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JOURNAL OF THE HOUSE

**1990
REGULAR SESSION
SEVENTY-THIRD
GENERAL ASSEMBLY**

**Convened January 8, 1990
Adjourned April 8, 1990**

**Volume II
March 26 - April 8**

**TERRY E. BRANSTAD, Governor
JO ANN ZIMMERMAN, President of the Senate
DONALD D. AVENSON, Speaker of the House**

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JOURNAL OF THE HOUSE

Seventy-eighth Calendar Day — Fifty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 26, 1990

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by Reverend Cathy Young, Associate Pastor of the First Presbyterian Church, Waterloo.

The Journal of Friday, March 23, 1990 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Renken of Grundy on request of Hanson of Delaware; Tyrrell of Iowa on request of Van Maanen of Mahaska; Svoboda of Tama on request of Peterson of Carroll; Adams of Hamilton on request of Dvorsky of Johnson; Trent of Muscatine on request of Van Maanen of Mahaska, all until their arrival.

INTRODUCTION OF BILLS

House File 2561, by committee on appropriations, a bill for an act relating to charge for the use of an automobile by a public officer or employee other than a state officer or employee.

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

House File 2562, by Arnould and Van Maanen, a bill for an act relating to the use of white flashing lights on privately owned motor vehicles of certain emergency medical care providers and making penalties applicable.

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

SENATE MESSAGES CONSIDERED

Senate File 2418, by committee on appropriations, a bill for an act providing for payment in lieu of property taxes on certain state properties under the jurisdiction of the department of natural resources and including applicability dates.

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

Senate File 2419, by committee on appropriations, a bill for an act relating to technology enterprise zones, and providing an effective date.

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 22, 1990, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2245, a bill for an act relating to bids for certain specialized highway or bridge construction projects.

JOHN F. DWYER, Secretary

ADOPTION OF HOUSE MEMORIAL RESOLUTION 101

Schrader of Marion offered the following House Memorial Resolution 101 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 101

Whereas, The Honorable Paul W. Eggers of Marion County, Iowa, who was a member of the Fifty-eighth General Assembly, passed away October 9, 1989; Now Therefore,

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Schrader of Marion, Black of Jasper and Van Maanen of Mahaska.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 102

Spear of Lee offered the following House Memorial Resolution 102 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 102

Whereas, The Honorable Arnold R. Lindeen of Henry County, Iowa, who was a member of the Sixty-sixth and Sixty-seventh General Assemblies, passed away January 1, 1990; Now Therefore,

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Spear of Lee, Daggett of Adams and Spenner of Henry.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 103

Knapp of Dubuque offered the following House Memorial Resolution 103 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 103

Whereas, The Honorable Raymond J. Miller of Dubuque County, Iowa, who was a member of the Sixty-second General Assembly, passed away January 9, 1990; *Now Therefore*,

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Knapp of Dubuque, Jochum of Dubuque and Murphy of Dubuque.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 104

Murphy of Dubuque offered the following House Memorial Resolution 104 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 104

Whereas, The Honorable Robert L. Oeth of Dubuque County, Iowa, who was a member of the Fifty-fourth General Assembly, passed away November 24, 1989; *Now Therefore*,

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Murphy of Dubuque, Jochum of Dubuque and Knapp of Dubuque.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 105

Van Maanen of Mahaska offered the following House Memorial Resolution 105 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 105

Whereas, The Honorable George N. Pierson of Mahaska County, Iowa, who was a member of the Sixty-second, Sixty-third, and Sixty-fourth General Assemblies, passed away August 26, 1989; *Now Therefore*,

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Van Maanen of Mahaska, Tyrrell of Iowa and Kistler of Jefferson.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 106

Schrader of Marion offered the following House Memorial Resolution 106 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 106

Whereas, The Honorable Elmer Vermeer of Marion County, Iowa, who was a member of the Fifty-fifth, Fifty-sixth, Fifty-seventh, Fifty-ninth, and Sixtieth General Assemblies, passed away May 23, 1989; *Now Therefore*,

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Schrader of Marion, Black of Jasper and Van Maanen of Mahaska.

MOTION TO WITHDRAW FROM COMMITTEE LOST
(House File 2192)

Garman of Story invoked Rule 60 and moved to withdraw from committee for immediate consideration **House File 2192**, a bill for an act relating to prohibiting a person who is guilty of a violation of operating a motor vehicle while under the influence of alcohol or a drug from being issued a temporary restricted license.

Roll call was requested by Garman of Story and Banks of Plymouth.

On the question "Shall the motion prevail to withdraw House File 2192 from committee?" (H.F. 2192)

The ayes were, 35:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Halvorson, R. N.	Hanson, D. R.	Harbor
Hermann	Hester	Iverson	Kistler
Kremer	Lageschulte	Maulsby	Metcalf
Miller	Pellett	Petersen, D. F.	Plasier
Royer	Schnekloth	Shoning	Siegrist
Spenner	Stueland	Van Maanen	

The nays were, 57:

Arnould	Beatty	Bisignano	Black
Blanshan	Brammer	Brand	Brown
Buhr	Chapman	Cohoon	Connors
Doderer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hibbard	Holveck	Jesse	Jochum
Johnson	Knapp	Koenigs	Lykam
May	McKinney	Mertz	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie

Osterberg	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Rosenberg	Schrader
Shearer	Sherzan	Shoultz	Spear
Swartz	Tabor	Teaford	Wise
Mr. Speaker Avenson			

Absent or not voting, 8:

Adams	Jay	Lundby	McKean
Renken	Svoboda	Trent	Tyrrell

The motion lost.

The House stood at ease at 10:42 a.m., until the fall of the gavel.

The House resumed session at 12:08 p.m., Speaker Avenson in the chair.

On motion by Arnould of Scott, the House was recessed at 12:09 p.m., until 1:45 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 26, 1990, insisted on its amendment to House File 673, a bill for an act allowing a county to allocate a portion of its secondary road fund allotment to its county conservation board for improvement, construction, or reconstruction of county conservation parkways, and the members of the Conference Committee on the part of the Senate are: The Senator from Wapello, Senator Gettings, Chair; the Senator from Tama, Senator Husak; the Senator from Cerro Gordo, Senator Scott; the Senator from Bremer, Senator Jensen; the Senator from Black Hawk, Senator Lind.

Also: That the Senate has on March 26, 1990, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 2170, a bill for an act relating to the prohibition of the use of certain pesticides, and making a penalty applicable.

Also: That the Senate has on March 26, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2312, a bill for an act relating to nonsubstantive Code and Act corrections.

Also: That the Senate has on March 26, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2377, a bill for an act adopting the model state commodity Code as recommended by the North American securities administrators association, regulating the commodities markets and participants, authorizing the securities bureau of the insurance division to administer the chapter, requiring licensing of commodity broker-dealers and sales representatives, authorizing civil remedies, sanctions, penalties, and imposing criminal penalties.

Also: That the Senate has on March 26, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2482, a bill for an act establishing an entrepreneurship task force.

Also: That the Senate has on March 26, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2522, a bill for an act relating to free hunting and fishing licenses for military personnel.

Also: That the Senate has on March 26, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2412, a bill for an act relating to the regulation of certain charitable organizations, providing a fee, and providing a penalty.

JOHN F. DWYER, Secretary

MOTIONS TO RECONSIDER WITHDRAWN

(Senate File 2244)

Gruhn of Dickinson and Murphy of Dubuque asked and received unanimous consent to withdraw their motions to reconsider Senate File 2244, a bill for an act relating to parking fines, handicapped parking spaces, and handicapped identification devices, filed by them on March 8, 1990, placing out of order the following amendments:

H—5654 filed by Murphy of Dubuque and Brown of Lucas on March 13, 1990.

H—5677, to amendment H—5654, filed by Murphy of Dubuque and Brown of Lucas on March 14, 1990.

CONSIDERATION OF BILLS

Appropriations Calendar

House File 2552, a bill for an act relating to storage tanks, including the conditions and funding mechanisms of the Iowa comprehensive petroleum underground storage tank fund, was taken up for consideration.

Hatch of Polk offered the following amendment H—5813 filed by him and moved its adoption:

H—5813

- 1 Amend House File 2552 as follows:
- 2 1. Page 6, line 18, by inserting after the figure

3 "423.7" the following: "up to a maximum of three
4 million dollars per quarter."

5 2. Page 6, by striking lines 22 through 25, and
6 inserting the following: "shall not be used for other
7 purposes."

8 3. Page 13, by inserting after line 2, the
9 following:

10 "Sec. _____. Section 455G.9, subsection 1, Code
11 Supplement 1989, is amended by adding the following
12 new paragraph:

13 **NEW PARAGRAPH. f.** Corrective action for a release
14 reported to the department of natural resources after
15 May 5, 1989, and on or before October 26, 1990, in
16 connection with a tank owned or operated by a state
17 agency or department which elects to participate in
18 the remedial account pursuant to this paragraph. A
19 state agency or department which does not receive a
20 standing unlimited appropriation which may be used to
21 pay for the costs of a corrective action may opt, with
22 the approval of the board, to participate in the
23 remedial account. As a condition of opting to
24 participate in the remedial account, the agency or
25 department shall pay all registration fees, storage
26 tank management fees, environmental protection
27 charges, and all other charges and fees upon all tanks
28 owned or operated by the agency or department in the
29 same manner as if the agency or department were a
30 person required to maintain financial responsibility.
31 Once an agency has opted to participate in the
32 remedial program, it cannot opt out, and shall
33 continue to pay all charges and fees upon all tanks
34 owned or operated by the agency or department so long
35 as the charges or fees are imposed on similarly
36 situated tanks of a person required to maintain
37 financial responsibility. The board shall by rule
38 adopted pursuant to chapter 17A provide the terms and
39 conditions for a state agency or department to opt to
40 participate in the remedial account. A state agency
41 or department which opts to participate in the
42 remedial account shall be subject to the minimum
43 copayment schedule of subsection 4, as if the state
44 agency or department were a person required to
45 maintain financial responsibility."

46 4. Page 16, by inserting after line 12, the
47 following:

48 "Sec. _____. Section 455G.11, subsection 3, Code
49 Supplement 1989, is amended by adding the following
50 new paragraph:

Page 2

1 **NEW PARAGRAPH. d.** The applicant either:

- 2 (1) Is maintaining financial responsibility
 3 pursuant to current or previously applicable federal
 4 or state financial responsibility requirements on
 5 petroleum underground storage tanks within the state.
 6 (2) Complies with the applicable following date
 7 for financial responsibility:
 8 (a) On or before April 26, 1990, for a petroleum
 9 marketing firm owning at least thirteen, but no more
 10 than ninety-nine petroleum underground storage tanks.
 11 (b) On or before October 26, 1990, for an owner or
 12 operator not described in subparagraph subdivision
 13 (a), and not currently or previously required to
 14 maintain financial responsibility by federal or state
 15 law on tanks within the state.”
 16 5. Page 18, line 4, by striking the word
 17 “administrator” and inserting the following:
 18 “department”.
 19 6. Page 18, line 5, by striking the word
 20 “department” and inserting the following:
 21 “administrator”.
 22 7. Page 18, line 5, by inserting after the word
 23 “procedures” the following: “to administer this
 24 subsection and”.
 25 8. By renumbering, relettering, and redesignating
 26 as necessary.

Amendment H—5813 was adopted.

Fogarty of Palo Alto asked and received unanimous consent to withdraw amendment H—5796 filed by him on March 21, 1990.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Halvorson of Clayton, until his return, on request of Harbor of Mills.

Fogarty of Palo Alto offered the following amendment H—5857 filed by him and Hatch of Polk and moved its adoption:

H—5857

- 1 Amend House File 2552 as follows:
 2 1. Page 20, line 17, by inserting after the word
 3 “payment.” the following: “If claims paid pursuant to
 4 this section do not exceed the remaining balance of
 5 unobligated or unreserved funds of the six million
 6 dollars, the remaining balance shall be distributed
 7 among the claims accepted for payment which were
 8 submitted on or before January 31, 1990, by increasing
 9 the allowable percentage of payment contained in
 10 section 455G.9, subsection 1, paragraph “a”,

- 11 subparagraph (1) by an amount necessary to reduce the
 12 remaining balance of the six million dollars allocated
 13 for retroactive claims to zero."

Amendment H—5857 was adopted.

Hatch of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2552)

The ayes were, 95:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Siegrist
Spear	Spenner	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, 1:

Maulsby

Absent or not voting, 4:

Halvorson, R. A. Peters Shultz Tyrrell

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

CONFERENCE COMMITTEE APPOINTED
(House File 673)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 673: Black of Jasper, Chair; Koenigs of Mitchell, Murphy of Dubuque, Schnekloth of Scott and Royer of Page.

Regular Calendar

Senate File 2274, a bill for an act relating to targeted small businesses, and imposing penalties, with report of committee recommending passage was taken up for consideration.

Brammer of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2274)

The ayes were, 96:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Nielsen	Ollie	Osterberg
Pavich	Pellett	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, none.

Absent or not voting, 4:

Halvorson, R. A.	Neuhauser	Peters	Tyrrell
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Unfinished Business Calendar

The House resumed consideration of **Senate File 2031**, a bill for an act relating to vacation leave sharing by state employees, previously deferred and placed on the unfinished business calendar.

Blanshan of Greene offered the following amendment H—5801 filed by Blanshan, et al., and moved its adoption:

H—5801

- 1 Amend Senate File 2031, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 3, by striking the word "shall"
- 4 and inserting the following: "may".
- 5 2. Page 1, line 24, by striking the words "two
- 6 thousand eighty-eight" and inserting the following:
- 7 "one thousand forty-four".
- 8 3. Page 2, by inserting after line 16, the
- 9 following:
- 10 "7. This section does not affect the status of
- 11 vacations and leaves of absence as mandatory subjects
- 12 of collective bargaining under chapter 20. This
- 13 section does not preclude an employee organization
- 14 from negotiating for a vacation leave sharing program
- 15 at variance from this section.
- 16 8. It is the intent of the general assembly that
- 17 the head of each state agency, department, or
- 18 commission permit vacation leave sharing between
- 19 employees of the same office or work site only."

Amendment H—5801 was adopted.

Arnould of Scott asked and received unanimous consent that Senate File 2031 be deferred and that the bill retain its place on the unfinished business calendar.

Hibbard of Madison in the chair at 3:34 p.m.

SENATE AMENDMENTS CONSIDERED
House Refused to Concur

Harper of Black Hawk called up for consideration **House File 2416**, a bill for an act relating to corporal punishment, amended by the Senate, and moved that the House concur in the following Senate amendment H—5719:

H—5719

- 1 Amend House File 2416, 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. DEPARTMENTAL RULES.

6 The state board of education shall include in the
7 rule relating to use of corporal punishment under
8 section 280.21, a rule or subrule which provides that
9 corporal punishment does not mean the use of
10 incidental, minor, or reasonable physical contact to
11 maintain order and control, provided that the contact
12 is not designed or intended to cause pain."

The motion lost and the House refused to concur in the Senate amendment H—5719.

