COMMISSION
Senators appointed — 255

CERTIFICATES OF EXCELLENCE
Senate Pages — 1119

CERTIFICATES OF RECOGNITION — (*See individual senators*)

CERTIFICATION OF ELECTION
State Senators — 3, 4

CHAPLAINS
Committee appointed — 21

CHIEF JUSTICE OF SUPREME COURT, The Honorable Louis A. Lavorato
Condition of the Iowa Judiciary Message — 60

CHILD CARE ADVISORY COMMITTEE, STATE
Senators appointed — 255

CHILD SUPPORT ADVISORY COMMITTEE
Senators appointed — 255

COLLEGE STUDENT AID COMMISSION
Senators appointed — 255

COMMERCE, COMMITTEE ON
Amendments filed — 357, 795
Appointees, investigation of — 186, 196, 326, 568, 601, 602, 640, 698, 768
Appointments to — 23
Bills and resolutions introduced by — 131, 224, 225, 384, 402, 403, 441, 442, 496–498
Bills referred to — 12, 56, 77, 111, 176, 192, 238, 248, 262, 264, 273, 280, 291, 318, 334, 341, 352, 362, 390, 392, 411, 413, 415, 427, 481, 494, 597, 616, 688, 703, 771, 906, 979, 1045
Committee meeting reports — 53, 117, 209, 329, 349, 367, 381, 425, 457, 593, 684, 763, 785, 1046, 1055
Committee reports — 136, 229, 357, 389, 405, 406, 443, 503, 594, 685, 686, 764, 788, 795, 1048, 1056
Study bills — 57, 103–105, 113, 131, 133, 168, 169, 176, 214, 240, 241, 250, 293, 334, 362, 363, 430, 450
Subcommittee assignments — 57, 97, 106, 107, 114, 134, 135, 157, 169, 170, 177, 215, 216, 242, 251, 265, 293–295, 322, 323, 335, 364, 418, 431–433, 442, 451, 452, 578, 579, 644, 657, 707, 746, 787, 1023, 1055

COMMISSIONS — (*See* APPOINTEES; APPOINTMENTS OF SENATORS, STATUTORY; COMMUNICATIONS; *and individual commission headings*)

COMMITTEE ASSIGNMENTS — (*See also individual senators*)
Senators — 23–32

COMMITTEE MEETING REPORTS
Agriculture — 68, 116, 172, 189, 237, 258, 329, 367, 400, 425, 457, 705, 743
Appropriations — 69, 126, 189, 288, 457, 546, 694, 772, 978, 1034, 1113, 1157
Appropriations Subcommittees:
Administration and Regulation — 92, 101, 118, 127, 145, 165, 173, 189, 210, 222, 260, 269, 526, 546
Agriculture and Natural Resources — 92, 101, 119, 128, 145, 165, 174, 190, 210, 222, 260, 269, 289, 316, 330, 350, 526
Economic Development — 92, 119, 128, 145, 165, 174, 190, 211, 222, 260, 269, 289, 316, 331, 350, 514
Education — 92, 101, 128, 146, 174, 190, 211, 222, 261, 269, 289
Health and Human Services — 93, 102, 119, 128, 146, 165, 174, 190, 211, 223, 261, 270, 290, 317, 331, 350
Justice System — 93, 119, 129, 146, 166, 175, 191, 211, 223, 261, 270, 290
Transportation, Infrastructure, and Capitals — 93, 120, 129, 166, 175, 191, 212, 223, 261, 270, 290, 317, 331
Business and Labor Relations — 74, 109, 314, 441, 457, 694, 1088
Commerce — 53, 117, 209, 329, 349, 367, 381, 425, 457, 593, 684, 763, 785, 1046, 1055
Economic Growth — 53, 109, 117, 144, 163, 199, 209, 247, 259, 288, 315, 349, 368, 401, 458, 611, 694, 743, 801
Education — 74, 84, 110, 126, 155, 172, 208, 221, 248, 267, 314, 349, 360, 381, 641, 650, 705, 722, 773
Ethics — 68, 117
Government Oversight — 91, 117, 127, 164, 172, 221, 259, 267, 315, 330, 368, 642, 705, 801, 907, 968
Human Resources — 75, 91, 116, 163, 164, 208, 209, 258, 314, 330, 367, 381, 409, 447, 706, 743, 785
Judiciary — 69, 101, 110, 189, 208, 259, 268, 315, 368, 401, 426, 496, 576, 656, 706, 763, 801
Local Government — 75, 90, 110, 127, 155, 173, 199, 306, 381, 401, 447, 458, 593, 684, 763, 802
Natural Resources and Environment — 53, 118, 144, 164, 209, 237, 260, 288, 316, 350, 368, 401, 441, 458, 612, 695, 744, 802
Rules and Administration — 13, 69, 140, 180, 243, 306, 514, 576, 642, 651, 744, 786, 908, 934, 978, 1006, 1046, 1055, 1113, 1158, 1167, 1234
State Government — 75, 84, 110, 173, 199, 248, 268, 306, 330, 447, 459, 593, 684, 764, 802, 1046, 1192
Transportation — 53, 116, 118, 164, 210, 267, 315, 316, 360, 382, 409, 448, 576, 706, 722, 786
Ways and Means — 75, 91, 127, 173, 221, 268, 360, 441, 632, 673, 674, 744, 803, 853, 934, 956, 989, 1022, 1034, 1072, 1088, 1129, 1158, 1234

COMMITTEE REPORTS
Agriculture — 135, 336, 388, 434, 464, 502, 708, 747
Appropriations — 135, 277, 465, 696, 697, 774, 775, 979, 980, 1047, 1048, 1114–1116, 1159
Business and Labor Relations — 452, 465, 502, 1089
Commerce — 136, 229, 357, 389, 405, 406, 443, 503, 594, 685, 686, 764, 788, 795, 1048, 1056
Economic Growth — 203, 504, 804
Education — 86, 295, 357, 376, 724, 775, 776, 789
Ethics — 136
Government Oversight — 709, 804, 909
Human Resources — 325, 406, 420, 434, 435, 466, 504, 739, 740, 795–798
Judiciary — 203, 277, 278, 296, 337, 389, 420, 443, 444, 452, 467, 468, 505–508, 675, 676, 747, 748, 805, 826
Local Government — 114, 152, 170, 406, 421, 468, 509, 697, 765, 805, 826
Natural Resources and Environment — 337, 358, 422, 453, 468, 469, 509–511, 748, 805, 806
Rules and Administration — 13, 15, 36, 71, 140, 152, 180, 181, 186, 244, 298, 515–517, 566, 568, 640, 645, 649, 652, 749–751, 778, 783, 879, 910, 915, 936, 937, 980, 1004, 1041, 1048, 1049, 1056, 1102, 1106, 1116, 1149, 1159, 1168, 1220–1222, 1233
State Government — 217, 358, 469, 470, 511, 686, 765–767, 806, 807, 827, 1056, 1193
Transportation — 325, 435, 436, 471, 580, 709, 710, 724, 799
Ways and Means — 137, 177, 444, 634, 645, 646, 676, 677, 687, 751, 752, 777, 808, 827, 854, 969, 970, 990, 1000, 1024, 1036, 1049, 1050, 1130, 1131, 1151, 1235

COMMITTEES, SPECIAL
Chaplains — 21
Conference — (*See* CONFERENCE COMMITTEES)
Credentials — 2
Mileage — 20, 40, 41

COMMUNICATIONS RECEIVED
Administrative Services, Department of — 33, 163, 1180
Agriculture and Land Stewardship, Department of — 90
Alcoholic Beverages Division (Department of Commerce) — 472
Appeal Board — 68, 772
Blind, Iowa Department for the — 36, 495
Child Advocacy Board — 495
Citizens' Aide/Ombudsman — 1234
Civil Rights Commission — 36
Commerce, Department of — 33, 472
County Engineers Association Service Bureau, Iowa — 207
Drug Control Policy, Office of — 33, 36