Ollie of Clinton called up for consideration **House File 2287**, a bill for an act relating to a subsequent employer's unemployment benefit contribution rate upon the purchase or transference of a small business, amended by the Senate, and moved that the House concur in the following Senate amendment H—5812:

H—5812

1 Amend House File 2287, as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "Section 1. Section 96.7, subsection 2, paragraph
6 b, Code Supplement 1989, is amended by adding the
7 following new unnumbered paragraph after unnumbered
8 paragraph 1:

9 NEW UNNUMBERED PARAGRAPH. The predecessor
10 employer, prior to entering into a contract with a
11 successor employer relating to the sale or transfer of
12 the enterprise or business, or a clearly segregable
13 and identifiable part of the enterprise or business,
14 shall disclose to the successor employer the
15 predecessor employer's record of charges of benefits
16 payments or any layoffs or incidences since the last
17 record that would affect the experience record. A
18 predecessor employer who fails to disclose or
19 willfully discloses incorrect information to a
20 successor employer regarding the predecessor
21 employer's record of charges of benefits payments is
22 liable to the successor employer for any actual
23 damages and attorney fees incurred by the successor
24 employer as a result of the predecessor employer's
25 failure to disclose or disclosure of incorrect
26 information. The division shall include notice of the
27 requirement of disclosure in the division's quarterly
28 notification given to each employer pursuant to
29 section 96.7, subsection 2, paragraph "a",
30 subparagraph (6)."

31 2. Title page, line 2, by striking the word
32 "small".

The motion lost and the House refused to concur in the Senate amendment H—5812.

SENATE AMENDMENTS CONSIDERED

May of Worth called up for consideration **House File 534**, a bill for an act relating to the regulation of commercial feed and providing for the increase of fees, amended by the Senate, and moved that the House concur in the following Senate amendment H—5841:

H—5841

1 Amend House File 534, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by inserting after line 13 the
4 following:

5 "Sec. _____. Section 198.3, subsection 17, Code
6 1989, is amended to read as follows:

7 17. "Pet food" means any commercial feed prepared
8 and distributed for consumption by ~~pets dogs or cats.~~

9 Sec. _____. Section 198.3, Code 1989, is amended by
10 adding the following new subsection:

11 **NEW SUBSECTION. 21.** "Broker" means a person,
12 other than a licensed manufacturer, who distributes
13 commercial feed or commercial feed ingredients to a
14 manufacturer."

15 2. Page 1, by striking lines 17 through 35, and
16 inserting the following:

17 "1. A person who manufactures a commercial feed, a
18 customer-formula feed, or whose name appears on the
19 label of a commercial or customer-formula feed, shall
20 not distribute a commercial feed in this state without
21 first obtaining a license from the secretary issued on
22 forms provided by the secretary. The forms must
23 identify the name, place of business, and location of
24 each manufacturing facility in this state.

25 A broker shall not distribute a commercial feed in
26 this state without first obtaining a license from the
27 secretary issued on forms provided by the secretary.
28 The forms must identify the broker's name and place of
29 business.

30 2. A person obtaining a license under this section
31 shall pay to the secretary a license fee of ten
32 dollars. Fees relating to the issuance of licenses
33 shall be paid by July 1 of each year."

34 3. Page 2, by inserting after line 11, the
35 following:

36 "Sec. _____. Section 198.5, subsection 2, Code 1989,
37 is amended by adding the following new paragraph:

38 **NEW PARAGRAPH. g.** If a drug containing product is
39 used, information relating to the purpose of the
40 medication in the form of a claim statement, plus the

41 established name of each active drug ingredient and
42 the level of each drug used in the final mixture.”

43 4. Page 2, by inserting after line 16, the
44 following:

45 “Sec. _____. Section 198.7, subsection 1, Code 1989,
46 is amended by adding the following new paragraph:
47 NEW PARAGRAPH. f. If it is, or it bears or
48 contains a new animal drug which is unsafe within the
49 meaning of the federal Food, Drug and Cosmetics Act,
50 21 U.S.C. § 512.”

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1 5. Page 2, by striking lines 21 through 29, and
2 inserting the following:

3 “Sec. _____. Section 198.9, subsection 1, Code 1989,
4 is amended by striking the subsection and inserting in
5 lieu thereof the following:

6 1. An inspection fee to be fixed annually by the
7 secretary at a rate of not more than sixteen cents per
8 ton, shall be paid on commercial feed distributed in
9 this state by the person who first distributes the
10 commercial feed, subject to the following:

11 a. The inspection fee is not required on the first
12 distribution, if made to a qualified buyer who, with
13 approval from the secretary, shall become responsible
14 for the fee.

15 b. A fee shall not be paid on a commercial feed if
16 the payment has been made by a previous distributor.

17 c. A fee shall not be paid on customer-formula
18 feeds if the inspection fee is paid on the commercial
19 feeds which are used as components of the customer-
20 formula feeds.

21 d. A minimum semiannual fee shall be twenty
22 dollars.

23 e. A licensed manufacturer shall pay the
24 inspection fee on commercial feed that is fed to
25 livestock owned by the licensee.

26 In the case of a pet food or specialty pet food,
27 which is distributed in this state in packages of ten
28 pounds or less, each product shall be registered and
29 an annual registration fee of fifty dollars for each
30 product shall be paid by January 1 of each year in
31 lieu of the per ton rate as provided in this
32 subsection. The inspection fee shall apply to those
33 same products distributed in packages of more than ten
34 pounds.”

35 6. Page 3, by inserting after line 18, the
36 following:

37 “Sec. _____. Section 198.9, subsection 3, Code 1989,
38 is amended by adding the following new unnumbered
39 paragraph:

40 NEW UNNUMBERED PARAGRAPH. The secretary shall
 41 publish a report not later than September 1 of each
 42 year. The report shall provide a detailed accounting
 43 of all sources of revenue and all dispositions of
 44 funds utilized by the commercial feed trust fund. The
 45 report shall detail full-time equivalent positions
 46 used in fulfilling the requirements of this chapter.
 47 The report shall also indicate to what extent any
 48 full-time equivalent positions are shared with other
 49 programs. Copies of the report issued by the
 50 secretary pursuant to this section shall be delivered

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1 each year to the members of the house of
 2 representatives and senate standing committees on
 3 agriculture."
 4 7. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H—5841.

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

On the question "Shall the bill pass?" (H.F. 534)

The ayes were, 74:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bisignano	Black
Brammer	Brand	Brown	Buhr
Chapman	Clark	Cphoon	Connors
Corbett	Daggett	Diemer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lundby	Lykam	May
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Osterberg	Pavich	Peters	Petersen, D. F.
Peterson, M. K.	Poncy	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Svoboda
Tabor	Teaford	Trent	Tyrrell
Wise	Hibbard		
	Presiding		

The nays were, 20:

Bennett	Branstad	Carpenter	De Groot
Garman	Hanson, D. R.	Harbor	Hermann

Hester	Iverson	Lageschulte	Maulsby
McKean	Pellett	Renken	Royer
Schneklloth	Spenner	Stueland	Van Maanen

Absent or not voting, 6:

Blanshan	Doderer	Halvorson, R. A.	Ollie
Plasier	Swartz		

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

Adams of Hamilton called up for consideration **House File 2177**, a bill for an act relating to the operation of state hospital-schools under the control of the department of human services by authorizing the offering of goods and services to the public as part of client training programs and by deleting the requirement of maintaining daily records of time worked by institutional staff, amended by the Senate, and moved that the House concur in the following Senate amendment H—5842:

H—5842

- 1 Amend House File 2177, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 6, by striking the word "both"
- 4 and inserting the following: "all".
- 5 2. Page 1, by striking lines 8 through 17 and
- 6 inserting the following:
- 7 "(1) Any off-campus vocational or employment
- 8 training program developed or operated by the
- 9 department of human services for clients of a state
- 10 hospital-school is a supported vocational training
- 11 program or a supported employment program offered by a
- 12 community-based provider of services or other employer
- 13 in the community.
- 14 (2) (a) If a resident of a state hospital-school
- 15 is to participate in an employment or training program
- 16 which pays a wage in compliance with the federal Fair
- 17 Labor Standards Act, the state hospital-school shall
- 18 develop a community placement plan for the resident.
- 19 The community placement plan shall identify the
- 20 services and supports the resident would need in order
- 21 to be discharged from the state hospital-school and to
- 22 live and work in the community. The state hospital-
- 23 school shall make reasonable efforts to implement the
- 24 community placement plan including referring the
- 25 resident to community-based providers of services.
- 26 (b) If a community-based provider of services is
- 27 unable to accept a resident who is referred by the
- 28 state hospital-school, the state hospital-school shall
- 29 request and the provider shall indicate in writing to

30 the state hospital-school the provider's reasons for
31 its inability to accept the resident and describe what
32 is needed to accept the resident.

33 (c) A resident who cannot be placed in a community
34 placement plan with a community-based provider of
35 services may be placed by the state hospital-school in
36 an on-campus or off-campus vocational or employment
37 training program. However, prior to placing a
38 resident in an on-campus vocational or employment
39 training program, the state hospital-school shall seek
40 an off-campus vocational or employment training
41 program offered by a community-based provider who
42 serves the county in which the state hospital-school
43 is based or the counties contiguous to the county,
44 provided that the resident will not be required to
45 travel for more than thirty minutes one way to obtain
46 services.

47 If off-campus services cannot be provided by a
48 community-based provider, the state hospital-school
49 shall offer the resident an on-campus vocational or
50 employment training program. The on-campus program

Page 2

1 shall be operated in compliance with the federal Fair
2 Labor Standards Act. At least semiannually, the state
3 hospital-school shall seek an off-campus community-
4 based vocational or employment training option for
5 each resident placed in an on-campus program. The
6 state hospital-school shall not place a resident in an
7 off-campus program in which the cost to the state
8 hospital-school would be in excess of the provider's
9 actual cost as determined by purchase of service rules
10 or if the service would not be reimbursed under the
11 medical assistance program."

12 3. Page 1, by inserting after line 23 the fol-
13 lowing:

14 "(4) Nothing in this paragraph shall be construed
15 to prohibit a state hospital-school from providing a
16 service a resident needs for compliance with
17 accreditation standards for intermediate care
18 facilities for the mentally retarded."

19 4. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-5842.

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

On the question "Shall the bill pass?" (H.F. 2177)

The ayes were, 92:

Arnould	Avenson, Spkr.	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Haverland	Hester	Holveck	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Poncy	Renaud	Renken
Rosenberg	Royer	Schneklath	Schrader
Shearer	Shoning	Shoultz	Siegrist
Spear	Spenner	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Hibbard
			Presiding

The nays were, none.

Absent or not voting, 8:

Adams	Blanshan	Doderer	Halvorson, R. A.
Hatch	Hermann	Plasier	Sherzan

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

Unfinished Business Calendar

The House resumed consideration of **Senate File 2206**, a bill for an act relating to campaign finance by specifying that restrictions on corporate campaign activities do not apply to certain political corporations, previously deferred and placed on the unfinished business calendar.

Teaford of Black Hawk offered the following amendment H-5827 filed by her and Halvorson of Webster:

H-5827

- 1 Amend Senate File 2206, as passed by the Senate, as
- 2 follows:

3 1. Page 1, by inserting after line 29 the
 4 following:
 5 "However, if a political corporation meeting the
 6 three-part test set forth in this subsection makes
 7 contributions for the purpose of supporting or
 8 opposing a candidate for public office or a ballot
 9 issue, the political corporation shall comply with all
 10 the reporting and disclosure requirements of this
 11 chapter as if it were a political committee. The
 12 reports shall be filed with the commission in
 13 accordance with rules adopted by the commission and
 14 shall include information specifically identifying all
 15 sources of income of the political corporation. The
 16 commission may provide by rule for the waiver of these
 17 reporting and disclosure requirements in the case of a
 18 political corporation which is also a candidate's
 19 committee if the candidate's committee complies with
 20 all reporting and disclosure provisions set forth in
 21 this chapter for candidate's committees."

Teaford of Black Hawk offered the following amendment H-5862,
 to amendment H-5827, filed by her and Halvorson of Webster from
 the floor and moved its adoption:

H-5862

1 Amend the amendment, H-5827, to Senate File 2206,
 2 as passed by the Senate, as follows:
 3 1. Page 1, by inserting after line 21 the
 4 following:
 5 "_____. Page 1, by inserting after line 32 the
 6 following:
 7 "Sec. _____. LEGISLATIVE DECLARATION.
 8 The general assembly declares that the state has an
 9 interest in shedding the light of publicity on the
 10 financing of political campaigns, and that the
 11 reporting and disclosure requirements of this Act are
 12 enacted as part of the overall scheme of this chapter
 13 to promote that interest. The general assembly also
 14 declares that the reporting and disclosure
 15 requirements are intended to further First Amendment
 16 values by opening the basic processes of the election
 17 system to public view in a manner which is reasonable
 18 and minimally restrictive."
 19 _____. By numbering and renumbering as necessary."
 20 2. By numbering and renumbering as necessary.

Amendment H-5862 was adopted.

On motion by Teaford of Black Hawk, amendment H-5827, as
 amended, was adopted.

Teaford of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2206)

The ayes were, 87:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	May	McKean	McKinney
Mertz	Metcalf	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peters	Peterson, M. K.	Plasier
Poncy	Renaud	Rosenberg	Royer
Schrader	Shearer	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Swartz	Taber	Teaford	Tyrrell
Van Maanen	Wise	Hibbard	
		Presiding	

The nays were, 6:

Maulsby	Pellett	Petersen, D. F.	Renken
Stueland	Trent		

Absent or not voting, 7:

Blanshan	Doderer	Halvorson, R. A.	Hanson, D. R.
Miller	Schneklath	Sherzan	

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

SENATE AMENDMENTS CONSIDERED

Lundby of Linn called up for consideration **House File 2455**, a bill for an act relating to state chartered legal entities, especially non-profit corporations and cooperative associations, by altering requirements and procedure for filing corporate documents in the office of the secretary of state and by requiring corporations organized under or subject to Iowa Code chapter 504 to convert to chapter 504A within

a certain period of time, amended by the Senate, and moved that the House concur in the following Senate amendment H—5838:

H—5838

- 1 Amend House File 2455 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking page 8, line 31 through page 9,
- 4 line 4.
- 5 2. Page 10, line 30, by striking the figure
- 6 "1992" and inserting the following: "1995".
- 7 3. Page 10, by striking line 33 and inserting the
- 8 following: "30, 1995, is terminated, effective July
- 9 1, 1995. A".
- 10 4. By renumbering, relettering, or redesignating
- 11 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—5838.

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

On the question "Shall the bill pass?" (H.F. 2455)

The ayes were, 97:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cphoon	Connors
Corbett	Daggett	De Groot	Diemer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schnekloth
Schrader	Shearer	Sherzan	Shoning
Siegrist	Spear	Spenner	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Hibbard			
Presiding			

The nays were, none.

Absent or not voting, 3:

Doderer Halvorson, R. A. Shoultz

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

Speaker Avenson in the chair at 4:08 p.m.

Connors of Polk called up for consideration **Senate File 2018**, a bill for an act relating to the membership of the public safety commission of a unified law enforcement district, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-5782 to the House amendment:

H-5782

- 1 Amend the House amendment, S-5531, to Senate File
- 2 2018, as passed by the Senate as follows:
- 3 1. Page 1, line 8, by inserting after the figure
- 4 "69.16A" the following: "subject to the
- 5 availability of a sufficient number of males and
- 6 females from among the elected officials who qualify
- 7 for commission membership to comply with the gender
- 8 balanced requirement".

The motion prevailed and the House concurred in the Senate amendment H-5782.

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

On the question "Shall the bill pass?" (S.F. 2018)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. N.
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Iverson	Jay
Jesse	Johnson	Kistler	Knapp
Koenigs	Lageschulte	Lundby	Lykam

Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Poncy	Renaud
Renken	Rosenberg	Royer	Schneklouth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, 1:

Hammond

Absent or not voting, 5:

Chapman	Halvorson, R. A.	Jochum	Kremer
Plasier			

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

SENATE MESSAGE CONSIDERED

Senate File 2412, by committee on ways and means, a bill for an act relating to the regulation of certain charitable organizations, providing a fee, and providing a penalty.

Read first time and referred to committee on **ways and means**.

SENATE AMENDMENT CONSIDERED

Koenigs of Mitchell called up for consideration **House File 737**, a bill for an act requiring certain public corporations to pay the interest earned on investments of retained funds to public improvement construction contractors, amended by the Senate and moved that the House concur in the following Senate amendment H-5761:

H-5761

- 1 Amend House File 737, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. Section 573.12, subsection 1,
- 6 unnumbered paragraph 1, Code 1989, is amended to read
- 7 as follows:
- 8 Payments made under contracts for the construction
- 9 of public improvements, unless provided otherwise by
- 10 law, shall be made on the basis of monthly estimates
- 11 of labor performed and material delivered, as

12 determined by the project architect or engineer. The
 13 public corporation shall retain from each monthly
 14 payment not more than five percent of that amount
 15 which is determined to be due according to the
 16 estimate of the architect or engineer. However,
 17 institutions governed pursuant to chapter 262 may, on
 18 contracts where a bond is required under section
 19 573.2, make payments under this section without
 20 retention until ninety-five percent of the contract
 21 amount has been paid and the remaining five percent of
 22 the contract amount shall be paid as provided under
 23 section 573.14."

24 2. Page 1, by striking lines 8 through 11 and
 25 inserting the following:

26 "b. If a public corporation other than a school
 27 corporation, county, or city retains funds, the
 28 interest earned on those funds shall be payable at the
 29 time of final payment on the contract in accordance
 30 with the schedule and exemptions specified by the
 31 public corporation in its administrative rules. The
 32 rate of interest shall be determined by the period of
 33 time during which interest accrues, and shall be the
 34 same as the rate of interest that is in effect under
 35 section 453.6 as of the day interest begins to
 36 accrue."

37 3. Page 1, by inserting before line 12 the
 38 following:

39 "Sec. _____. Section 573.13, Code 1989, is amended
 40 to read as follows:

41 573.13 INVIOABILITY AND DISPOSITION OF FUND.

42 ~~No~~ A public corporation shall not be permitted to
 43 plead noncompliance with section 573.12, and the
 44 retained percentage of the contract price, which in no
 45 case shall be less ~~more~~ than five percent, shall
 46 ~~constitute~~ constitutes a fund for the payment of
 47 claims for materials furnished and labor performed on
 48 ~~said~~ the improvement, and shall be held and disposed
 49 of by the public corporation as hereinafter provided
 50 in this chapter."

Page 2

1 4. Title page, by striking lines 1 through 3 and
 2 inserting the following: "An Act relating to
 3 retentions from payments to contractors on contracts
 4 for the construction of public improvements."

The motion prevailed and the House concurred in the Senate
 amendment H—5761.

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

On the question "Shall the bill pass?" (H.F. 737)

The ayes were, 97:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Buhr	Carpenter	Clark	Cphoon
Connors	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schneklath	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 3:

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

Sherzan of Polk called up for consideration **Senate File 2169**, a bill for an act relating to actions by employers by prohibiting employers from taking certain deductions from employees' wages, requiring employers to provide certain services for non-English speaking employees, requiring certain practices upon recruitment of employees from out-of-state locations, and providing penalties,

amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—5819 to the House amendment:

H—5819

- 1 Amend the House amendment, S—5549, to Senate File
- 2 2169, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by inserting after line 44 the
- 5 following:
- 6 "5. "Farm owner" does not include a person who
- 7 uses cropland for research or experimental purposes,
- 8 testing, developing, or producing seeds or plants for
- 9 sale or resale."

The motion prevailed and the House concurred in the Senate amendment H—5819.

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

On the question "Shall the bill pass?" (S.F. 2169)

The ayes were, 62:

Arnould	Beatty	Bisignano	Black
Blanshan	Brammer	Brand	Brown
Buhr	Cohoon	Connors	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Knapp
Lykam	May	McKinney	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Petersen, D. F.
Peterson, M. K.	Poncy	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Shoning
Siegrist	Spear	Spenner	Svoboda
Swartz	Tabor	Teaford	Trent
Wise	Mr. Speaker		
	Avenson		

The nays were, 33:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Garman	Hanson, D. R.
Harbor	Hermann	Hester	Iverson
Kistler	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	McKean	Mertz

Metcalf
Royer
Van Maanen

Miller
Schnekloth

Pellett
Stueland

Renken
Tyrrell

Absent or not voting, 5:

Adams
Shoultz

Chapman

Halvorson, R. A.

Plasier

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

MOTIONS TO RECONSIDER
(Senate File 2018)

I move to reconsider the vote by which Senate File 2018 passed the House on March 26, 1990.

HANSON of Delaware

(Senate File 2018)

I move to reconsider the vote by which Senate File 2018 passed the House on March 26, 1990.

DODERER of Johnson

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on March 23, 1990. Had I been present, I would have voted "nay" on amendment H-5858, to amendment H-5685, to Senate File 2408 and "aye" on Senate File 2408.

BUHR of Polk

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 26th day of March, 1990: House Files 664, 2092, 2119, 2143, 2238, 2250, 2279, 2296, 2307 and 2308.

JOSEPH O'HERN
Chief Clerk of the House

Report adopted.

GOVERNOR'S ITEM VETO MESSAGE

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

March 23, 1990

The Honorable Jo Ann Zimmerman
President of the Senate
State Capitol Building
L O C A L

Dear Madam President:

I hereby transmit Senate File 2212, an act relating to and making supplemental appropriations or decreasing appropriations to the department of human services, Iowa department of public health, state board of regents, department of general services, department of inspections and appeals, department of employment services, department of commerce, state department of transportation, department of corrections, department of public safety, department of justice, judicial department, department of elder affairs, department of agriculture and land stewardship, department of natural resources, department of cultural affairs, department of education, and college aid commission for the remainder of the fiscal year ending June 30, 1990, and providing an effective date.

Senate File 2212 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 2, in its entirety. This section would appropriate \$1 million to the Department of Human Services for nursing facility reimbursement at the 74th percentile of facility costs as calculated from the March 31, 1990, unaudited compilation of cost and statistical data. This would become effective on April 1, 1990, three months earlier than my recommendation. I cannot approve this earlier increase in reimbursement rates due to fiscal constraints.

I am unable to approve the item designated as Section 5, in its entirety. This provision would require that any funds not spent for enhanced mental health, mental retardation, developmental disabilities services not revert but be deposited in the State Supplementation of Federal Social Services Block Grant Fund, after county expenditures for candidate services are reimbursed. Unexpended funds appropriated for one purpose should not be automatically transferred and, therefore, made available for another purpose, thereby circumventing the appropriation process.

I am unable to approve the item designated as Section 17, in its entirety. This section authorizes the Alcoholic Beverages Division to spend \$375,000 for a new computer for the liquor warehouse. Although it is important that this division have the equipment and facilities necessary to adequately perform the responsibilities with which they have been statutorily charged, I am not convinced that purchasing a new computer is the most efficient or effective way of meeting the Division's data processing needs. This may be a good opportunity for the Division to work with the Information Services Division of the Department of General Services to incorporate its data processing needs in the state's central data processing system. Although this is an expenditure from the Alcoholic Beverages Revolving Fund, any money saved in that fund will benefit the General Fund because any amounts in excess of that agency's expenses are transferred to the General Fund.

I am unable to approve the item designated as Section 24, subsection 6. This calls for up to \$849,000 for the remodeling of administrative offices and the consolidation of certain district operations in the Fifth Judicial District Department of Correctional Services. This project was not recommended by the Board of Corrections and has not

been examined through the normal budgetary channels. Architectural estimates have not been furnished to the Department of Corrections and this project cannot be justified as a high priority when compared to other more pressing needs and with consideration of the state's fiscal condition.

I am unable to approve the item designated as Section 31, in its entirety. This section would appropriate \$25,000 from the general fund to the Department of Public Safety to implement the accreditation for law enforcement agencies. This \$25,000 would only be the beginning of accreditation costs and does not reflect salary costs of personnel who would be assigned to the accreditation project. Nebraska utilized nine officers and Missouri intends to utilize eleven. Other contiguous states are incurring costs as great as \$200,000. Reaccreditation is required every five years, indicating ongoing costs. The quality of Iowa law enforcement will not suffer if this new program is not implemented.

I am unable to approve Section 32, in its entirety. This section appropriates \$220,000 to purchase a new office facility as a law enforcement headquarters for the Department. The Department of Public Safety did not request new headquarters and the current and forecasted fiscal picture requires spending restraint. I can not at this time approve of this item.

I am unable to approve Section 39, in its entirety. This section would partially fund information specialists and support of accounting section positions at the Department of Agriculture and Land Stewardship with a \$44,800 appropriation. Due to fiscal constraints, I can not approve additional administrative expenses at this time.

I am unable to approve Section 46, in its entirety. This section would appropriate \$20,000 to the Department of Education for the lift-up program in the Fifth Judicial District. The Department of Corrections has advised me that funds are now available within the Fifth Judicial District, therefore, a supplemental appropriation is no longer required and I am unable to approve this section.

I find Senate File 2212 to contain many worthwhile provisions including many of my recommendations. Supplementary medical assistance, Capitol restoration, and the beginning of a major expansion in our correctional system are necessary and key portions of this bill. I object to the use of lease-purchase and prefer paying cash for these facilities, however, the legislature has made it clear that lease-purchase is the only method they will consider to finance the expansion of the correctional system.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2212 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 23, 1990, he approved and transmitted to the Secretary of State the following bills:

House File 2105, an act providing for access to certain vital statistics records which are at least seventy-five years old.

House File 2178, an act relating to state and local substitute medical decision-making boards.

House File 2199, an act relating to agricultural drainage wells and providing an effective date.

House File 2212, an act delaying the repeal of the Iowa boundary commission and providing an effective date.

House File 2233, an act relating to the installation of fire extinguishing systems in open parking garages.

House File 2364, an act relating to increasing the penalty for failure to file a release and satisfaction when a judgment is paid in full.

House File 2368, an act requiring the department of human services to adopt administrative rules which apply a civil penalty to certain health care facilities reimbursed under the medical assistance program.

House File 2401, an act relating to the reporting of a hazardous condition involving a hazardous substance to the department of natural resources, to the local law enforcement agency, and to operators of affected public or private water supply systems.

House File 2405, an act relating to access to personnel employment files by public and private employees.

House File 2421, an act providing authority under certain conditions for the release of information by the child support recovery unit to certain persons and to other units of the department of human services.

House File 2423, an act relating to establishing title where a surviving spouse is a joint tenant of real estate with a deceased spouse.

House File 2425, an act relating to certain trust and estate documents by providing for notice requirements for claims against an estate, the validity of a voluntary trust, and voluntary petitions for conservatorships and their required contents.

House File 2460, an act relating to remedial relief for public employment relations violations and to unfair representation by a bargaining representative of a public employee.

House File 2471, an act relating to the jurisdiction of small claims court over executions of personal property, including garnishments, and providing for the Act's applicability.

House File 2489, an act relating to health care facilities, providing a penalty, and providing an effective date.

Also: That on March 26, 1990, he approved and transmitted to the Secretary of State the following bills:

House File 512, an act relating to the payment of a support obligation out of garnisheed funds.

House File 2045, an act relating to the appointment of an additional district judge for the district which includes the Iowa state penitentiary.

House File 2103, an act relating to missing person reports to law enforcement agencies by amending the definition of missing person to conform with a definition used by the national crime information center.

House File 2104, an act requiring the Iowa department of public health to enter the name of the father on the certificate of birth upon a determination of paternity by a court of competent jurisdiction.

House File 2109, an act relating to computer data storage of records of a criminal justice agency after acquittal or dismissal of charges.

House File 2118, an act relating to vehicle accident reports.

House File 2160, an act relating to mandatory domestic abuse arrests and providing guidelines concerning a primary physical aggressor.

House File 2165, an act relating to indemnification for odometer fraud from a motor vehicle dealer's surety bond and increasing the amount of the bond.

House File 2304, an act relating to notice requirements for sales under execution.

House File 2309, an act relating to schedule II controlled substances.

House File 2369, an act relating to real property by establishing a real property inspection report.

House File 2453, an act relating to arbitration agreements between manufacturers, distributors, or importers of motor vehicles and motor vehicle dealers.

House File 2454, an act relating to the manufacture, distribution, and possession of gambling devices.

House File 2457, an act relating to aircraft registration and special certificate fees.

House File 2458, an act requiring restitution of persons convicted of interfering with a traffic device, sign, or signal.

House File 2485, an act relating to the establishment of the Iowa arts and culture challenge grant foundation and foundation fund.

Senate File 182, an act relating to the commencement in the district court of certain civil rights actions involving administrative closures.

Senate File 460, an act relating to obtaining depositions in a foreign jurisdiction.

Senate File 2137, an act providing for the disposal of forfeited weapons.

Senate File 2139, an act relating to the appeal process for certain postconviction procedures.

Senate File 2155, an act relating to the computation of workers' compensation benefits for elected and appointed officials.

Senate File 2252, an act relating to the Iowa logo program and the use of the logo.

Senate File 2257, an act relating to the distribution of lists of certified ophthalmic dispensers.

Senate File 2290, an act relating to the theft of fish from private fish hatcheries.

Senate File 2322, an act relating to participation in extracurricular interscholastic contests and competitions by certain children.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Twenty-seven high school students from Remsen-Union High School, Remsen, accompanied by Judy Meister. By Banks of Plymouth.

Thirty government class students from Rockwell-Swaledale High School, Rockwell, accompanied by Randy Bushbaum. By Clark of Cerro Gordo.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

JOSEPH O'HERN

Chief Clerk of the House

- | | |
|---------|--|
| 1990-71 | Karen Saltzman, Corning — Being named Iowa's Young Mother of the Year. |
| 1990-72 | Girls Basketball Team, Montezuma — For their fine performance in the Girls State Basketball Tournament of 1990, and outstanding sportsmans-like conduct during the season. |
| 1990-73 | HLV Girls Basketball Team, Victor — For their fine performance in the 1990 Girls State Basketball Tournament, and outstanding sportsmans-like conduct during the season. |
| 1990-74 | Boys Basketball Team, Independence — For their participation in the 1990 Iowa State Boys Basketball Tournament. |
| 1990-75 | Hazel E. Cupp, Atlantic — For celebrating her 100th birthday on March 8, 1990. |
| 1990-76 | Boys Basketball Team, Montezuma — For outstanding performance and success during the 1990 Boys State Basketball Tournament, and for winning the State Championship. |
| 1990-77 | Western Christian Indians, Hull — For winning 4th place in the 1990 Class 2-A Boys State Basketball Tournament. |
| 1990-78 | Boyden-Hull Comets, Boyden and Hull — For winning 2nd place in the 1990 Class A Boys State Basketball Tournament. |
| 1990-79 | Boys Basketball Team, Colo-Nesco High School — For winning the 1990 Class A Boys State Basketball Championship. |
| 1990-80 | Kim Kruger, George-Little Rock High School — For being selected as All-Northwest Iowa first-team guard all-stater in 1990. |

- 1990-81 Keri Van Veldhuizen, Central Lyon High School — For being selected as All-Northwest Iowa first-team forward all-stater.
- 1990-82 Leah Breuer, George-Little Rock High School — For being selected as All-Northwest Iowa fourth-team forward all-stater at the 1990 Iowa State Girls Basketball Tournament.
- 1990-83 Julie De Jongh, Boyden-Hull High School — For being selected as All-Northwest Iowa fourth-team forward all-stater at the 1990 Iowa State Girls Basketball Tournament.
- 1990-84 Brad Miller, Colo-Nesco High School — For being named to the All Tournament Team at the 1990 Iowa Boys State Basketball Tournament.
- 1990-85 Brian Wildeboer, Colo-Nesco High School — For being named Captain of the All Tournament Team of the 1990 Iowa Boys State Basketball Tournament.
- 1990-86 Molly Van Diepen, Sibley-Ocheyedan High School — For being selected as All-Northwest Iowa second-team guard all-stater at the 1990 Iowa State Girls Basketball Tournament.
- 1990-87 Dianne Cuttell, George-Little Rock High School — For being selected as All-Northwest Iowa third-team guard all-stater at the 1990 Iowa State Girls Basketball Tournament.
- 1990-88 Girls Basketball Team, Colo-Nesco High School — For participating in the 1990 Girls State Basketball Tournament.
- 1990-89 Inez Wormer, Center Point — Will celebrate her 104th birthday on March 27, 1990, and for being the oldest citizen of Center Point, having resided there her entire life.
- 1990-90 Eddie Dean Morris, Stanton — Received the Boy Scouts of America Eagle Scout Award.
- 1990-91 Loren De Kruyf, Boyden-Hull Community School — Being selected All-Northwest Iowa First-Team All-Stater of the 1990 Iowa State Boys Basketball Tournament.
- 1990-92 Joel Mulder, Hull Western Christian High School — For being selected All-Northwest Iowa First-Team All-Stater of the 1990 Iowa State Boys Basketball Tournament.
- 1990-93 Charles W. Agan, Manilla — For being a 60 year member of the Masons.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON WAYS AND MEANS

Senate File 2407, a bill for an act relating to the premium taxation on certain health maintenance organization payments.