Economic Development, Department of — 100, 154
Education, Department of — 36, 83
Elder Affairs, Department of — 84
Ethics & Campaign Disclosure Board — 36
Finance Authority — 90
Higher Education Loan Authority — 154
Human Rights, Department of — 33, 154, 163, 267
Human Services, Department of — 33, 36, 109, 207
Inspections and Appeals, Department of — 33
Iowa Public Employees' Retirement System — 36
Judicial Branch — 163
Justice, Department of — 33, 154
Management, Department of — 34, 36
Municipal Fire and Police Retirement System of Iowa — 34
National Guard, Iowa — 144
Natural Resources, Department of — 34
Parole, Board of — 36
Public Health, Department of — 34, 90, 198, 199, 313
Public Television, Iowa — 35
Racing & Gaming Commission — 1113
Regents, Board of — 34, 74, 81, 100
Revenue, Department of — 34, 36, 650
Telecommunications & Technology Commission — 35, 36, 1192
Transportation, Department of — 35, 36, 1157
Treasurer of State — 35
University of Iowa — 35
Utilities Board — 74, 100
Veterans Home — 36
Vocational Rehabilitation Services Division (Dept. of Education) — 36
Workforce Development — 36, 673, 772

COMMUNITY COLLEGE WORKING GROUP OF STAKEHOLDERS
Senators appointed — 255

COMPANION BILLS — (*See Senate and House Companion Bills, listed in bill history section of Index volume*)

COMPREHENSIVE HEALTH INSURANCE ASSOCIATION, IOWA
Senators appointed — 256

CONCURRENCE BY THE SENATE — (*See* HOUSE AMENDMENTS IN SENATE)

CONDITION OF THE IOWA JUDICIARY MESSAGE
Delivery by Chief Justice Louis A. Lavorato — 60

CONDITION OF THE STATE AND BUDGET MESSAGE
Delivery by Governor Tom Vilsack — 44

CONFERENCE COMMITTEES
Senate File 169 — 532, 542, 2245
Senate File 200 — 1205, 1231, 2249
House File 816 — 1190, 1200, 1229, 1230
House File 834 — 1205, 1227

CONFIRMATION OF APPOINTEES — (*See* APPOINTEES)

CONNOLLY, MIKE — Senator, 14th District; Assistant Democratic Leader
Amendments filed — 627, 653, 761, 828, 876, 957, 980, 981, 992, 1090, 1117, 1118, 1134, 1160, 1164, 1194, 1214
Amendments offered — 627, 992, 1134, 1143, 1164, 1174, 1214
Amendments withdrawn — 761, 963, 1121, 1142, 1174
Bills introduced — 13, 93, 111, 112, 156, 191, 201, 212, 248, 249, 262–264, 272, 307, 333, 351, 384, 410, 411, 415
Certificates of recognition — 207, 258, 655, 874, 1022, 1098, 1182, 1192
Explanations of votes — 634
Resolutions introduced — 238, 577, 656, 745, 914, 934, 935, 1088, 1101, 1218
Senate committee appointments — 27
Statutory appointments — 255, 257

COURTNEY, THOMAS G. — Senator, 44th District; Democratic Whip
Amendments filed — 511, 652, 828, 981, 1156, 1174, 1175
Amendments offered — 1174, 1175
Amendments withdrawn — 1174, 1175
Bills introduced — 57, 111, 131, 156, 201, 213, 237, 248, 249, 262–264, 271, 272, 351, 352, 371, 384, 410, 411
Certificates of recognition — 116, 126, 154, 257, 258, 329, 495, 563, 721, 722, 989, 998, 1006, 1098
Resolutions introduced — 237, 577, 656, 745, 914, 934, 935
Senate committee appointments — 27
Statutory appointments — 162, 255

CREDENTIALS, COMMITTEE ON
Committee appointment — 2

CRIMINAL AND JUVENILE JUSTICE PLANNING ADVISORY COMMISSION
Senators appointed — 255

DANIELSON, JEFF — Senator, 10th District
Amendments filed — 529, 634, 653, 1000, 1073, 1086, 1117, 1118, 1160, 1164, 1175
Amendments offered — 1063, 1082, 1148
Bills introduced — 71, 111, 156, 213, 248, 262–264, 272, 384, 427
Conference committee appointments & reports — 1205, 1227
Presentations — 917
Resolutions introduced — 237, 577, 656, 745, 914, 934, 935
Senate committee appointments — 27
Statutory appointments — 255, 256

DEARDEN, DICK L. — Senator, 34th District
Amendments filed — 529, 653, 664, 828
Amendments offered — 590, 664
Bills introduced — 102, 111, 166, 191, 201, 237, 262, 264, 272, 351, 410, 415
Certificates of recognition — 683
Conference committee appointments & reports — 1205, 1227
Resolutions introduced — 238, 577, 642, 656, 745, 914
Senate committee appointments — 27

DEMOCRATIC FLOOR LEADER — *See* GRONSTAL, MICHAEL E.

DOTZLER, WILLIAM A., JR. — Senator, 11th District; Assistant Democratic Leader
Amendments filed — 653, 670, 1008, 1086, 1107, 1154, 1155, 1160, 1164, 1215
Amendments offered — 670, 1107, 1154, 1155, 1215
Amendments withdrawn — 670, 1155
Bills introduced — 71, 111, 112, 121, 122, 147, 156, 201, 212, 249, 262–264, 272, 332, 333, 351, 361, 384, 429
Certificates of recognition — 83, 198, 329, 456, 593, 683, 772, 1046
Resolutions introduced — 238, 382, 577, 656, 745, 914, 934, 935
Senate committee appointments — 27
Statutory appointments — 256, 257

DVORSKY, ROBERT E. — Senator, 15th District; Democratic President Pro Tem
Amendments filed — 528, 540, 543, 598, 652, 737, 1051, 1086, 1100, 1105, 1110, 1117, 1118, 1121, 1123, 1127, 1160, 1164, 1171, 1172, 1175, 1214
Amendments offered — 598, 1095, 1110, 1123, 1127, 1164, 1171, 1214
Amendments withdrawn — 1110
Bills introduced — 111, 156, 167, 191, 201, 212, 213, 224, 248, 249, 262–264, 272, 291, 333, 351, 352, 384, 410, 427, 547, 577
Certificates of recognition — 314, 874, 907, 1098

DVORSKY, ROBERT — continued
Election and oath of office — 11
Presentations — 1042
Resolutions introduced — 238, 577, 642, 651, 656, 745, 914, 934, 935, 1035, 1130
Senate committee appointments — 27
Statutory appointments — 162, 255

ECONOMIC DEVELOPMENT BOARD
Senators appointed — 255

ECONOMIC GROWTH, COMMITTEE ON
Appointees, investigation of — 186, 196, 296, 569, 602, 698
Appointments to — 23
Bills and resolutions introduced by — 200, 498
Bills referred to — 122, 146, 200, 213, 369, 704, 717, 790
Committee meeting reports — 53, 109, 117, 144, 163, 199, 209, 247, 259, 288, 315, 349, 368, 401, 458, 611, 694, 743, 801
Committee reports — 203, 504, 804
Study bills — 132, 157, 201, 308, 373, 429, 463
Subcommittee assignments — 134, 151, 158, 169, 202, 250, 251, 310, 376, 403, 433, 464, 746

EDUCATION, COMMITTEE ON
Amendments filed — 789
Appointees, investigation of — 186, 205, 230, 278, 326, 569, 602, 603, 646, 647, 652, 711
Appointments to — 24
Bills and resolutions introduced — 85, 291, 353, 371
Bills referred to — 13, 54, 70, 71, 94, 95, 102, 112, 121, 148, 156, 200, 224, 249, 271, 291, 318, 361, 391, 411, 414, 415, 427, 481, 493, 494, 597, 600, 1238
Committee meeting reports — 74, 84, 110, 126, 155, 172, 208, 221, 248, 267, 314, 349, 360, 381, 641, 650, 705, 722, 773
Committee reports — 86, 295, 357, 376, 724, 775, 776, 789
Study bills — 85, 133, 193, 274, 275, 353, 354, 403, 416, 417, 429
Subcommittee assignments — 86, 97, 123, 133–135, 169, 194, 216, 265, 275–277, 322, 356, 405, 418, 419, 431–433, 442, 695, 696

ELDER AFFAIRS, COMMISSION ON
Senators appointed — 255

EMPLOYEES OF THE SENATE
Pages — 19, 20
Pay grades and steps — 15–17, 36–40, 71, 72
Secretaries, appointments — 17, 18

EMPOWERMENT BOARD, IOWA
Senators appointed — 256

EN BLOC CONFIRMATION CALENDAR — (*See* APPOINTEES)

ENGROSSMENT AND ENROLLMENT OF BILLS, CORRECTIONS
Senate File 169 — 580
Senate File 340 — 1007
Senate File 342 — 1236
Senate File 390 — 1237
Senate File 413 — 1237
House File 683, S–3066 — 875

ETHICS, COMMITTEE ON
Appointments to — 24
Bills and resolutions introduced by — 129, 130
Committee meeting reports — 68, 117
Committee reports — 136
Study bills — 85
Subcommittee assignments — 86

EXPLANATIONS OF VOTES — (*See individual senators*)

FRAISE, GENE — Senator, 46th District
Amendments filed — 653, 828, 1014, 1015, 1051, 1110, 1123, 1124, 1135, 1173–1175
Amendments offered — 863, 1014, 1015, 1135, 1173
Amendments withdrawn — 1174
Bills introduced — 111, 120, 156, 191, 201, 237, 248, 262–264, 272, 352, 410
Explanations of votes — 1235
Resolutions introduced — 238, 351, 577, 656, 745, 914, 934, 935, 1101
Senate committee appointments — 28
Statutory appointments — 162, 256

GASKILL, E. THURMAN — Senator, 6th District; Assistant Republican Leader
Amendments filed — 598, 1105, 1124, 1152, 1156
Bills introduced — 155, 175, 176, 192, 237, 238, 411, 428
Explanations of votes — 854, 1157
Presentations — 297
Resolutions introduced — 237, 547, 577, 656, 745, 914, 1099
Senate committee appointments — 28
Statutory appointments — 255

GENERAL ASSEMBLY — (*See* JOINT CONVENTIONS)

GOVERNMENT OVERSIGHT, COMMITTEE ON
Appointments to — 24
Bills and resolutions introduced by — 706, 707, 803, 908
Bills referred to — 224, 449, 681, 719, 1237, 1238
Committee meeting reports — 91, 117, 127, 164, 172, 221, 259, 267, 315, 330, 368, 642, 705, 801, 907, 968
Committee reports — 709, 804, 909
Study bills — 193, 240, 273, 354, 450, 643, 695, 803, 999
Subcommittee assignments — 194, 241, 242, 276, 356, 451, 645, 675, 696, 707, 774, 804, 999

GOVERNOR VILSACK, THOMAS
Appointments by — 183–185, 554–561, 640
Bills signed by — 178, 422, 472, 511, 581, 595, 710, 777, 875, 956, 1008, 1036, 1057, 1117, 1137, 1162, 1193, 1238, 1239
Communications from — 1075
Condition of the State and Budget Message — 44
Deferral of appointments — 562, 563, 911

GRONSTAL, MICHAEL E. — Senator, 50th District; Democratic Floor Leader
Address to the Senate — 10
Amendments filed — 453, 634, 652, 727, 1105, 1127, 1133, 1160
Amendments offered — 538, 668, 727, 1172
Amendments withdrawn — 669
Bills introduced — 111, 156, 212, 248, 262, 264, 272, 318, 352, 362, 369, 409, 410, 723, 956, 979, 1088
Certificates of recognition — 126, 198, 288, 409, 575, 721, 907, 968, 989, 1180, 1200
Conference committee appointments & reports — 1190, 1230
Presentations — 1, 1058
Resolutions introduced — 237, 527, 577, 612, 656, 745, 914, 934, 935, 1088, 1101, 1147
Senate committee appointments — 28
Statutory appointments — 162

GUESTS
Senator Angelo welcomed Shirley Hightshoe, aunt of Hilary Swank — 940
Senator Beall introduced Doreen Hamilton of Saskatchewan legislature — 566
Senator Beall welcomed visitors from Russia — 810
Senator Black introduced visitors from Taipei economic and cultural office — 1010
Senators Boettger and Beall introduced visitors from Saskatchewan legislature — 584
Senators Boettger and Kibbie welcomed visitors from Malaysia — 160

Senators Boettger and Beall introduced Nigerian visitors — 1095
Senator Brunkhorst introduced ROTC cadet Jason Hornberg — 1128
Senator Danielson introduced Dennis Clark, prosthetics specialist working with wounded war veterans — 917
Senator Dvorsky introduced U of I football team — 1042
Senator Gaskill introduced Miss Iowa, Carolyn Nicholas — 297
Senator Gronstal welcomed U.S. Representative Leonard Boswell and Rod Halvorson, former member of Senate — 1
Senators Gronstal and Iverson welcomed Vietnam veterans — 1058
Senator Hahn introduced the Hon. Merlin Hulse, former member of Senate — 616
Senator Hahn welcomed Vietnam War veterans — 916
Senator Horn introduced teacher Ed Hansen — 959
Senator Iverson welcomed back Senator Charles Larson and soldiers from 372nd engineer group — 219
Senator Iverson introduced U.S. Representative Steve King — 719
Senator Iverson welcomed lobbyist Charles Wasker — 1103
Senator Kibbie introduced John Carty, member of Irish Parliament — 512
Senator Kibbie introduced Kayla Helget, 2005 Miss Shamrock — 513
Senator Kreiman introduced veteran pilot Johnny Talbot — 1053
Senator Lamberti introduced members of Ankeny high school girls' basketball team — 649
Senator Lamberti welcomed special Olympic athletes — 719
Senator Larson introduced Col. Virgil Olson — 1004
Senators McCoy and Tinsman welcomed winners of "Write Women Back into History" essay contest — 552, 553
Senator McKinley welcomed representatives from Pella's tulip time festival — 791
Senators McKinley and Rielly introduced members of North Mahaska boys' basketball team — 943
Senator Mulder introduced wrestlers participating in the state wrestling tournament — 341
Senator Mulder introduced teams participating in the state basketball tournament — 424, 455
Senator Mulder introduced visitors from Orange City tulip festival — 1145
Senator Putney introduced visitors from Grundy Center high school — 567
Senator Wieck introduced members of Morningside College women's basketball team — 857

HAHN, JAMES F. — Senator, 40th District
Amendments filed — 828, 1001, 1025, 1026, 1068, 1073, 1100, 1152, 1171
Amendments offered — 1068
Bills introduced — 55, 120, 122, 129, 155, 175, 176, 192, 225, 238, 307, 383, 428
Certificates of recognition — 456, 824, 968, 1034

HAHN, JAMES — continued
Presentations — 616, 916
Resolutions introduced — 237, 547, 577, 656, 745, 874, 914
Senate committee appointments — 28
Statutory appointments — 257

HANCOCK, TOM — Senator, 16th District
Amendments filed — 653, 828, 850
Amendments offered — 850
Bills introduced — 111, 156, 237, 248, 262–264, 272, 307, 308, 351, 411
Certificates of recognition — 90, 198, 546, 650, 721, 722, 772, 1192, 1197
Conference committee appointments & reports — 532, 542
Petitions presented — 258
Resolutions introduced — 238, 577, 656, 745, 914, 934, 935
Senate committee appointments — 28

HATCH, JACK — Senator, 33rd District
Amendments filed — 627, 653, 950, 1011, 1012, 1100, 1127, 1128, 1134, 1154, 1155, 1160, 1164, 1170
Amendments offered — 950, 1011, 1012, 1127, 1134, 1154, 1170
Bills introduced — 111, 156, 201, 212, 213, 224, 248, 249, 262–264, 332, 333, 351, 352, 370, 382, 384, 413, 414
Resolutions introduced — 238, 577, 642, 656, 745, 914, 934, 935
Senate committee appointments — 28
Statutory appointments — 255, 256

HAWK-I BOARD
Senators appointed — 256

HORN, WALLY E. — Senator, 17th District
Amendments filed — 653, 1051, 1073, 1110, 1164
Amendments offered — 899, 960
Bills introduced — 111, 156, 201, 237, 248, 262–264, 272
Conference committee appointments & reports — 1190, 1230
Petitions presented — 710
Presentations — 959
Resolutions introduced — 238, 547, 577, 642, 656, 745, 795, 914
Senate committee appointments — 28
Statutory appointments — 256

HOUSE AMENDMENTS IN SENATE
Senate Concurrent Resolution 3, S–3009 — 391; Senate concurred — 438
Senate File 57, S–3146 — 954; Senate concurred — 965
Senate File 71, S–3036 — 549; Senate concurred — 624
Senate File 74, S–3073 — 688; Senate concurred — 735