Fiscal Note is required.

Recommended **Do Pass** March 26, 1990.

AMENDMENTS FILED

H—5861	H.F.	2558	Halvorson of Clayton
H—5863	H.F.	2543	Blanshan of Greene
H—5864	S.F.	2327	Jochum of Dubuque
			Poncy of Wapello
H—5865	H.F.	2543	Blanshan of Greene
H—5866	H.F.	2482	Senate Amendment
H—5867	H.F.	2543	Groninga of Cerro Gordo
H—5868	H.F.	2522	Senate Amendment
H—5869	H.F.	2312	Senate Amendment
H—5870	S.F.	2327	Schnekloth of Scott
H—5871	H.F.	2329	Hanson of Delaware
			Pavich of Pottawattamie
H—5872	S.F.	2049	Fey of Scott

On motion by Arnould of Scott, the House adjourned at 4:22 p.m., until 9:00 a.m., Tuesday, March 27, 1990.

JOURNAL OF THE HOUSE

Seventy-ninth Calendar Day — Fifty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 27, 1990

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Honorable Delores Mertz, state representative from Kossuth County.

The Journal of Monday, March 26, 1990 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Halvorson of Clayton on request of Harbor of Mills; Sherzan of Polk, until his arrival, on request of Swartz of Marshall.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 26, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2154, a bill for an act relating to civil rights by requiring certain cities to maintain a local civil rights agency or commission and provide adequate funding for the agency or commission, and providing for the continuation in effect of certain local civil rights laws.

Also: That the Senate has on March 26, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2320, a bill for an act relating to fire and casualty insurance, altering the method of filing rates subject to the approval of the commissioner of insurance, except for workers' compensation liability insurance rates, providing a special effective date, and authorizing civil penalties.

Also: That the Senate has on March 26, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2357, a bill for an act relating to the applicability of school district reorganization incentives and providing an effective date and a retroactive applicability date.

Also: That the Senate has on March 26, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2450, a bill for an act relating to court costs to the city for certain dismissals of parking violations and court costs and fees for certain parking violations.

Also: That the Senate has on March 26, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2496, a bill for an act requiring a group health benefits insurer to disclose certain information relating to claims experience and costs of those claims.

Also: That the Senate has on March 26, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2500, a bill for an act relating to the enforcement of outdoor recreation and natural resource laws, by defining repeat offenders, by requiring the reporting of hunting accidents, by providing for the suspension of licenses, permits, and certificates, and by providing penalties.

Also: That the Senate has on March 26, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2540, a bill for an act relating to and providing a temporary property tax exemption for certain increased valuation of historic property, providing a phase-in of increased valuation, and providing an applicability date.

Also: That the Senate has on March 26, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2411, a bill for an act providing a seed capital income tax credit, authorizing expedited registration by filing for small issues under the state securities law, and providing effective and applicability dates.

Also: That the Senate has on March 26, 1990, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 128, a concurrent resolution relating to the provision of cable television service.

JOHN F. DWYER, Secretary

SENATE AMENDMENTS CONSIDERED

Pellett of Cass called up for consideration **House File 2115**, a bill for an act regulating the commercial cleaning of private sewage disposal facilities, by providing for the adoption of standards and the issuance of licenses, providing license fees, providing a civil penalty, and providing effective and applicability dates, amended by the Senate, and moved that the House concur in the following Senate amendment H—5818:

H—5818

- 1 Amend House File 2115 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 6 through 8, and
- 4 inserting the following: "disposal facilities and for
- 5 the disposal of waste from the facilities."
- 6 2. Page 1, by inserting after line 31 the
- 7 following:

- 8 "Sec. _____. Section 455B.172, subsection 5, Code
 9 1989, is amended by adding the following new
 10 unnumbered paragraph:
 11 NEW UNNUMBERED PARAGRAPH. The department or a
 12 county board of health shall not prohibit the
 13 discharge of wastewater from a septic tank located on
 14 agricultural land used for farming as defined in
 15 section 172C.1, and installed before November 19,
 16 1986."
 17 3. By renumbering, relettering, or redesignating
 18 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—5818.

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

On the question "Shall the bill pass?" (H.F. 2115)

The ayes were, 95:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Haverland	Hermann
Hester	Hibbard	Holveck	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Royer	Schneklath	Schrader	Shearer
Shoning	Shoultz	Siegrist	Spear
Spenner	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 5:

Halvorson, R. A. Hatch
Sherzan

Neuhauser

Rosenberg

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

Pavich of Pottawattamie called up for consideration **House File 2329**, a bill for an act relating to elections and election procedures, amended by the Senate amendment H—5701 as follows:

H—5701

- 1 Amend House File 2329, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by inserting after line 30 the
- 4 following:
- 5 "Sec. _____. Section 43.49, Code 1989, is amended to
- 6 read as follows:
- 7 43.49 CANVASS BY COUNTY BOARD.
- 8 ~~On the Monday~~ Within ten working days following the
- 9 primary election, the board of supervisors shall meet,
- 10 open and canvass the returns from each voting precinct
- 11 in the county, and make abstracts thereof, stating in
- 12 words written at length:
- 13 1. The number of ballots cast in the county in
- 14 each precinct by each political party, separately, for
- 15 each office.
- 16 2. The name of each person voted for and the
- 17 number of votes given to each person for each
- 18 different office.
- 19 If the day designated by this section for the
- 20 canvass is a public holiday, the provisions of section
- 21 4.1, subsection 22, shall apply."
- 22 2. Page 5, by inserting after line 5 the
- 23 following:
- 24 "Sec. _____. Section 46.24, unnumbered paragraph 1,
- 25 Code 1989, is amended to read as follows:
- 26 A judge of the supreme court, court of appeals, or
- 27 district court including a district associate judge,
- 28 or a clerk of the district court must receive more
- 29 affirmative than negative votes to be retained in
- 30 office. When the poll is closed, the election judges
- 31 shall publicly canvass the vote forthwith. The board
- 32 of supervisors shall canvass the returns at its
- 33 meeting on Monday within ten working days after the
- 34 election, and shall promptly certify the number of
- 35 affirmative and negative votes on each judge or clerk
- 36 to the state commissioner of elections."
- 37 3. Page 9, by inserting after line 4 the
- 38 following:

39 "Sec. _____. Section 49.99, unnumbered paragraph 1,
40 Code 1989, is amended to read as follows:

41 The voter may also insert in writing in the proper
42 place the name of any person for whom the voter
43 desires to vote and place a cross or check in the
44 square opposite ~~thereto~~ the name. The If the voter is
45 using a voting system other than an electronic voting
46 system as defined in section 52.1, the writing of such
47 the name shall constitute a valid vote for the person
48 whose name has been written on the ballot without
49 regard to whether the voter has made a cross or check
50 opposite thereto the name. However, the state

Page 2

1 commissioner of elections may provide by rule that
2 when a write-in vote is cast using an electronic
3 voting system, the ballot must also be marked in the
4 corresponding space in order to be counted. The
5 making of a cross or check in a square opposite a
6 blank without writing a name therein in the blank,
7 shall not affect the validity of the remainder of the
8 ballot."

9 4. Page 9, by inserting after line 26 the
10 following:

11 "Sec. _____. Section 50.21, unnumbered paragraph 1,
12 Code 1989, is amended to read as follows:

13 The commissioner shall reconvene the election board
14 of the special precinct established by section 53.20
15 not earlier than noon on the second day following each
16 election which is required by law to be canvassed on
17 ~~the Monday~~ within ten working days following the
18 election. If the second day following such an
19 election is a legal holiday the special precinct
20 election board may be convened at noon on the day
21 following the election, and if the canvass of the
22 election is ~~required~~ scheduled at any time earlier
23 than the Monday following the election, the special
24 precinct election board shall be reconvened at noon on
25 the day following the election.

26 Sec. _____. Section 50.24, unnumbered paragraph 1,
27 Code Supplement 1989, is amended to read as follows:

28 The county board of supervisors shall meet to
29 canvass the vote at ~~nine o'clock on the morning of the~~
30 first Monday within ten working days after the day of
31 each election to which this chapter is applicable,
32 unless the law authorizing the election specifies
33 another date for the canvass. ~~If that Monday is a~~
34 public holiday, section 4-1, subsection 22 controls.
35 Upon convening, the board shall open and canvass the
36 tally lists and shall prepare abstracts stating, in
37 words written at length, the number of votes cast in

38 the county, or in that portion of the county in which
 39 the election was held, for each office and on each
 40 question on the ballot for the election. The board
 41 shall contact the chairperson of the special precinct
 42 board before adjourning and include in the canvass any
 43 absentee ballots which were received after the polls
 44 closed in accordance with section 53.17 and which were
 45 canvassed by the special precinct board after election
 46 day. The abstract shall further indicate the name of
 47 each person who received votes for each office on the
 48 ballot, and the number of votes each person named
 49 received for that office, and the number of votes for
 50 and against each question submitted to the voters at

Page 3

1 the election.

2 Sec. _____. Section 50.46, Code 1989, is amended to
 3 read as follows:

4 50.46 SPECIAL ELECTIONS — CANVASS AND
 5 CERTIFICATE.

6 When a special election has been held to fill a
 7 vacancy, pursuant to section 69.14, the board of
 8 county canvassers shall meet at ~~one o'clock in the~~
 9 afternoon of the second day thereafter on the date of
 10 the next regular meeting of the board of supervisors,
 11 or on another date not more than ten working days
 12 after the election, and canvass the votes cast thereat
 13 at the election. The commissioner, as soon as the
 14 canvass is completed, shall transmit to the state
 15 commissioner an abstract of the votes so canvassed,
 16 and the state board, within five days after receiving
 17 such abstracts, shall canvass the tally lists. A
 18 certificate of election shall be issued by the county
 19 or state board of canvassers, as in other cases. All
 20 the provisions regulating elections, obtaining tally
 21 lists, and canvass of votes at general elections,
 22 except as to time, shall apply to special elections."

23 5. Page 9, by inserting before line 27, the
 24 following:

25 "Sec. _____. Section 53.1, Code 1989, is amended by
 26 adding the following new subsection:

27 NEW SUBSECTION. 3. When the elector expects to be
 28 unable to go to the polls and vote on election day."

29 6. Page 11, by inserting after line 2 the
 30 following:

31 "Sec. _____. Section 69.14A, subsection 2, Code
 32 Supplement 1989, is amended to read as follows:

33 2. When a vacancy exists in an elected county
 34 office, the board of supervisors shall publish notice
 35 as provided in section 331.305 indicating the method,
 36 appointment or special election, by which the board

37 intends to fill the vacancy. If appointment is
38 selected by the board, the appointment may be made
39 before publication of the notice, but the appointment
40 shall not be made within earlier than fourteen days or
41 more than forty days after the vacancy occurs. The
42 board may appoint a prospective appointee to serve as
43 a deputy before a vacancy occurs. However, if within
44 fourteen days after the date of the notice or within
45 fourteen days after the appointment is made, whichever
46 date is later, a petition requesting a special
47 election to fill the vacancy is filed with the county
48 auditor, the appointment is temporary and a special
49 election shall be called as provided in subsection 3.
50 The petition shall meet the requirements of section

Page 4

1 331.306.”
2 7. Page 15, by inserting after line 13 the
3 following:
4 “Sec. 1001. 1990 Iowa Acts, chapter 1007, being
5 House File 2001 of the Seventy-third General Assembly,
6 is amended by adding the following new section:
7 SEC. 3. EFFECTIVE DATE.
8 This Act, being deemed of immediate importance,
9 takes effect upon the enactment of 1990 Iowa Acts,
10 House File 2329, if enacted by the Seventy-third
11 General Assembly, and is retroactively applicable to
12 voting booths approved or furnished on or after the
13 enactment of this Act.
14 Sec. 1002. EFFECTIVE DATE.
15 1. Section 1001 and this section of this Act,
16 being deemed of immediate importance, take effect upon
17 enactment.
18 2. All other sections of this Act take effect July
19 1, 1990.”
20 8. Title page, line 1, by inserting after the
21 word “procedures” the following: “, and providing
22 effective and applicability dates”.
23 9. By renumbering, relettering, or redesignating
24 and correcting internal references as necessary.

Pavich of Pottawattamie offered the following amendment
H—5803, to the Senate amendment H—5701, filed by him and moved
its adoption:

H—5803

1 Amend the Senate amendment, H—5701, to House File
2 2329, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 1, by striking lines 3 through 36.

- 5 2. Page 1, line 50, by striking the words "the
6 state".
7 3. Page 2, by striking line 1.
8 4. By striking page 2, line 9, through page 3,
9 line 22.
10 5. Page 4, by striking line 12 and inserting the
11 following: "voting booths approved by the board of
12 examiners for voting machines and electronic voting
13 systems and furnished before the".

Amendment H—5803 was adopted.

Hanson of Delaware offered the following amendment H—5871, to the Senate amendment H—5701, filed by him and Pavich of Pottawattamie and moved its adoption:

H—5871

- 1 Amend Senate amendment, H—5701, to House File 2329,
2 as amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 3, by striking lines 41 through 43, and
5 inserting the following: "more than forty days after
6 the vacancy occurs. However, if within".

Amendment H—5871 was adopted.

On motion by Pavich of Pottawattamie, the House concurred in the Senate amendment H—5701, as amended.

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

On the question "Shall the bill pass?" (H.F. 2329)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Iverson	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean

McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklath	Schrader	Shearer
Shoning	Shoultz	Siegrist	Spear
Spenner	Stueland	Svoboda	Swartz
Tabor	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker Avenson		

The nays were, 1:

Diemer

Absent or not voting, 5:

Chapman	Halvorson, R. A.	Jay	Sherzan
Teaford			

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

The House stood at ease at 10:14 a.m., until the fall of the gavel.

The House resumed session at 11:12 a.m., Speaker Avenson in the chair.

PRESENTATION OF PELLA TULIP QUEEN AND HER ATTENDANTS

Schrader of Marion escorted to the front of the Speaker's station and presented to the House Heather Heiting, queen of the 1990 Pella Tulip Festival.

Queen Heather, wearing the Sunday costume typical of West Friesland, in the province of North Holland, presented her attendants (also in costume) Michelle Poortinga, Kelly Pothoven, Jill Dieleman and Holly Gosselink, accompanied by their parents.