Senate File 169, S–3015 — 454; Senate refused to concur — 455
Senate File 200, S–3208 — 1069; Senate amended and concurred — 1124
Senate File 206, S–3096 — 790; Senate amended and concurred — 1018
Senate File 245, S–3196 — 1044; Senate amended and concurred — 1071
Senate File 246, S–3075 — 716; Senate refused to concur — 754
Senate File 272, S–3183 — 1028; Senate concurred — 1066
Senate File 325, S–3114 — 858; Senate refused to concur — 919
Senate File 330, S–3072 — 680; Senate amended and concurred — 946
Senate File 340, S–3115 — 858; Senate concurred — 919
Senate File 341, S–3206 — 1069
Senate File 342, S–3321 — 1186; Senate amended and concurred — 1216
Senate File 343, S–3207 — 1070; Senate concurred — 1085
Senate File 350, S–3130 — 913; Senate amended and concurred — 986
Senate File 355, S–3162 — 992
Senate File 365, S–3117 — 858; Senate concurred — 917
Senate File 375, S–3168 — 1009; Senate concurred — 1060
Senate File 379, S–3076 — 716; Senate concurred — 757
Senate File 403, S–3197 — 1044; Senate concurred — 1061
Senate File 413, S–3218 — 1092; Senate amended and concurred — 1143
House File 374, S–3194 — 1044; Senate concurred — 1059
House File 619, S–3318 — 1184; Senate concurred — 1213
House File 683, S–3158 — 985; Senate concurred — 1012
House File 716, S–3195 — 1044; Senate concurred — 1062
House File 761, S–3320 — 1186; Senate concurred — 1189
House File 807, S–3317 — 1184; Senate refused to concur — 1203
House File 808, S–3319 — 1187; Senate concurred — 1202
House File 809, S–3210 — 1069; Senate concurred — 1104
House File 811, S–3326 — 1207; Senate concurred — 1211
House File 825, S–3324 — 1207; Senate concurred — 1210
House File 868, S–3328 — 1214; Senate concurred — 1217
House File 869, S–3217 — 1092; Senate concurred — 1144
House File 875, S–3325 — 1207; Senate concurred — 1209
House File 882, S–3330 — 1228; Senate concurred

HOUSER, HUBERT — Senator, 49th District
Amendments filed — 1001, 1015, 1025, 1073, 1100, 1118, 1124, 1152, 1156, 1161, 1171
Amendments offered — 1152, 1156, 1171
Amendments withdrawn — 1156
Bills introduced — 155, 167, 237, 307, 411, 413, 428
Certificates of recognition — 258
Conference committee appointments & reports — 1205, 1231
Resolutions introduced — 237, 547, 576, 577, 656, 744, 745, 773, 1006
Senate committee appointments — 28

HUMAN RESOURCES, COMMITTEE ON
Amendments filed — 739, 796–798
Appointees, investigation of — 186, 187, 196, 197, 265, 326, 338, 365, 569, 570, 603–605, 710–712, 740
Appointments to — 24
Bills and resolutions introduced — 403, 410, 426, 427, 461–463, 496
Bills referred to — 54, 56, 94, 121, 156, 175, 192, 201, 212, 231, 239, 263, 264, 272, 307, 308, 317, 318, 332, 351–353, 361, 370, 415, 428, 429, 530, 583, 596, 641, 681, 682, 717, 725, 770, 1238
Committee meeting reports — 75, 91, 116, 163, 164, 208, 209, 258, 314, 330, 367, 381, 409, 447, 706, 743, 785
Committee reports — 325, 406, 420, 434, 435, 466, 504, 739, 740, 795–798
Study bills — 104, 149, 150, 227, 240, 250, 293, 309, 321, 322, 334, 335, 354, 355, 374, 430
Subcommittee assignments — 98, 105–107, 113, 151, 152, 202, 215, 229, 241, 242, 250, 251, 265, 295, 309, 310, 324, 335, 336, 355–357, 363, 374–376, 386, 403, 404, 432, 433, 451, 579, 644, 645, 657, 707, 723, 746, 774

INDIGENT DEFENSE ADVISORY COMMISSION
Senators appointed — 256

INDIVIDUAL CONFIRMATION CALENDAR — (*See* APPOINTEES)

INFORMATION TECHNOLOGY COUNCIL
Senators appointed — 256

INTERSTATE COOPERATION COMMISSION
Senators appointed — 256

INTRODUCTIONS — (*See* GUESTS)

INVESTIGATIONS OF APPOINTEES — (*See* APPOINTEES; *individual committees)*

IOWACCESS ADVISORY COUNCIL
Senators appointed — 256

IPERS, INVESTMENT BOARD OF THE — (*See also* APPOINTEES)
Senators appointed — 256

IVERSON, STEWART E., JR. — Senator, 5th District; Republican Floor Leader
Address to the Senate — 8
Amendments filed — 598, 974, 981, 1025, 1026, 1040, 1090, 1100, 1105, 1133, 1138

Amendments offered — 974, 1040, 1105, 1123, 1133
Bills introduced — 55, 155, 175, 176, 192, 200, 238, 409, 410, 412, 723, 956, 979, 1088
Certificates of recognition — 258, 360, 380, 575, 650, 694, 721, 722, 824, 955, 1157, 1180
Conference committee appointments & reports — 1190, 1200
Presentations — 219, 719, 1058, 1103
Resolutions introduced — 237, 238, 271, 448, 577, 612, 656, 745, 874, 914, 1088, 1101
Senate committee appointments — 29
Statutory appointments — 162

JOHNSON, DAVID — Senator, 3rd District; Assistant Republican Leader
Amendments filed — 390, 528, 529, 548, 598, 614, 912, 938, 1001, 1015, 1073, 1106, 1152, 1156, 1171, 1173
Amendments offered — 396, 994, 1015, 1173
Amendments withdrawn — 396, 1106, 1173
Bills introduced — 55, 129, 155, 175, 176, 192, 213, 225, 237, 238, 249, 272, 308, 318, 362, 411, 428
Certificates of recognition — 100, 288, 457, 495, 655, 955, 1098
Conference committee appointments & reports — 1205, 1231
Resolutions introduced — 237, 351, 577, 656, 745, 914, 1101
Senate committee appointments — 29
Statutory appointments — 162, 255

JOINT CONVENTIONS
Condition of Iowa Judiciary Message by Chief Justice Lavorato — 59
Condition of Iowa National Guard Address by Major General Dardis — 299
Condition of the State and Budget Message by Governor Vilsack — 43
Pioneer Lawmakers program speaker Steven Rapp — 689

JUDICIARY, COMMITTEE ON
Amendments filed — 420, 675, 676, 826
Appointees, investigation of — 187, 197, 327, 571, 605, 678, 768, 808
Appointments to — 24
Bills and resolutions introduced by — 200, 271, 290, 334, 382, 412, 442, 448, 459, 461, 497–501
Bills referred to — 54, 112, 120–122, 148, 167, 200, 212, 224, 231, 249, 254, 271, 272, 279, 280, 332, 333, 340, 351, 362, 369–371, 382–384, 412, 415, 427, 428, 493, 530, 532, 575, 582, 596, 641, 704, 717, 906, 1237
Committee meeting reports — 69, 101, 110, 189, 208, 259, 268, 315, 368, 401, 426, 496, 576, 656, 706, 763, 801
Committee reports — 203, 277, 278, 296, 337, 389, 420, 443, 444, 452, 467, 468, 505–508, 675, 676, 747, 748, 805, 826

JUDICIARY COMMITTEE — continued
Study bills — 77–79, 95, 96, 103, 122, 148–150, 157, 168, 201, 202, 226, 250, 273, 292, 320, 321, 363, 373, 386, 430
Subcommittee assignments — 79, 80, 97, 98, 106, 124, 151, 152, 157, 158, 169, 202, 228, 229, 241, 251, 265, 275, 276, 294, 295, 322–324, 363–365, 376, 387, 388, 431–433, 548, 579, 580, 651, 739, 746, 990

KETTERING, STEVE — Senator, 26th District
Amendments filed — 1008, 1025, 1026, 1073, 1100, 1124, 1132, 1152
Bills introduced — 155, 175, 176, 192, 225, 237, 238, 352, 411, 412, 449
Certificates of recognition — 288
Conference committee appointments & reports — 1205, 1231
Resolutions introduced — 237, 577, 656, 745, 795, 914
Senate committee appointments — 29