Those present from Pella were dressed in native Dutch costume and distributed the famous Pella Dutch cookies. The Pella Tulip Time will be held May 10, 11 and 12, 1990.

The House rose and expressed its welcome.

On motion by Arnould of Scott, the House was recessed at 11:18 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Connors of Polk in the chair.

QUORUM CALL

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

SENATE MESSAGE CONSIDERED

Senate File 2411, by committee on ways and means, a bill for an act providing a seed capital income tax credit, authorizing expedited registration by filing for small issues under the state securities law, and providing effective and applicability dates.

Read first time and referred to committee on **ways and means**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 23, 1990, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 148, a bill for an act prohibiting certain actions against police service dogs, and providing penalties.

Also: That the Senate has on March 23, 1990, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 332, a bill for an act relating to legal expense insurance by regulating the sale of contracts providing reimbursement for legal expenses in consideration of a specified payment for a period of time, establishing a premium tax, and providing penalties.

JOHN F. DWYER, Secretary

The House stood at ease at 1:29 p.m., until the fall of the gavel.

The House resumed session at 2:38 p.m., Connors of Polk in the chair.

IMMEDIATE MESSAGE

(Senate File 2169)

Arnould of Scott asked and received unanimous consent that Senate File 2169 be immediately messaged to the Senate.

CONSIDERATION OF BILLS
Unfinished Business Calendar

The House resumed consideration of **House File 2543**, a bill for an act relating to the administration and benefits for certain public retirement systems, and providing for the applicability of the Act, previously deferred and placed on the unfinished business calendar.

Blanshan of Greene offered the following amendment H—5860 filed by Blanshan, et al.:

H—5860

- 1 Amend House File 2543 as follows:
- 2 1. Page 1, by inserting before line 1, the
- 3 following:
- 4 "Sec. 3001. Section 97A.4, unnumbered paragraph 1,
- 5 Code 1989, is amended to read as follows:
- 6 The board of trustees shall fix and determine by
- 7 proper rules how much service in any year shall be
- 8 Service for fewer than six months of a year is not
- 9 creditable as service. Service of six months or more
- 10 of a year is equivalent to one year of service, but in
- 11 no case shall more than one year of service be
- 12 creditable for all service in one calendar year, nor
- 13 shall the board of trustees allow credit as service
- 14 for any period of more than one month duration during
- 15 which the member was absent without pay."
- 16 2. Page 1, line 11, by striking the word
- 17 "disability" and inserting the following: "physical
- 18 impairment".
- 19 3. Page 2, by striking lines 7 through 12 and
- 20 inserting the following: "compensation."
- 21 4. Page 2, by inserting before line 13 the
- 22 following:
- 23 "d. Commencing July 1, 1990, if the member has
- 24 completed more than twenty-two years of creditable
- 25 service, the service retirement allowance shall
- 26 consist of a pension which equals the amount provided
- 27 in paragraphs "b" and "c", plus an additional
- 28 percentage as set forth below:
- 29 (1) For a member who terminates service, other
- 30 than by death or disability, on or after July 1, 1990,
- 31 but before July 1, 1991, and who does not withdraw the
- 32 member's contributions pursuant to section 97A.16,
- 33 upon the member's retirement there shall be added
- 34 three-tenths percent of the member's average final
- 35 compensation for each year of service over twenty-two
- 36 years, excluding years of service after the member's
- 37 fifty-fifth birthday. However, this subparagraph does
- 38 not apply to more than eight additional years of

39 service.

40 (2) For a member who terminates service, other
 41 than by death or disability, on or after July 1, 1991,
 42 but before July 1, 1992, and who does not withdraw the
 43 member's contributions pursuant to section 97A.16,
 44 upon the member's retirement there shall be added six-
 45 tenths percent of the member's average final
 46 compensation for each year of service over twenty-two
 47 years, excluding years of service after the member's
 48 fifty-fifth birthday. However, this subparagraph does
 49 not apply to more than eight additional years of
 50 service.

Page 2

1 (3) For a member who terminates service, other
 2 than by death or disability, on or after July 1, 1992,
 3 but before July 1, 1993, and who does not withdraw the
 4 member's contributions pursuant to section 97A.16,
 5 upon the member's retirement there shall be added
 6 nine-tenths percent of the member's average final
 7 compensation for each year of service over twenty-two
 8 years, excluding years of service after the member's
 9 fifty-fifth birthday. However, this subparagraph does
 10 not apply to more than eight additional years of
 11 service.

12 (4) For a member who terminates service, other
 13 than by death or disability, on or after July 1, 1993,
 14 but before July 1, 1994, and who does not withdraw the
 15 member's contributions pursuant to section 97A.16,
 16 upon the member's retirement there shall be added one
 17 and two-tenths percent of the member's average final
 18 compensation for each year of service over twenty-two
 19 years, excluding years of service after the member's
 20 fifty-fifth birthday. However, this subparagraph does
 21 not apply to more than eight additional years of
 22 service.

23 (5) For a member who terminates service, other
 24 than by death or disability, on or after July 1, 1994,
 25 and who does not withdraw the member's contributions
 26 pursuant to section 97A.16, upon the member's
 27 retirement there shall be added one and five-tenths
 28 percent of the member's average final compensation for
 29 each year of service over twenty-two years, excluding
 30 years of service after the member's fifty-fifth
 31 birthday. However, this subparagraph does not apply
 32 to more than eight additional years of service.

33 Sec. 2001. Section 97A.6, subsection 6, Code 1989,
 34 is amended to read as follows:

35 6. RETIREMENT AFTER ACCIDENT.

36 a. Upon retirement for accidental disability prior

37 to July 1, 1990, a member shall receive an accidental
38 disability retirement allowance which shall consist of
39 a pension equal to sixty-six and two-thirds percent of
40 the member's average final compensation.

41 b. Upon retirement for accidental disability on or
42 after July 1, 1990, a member shall receive an
43 accidental disability retirement allowance which shall
44 consist of a pension equal to sixty percent of the
45 member's average final compensation."

46 5. Page 2, by striking line 29 and inserting the
47 following: "subparagraphs (1), (2), and (3), Code
48 1989, are amended to read as follows:"

49 6. Page 2, line 30, by striking the words
50 "Twenty-five Thirty" and inserting the following:

Page 3

1 "Twenty-five".

2 7. Page 2, line 32, by inserting after the word
3 "section." the following: "However, effective July 1,
4 1990, for members who retired before that date, thirty
5 percent shall be the applicable percentage for members
6 and beneficiaries under this subparagraph."

7 8. Page 2, by inserting after line 32 the
8 following:

9 "(2) Twenty Twenty-five percent for members with
10 five or more years of membership service who are
11 receiving an ordinary disability retirement allowance.
12 However, effective July 1, 1984, for members who
13 retired before July 1, 1979, and effective July 1,
14 1988, for members who retire on or after July 1, 1988,
15 twenty-five percent shall be used for members who are
16 receiving an ordinary disability retirement allowance.
17 However, effective July 1, 1990, for members who
18 retired before that date, thirty percent shall be the
19 applicable percentage for members under this
20 subparagraph.

21 (3) Twelve and one-half percent for members with
22 less than five years of membership service who are
23 receiving an ordinary disability retirement allowance,
24 and for beneficiaries receiving a pension under
25 subsection 8 of this section. However, effective July
26 1, 1990, for members who retired before that date,
27 fifteen percent shall be the applicable percentage for
28 members and beneficiaries under this subparagraph."

29 9. Page 3, line 6, by striking the words
30 "paragraphs c" and inserting the following:
31 "paragraphs b, c,".

32 10. Page 3, by inserting after line 7 the
33 following:

34 "b. On the basis of the rate of interest and of
35 such the mortality, interest, and other tables as

36 shall be adopted by the board of trustees, the state
 37 commissioner of insurance shall make each valuation
 38 required by this chapter and shall immediately after
 39 making such valuation, determine the "normal
 40 contribution rate". The normal contribution rate shall
 41 be the rate percent of the earnable compensation of
 42 all members obtained by deducting from the total
 43 liabilities of the fund the sum of the amount of the
 44 funds in hand to the credit of the fund and dividing
 45 the remainder by one percent of the present value of
 46 the prospective future compensation of all members as
 47 computed on the basis of the rate of interest and of
 48 mortality and service tables adopted by the board of
 49 trustees, all reduced by the employee contribution
 50 made pursuant to paragraph "f" of this subsection.

Page 4

1 However, the normal rate of contribution shall not be
 2 less than seventeen and five hundredths percent. The
 3 normal rate of contribution shall be determined by the
 4 state commissioner of insurance after each valuation."

5 11. Page 3, by inserting after line 17 the
 6 following:

7 "The system shall develop a financial plan for
 8 making the system actuarially sound on or before June
 9 30, 1996. The plan shall be submitted to the general
 10 assembly on or before January 1, 1991. As used in
 11 this paragraph, "actuarially sound" means that the
 12 accrued assets equal the accrued benefits."

13 12. By striking page 3, line 18 through page 4,
 14 line 6, and inserting the following:

15 "f. Except as otherwise provided in paragraph "h":

16 (1) An amount equal to three and one-tenth percent
 17 of each member's compensation from the earnable
 18 compensation of the member shall be paid to the
 19 pension accumulation fund for the fiscal year
 20 beginning July 1, 1989.

21 (2) An amount equal to four and four-tenths
 22 percent of each member's compensation from the
 23 earnable compensation of the member shall be paid to
 24 the pension accumulation fund for the fiscal year
 25 beginning July 1, 1990.

26 (3) An amount equal to five and seven-tenths
 27 percent of each member's compensation from the
 28 earnable compensation of the member shall be paid to
 29 the pension accumulation fund for the fiscal year
 30 beginning July 1, 1991.

31 (4) An amount equal to seven percent of each
 32 member's compensation from the earnable compensation
 33 of the member shall be paid to the pension
 34 accumulation fund for the fiscal year beginning July

35 1, 1992.

36 (5) An amount equal to eight and three-tenths
37 percent of each member's compensation from the
38 earnable compensation of the member shall be paid to
39 the pension accumulation fund for the fiscal year
40 beginning July 1, 1993.

41 (6) An amount equal to nine and six-tenths percent
42 of each member's compensation from the earnable
43 compensation of the member shall be paid to the
44 pension accumulation fund for the fiscal year
45 beginning July 1, 1994.

46 (7) An amount equal to ten and nine-tenths percent
47 of each member's compensation from the earnable
48 compensation of the member shall be paid to the
49 pension accumulation fund for the fiscal year
50 beginning July 1, 1995, and each fiscal year

Page 5

1 thereafter.

2 Sec. 1001. Section 97A.8, subsection 1, Code 1989,
3 is amended by adding the following new paragraph:
4 NEW PARAGRAPH. h. Notwithstanding the provisions
5 of paragraph "f", the following transition percentages
6 apply to members' contributions as specified:

7 (1) For members who on July 1, 1990, have attained
8 the age of forty-nine years or more, an amount equal
9 to ten and nine-tenths percent of each member's
10 compensation from the earnable compensation of the
11 member shall be paid to the pension accumulation fund
12 for the fiscal year beginning July 1, 1990, and each
13 fiscal year thereafter.

14 (2) For members who on July 1, 1990, have attained
15 the age of forty-eight years but have not attained the
16 age of forty-nine years, an amount equal to nine and
17 six-tenths percent shall be paid for the fiscal year
18 beginning July 1, 1990, and an amount equal to ten and
19 nine-tenths percent shall be paid for the fiscal year
20 beginning July 1, 1991, and each fiscal year
21 thereafter.

22 (3) For members who on July 1, 1990, have attained
23 the age of forty-seven years but have not attained the
24 age of forty-eight years, an amount equal to eight and
25 three-tenths percent shall be paid for the fiscal year
26 beginning July 1, 1990, an amount equal to nine and
27 six-tenths percent shall be paid for the fiscal year
28 beginning July 1, 1991, and an amount equal to ten and
29 nine-tenths percent shall be paid for the fiscal year
30 beginning July 1, 1992, and each fiscal year
31 thereafter.

32 (4) For members who on July 1, 1990, have attained

33 the age of forty-six years but have not attained the
 34 age of forty-seven years, an amount equal to seven
 35 percent shall be paid for the fiscal year beginning
 36 July 1, 1990, an amount equal to eight and three-
 37 tenths percent shall be paid for the fiscal year
 38 beginning July 1, 1991, an amount equal to nine and
 39 six-tenths percent shall be paid for the fiscal year
 40 beginning July 1, 1992, and an amount equal to ten and
 41 nine-tenths percent shall be paid for the fiscal year
 42 beginning July 1, 1993, and each fiscal year
 43 thereafter.

44 (5) For members who on July 1, 1990, have attained
 45 the age of forty-five years but have not attained the
 46 age of forty-six years, an amount equal to five and
 47 seven-tenths percent shall be paid for the fiscal year
 48 beginning July 1, 1990, an amount equal to seven
 49 percent shall be paid for the fiscal year beginning
 50 July 1, 1991, an amount equal to eight and three-

Page 6

1 tenths percent shall be paid for the fiscal year
 2 beginning July 1, 1992, an amount equal to nine and
 3 six-tenths percent shall be paid for the fiscal year
 4 beginning July 1, 1993, and an amount equal to ten and
 5 nine-tenths percent shall be paid for the fiscal year
 6 beginning July 1, 1994, and each fiscal year
 7 thereafter."

8 13. Page 4, line 14, by striking the words "a
 9 member" and inserting the following: "an active
 10 member, in service on or after that date,".

11 14. Page 4, line 17, by striking the words "para-
 12 graph "f" " and inserting the following: "paragraphs
 13 "f" and "h" ".

14 15. Page 8, line 30, by striking the figure
 15 "1989" and inserting the following: "1989 1991".

16 16. Page 9, line 1, by inserting after the word
 17 "received." the following: "Effective January 1,
 18 1991, a retired member of any age may receive a
 19 retirement allowance after return to covered
 20 employment, regardless of the amount of remuneration
 21 received, if the covered employment consists of
 22 holding an elective office."

23 17. Page 15, line 26, by inserting after the word
 24 "government" the following: "or who was a member of
 25 another public retirement system in this state."

26 18. Page 18, line 33, by striking the word
 27 "systems".

28 19. By striking page 18, line 35, through page
 29 19, line 1, and inserting the following: "consultant
 30 to assist in developing the information."

31 20. Page 19, by striking lines 2 through 33 and

32 inserting the following:

33 "Sec. 1002. Section 410.6, unnumbered paragraph 2,
34 Code 1989, is amended to read as follows:

35 Upon the adoption of any increase in pension
36 benefits effective subsequent to the date of a
37 member's retirement, the amount payable to each member
38 as regular pension shall be increased by an amount
39 equal to ~~fifty~~ sixty percent of any increase in the
40 pension benefits for the rank at which the member
41 retired.

42 Sec. 1003. Section 411.1, subsections 1, 4, 5, 14,
43 16, 17, and 18, Code 1989, are amended to read as
44 follows:

45 1. "Retirement system" or "system" shall mean
46 either means the statewide fire or the and police
47 retirement system established by this chapter for the
48 fire fighters and police officers of the said cities
49 as defined described in section 411.2, its board of
50 trustees, and its appointed representatives.

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1 4. "Member" shall mean means a member of either
2 the police or fire retirement systems system as
3 defined by section 411.3.

4 5. "Board of fire trustees" and "board of police
5 trustees" shall mean means the boards board provided
6 in section 411.5 created by section 411.36 to
7 administer direct the establishment and administration
8 of the fire retirement system and the police
9 retirement system respectively.