KIBBIE, JOHN P. — Senator, 4th District; Democratic President of Senate
Address to the Senate — 6
Amendments filed — 564, 614, 653, 781, 876, 938, 1015, 1026, 1156, 1160, 1161
Amendments offered — 781, 1174
Bills introduced — 13, 70, 85, 111, 112, 167, 191, 201, 224, 248, 262–264, 271, 272, 384, 410, 411, 449
Certificates of recognition — 83, 207, 208, 221, 380, 400, 425, 526
Conference committee appointments & reports — 1190, 1230
Election and oath of office — 5
Petitions presented — 380, 683
Presentations — 160, 512, 513
Resolutions introduced — 76, 238, 576, 577, 656, 744, 745, 773, 1218
Senate committee appointments — 29
Statutory appointments — 162, 255, 256

KREIMAN, KEITH A. — Senator, 47th District
Amendments filed — 287, 548, 581, 628, 653, 789, 828, 851, 855, 911, 912, 945, 950, 986, 1011, 1016, 1051, 1073, 1108, 1110, 1118, 1174, 1175
Amendments offered — 492, 851, 861, 867, 928–930, 945, 966, 986, 1016, 1096, 1108
Amendments withdrawn — 931, 966
Bills introduced — 54–56, 76, 84, 94, 95, 111, 121, 156, 167, 191, 201, 248, 262–264, 271, 272, 351, 352, 384, 403, 410, 411, 427
Conference committee appointments & reports — 532, 542
Presentations — 1053
Resolutions introduced — 238, 547, 577, 656, 745, 914, 934, 935, 1022, 1035
Senate committee appointments — 29
Statutory appointments — 255, 257

LAMBERTI, JEFF — Senator, 35th District; Republican President of Senate
Address to the Senate — 5
Amendments filed — 1025, 1026, 1099, 1117, 1127, 1160, 1175
Amendments offered — 1123, 1127
Bills introduced — 71, 94, 155, 175, 176, 332, 745
Certificates of recognition — 575, 1200
Conference committee appointments & reports — 1190, 1230
Election and oath of office — 5
Petitions presented — 422
Presentations — 649, 719
Resolutions introduced — 237, 577, 642, 745, 914, 989
Senate committee appointments — 29
Statutory appointments — 162

LARSON, CHARLES W., JR. — Senator, 19th District
Amendments filed — 614, 627, 781, 876, 1025, 1051, 1090, 1110, 1152, 1175
Amendments offered — 1152
Leave of absence — 1, 219
Presentations — 1004
Resolutions introduced — 577, 612, 642, 745, 914
Senate committee appointments — 29
Statutory appointments — 256

LAVORATO, LOUIS A. — (*See* SUPREME COURT)

LAW ENFORCEMENT ACADEMY COUNCIL
Senators appointed — 256

LEGISLATIVE COUNCIL
Senators appointed — 162

LEGISLATIVE EMPLOYEES — (*See* OFFICERS AND EMPLOYEES OF SENATE)

LOCAL GOVERNMENT, COMMITTEE ON
Amendments filed — 826
Appointees, investigation of — 187, 197, 571, 606, 698
Appointments to — 24
Bills and resolutions introduced by — 112, 147, 167, 402, 412, 497
Bills referred to — 55, 56, 70, 111, 131, 147, 265, 272, 279, 307, 319, 353, 384, 385, 403, 413, 428, 429, 531, 583, 592, 600, 1238
Committee meeting reports — 75, 90, 110, 127, 155, 173, 199, 306, 381, 401, 447, 458, 593, 684, 763, 802

LOCAL GOVERNMENT COMMITTEE — continued
Committee reports — 114, 152, 170, 406, 421, 468, 509, 697, 765, 805, 826
Study bills — 85, 123, 240, 308, 353, 354, 385, 430
Subcommittee assignments — 86, 113, 114, 123, 124, 158, 242, 294, 310, 355, 356, 375, 388, 404, 431, 434, 594, 644, 645

LUNDBY, MARY — Senator, 18th District
Amendments filed — 398, 598, 996, 1026, 1073, 1152, 1174
Amendments offered — 398, 996, 1040
Amendments withdrawn — 1096
Bills introduced — 122, 155, 175, 176, 191, 192, 212, 237, 238, 249, 263, 264, 272, 291, 318, 333, 351, 382, 383, 449
Certificates of recognition — 257, 934
Resolutions introduced — 238, 577, 642, 745, 914, 1129, 1218
Senate committee appointments — 29
Statutory appointments — 255

McCOY, MATT — Senator, 31st District
Amendments filed — 511, 634, 653, 667, 899, 1051, 1133, 1155, 1175
Amendments offered — 590, 727, 899, 1175
Amendments withdrawn — 667, 1133, 1155
Bills introduced — 12, 84, 111, 212, 249, 264, 272, 333, 351
Presentations — 552
Resolutions introduced — 238, 448, 577, 642, 656, 745
Senate committee appointments — 29
Statutory appointments — 257

McKIBBEN, LARRY — Senator, 22nd District; Republican President Pro Tem
Amendments filed — 529, 598, 679, 741, 781, 876, 1001, 1025, 1026, 1032, 1051, 1064, 1073, 1099, 1100, 1110, 1135, 1152
Amendments offered — 1032, 1064
Amendments withdrawn — 1110
Bills introduced — 71, 129, 155, 175, 176, 192, 238
Certificates of recognition — 456, 1192
Election and oath of office — 11
Resolutions introduced — 238, 382, 577, 745, 914
Senate committee appointments — 30
Statutory appointments — 162

McKINLEY, PAUL — Senator, 36th District
Amendments filed — 87, 598, 896, 981, 1025, 1026, 1073, 1099, 1155
Amendments offered — 598
Amendments withdrawn — 1155
Bills introduced — 54, 55, 120–122, 129, 148, 155, 166, 175, 176, 192, 238, 317, 411

Certificates of recognition — 683
Petitions presented — 422
Presentations — 791, 943
Resolutions introduced — 237, 547, 577, 656, 745, 874, 1218
Senate committee appointments — 30
Statutory appointments — 255, 256

MEDICAL ASSISTANCE COUNCIL
Senators appointed — 256

MEMORIALS
In Memoriam list — 701, 702
Joint Memorial Service — 700
Memorials — 2381–2389
Workers' Memorial Day Proclamation — 1075

MENTAL HEALTH, MENTAL RETARDATION, DEVELOPMENTAL DISABILITIES, AND BRAIN INJURY COMMISSION
Senators appointed — 256

MESSAGES — (*See also* ADDRESSES TO THE SENATE; COMMUNICATIONS RECEIVED)
Condition of the Iowa Judiciary Message — 60
Condition of the State and Budget Message — 49

MILEAGE, COMMITTEE ON
Committee appointed — 20
Reports — 40, 41

MILLER, DAVID — Senator, 45th District
Amendments filed — 287, 741, 986, 1033, 1051, 1073, 1100, 1110, 1123, 1152, 1155, 1160
Amendments offered — 793, 1033, 1173
Bills introduced — 155, 175, 192, 238, 262, 263, 272, 351, 428
Certificates of recognition — 100, 705, 824, 874
Conference committee appointments & reports — 532, 542
Resolutions introduced — 130, 237, 547, 577, 656, 745, 914, 1035
Senate committee appointments — 30

MOTIONS TO RECONSIDER AND RULINGS
Senate File 408, S–3160, Senator Lundby — 1039; prevailed — 1040
House File 466, Senator Gronstal — 740; withdrawn — 823
House File 614, Senators Behn and Connolly — 875; withdrawn — 1005
House File 644, S–3201, Senator Tinsman — 1073
House File 646, Senator Iverson — 911; withdrawn — 1029

MOTIONS TO RECONSIDER AND RULINGS — continued
House File 767, Senators Bolkcom and Kettering — 876; withdrawn — 1225
House File 808, Senator Gronstal — 1116; withdrawn — 1184
House File 809, Senator Gronstal — 911; withdrawn — 1029
House File 809, Senator Gronstal — 1116; withdrawn — 1224
House File 810, Senator Gronstal — 1137; withdrawn — 1181
House File 811, Senator Gronstal — 1137; withdrawn — 1198
House File 816, Senator Gronstal — 1169; withdrawn
House File 825, Senator Gronstal — 1137; withdrawn — 1198
House File 840, Senators Brunkhorst and Dotzler — 1024; withdrawn — 1029
House File 841, Senators Gronstal and Dvorsky — 1137; withdrawn — 1169
House File 862, Senator Bolkcom — 1090; withdrawn — 1095
House File 875, Senator Gronstal — 1137; withdrawn — 1184
House File 881, Senator Gronstal — 1159; withdrawn — 1225
House File 882, Senator Gronstal — 1177; withdrawn — 1199
House File 882, Senator Iverson — 1180; withdrawn — 1199