10 14. "Pensions" shall mean means annual payments
11 for life derived from appropriations provided by the
12 said participating cities and the state and from
13 contributions of the members which are deposited in
14 the pension accumulation fire and police retirement
15 fund. All pensions shall be paid in equal monthly
16 installments.

17 16. "Pension reserve" shall mean means the present
18 value of all payments to be made on account of any
19 pension, or benefit in lieu of a pension, granted
20 under the provisions of this chapter, upon the basis
21 of such mortality tables as shall be adopted by the
22 boards of trustees system, and interest computed at
23 rates the rate adopted established by the boards upon
24 the recommendation of the actuary.

25 17. "Actuarial equivalent" shall mean means a
26 benefit of equal value, when computed upon the basis
27 of mortality tables adopted by the boards of trustees
28 system, and interest computed at rates the rate
29 adopted established by the boards upon the
30 recommendation of the actuary.

31 18. "City" or "cities" shall mean means any city
 32 or cities in which fire or police retirement systems
 33 are established participating in the statewide fire
 34 and police retirement system as required by this
 35 chapter.

36 Sec. 1004. Section 411.2, Code 1989, is amended to
 37 read as follows:

38 411.2 NAME AND DATE OF ESTABLISHMENT PARTICIPATION
 39 IN RETIREMENT SYSTEM.

40 1. In any Except as provided in subsections 2
 41 through 5, each city in which the fire fighters or
 42 police officers are or shall be appointed under the
 43 civil service law of this state, there are hereby
 44 created and established two separate retirement or
 45 pension systems shall participate in the retirement
 46 system established by this chapter for the purpose of
 47 providing retirement allowances only for fire fighters
 48 or police officers, or both, of said the cities who
 49 shall be are so appointed after the date this chapter
 50 takes effect the city comes under the retirement

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1 system, or benefits to their dependents. Each such
 2 system shall be under the management of a board of
 3 trustees hereinafter described, and shall be known as
 4 the "fire retirement system of (name of
 5 city)", and the "police retirement system of
 6 (name of city)", and by such names all of
 7 their business shall be transacted, all funds
 8 invested, and all cash and securities and other
 9 property held. The retirement systems so created shall
 10 begin operation as of the first day of the month in
 11 which said systems are there established by this
 12 chapter."

13 21. Page 20, by striking line 1 and inserting the
 14 following: "required to come under the retirement
 15 system established by this chapter".

16 22. Page 20, by striking lines 4 and 5 and
 17 inserting the following: "effective date of this Act
 18 is not required to come under the retirement system
 19 established by this chapter upon".

20 23. Page 20, by striking lines 8 and 9 and
 21 inserting the following: "the effective date of this
 22 Act is not required to come under the retirement
 23 system established by this chapter upon".

24 24. Page 20, by inserting after line 10 the
 25 following:

26 "5. If a city's fire fighters or police officers,
 27 or both, are appointed under the civil service law of
 28 this state but the city is not operating a city fire

29 or police retirement system, or both, under this
 30 chapter on the effective date of this Act, the city is
 31 not required to come under the statewide fire and
 32 police retirement system established by this chapter."

33 25. Page 20, by striking lines 11 through 26 and
 34 inserting the following:

35 "Sec. 1005. Section 411.3, subsection 1, Code
 36 1989, is amended to read as follows:

37 1. All persons who become police officers or fire
 38 fighters after the date the city is required to come
 39 under the retirement systems are established by this
 40 chapter system, shall become members thereof of the
 41 retirement system as a condition of their employment,
 42 except that a police chief or a fire chief who would
 43 not complete twenty-two years of service under this
 44 chapter by the time the chief attains fifty-five years
 45 of age shall, upon written request to the board of
 46 trustees system, be exempt from this chapter.

47 Notwithstanding section 97B.41, a police chief or fire
 48 chief who is exempt from this chapter is exempt from
 49 chapter 97B. Members of the system established in
 50 this chapter shall not be required to make

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1 contributions under any other pension or retirement
 2 system of a city, county, or the state of Iowa,
 3 anything to the contrary notwithstanding.

4 Sec. 1006. Section 411.4, Code 1989, is amended to
 5 read as follows:

6 411.4 SERVICE CREDITABLE.

7 The board of trustees shall fix and determine by
 8 proper rules and regulations how much service in any
 9 year shall be service for fewer than six months of a
 10 year is not creditable as service. Service of six
 11 months or more of a year is equivalent to one year of
 12 service, but in no case shall more than one year of
 13 service be creditable for all service in one calendar
 14 year, nor shall the board of trustees system allow
 15 credit as service for any period of more than one
 16 month duration during which the member was absent
 17 without pay.

18 The board of trustees system shall credit as
 19 service for a member of the system a previous period
 20 of service for which the member had withdrawn the
 21 member's accumulated contributions, as defined in
 22 section 411.21.

23 Sec. 1007. Section 411.5, Code 1989, is amended to
 24 read as follows:

25 411.5 ADMINISTRATION.

26 1. BOARDS BOARD. The general administration and
 27 the responsibility for the establishment and proper

28 operation of the retirement systems and for making
 29 effective the provisions of this chapter are hereby
 30 system is vested in a the board of fire trustees to
 31 administer the system relating to fire fighters and a
 32 board of police trustees to administer the system
 33 relating to police officers created by section 411.36.
 34 The said boards shall be constituted as follows: The
 35 system shall be administered under the direction of
 36 the board.

37 a. The chief officer of the fire department, the
 38 city treasurer, two fire fighters elected by secret
 39 ballot by the members of the department who are
 40 entitled to participate in a fire retirement system
 41 established by law, and three citizens who do not hold
 42 another public office, who shall be appointed by the
 43 mayor with the approval of the city council, shall
 44 serve as the members of the board of trustees of the
 45 fire retirement system.

46 b. The chief officer of the police department, the
 47 city treasurer, two police officers elected by secret
 48 ballot by the members of the department who are
 49 entitled to participate in a police retirement system
 50 established by law, and three citizens who do not hold

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1 another public office, who shall be appointed by the
 2 mayor with the approval of the city council, shall
 3 serve as the members of the board of trustees of the
 4 police retirement system.

5 e. The three citizens appointed by the mayor shall
 6 serve on both of the boards.

7 d. Upon the taking effect of this chapter, such
 8 members of each said department in said cities shall
 9 elect by secret ballot two active members of each such
 10 department to serve as members of said respective
 11 boards; one of whom shall serve until the first Monday
 12 in April of the second year, and one until the first
 13 Monday in April of the fourth year. Thereafter each
 14 such department shall, every second year, on such date
 15 and in such manner as shall be prescribed by said
 16 board of trustees, elect by ballot one such member to
 17 serve for a term of four years.

18 e. Beginning July 1, 1986, upon the taking effect
 19 of this chapter, the mayor, with the approval of the
 20 city council, shall appoint three citizens who do not
 21 hold any other public office, to serve as members of
 22 the boards of trustees; one of whom shall serve until
 23 the first Monday in April of the second year, one
 24 until the first Monday in April of the third year, and
 25 one until the first Monday in April of the fourth

26 year. Thereafter, appointments shall be made for
27 four-year terms.

28 f. If a vacancy occurs in the office of trustee,
29 the vacancy shall be filled for the unexpired term in
30 the same manner as the office was previously filled.

31 2. VOTING. Each trustee shall be entitled to one
32 vote on each board. Four concurring votes shall be
33 necessary for a decision by the trustees at any
34 meeting of either board.

35 3 2. COMPENSATION. The trustees, other than the
36 secretary, shall serve as such without compensation,
37 but they shall be reimbursed from the expense fire and
38 police retirement fund for all necessary expenses
39 which they may incur through service on the board.

40 4 3. RULES. Subject to the limitations of this
41 chapter, each the board of trustees shall, from time
42 to time, establish adopt rules and regulations for the
43 establishment and administration of funds the system
44 and the fire and police retirement fund created by
45 this chapter, and for the transaction of its business.

46 5 4. ORGANIZATION — EMPLOYEES. Each The board of
47 trustees shall elect from its membership a
48 chairperson, and shall, by majority vote of its
49 members, appoint a secretary, who may, but need not,
50 be, one of its members. It The system shall engage

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1 such actuarial and other services as shall be are
2 required to transact the business of the retirement
3 system. The compensation of all persons engaged by
4 each board of trustees the system and all other
5 expenses of each the board of trustees necessary for
6 the operation of the retirement system; shall be paid
7 at such rates and in such amounts as each the board of
8 trustees shall approve approves.

9 6 5. DATA. Each board of trustees The system
10 shall keep in convenient form such data as shall be is
11 necessary for actuarial valuation of the various funds
12 of the retirement system fire and police retirement
13 fund and for checking the experience of the retirement
14 system.

15 7 6. RECORDS — REPORTS. Each The board of
16 trustees shall keep a record of all its proceedings,
17 which record shall be open to public inspection. It
18 shall annually make a submit an annual report to the
19 governor, the general assembly, and the city council
20 showing the fiscal transactions of the retirement
21 system for the preceding fiscal year, the amount of
22 the accumulated cash and securities of the system, and
23 the last balance sheet showing the financial condition
24 of the system by means of an actuarial valuation of

25 the assets and liabilities of each participating city
 26 concerning the financial condition of the retirement
 27 system, its current and future liabilities, and the
 28 actuarial valuation of the system.

29 8 7. LEGAL ADVISER ADVISOR. The city attorney or
 30 solicitor of a city shall serve as the legal adviser
 31 of the board of trustees at the request of the board
 32 or the board of trustees system may employ or retain
 33 an attorney on a per diem basis to serve as the
 34 system's legal advisor and to represent the board of
 35 trustees when, in the opinion of the board of
 36 trustees, there is a conflict of interest between the
 37 board of trustees and the city council system. The
 38 costs of an attorney employed or retained by the board
 39 of trustees system shall be paid from the expense fire
 40 and police retirement fund created in section 411.8.

41 9 8. MEDICAL BOARD. The board of fire trustees
 42 and the board of police trustees jointly system shall
 43 designate a medical board to be composed of three
 44 physicians who shall arrange for and pass upon all
 45 medical examinations required under the provisions of
 46 this chapter, except that for examinations required
 47 because of disability three physicians from the
 48 University of Iowa hospitals and clinics who shall
 49 pass upon the medical examinations required for
 50 disability retirements, and shall report to the system

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1 in writing to each board of trustees, respectively,
 2 its conclusions and recommendations upon all matters
 3 duly referred to it. Each report of a medical
 4 examination under section 411.6, subsections 3 and 5,
 5 shall include the medical board's rating as to the
 6 extent of the member's physical impairment.

7 10 9. DUTIES OF ACTUARY. The actuary shall be the
 8 technical adviser advisor of the board of trustees
 9 system on matters regarding the operation of the funds
 10 created by the provisions of this chapter fire and
 11 police retirement fund and shall perform such other
 12 duties as are required in connection therewith with
 13 the operation of the system.

14 11. TABLES — RATES. Immediately after the
 15 establishment of each retirement system, the The
 16 actuary shall make such investigation of anticipated
 17 interest earnings and of the mortality, service, and
 18 compensation experience of the members of the system
 19 as the actuary shall recommend recommends and the
 20 board of trustees shall authorize, and on the basis of
 21 such the investigation the actuary system shall
 22 recommend for adoption by the board of trustees adopt
 23 such tables and such rates as are required in

24 subsection 12 of this section 11. The board of
 25 trustees shall adopt the rate of interest and tables,
 26 and certify rates of contribution to be used by the
 27 system.

28 12 10. ACTUARIAL INVESTIGATION - TABLES - RATES.

29 In the year 1988, and at At least once in each five-
 30 year period thereafter, the actuary shall make an
 31 actuarial investigation into the mortality, service,
 32 and compensation experience of the members and
 33 beneficiaries of the retirement system, and the
 34 interest and other earnings on the moneys and other
 35 assets of the retirement system, and shall make a
 36 valuation of the assets and liabilities of the funds
 37 of the system fire and police retirement fund, and
 38 taking into account on the basis of the results of
 39 such the investigation and valuation, the board of
 40 trustees system shall do all of the following:

41 a. Adopt for the retirement system such interest
 42 rate, mortality and other tables as shall be are
 43 deemed necessary;

44 b. Certify the rates of contribution payable by
 45 the said cities in accordance with section 411.8 of
 46 this chapter.

47 c. Certify the rates of contributions payable by
 48 the members in accordance with section 411.8.

49 13 11. VALUATION. On the basis of such the rate
 50 of interest and such tables as the boards of trustees

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1 shall adopt adopted, the actuary shall make an annual
 2 valuation of the assets and liabilities of the funds
 3 of the fire and police retirement systems fund created
 4 by this chapter.

5 14. COMMISSIONER OF INSURANCE. Within five days
 6 following its submission to the city council, each
 7 board of trustees shall transmit to the commissioner
 8 of insurance a copy of the report submitted to the
 9 city council and the amount of contributions deposited
 10 in the pension accumulation fund by the city. The
 11 commissioner of insurance shall review the report and
 12 the adequacy of the contribution of the city. The
 13 commissioner of insurance shall inform the city
 14 council of each city in which the contribution of a
 15 city is deemed to be inadequate.

16 Sec. 1008. Section 411.6, subsection 1, unnumbered
 17 paragraph 1 and paragraph a, Code 1989, are amended to
 18 read as follows:

19 SERVICE RETIREMENT BENEFIT. Retirement of a member
 20 on a service retirement allowance shall be made by
 21 each board of trustees the system as follows:

22 a. Any member in service may retire upon written
 23 application to the ~~board of police or fire trustees as~~
 24 ~~the case may be system~~, setting forth at what time,
 25 not less than thirty nor more than ninety days
 26 subsequent to the execution and filing of the
 27 application, the member desires to be retired.
 28 However, the member at the time specified for
 29 retirement shall have attained the age of fifty-five
 30 and shall have served twenty-two years or more, and
 31 notwithstanding that, during the period of
 32 notification, the member may have separated from the
 33 service."

34 26. Page 21, line 17, by striking the words
 35 "given by the city".

36 27. Page 21, line 19, by striking the words "each
 37 board of trustees" and inserting the following: "the
 38 system".

39 28. Page 21, by striking lines 23 through 28 and
 40 inserting the following: "compensation."

41 29. Page 21, by inserting before line 29 the
 42 following:

43 "d. Commencing July 1, 1990, if the member has
 44 completed more than twenty-two years of creditable
 45 service, the service retirement allowance shall
 46 consist of a pension which equals the amount provided
 47 in paragraphs "b" and "c", plus an additional
 48 percentage as set forth below:

49 (1) For a member who terminates service, other
 50 than by death or disability, on or after July 1, 1990,

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1 but before July 1, 1991, and who does not withdraw the
 2 member's contributions pursuant to section 411.23,
 3 upon the member's retirement there shall be added
 4 three-tenths percent of the member's average final
 5 compensation for each year of service over twenty-two
 6 years, excluding years of service after the member's
 7 fifty-fifth birthday. However, this subparagraph does
 8 not apply to more than eight additional years of
 9 service.

10 (2) For a member who terminates service, other
 11 than by death or disability, on or after July 1, 1991,
 12 but before July 1, 1992, and who does not withdraw the
 13 member's contributions pursuant to section 411.23,
 14 upon the member's retirement there shall be added six-
 15 tenths percent of the member's average final
 16 compensation for each year of service over twenty-two
 17 years, excluding years of service after the member's
 18 fifty-fifth birthday. However, this subparagraph does
 19 not apply to more than eight additional years of
 20 service.

21 (3) For a member who terminates service, other
22 than by death or disability, on or after after July 1,
23 1992, but before July 1, 1993, and who does not
24 withdraw the member's contributions pursuant to
25 section 411.23, upon the member's retirement there
26 shall be added nine-tenths percent of the member's
27 average final compensation for each year of service
28 over twenty-two years, excluding years of service
29 after the member's fifty-fifth birthday. However,
30 this subparagraph does not apply to more than eight
31 additional years of service.

32 (4) For a member who terminates service, other
33 than by death or disability, on or after July 1, 1993,
34 but before July 1, 1994, and who does not withdraw the
35 member's contributions pursuant to section 411.23,
36 upon the member's retirement there shall be added one
37 and two-tenths percent of the member's average final
38 compensation for each year of service over twenty-two
39 years, excluding years of service after the member's
40 fifty-fifth birthday. However, this subparagraph does
41 not apply to more than eight additional years of
42 service.

43 (5) For a member who terminates service, other
44 than by death or disability, on or after July 1, 1994,
45 and who does not withdraw the member's contributions
46 pursuant to section 411.23, upon the member's
47 retirement there shall be added one and five-tenths
48 percent of the member's average final compensation for
49 each year of service over twenty-two years, excluding
50 years of service after the member's fifty-fifth

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1 birthday. However, this subparagraph does not apply
2 to more than eight additional years of service.

3 Sec. 1009. Section 411.6, subsection 3, Code 1989,
4 is amended to read as follows:

5 3. ORDINARY DISABILITY RETIREMENT BENEFIT. Upon
6 the application, to the system, of a member in service
7 or of the chief of the police or fire departments,
8 respectively, any member shall be retired by the
9 respective board of trustees system, not less than
10 thirty and not more than ninety days next following
11 the date of filing such the application, on an
12 ordinary disability retirement allowance, provided,
13 that if the medical board after a medical examination
14 of such the member shall certify certifies that said
15 the member is mentally or physically incapacitated for
16 further performance of duty, that such the incapacity
17 is likely to be permanent, and that such the member
18 should be retired.

19 Sec. 1010. Section 411.6, subsection 5, unnumbered
20 paragraphs 1 and 2, Code 1989, are amended to read as
21 follows:

22 ACCIDENTAL DISABILITY BENEFIT. Upon application,
23 to the system, of a member in service or of the chief
24 of the police or fire departments, respectively, any
25 member who has become totally and permanently
26 incapacitated for duty as the natural and proximate
27 result of an injury or disease incurred in or
28 aggravated by the actual performance of duty at some
29 definite time and place, or while acting pursuant to
30 order, outside of the city by which the member is
31 regularly employed, shall be retired by the respective
32 board of trustees system, provided, that if the
33 medical board shall certify certifies that such the
34 member is mentally or physically incapacitated for
35 further performance of duty, that such the incapacity
36 is likely to be permanent, and that such the member
37 should be retired.

38 Should If a member in service or the chief of the
39 police or fire departments become becomes
40 incapacitated for duty as a natural or proximate
41 result of an injury or disease incurred in or
42 aggravated by the actual performance of duty at some
43 definite time or place or while acting, pursuant to
44 order, outside the city by which the member is
45 regularly employed, the member shall, upon being found
46 to be temporarily incapacitated following an a medical
47 examination by the board of trustees, be as directed
48 by the system, is entitled to receive the member's
49 full pay and allowances from the city's general fund
50 until re-examined by the board as directed by the

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1 system and found to be fully recovered or permanently
2 disabled.

3 Sec. 2002. Section 411.6, subsection 6, Code 1989,
4 is amended to read as follows:

5 6. RETIREMENT AFTER ACCIDENT.

6 a. Upon retirement for accidental disability prior
7 to July 1, 1990, a member shall receive an accidental
8 disability retirement allowance which shall consist of
9 a pension equal to sixty-six and two-thirds percent of
10 the member's average final compensation.

11 b. Upon retirement for accidental disability on or
12 after July 1, 1990, a member shall receive an
13 accidental disability retirement allowance which shall
14 consist of a pension equal to sixty percent of the
15 member's average final compensation.

16 Sec. 1011. Section 411.6, subsection 7, unnumbered
17 paragraph 1, Code 1989, is amended to read as follows:

18 RE-EXAMINATION OF BENEFICIARIES RETIRED ON ACCOUNT
19 OF DISABILITY. Once each year during the first five
20 years following the retirement of a member on a
21 disability retirement allowance, and once in every
22 three-year period thereafter, the respective board of
23 trustees system may, and upon the member's application
24 shall, require any disability beneficiary who has not
25 yet attained age fifty-five to undergo a medical
26 examination at a place designated by the medical
27 board. ~~Such~~ The examination shall be made by the
28 medical board or in special cases, by an additional
29 physician or physicians designated by such board.
30 ~~Should If~~ any disability beneficiary who has not
31 attained the age of fifty-five refuse refuses to
32 submit to ~~such~~ the medical examination, the member's
33 allowance may be discontinued until withdrawal of such
34 refusal, and ~~should if~~ the refusal continue continues
35 for one year all rights in and to the member's pension
36 may be revoked by the respective board of trustees
37 system.

38 Sec. 1012. Section 411.6, subsection 7, paragraph
39 a, unnumbered paragraph 2, Code 1989, is amended to
40 read as follows:

41 A beneficiary retired under this paragraph, in
42 order to be eligible for continued receipt of
43 retirement benefits, shall no later than May 15 of
44 each year submit to the board of trustees system a
45 copy of the beneficiary's federal individual income
46 tax return for the preceding year."

47 30. Page 21, line 35, by striking the words
48 "board of trustees" and inserting the following:
49 "board of trustees system".

50 31. Page 22, by inserting after line 8 the

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1 following:

2 "Sec. 1013. Section 411.6, subsection 8, paragraph
3 c, Code 1989, is amended to read as follows:

4 c. The pension under paragraph "b" may be selected
5 only by the following beneficiaries:

6 (1) The spouse.

7 (2) If there is no spouse, or if the spouse dies
8 and there is a child of a member, then the guardian of
9 the member's child or children, divided as the board
10 of trustees system determines, to continue as a joint
11 and survivor pension until every child of the member
12 dies or attains the age of eighteen, or twenty-two if
13 applicable.

14 (3) If there is no surviving spouse or child, then
15 the member's dependent father or mother, or both, as
16 the board of trustees system determines, to continue
17 until remarriage or death.

- 18 Sec. 1014. Section 411.6, subsection 9, unnumbered
 19 paragraph 1, Code 1989, is amended to read as follows:
 20 ACCIDENTAL DEATH BENEFIT. If, upon the receipt of
 21 evidence and proof from the chief of the police or
 22 fire department that the death of a member in service
 23 ~~or the chief of police or fire departments~~ was the
 24 natural and proximate result of an injury or disease
 25 incurred in or aggravated by the actual performance of
 26 duty at some definite time and place, or while acting
 27 pursuant to order, outside of the city by which the
 28 member is regularly employed, the ~~board of trustees~~
 29 ~~shall decide~~ system decides that death was so caused
 30 in the performance of duty there shall be paid, in
 31 lieu of the ordinary death benefit provided in
 32 ~~subsection 8 of this section~~, to the member's estate
 33 or to such person having an insurable interest in the
 34 member's life as the member ~~shall have~~ has nominated
 35 by written designation duly executed and filed with
 36 the ~~respective board of trustees~~ system the benefits
 37 set forth in paragraphs "a" and "b" of this
 38 subsection:".
- 39 32. Page 22, by striking line 10 and inserting
 40 the following: "subparagraphs (1), (2), and (3), Code
 41 1989, are amended to read as follows:".
- 42 33. Page 22, line 11, by striking the words
 43 "Twenty-five Thirty" and inserting the following:
 44 "Twenty-five".
- 45 34. Page 22, line 13, by inserting after the word
 46 "section." the following: "However, effective July 1,
 47 1990, for members who retired before that date, thirty
 48 percent shall be the applicable percentage for members
 49 and beneficiaries under this subparagraph."
- 50 35. Page 22, by inserting after line 13 the

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- 1 following:
- 2 "(2) Twenty-five percent for members with
 3 five or more years of membership service who are
 4 receiving an ordinary disability retirement allowance.
 5 However, effective July 1, 1984, for members who
 6 retired before July 1, 1979, and effective July 1,
 7 1988, for members who retire on or after July 1, 1988,
 8 twenty-five percent shall be used for members who are
 9 receiving an ordinary disability retirement allowance.
 10 However, effective July 1, 1990, for members who
 11 retired before that date, thirty percent shall be the
 12 applicable percentage for members under this
 13 subparagraph.
- 14 (3) Twelve and one-half percent for members with
 15 less than five years of membership service who are
 16 receiving an ordinary disability retirement allowance,

17 and for beneficiaries receiving a pension under
 18 subsection 8 of this section. However, effective July
 19 1, 1990, for members who retired before that date,
 20 fifteen percent shall be the applicable percentage for
 21 members and beneficiaries under this subparagraph."

22 36. Page 22, by inserting after line 21, the
 23 following:

24 "Sec. 1015. Section 411.7, Code 1989, is amended
 25 to read as follows:

26 411.7 MANAGEMENT OF FUNDS.

27 1. The ~~respective boards~~ board of trustees shall
 28 ~~be is the trustees trustee of the several funds fire~~
 29 ~~and police retirement fund~~ created by this chapter as
 30 provided in section 411.8 and shall have full power to
 31 invest and reinvest such funds annually establish an
 32 investment policy to govern the investment and
 33 reinvestment of the moneys in the fund, subject to the
 34 terms, conditions, limitations and restrictions
 35 imposed by subsection 2 of this section, and subject.
 36 Subject to like terms, conditions, limitations, and
 37 restrictions said trustees shall have the system has
 38 full power to hold, purchase, sell, assign, transfer,
 39 or dispose of any of the securities and investments in
 40 which any of the funds created herein shall have fund
 41 has been invested, as well as of the proceeds of said
 42 the investments and any moneys belonging to said funds
 43 the fund.

44 2. The city treasurer may secretary of the board
 45 of trustees shall invest, at the direction of in
 46 accordance with the investment policy established by
 47 the ~~respective boards~~ board of trustees, a the portion
 48 of the funds fund established in section 411.8 which
 49 in the judgment of the ~~respective boards~~ are board is
 50 not needed for current payment of benefits under this

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1 chapter in investments authorized in section 97B.7,
 2 subsection 2, paragraph "b", for moneys in the Iowa
 3 public employees' retirement fund.

4 The board of trustees may negotiate a joint
 5 agreement under chapter 28E with another board of
 6 trustees, a utility board, a city council, or all of
 7 these, that provides for the joint investment of
 8 moneys under the control of the boards of trustees,
 9 the utility board, and the city council. The
 10 investment of the moneys is subject to this section
 11 and section 452.10 and to the limitations stated in
 12 the joint agreement.

13 3. The treasurer of the said cities shall be
 14 secretary of the board of trustees is the custodian of
 15 the several funds fire and police retirement fund.

16 All payments from said funds the fund shall be made by
 17 the treasurer secretary only upon vouchers signed by
 18 two persons designated by the respective board of
 19 trustees. A duly attested copy of the resolution of
 20 the respective board of trustees designating such
 21 persons and bearing on its face specimen signatures of
 22 such persons shall be filed with the treasurer as the
 23 treasurer's authority for making payments upon such
 24 vouchers. No voucher shall be drawn unless it shall
 25 previously have been allowed by resolution of the
 26 respective board of trustees. The system may select
 27 master custodian banks to provide custody of the
 28 assets of the retirement system.

29 4. For the purpose of meeting disbursements for
 30 pensions, annuities, and other payments, there may be
 31 kept available cash not exceeding ten percent of the
 32 total amount in the several funds of the retirement
 33 system on deposit in one or more banks or trust
 34 companies in said cities, organized under the laws of
 35 the state of Iowa, or of the United States, provided,
 36 that the amount on deposit in any one bank or trust
 37 company shall not exceed twenty-five percent of the
 38 paid-up capital and surplus of such bank or trust
 39 company.

40 5 4. No trustee and no A member or employee of
 41 either the board of trustees shall not have any direct
 42 interest in the gains or profits of any investment
 43 made by the respective boards board of trustees. No A
 44 trustee shall not receive any pay or emolument for the
 45 trustee's services except as secretary. No trustee A
 46 member or employee of either the board of trustees
 47 shall not directly or indirectly for the trustee or
 48 employee or as an agent in any manner use the assets
 49 of the retirement system except to make such current
 50 and necessary payments as are authorized by the board

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1 of trustees, nor shall any trustee or employee of the
 2 boards system become an endorser or surety or become
 3 in any manner an obligor for moneys loaned by or
 4 borrowed from the respective board of trustees system.

5 Sec. 1016. Section 411.8, unnumbered paragraph 1,
 6 Code 1989, is amended to read as follows:

7 All the assets of each the retirement system
 8 created and established by this chapter shall be
 9 credited according to the purpose for which they are
 10 held to one of three funds, namely, the pension
 11 accumulation fund, the pension reserve fund, and the
 12 expense fund to the fire and police retirement fund,
 13 which is hereby created. As used in this section,
 14 "fund" means the fire and police retirement fund.

15 Sec. 1017. Section 411.8, subsection 1, unnumbered
16 paragraph 1 and paragraph a, Code 1989, are amended to
17 read as follows:

18 PENSION ACCUMULATION FUND. The pension
19 accumulation fund shall be the fund in which shall be
20 accumulated all All moneys for the payment of all
21 pensions and other benefits payable from contributions
22 made by the said participating cities, the state, and
23 the members and from which shall be paid the lump-sum
24 death shall be accumulated in the fund. The refunds
25 and benefits for all members payable from the said
26 contributions and beneficiaries shall be payable from
27 the fund. Contributions to and payments from the
28 pension accumulation fund shall be as follows:

29 a. On account of each member there shall be paid
30 annually into the pension accumulation fund by the
31 said participating cities an amount equal to a certain
32 percentage of the earnable compensation of the member
33 to be known as the "normal contribution". The rate
34 percent of such contribution shall be fixed on the
35 basis of the liabilities of the retirement system as
36 shown by annual actuarial valuations.

37 Sec. 1018. Section 411.8, subsection 1, paragraph
38 b, Code 1989, is amended to read as follows:

39 b. On the basis of the rate of interest and of
40 such the mortality, interest and other tables as shall
41 be adopted by the boards of trustees system, the
42 actuary engaged by the said boards the system to make
43 each valuation required by this chapter, shall
44 immediately after making such valuation, determine the
45 "normal contribution rate". The Except as otherwise
46 provided in this lettered paragraph, the normal
47 contribution rate shall be the rate percent of the
48 earnable compensation of all members obtained by
49 deducting from the total liabilities of the fund the
50 amount of the funds in hand to the credit of the fund

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1 and dividing the remainder by one percent of the
2 present value of the prospective future compensation
3 of all members as computed on the basis of the rate of
4 interest and of mortality and service tables adopted
5 by the boards of trustees, all reduced by the employee
6 contribution made pursuant to paragraph "f" of this
7 subsection. However, the normal rate of contribution
8 shall not be less than seventeen and five hundredths
9 percent.

10 Beginning July 1, 1996, and each fiscal year
11 thereafter, the normal contribution rate shall be the
12 rate percent of the earnable compensation of all
13 members obtained by deducting from the total

14 liabilities of the fund the amount of the funds in
 15 hand to the credit of the fund and dividing the
 16 remainder by one percent of the present value of the
 17 prospective future compensation of all members as
 18 computed on the basis of the rate of interest and of
 19 mortality and service tables adopted, multiplied by
 20 six-tenths, or seventeen and five hundredths percent,
 21 whichever is greater.