MULDER, DAVID — Senator, 2nd District
Amendments filed — 828, 850, 957, 981, 1001, 1073, 1150, 1152, 1156, 1160, 1173
Amendments offered — 1173
Amendments withdrawn — 1173
Bills introduced — 55, 155, 175, 176, 192, 213, 238, 249, 361, 411, 428, 429, 547
Certificates of recognition — 90, 116, 313, 314, 349, 425, 526, 575, 721
Presentations — 341, 424, 455, 1145
Resolutions introduced — 111, 237, 577, 656, 745, 914
Senate committee appointments — 30
Statutory appointments — 257

NATURAL RESOURCES AND ENVIRONMENT, COMMITTEE ON
Appointees, investigation of — 571, 572, 606, 767, 768, 808
Appointments to — 24
Bills introduced by — 333, 410, 449, 463, 498–500
Bills referred to — 12, 55, 94, 95, 102, 122, 130, 147, 156, 167, 192, 225, 238, 249, 271, 280, 307, 308, 361, 362, 383–385, 411, 481, 532, 545, 575, 584, 592, 600, 906
Committee meeting reports — 53, 118, 144, 164, 209, 237, 260, 288, 316, 350, 368, 401, 441, 458, 612, 695, 744, 802
Committee reports — 337, 358, 422, 453, 468, 469, 509–511, 748, 805, 806
Study bills — 150, 213, 226, 227, 250, 319, 320, 372
Subcommittee assignments — 133, 150–152, 215, 216, 227–229, 251, 309, 310, 323, 374, 375, 404, 419, 430, 579, 675, 685, 723

OATHS OF OFFICE
Democratic President of the Senate, Senator John Kibbie — 5
Democratic President Pro Tem, Senator Robert Dvorsky — 11
Officers and employees of the Senate — 17
Republican President of the Senate, Senator Jeff Lamberti — 5
Republican President Pro Tem, Senator Larry McKibben — 11
Secretary of the Senate, Michael E. Marshall — 2
Senators — 3, 4

OFFICERS AND EMPLOYEES OF SENATE
Employee classifications, grades, and steps — 15–17, 36–40, 71, 72
Pages, appointments — 19, 20
Secretaries, appointments — 17, 18

PAGES
Appointment of — 19, 20
Special presentation to — 1119

PETITIONS
Placed on file — 258, 380, 422, 683, 710

PIONEER LAWMAKERS ASSOCIATION OF IOWA
Address by Steven Rapp — 690
Joint convention — 689

POINTS OF ORDER AND RULINGS
Senate File 245, S–3053, Senator Connolly — 625; amendment out of order
Senate File 283, S–3061, Senator Larson — 668; amendment in order
Senate File 342, S–3323, Senator Angelo — 1215; amendment out of order
Senate File 359, S–3045, Senator Kreiman — 598; amendment out of order
Senate File 359, S–3048, Senator Iverson — 598; amendment out of order
Senate File 408, S–3188, Senator Connolly — 1040; amendment out of order
Senate File 414, S–3230, Senator Larson — 1148; point withdrawn
House File 619, S–3182, Senator Gronstal — 1033; amendment out of order
House File 644, S–3200, Senator Brunkhorst — 1064; amendment in order
House File 742, S–3085, Senator Connolly — 860; amendment out of order

PRESENTATIONS — (*See* ADDRESSES TO SENATE; GUESTS)

PRESIDENTS OF THE SENATE — (*See* KIBBIE, JOHN P. *and* LAMBERTI, JEFF)

PRESIDENTS PRO TEMPORE OF THE SENATE — (*See* DVORSKY, ROBERT E. *and* McKIBBEN, LARRY)

PRESS, MEMBERS OF
Assignment of desks in press gallery — 14, 15

PREVENTION OF DISABILITIES POLICY COUNCIL
Senators appointed — 257

PROOF OF PUBLICATION
House File 883 — 1193

PROPERTY TAX IMPLEMENTATION COMMITTEE
Senators appointed — 257

PUBLIC RETIREMENT SYSTEMS COMMITTEE
Senators appointed — 257

PUTNEY, JOHN — Senator, 20th District; Assistant Republican Leader
Amendments filed — 598, 625, 756, 769, 844, 925, 957, 1001, 1008, 1025, 1073, 1100, 1118, 1121, 1134, 1138, 1152, 1160, 1164, 1171
Amendments offered — 625, 756, 860, 1031, 1134, 1164, 1172
Amendments withdrawn — 844, 925
Bills introduced — 12, 155, 175, 176, 192, 224, 238, 291, 402, 411, 428
Certificates of recognition — 188, 457, 514, 563, 575, 1192
Presentations — 567
Resolutions introduced — 237, 565, 577, 656, 745, 914
Senate committee appointments — 30

QUIRMBACH, HERMAN C. — Senator, 23rd District
Amendments filed — 287, 453, 484, 548, 598, 613, 625, 652, 769, 828, 864, 938, 981, 1008, 1086, 1117, 1138, 1160, 1164, 1165, 1171
Amendments offered — 484, 625, 819, 864, 900, 940, 1164, 1165, 1171, 1219
Amendments withdrawn — 625, 1086, 1219
Bills introduced — 111, 130, 191, 201, 212, 248, 249, 262–264, 272, 353, 384, 410
Certificates of recognition — 100, 258, 380, 495, 683, 1098
Resolutions introduced — 238, 577, 656, 657, 745, 934, 935
Senate committee appointments — 30
Statutory appointments — 255, 257

RAGAN, AMANDA — Senator, 7th District; Assistant Democratic Leader
Amendments filed — 548, 653, 665, 1156
Amendments offered — 617, 665, 871, 883
Bills introduced — 111, 156, 191, 201, 212, 248, 262–264, 272, 318, 351, 352, 371, 384, 410, 411, 429
Certificates of recognition — 83, 109, 306, 721, 722, 874, 955
Conference committee appointments & reports — 1205, 1231

Resolutions introduced — 238, 577, 656, 745, 853, 914, 934, 935
Senate committee appointments — 30
Statutory appointments — 162, 256, 257

REFUSAL TO CONCUR — (*See* HOUSE AMENDMENTS IN SENATE)

RENEWABLE FUELS AND COPRODUCTS ADVISORY COMMITTEE
Senators appointed — 257

REPORTS — (*See* COMMUNICATIONS RECEIVED)

REPUBLICAN FLOOR LEADER — (*See* IVERSON, STEWART E., JR.)

RESOLUTIONS — (*See also Index volume for complete bill histories*)
Filed by senators — *(See individual senators)*
Printed after session — 2253–2379
Printed during session — 244, 537, 538

RIELLY, TOM — Senator, 38th District
Amendments filed — 653, 663, 876, 1008, 1086, 1156, 1164, 1173
Amendments offered — 663, 900, 1164, 1173
Amendments withdrawn — 1173
Bills introduced — 111, 156, 248, 262–264, 272, 577
Certificates of recognition — 313, 456, 546, 955, 1022, 1072, 1234
Presentations — 943
Resolutions introduced — 237, 577, 656, 745, 874, 934, 935, 1023
Senate committee appointments — 31
Statutory appointments — 257

RULES AND ADMINISTRATION, COMMITTEE ON
Appointees, referral to committees — 186–188, 568–574, 640
Appointments to — 24
Bills introduced by — 12, 69, 180, 1232
Bills referred to — 76, 111, 120, 130, 179, 238, 271, 298, 351, 378, 382, 402, 410, 448, 459, 496, 527, 547, 566, 577, 612, 642, 643, 651, 656, 657, 674, 745, 773, 795, 803, 853, 874, 914, 935, 938, 989, 1006, 1023, 1035, 1045, 1088, 1099, 1101, 1129, 1130, 1147, 1166, 1167, 1193, 1218, 1219, 1237
Committee meeting reports — 13, 69, 140, 180, 243, 306, 514, 576, 642, 651, 744, 786, 908, 934, 978, 1006, 1046, 1055, 1113, 1158, 1167, 1234
Committee reports — 13, 15, 36, 71, 140, 152, 180, 181, 186, 244, 298, 515–517, 566, 568, 640, 645, 649, 652, 749–751, 778, 783, 879, 910, 915, 936, 937, 980, 1004, 1041, 1048, 1049, 1056, 1102, 1106, 1116, 1149, 1159, 1168, 1220–1222, 1233

RULES AND ADMINISTRATION COMMITTEE — continued
Subcommittee assignments — 86, 123, 133, 150, 241, 275, 310, 355, 386, 404, 418, 430, 451, 463, 514, 548, 564, 578, 633, 644, 657, 675, 685, 746, 773, 803, 804, 825, 854, 875, 936, 956, 1007, 1023, 1035, 1036, 1047, 1055, 1089, 1114, 1130, 1158, 1167, 1197

RULES OF THE SENATE
Rule 4 (Bills referred to committee from calendar) — 1237
Rule 21 (Engrossment of bills) — (*See* SECRETARY OF THE SENATE)
Rule 59 (Appointments) — 196, 205, 283, 341, 394, 601, 640, 728, 753, 779, 791, 832, 904
Rule 60 (Bills sent to committee) — 906
Temporary rules adopted — 2

RURAL HEALTH AND PRIMARY CARE ADVISORY COMMITTEE
Senators appointed — 257

SCHOENJAHN, BRIAN H. — Senator, 12th District
Amendments filed — 652, 1124, 1150, 1156
Amendments offered — 1124
Bills introduced — 111, 201, 237, 248, 262–264, 272, 351, 384, 410
Certificates of recognition — 154, 172, 456, 683
Conference committee appointments & reports — 1205, 1231
Resolutions introduced — 238, 547, 577, 656, 745, 934, 935
Senate committee appointments — 31

SEATS
Assignment of seats in press gallery — 14, 15
Selection of members — 21, 22

SECRETARY OF THE SENATE, Michael E. Marshall
Appointment and oath of office — 2
Communications — (*See* COMMUNICATIONS RECEIVED)
Corrections in engrossment, Senate Rule 21:
Senate File 169 — 580
Senate File 340 — 1007
Senate File 342 — 1236
Senate File 390 — 1237
Senate File 413 — 1237
House File 683, S–3066 — 875
Proof of publication — 1193

SECRETARY OF STATE, Chet Culver
Certification of elections— 3, 4

SENATE CONCURRENCE — (*See* HOUSE AMENDMENTS IN SENATE)

SENATE EMPLOYEES — (*See* OFFICERS AND EMPLOYEES OF THE SENATE)

SENATE INSISTING ON SENATE AMENDMENT
Senate File 200 — 1205
House File 816 — 1190
House File 834 — 1204

SENATE REFUSAL TO CONCUR — (*See* HOUSE AMENDMENTS IN SENATE)

SENATORS, STATUTORY APPOINTMENTS — (*See* APPOINTMENTS OF SENATORS, STATUTORY)

SENG, JOE M. — Senator, 43rd District
Amendments filed — 653, 1105, 1171
Amendments offered — 1105
Bills introduced — 111, 156, 191, 201, 212, 262, 264, 272, 351, 410, 411
Certificates of recognition — 801, 1022
Conference committee appointments & reports — 1205, 1227
Resolutions introduced — 238, 577, 656, 745, 914, 934, 935, 1146, 1167, 1218
Senate committee appointments — 31

SENIOR LIVING COORDINATING UNIT
Senators appointed — 257

SEYMOUR, JAMES A. — Senator, 28th District
Amendments filed — 564, 598, 620, 769, 1001, 1025, 1026, 1086, 1099, 1128, 1152, 1156, 1171
Amendments offered — 620
Amendments withdrawn — 1128
Bills introduced — 55, 121, 129, 155, 175, 176, 192, 238, 308, 411, 428
Certificates of recognition — 456
Resolutions introduced — 237, 577, 656, 745, 914
Senate committee appointments — 31
Statutory appointments — 256

SHULL, DOUG — Senator, 37th District
Amendments filed — 598, 828, 958, 1117, 1152, 1164
Amendments withdrawn — 961
Bills introduced — 155, 175, 192, 238, 403, 428
Conference committee appointments & reports — 1205, 1227
Resolutions introduced — 237, 577, 745, 795, 914
Senate committee appointments — 31
Statutory appointments — 255–257

STANDING COMMITTEES — (*See also individual committees*)
Appointments — 23–25
Senators and respective committees — 26–32
Subcommittee appointments, Appropriations — 25, 26

STATE GOVERNMENT, COMMITTEE ON
Amendments filed — 765, 766, 827, 1057
Appointees, investigation of — 187, 188, 205, 206, 252, 278, 311, 572–574, 607–611, 640, 641, 712–714
Appointments to — 25
Bills and resolutions introduced by — 212, 352, 460, 462, 498
Bills referred to — 12, 54, 57, 76, 84, 85, 94, 112, 121, 122, 129, 130, 147, 148, 155, 167, 191, 201, 213, 237, 254, 262, 291, 317, 319, 340, 341, 351, 352, 362, 369, 371, 385, 392, 411, 413, 414, 416, 427, 429, 449, 481, 518, 531, 545, 575, 582, 583, 681, 704, 717, 718, 738, 762, 906, 953, 1191, 1237, 1238
Committee meeting reports — 75, 84, 110, 173, 199, 248, 268, 306, 330, 447, 459, 593, 684, 764, 802, 1046, 1192
Committee reports — 217, 358, 469, 470, 511, 686, 765–767, 806, 807, 827, 1056, 1193
Study bills — 239, 321, 385, 417
Subcommittee assignments — 96, 97, 105, 106, 114, 123, 124, 134, 150, 151, 176, 177, 241, 242, 250, 275, 276, 322, 324, 356, 386–388, 404, 419, 431–433, 442, 451, 548, 578–580, 633, 685, 723, 746, 787, 1193

STATE OF THE BUDGET MESSAGE
Delivery by Governor Tom Vilsack — 44

STATEWIDE FIRE AND POLICE RETIREMENT SYSTEM, BOARD OF TRUSTEES FOR
Senators appointed — 256

STATUTORY APPOINTMENTS TO ADVISORY BOARDS, COMMISSIONS, AND COUNCILS — (*See* APPOINTMENTS OF SENATORS, STATUTORY)

STEWART, ROGER — Senator, 13th District
Amendments filed — 436, 653, 828, 981, 1008, 1118, 1121, 1160, 1164, 1171, 1175
Amendments offered — 479, 1120, 1121, 1174
Amendments withdrawn — 1121, 1175
Bills introduced — 111, 156, 201, 212, 237, 248, 262–264, 272, 351, 411
Certificates of recognition — 655, 656, 1197
Resolutions introduced — 237, 577, 656, 745, 914, 934, 935, 1035
Senate committee appointments — 31
Statutory appointments — 255, 256

STUDY BILLS IN COMMITTEES
Agriculture — 95, 168, 193, 214, 241, 334, 374, 417
Appropriations — 103, 104, 273, 319, 418, 450, 501, 527, 612, 613, 787, 979, 998
Business and Labor Relations — 113, 214, 215, 225, 226, 292, 320
Commerce — 57, 103–105, 113, 131, 133, 168, 169, 176, 214, 240, 241, 250, 293, 334, 362, 363, 430, 450
Economic Growth — 132, 157, 201, 308, 373, 429, 463
Education — 85, 133, 193, 274, 275, 353, 354, 403, 416, 417, 429
Ethics — 85
Government Oversight — 193, 240, 273, 354, 450, 643, 695, 803, 999
Human Resources — 104, 149, 150, 227, 240, 250, 293, 309, 321, 322, 334, 335, 354, 355, 374, 430
Judiciary — 77–79, 95, 96, 103, 122, 148–150, 157, 168, 201, 202, 226, 250, 273, 292, 320, 321, 363, 373, 386, 430
Local Government — 85, 123, 240, 308, 353, 354, 385, 430
Natural Resources and Environment — 150, 213, 226, 227, 250, 319, 320, 372
State Government — 239, 321, 385, 417
Transportation — 123, 168, 176, 193, 226, 292, 309, 372, 373
Ways and Means — 132, 169, 239, 291–293, 320, 372, 373, 449, 463, 563, 613, 632, 633, 651, 695, 707, 723, 786, 787, 824, 825, 908, 935, 999, 1023, 1072, 1130, 1158

SUBCOMMITTEES
Appropriations subcommittee members — 25, 26
Bills assigned to subcommittees — (*See individual committees*)
Investigation of governor's appointments — (*See* APPOINTEES)

SUBSTITUTION OF BILLS — (*See* BILLS)

SUPREME COURT OF IOWA
Condition of Iowa Judiciary Message, The Hon. Louis Lavorato — 60

TINSMAN, MAGGIE — Senator, 41st District
Amendments filed — 529, 548, 634, 876, 911, 950, 962, 1134, 1152, 1171
Amendments offered — 887, 944, 962
Amendments withdrawn — 928
Bills introduced — 12, 70, 155, 166, 175, 192, 213, 224, 238, 239, 272, 318, 333, 361, 362, 384, 411, 414, 427, 428, 500
Certificates of recognition — 575, 721, 955, 1098
Presentations — 552
Presiding at sessions of the Senate — 81
Resolutions introduced — 237, 351, 448, 577, 656, 674, 745, 914, 1023, 1101, 1167, 1218
Senate committee appointments — 31
Statutory appointments — 162, 256, 257

TOBACCO USE PREVENTION AND CONTROL COMMISSION
Senators appointed — 257

TRANSPORTATION, COMMITTEE ON
Appointees, investigation of — 188, 197, 218, 574, 611, 715
Appointments to — 25
Bills and resolutions introduced by — 318, 426, 428, 460, 461
Bills referred to — 111, 112, 176, 239, 249, 254, 262, 332, 361, 369, 370, 426, 531, 575, 583, 597, 719, 906
Committee meeting reports — 53, 116, 118, 164, 210, 267, 315, 316, 360, 382, 409, 448, 576, 706, 722, 786
Committee reports — 325, 435, 436, 471, 580, 709, 710, 724, 799
Study bills — 123, 168, 176, 193, 226, 292, 309, 372, 373
Subcommittee assignments — 123, 124, 170, 177, 193, 194, 229, 265, 275, 276, 295, 310, 375, 376, 388, 432, 564, 594, 633, 675, 746

UNFINISHED BUSINESS CALENDAR
Bills placed on — 800, 905

VILSACK, THOMAS — (*See* GOVERNOR VILSACK, THOMAS)

WARD, PAT — Senator, 30th District
Amendments filed — 581, 598, 828, 896, 981, 987, 1025, 1026, 1073, 1100, 1152
Amendments offered — 589, 896, 987
Bills introduced — 155, 175, 176, 192, 200, 238, 291, 332, 333, 385, 428, 429
Conference committee appointments & reports — 1205, 1227
Resolutions introduced — 237, 547, 577, 642, 745, 914, 989
Senate committee appointments — 32
Statutory appointments — 255, 257

WARNSTADT, STEVE — Senator, 1st District
Amendments filed — 365, 390, 529, 543, 634, 653, 781, 876, 912, 1000, 1008, 1026, 1132, 1138, 1172, 1173, 1175
Amendments offered — 395, 533, 543, 637, 756, 964, 1040, 1132, 1172, 1173
Amendments withdrawn — 1172
Bills introduced — 70, 76, 111, 121, 146, 212, 263, 264, 271, 272, 318, 332, 333, 362, 369, 383, 385, 413–415, 426, 429
Certificates of recognition — 83, 349, 514, 743, 1022, 1185
Conference committee appointments & reports — 532, 542
Resolutions introduced — 76, 130, 238, 448, 527, 547, 576, 577, 612, 656, 744, 745, 773, 803, 914, 934, 935
Senate committee appointments — 32
Statutory appointments — 255

WAYS AND MEANS, COMMITTEE ON
Amendments filed — 1024, 1049, 1131
Appointees, investigation of — 188, 197, 365, 574, 611, 678
Appointments to — 25
Bills and resolutions introduced by — 131, 632, 643, 674, 684, 745, 773, 824, 853, 968, 969, 990, 998, 1035, 1147
Bills referred to — 54, 55, 71, 77, 94, 95, 125, 166, 176, 201, 213, 224, 225, 249, 253, 263, 271, 308, 318, 340, 341, 379, 383, 384, 392, 412, 428, 449, 493, 494, 500, 533, 547, 577, 578, 599, 643, 672, 723, 745, 770, 771, 858, 859, 873, 905, 942, 956, 982, 983, 985, 1002, 1005, 1010, 1028, 1052, 1065, 1067, 1070, 1090, 1092, 1238
Committee meeting reports — 75, 91, 127, 173, 221, 268, 360, 441, 632, 673, 674, 744, 803, 853, 934, 956, 989, 1022, 1034, 1072, 1088, 1129, 1158, 1234
Committee reports — 137, 177, 444, 634, 645, 646, 676, 677, 687, 751, 752, 777, 808, 827, 854, 969, 970, 990, 1000, 1024, 1036, 1049, 1050, 1130, 1131, 1151, 1235
Study bills — 132, 169, 239, 291–293, 320, 372, 373, 449, 463, 563, 613, 632, 633, 651, 695, 707, 723, 786, 787, 824, 825, 908, 935, 999, 1023, 1072, 1130, 1158
Subcommittee assignments — 97, 98, 106, 134, 170, 215, 216, 242, 251, 265, 294, 295, 322–324, 335, 375, 376, 403–405, 431, 433, 451, 463, 464, 528, 564, 594, 613, 633, 644, 652, 696, 708, 723, 724, 774, 787, 825, 826, 908, 909, 936, 969, 999, 1007, 1024, 1047, 1073, 1089, 1114, 1130, 1159

WIECK, RON — Senator, 27th District
Amendments filed — 634, 679, 1025, 1026, 1073, 1100, 1118, 1152, 1172
Amendments offered — 727, 870, 1172
Amendments withdrawn — 727
Bills introduced — 55, 70, 77, 146, 175, 176, 192, 224, 237, 238, 262, 291, 371, 411
Certificates of recognition — 955
Presentations — 857
Resolutions introduced — 237, 577, 642, 656, 745, 914
Senate committee appointments — 32
Statutory appointments — 256

WITHDRAWAL OF BILLS — (*See* BILLS)

WOMEN, COMMISSION ON STATUS OF
Senators appointed — 257

WOOD, FRANK B. — Senator, 42nd District
Amendments filed — 407, 529, 652, 741, 809, 850, 938, 1138, 1150
Amendments offered — 521, 860, 895, 1150
Bills introduced — 111, 156, 191, 201, 212, 248, 262–264, 272, 352, 383, 384, 410, 411
Certificates of recognition — 90, 100, 188, 247, 400, 409, 655, 722, 978, 1055
Resolutions introduced — 238, 547, 577, 656, 745, 934, 935, 1167, 1218
Senate committee appointments — 32
Statutory appointments — 256, 257

WORKERS' MEMORIAL DAY
Proclamation — 1075

WORKFORCE DEVELOPMENT BOARD — (*See also* APPOINTEES)
Senators appointed — 257

WRITE WOMEN BACK INTO HISTORY CONTEST
Winners introduced — 552, 553

ZAUN, BRAD — Senator, 32nd District
Amendments filed — 598, 627, 628, 855, 981, 1073, 1111, 1152
Amendments offered — 628
Bills introduced — 155, 175, 176, 192, 238
Conference committee appointments & reports — 532, 542
Resolutions introduced — 237, 547, 577, 642, 745, 914
Senate committee appointments — 32
Statutory appointments — 255

ZIEMAN, MARK — Senator, 8th District; Assistant Republican Leader
Amendments filed — 581, 828, 912, 958, 1008, 1118, 1152, 1154
Amendments offered — 586, 664, 973, 1030
Amendments withdrawn — 973
Bills introduced — 55, 155, 175, 176, 192, 238, 385, 428, 449
Certificates of recognition — 90, 198, 456, 772, 785, 801, 1055
Conference committee appointments & reports — 1205, 1227
Presiding at sessions of the Senate — 971
Resolutions introduced — 237, 410, 459, 547, 577, 656, 745, 914
Senate committee appointments — 32
Statutory appointments — 162, 256, 257