22 Beginning July 1, 1996, and each fiscal year there-
 23 after, for the purpose of computing the employer
 24 contribution under this chapter, the percentage
 25 contribution rate for medicare payments shall be
 26 calculated by dividing the total annual medicare
 27 contribution by one hundredth of the total annual
 28 earnable compensation and multiplying by six-tenths.
 29 This percentage shall be added to the normal
 30 contribution rate and used to determine the total
 31 amount which the employer contributes.

32 PARAGRAPH DIVIDED. The normal rate of contribution
 33 total amount to be contributed by the employer shall
 34 be determined by the actuary after each valuation.

35 Sec. 1019. Section 411.8, subsection 1, paragraphs
 36 c, d, and e, Code 1989, are amended to read as
 37 follows:

38 c. The total amount payable in each year to the
 39 pension accumulation fund shall be not less than the
 40 rate percent known as the normal contribution rate of
 41 the total compensation earnable by all members during
 42 the year, ~~provided, however, that~~ but the aggregate
 43 payment by the said participating cities shall must be
 44 sufficient when combined with the amount in the fund
 45 to provide the pensions and other benefits payable out
 46 of the fund during the then current year.

47 d. All lump-sum death benefits on account of death
 48 in active service payable from contributions of the
 49 said cities shall be paid from the pension
 50 accumulation fund.

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1 e. Upon the retirement or death of a member an
 2 amount equal to the pension reserve on any pension
 3 payable to the member or on account of the member's
 4 death shall be transferred from the pension
 5 accumulation fund to the pension reserve fund."

6 37. By striking page 22, line 24 through page 23,
 7 line 20 and inserting the following:

8 "f. Except as otherwise provided in paragraph "h":
 9 (1) An amount equal to three and one-tenth percent
 10 of each member's compensation from the earnable
 11 compensation of the member shall be paid to the
 12 pension accumulation fund for the fiscal year

13 beginning July 1, 1989.

14 (2) An amount equal to four and four-tenths
15 percent of each member's compensation from the
16 earnable compensation of the member shall be paid to
17 the fund for the fiscal year beginning July 1, 1990.

18 (3) An amount equal to five and seven-tenths
19 percent of each member's compensation from the
20 earnable compensation of the member shall be paid to
21 the fund for the fiscal year beginning July 1, 1991.

22 (4) An amount equal to seven percent of each
23 member's compensation from the earnable compensation
24 of the member shall be paid to the fund for the fiscal
25 year beginning July 1, 1992.

26 (5) An amount equal to eight and three-tenths
27 percent of each member's compensation from the
28 earnable compensation of the member shall be paid to
29 the fund for the fiscal year beginning July 1, 1993.

30 (6) An amount equal to nine and six-tenths percent
31 of each member's compensation from the earnable
32 compensation of the member shall be paid to the fund
33 for the fiscal year beginning July 1, 1994.

34 (7) An amount equal to ten and nine-tenths percent
35 of each member's compensation from the earnable
36 compensation of the member shall be paid to the fund
37 for the fiscal year beginning July 1, 1995.

38 (8) Beginning July 1, 1996, and each fiscal year
39 thereafter, the member's contribution rate shall be
40 the rate percent of the earnable compensation of all
41 members obtained by deducting from the total
42 liabilities of the fund the amount of the funds in
43 hand to the credit of the fund and dividing the
44 remainder by one percent of the present value of the
45 prospective future compensation of all members as
46 computed on the basis of the rate of interest and of
47 mortality and service tables adopted, multiplied by
48 four-tenths, or ten and nine-tenths percent, whichever
49 is greater.

50 Beginning July 1, 1996, and each fiscal year

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1 thereafter, an amount equal to the member's
2 contribution rate times each member's compensation
3 shall be paid to the fund from the earnable
4 compensation of the member. Beginning July 1, 1996,
5 and each fiscal year thereafter, for the purpose of
6 computing the employee contribution under this
7 chapter, the percentage contribution rate for medicare
8 payments shall be calculated by dividing the total
9 annual medicare contribution by one hundredth of the
10 total annual earnable compensation and multiplying by

11 four-tenths. This percentage shall be added to the
 12 member's contribution rate and used to determine the
 13 total amount which the member contributes.

14 The total amount to be contributed by the member
 15 shall be determined by the actuary after each
 16 valuation.

17 Sec. 1020. Section 411.8, subsection 1, paragraph
 18 g, Code 1989, is amended to read as follows:

19 g. Each board of trustees The system shall certify
 20 to the superintendent of public safety as defined in
 21 this chapter and the superintendent of public safety
 22 as defined in this chapter shall cause to be deducted
 23 from the earnable compensation of each member the
 24 contribution required under ~~paragraph "f"~~ of this
 25 subsection and shall forward the contributions to the
 26 ~~board of trustees system~~ for recording and for deposit
 27 in the ~~pension accumulation~~ fund.

28 The deductions provided for under this subsection
 29 paragraph shall be made notwithstanding that the
 30 minimum compensation provided by law for any member is
 31 reduced. Every member is deemed to consent to the
 32 deductions made under this ~~section~~ paragraph.

33 Sec. 1021. Section 411.8, subsection 1, Code 1989,
 34 is amended by adding the following new paragraph:

35 NEW PARAGRAPH. h. Notwithstanding the provisions
 36 of paragraph "f", the following transition percentages
 37 apply to members' contributions as specified:

38 (1) For members who on July 1, 1990, have attained
 39 the age of forty-nine years or more, an amount equal
 40 to ten and nine-tenths percent of each member's
 41 compensation from the earnable compensation of the
 42 member shall be paid to the fund for the fiscal year
 43 beginning July 1, 1990, and each subsequent fiscal
 44 year until the fiscal year beginning July 1, 1996,
 45 when paragraph "f", subparagraph (8), applies.

46 (2) For members who on July 1, 1990, have attained
 47 the age of forty-eight years but have not attained the
 48 age of forty-nine years, an amount equal to nine and
 49 six-tenths percent shall be paid for the fiscal year
 50 beginning July 1, 1990, and an amount equal to ten and

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1 nine-tenths percent shall be paid for the fiscal year
 2 beginning July 1, 1991, and each subsequent fiscal
 3 year thereafter until the fiscal year beginning July
 4 1, 1996, when paragraph "f", subparagraph (8),
 5 applies.

6 (3) For members who on July 1, 1990, have attained
 7 the age of forty-seven years but have not attained the
 8 age of forty-eight years, an amount equal to eight and
 9 three-tenths percent shall be paid for the fiscal year

10 beginning July 1, 1990, an amount equal to nine and
11 six-tenths percent shall be paid for the fiscal year
12 beginning July 1, 1991, and an amount equal to ten and
13 nine-tenths percent shall be paid for the fiscal year
14 beginning July 1, 1992, and each subsequent fiscal
15 year until the fiscal year beginning July 1, 1996,
16 when paragraph "f", subparagraph (8), applies.

17 (4) For members who on July 1, 1990, have attained
18 the age of forty-six years but have not attained the
19 age of forty-seven years, an amount equal to seven
20 percent shall be paid for the fiscal year beginning
21 July 1, 1990, an amount equal to eight and three-
22 tenths percent shall be paid for the fiscal year
23 beginning July 1, 1991, an amount equal to nine and
24 six-tenths percent shall be paid for the fiscal year
25 beginning July 1, 1992, and an amount equal to ten and
26 nine-tenths percent shall be paid for the fiscal year
27 beginning July 1, 1993, and each subsequent fiscal
28 year until the fiscal year beginning July 1, 1996,
29 when paragraph "f", subparagraph (8), applies.

30 (5) For members who on July 1, 1990, have attained
31 the age of forty-five years but have not attained the
32 age of forty-six years, an amount equal to five and
33 seven-tenths percent shall be paid for the fiscal year
34 beginning July 1, 1990, an amount equal to seven
35 percent shall be paid for the fiscal year beginning
36 July 1, 1991, an amount equal to eight and three-
37 tenths percent shall be paid for the fiscal year
38 beginning July 1, 1992, an amount equal to nine and
39 six-tenths percent shall be paid for the fiscal year
40 beginning July 1, 1993, and an amount equal to ten and
41 nine-tenths percent shall be paid for the fiscal years
42 beginning July 1, 1994, and July 1, 1995. Beginning
43 July 1, 1996, paragraph "f", subparagraph (8),
44 applies.

45 Sec. 1022. Section 411.8, subsection 2, Code 1989,
46 is amended by striking the subsection."

47 38. Page 23, by inserting before line 21 the
48 following:

49 "Sec. 1023. Section 411.8, subsection 3, Code
50 1989, is amended to read as follows:

Page 25

1 3. EXPENSE FUND. The expense fund shall be the
2 fund to which shall be credited all money provided by
3 the said cities to pay the administration expenses of
4 the retirement system and from which shall be paid all
5 the expenses necessary in connection with the
6 administration and operation of the system. Annually
7 the boards board of trustees shall estimate budget the
8 amount of money necessary to be paid into the expense

9 fund during the ensuing year to provide for the
10 expense of operation of the retirement system. The
11 operating expenses shall be financed from the income
12 derived from the system's investments. Investment
13 management expenses shall be charged directly to the
14 investment income of the system.

15 Sec. 1024. Section 411.11, Code 1989, is amended
16 to read as follows:

17 411.11 CONTRIBUTIONS BY THE CITY.

18 On or before January 1 of each year the respective
19 boards of trustees system shall certify to the
20 superintendent of public safety of each participating
21 city the amounts which will become due and payable
22 during the year next following to the pension
23 accumulation fire and police retirement fund and the
24 expense fund. The amounts so certified shall be
25 included by the superintendent of public safety in the
26 annual budget estimate. The amounts so certified
27 shall be appropriated by the respective cities and
28 transferred to the retirement system for the ensuing
29 year. The cities shall annually levy a tax sufficient
30 in amount to cover the appropriations.

31 However, the amounts due and payable for a
32 retirement system during its first year, or portion of
33 a year, of operation shall be determined using the
34 rates of contribution adopted by the board of
35 trustees.

36 Sec. 1025. Section 411.12, Code 1989, is amended
37 to read as follows:

38 411.12 GUARANTY.

39 The creation and maintenance of moneys in the
40 pension accumulation fire and police retirement fund
41 and the maintenance of pension reserves as provided
42 for the payment of all pensions and other benefits
43 granted under the provisions of this chapter and all
44 expenses in connection with the administration and
45 operation of the retirement systems system are hereby
46 made direct liability obligations of the said cities
47 participating in the retirement system.

48 Sec. 1026. Section 411.13, Code Supplement 1989,
49 is amended to read as follows:

50 411.13 EXEMPTION FROM EXECUTION.

Page 26

1 The right of any person to a pension, annuity, or
2 retirement allowance, to the return of contributions,
3 the pension, annuity, or retirement allowance itself,
4 any optional benefit or death benefit, any other right
5 accrued or accruing to any person under this chapter,
6 and the moneys in the various funds fire and police
7 retirement fund created under this chapter, are not

8 subject to execution, garnishment, attachment, or any
9 other process whatsoever, and are unassignable except
10 as in this chapter specifically provided.

11 Sec. 1027. Section 411.14, Code 1989, is amended
12 to read as follows:

13 411.14 PROTECTION AGAINST FRAUD.

14 Any A person who ~~shall knowingly make any~~ makes a
15 false statement; or ~~shall falsify falsifies or permit~~
16 permits to be falsified any record or records of such
17 the retirement system in any an attempt to defraud
18 such the system as a result of such act, shall be is
19 guilty of a fraudulent practice. Should If any change
20 or errors error in records result results in any a
21 member or beneficiary receiving from the retirement
22 system more or less than the member or beneficiary
23 would have been entitled to receive had the records
24 been correct, the respective board of trustees system
25 shall correct such the error, and, as far as
26 practicable, shall adjust the payments in such a
27 manner that the actuarial equivalent of the benefit to
28 which such the member or beneficiary was correctly
29 entitled, shall be paid.

30 Sec. 1028. Section 411.20, Code 1989, is amended
31 by striking the section and inserting in lieu thereof
32 the following:

33 411.20 STATE APPROPRIATION.

34 There is appropriated from the general fund of the
35 state for each fiscal year an amount necessary to be
36 distributed to the statewide fire and police
37 retirement system, or to the cities participating in
38 the system, to finance the cost of benefits provided
39 in this chapter by amendments of the Acts of the
40 Sixty-sixth General Assembly, chapter 1089. The
41 method of distribution shall be determined by the
42 board of trustees based on information provided by the
43 actuary of the statewide retirement system. The total
44 annual appropriation under this section shall not
45 exceed the amount appropriated for the fiscal year
46 beginning July 1, 1990.

47 Moneys appropriated by the state shall not be used
48 to reduce the normal rate of contribution of any city
49 below seventeen and five hundredths percent."

50 39. Page 23, line 29, by striking the words "a.

Page 27

1 member" and inserting the following: "an active
2 member, in service on or after that date,".

3 40. Page 23, line 32, by striking the words

4 "paragraph "f" and inserting the following:

5 "paragraphs "f" and "h"."

6 41. By striking page 24, line 3 through page 25,

7 line 31, and inserting the following:

8 "Sec. 1029. NEW SECTION. 411.35 STATEWIDE SYSTEM
9 ESTABLISHED — CITY SYSTEMS TERMINATED.

10 1. Effective July 1, 1991, a single statewide fire
11 and police retirement system is established to replace
12 the individual city fire retirement systems and police
13 retirement systems operating under this chapter prior
14 to that date. Each city fire retirement system and
15 police retirement system operating under this chapter
16 prior to July 1, 1991, shall participate in the
17 statewide system.

18 2. Effective July 1, 1991, each city fire
19 retirement system and police retirement system
20 operating under this chapter prior to that date is
21 terminated, and all membership, benefit rights, and
22 financial obligations under the terminating systems
23 shall be assumed by the statewide fire and police
24 retirement system.

25 Sec. 1030. NEW SECTION. 411.36 BOARD OF TRUSTEES
26 FOR STATEWIDE SYSTEM.

27 1. A board of trustees for the statewide fire and
28 police retirement system is created. The board shall
29 consist of seven members as follows:

30 a. A fire fighter from a participating city who is
31 a member of the retirement system. The fire fighter
32 shall be appointed by the governing body of the Iowa
33 association of professional fire fighters.

34 b. A police officer from a participating city who
35 is a member of the retirement system. The police
36 officer shall be appointed by the governing body of
37 the Iowa state police association.

38 c. The city treasurers of two participating
39 cities. The city treasurers shall be appointed by the
40 governing body of the league of Iowa municipalities.

41 d. Three citizens who do not hold another public
42 office. The citizens shall be appointed by the other
43 members of the board.

44 2. Except as otherwise provided for the initial
45 appointments, the members shall be appointed for four-
46 year terms beginning on May 1 in the year of
47 appointment and expiring on April 30 in the year of
48 expiration.

49 3. Vacancies shall be filled in the same manner as
50 original appointments. A vacancy shall be filled for

Page 28

1 the unexpired term.

2 Sec. 1031. NEW SECTION. 411.37 BOARD RESPONSIBLE
3 FOR TRANSITION.

4 1. The board of trustees for the statewide system
5 is responsible for effecting the transition from the

6 city fire and police retirement systems to the
 7 statewide fire and police retirement system. The
 8 board shall adopt a transition plan and other
 9 appropriate transition documents it deems necessary to
 10 accomplish the transition in accordance with the
 11 requirements of this chapter. The city fire and
 12 police retirement systems shall comply with orders of
 13 the board issued pursuant to the transition plan or
 14 other transition documents.

15 2. The board shall include in the transition plan
 16 or other transition documents provisions to facilitate
 17 continuity under sections 411.20, 411.21, and 411.30
 18 and a recommendation for an equitable process for
 19 determining earnable compensation changes when
 20 calculating adjustments to pensions under section
 21 411.6, subsection 12, to be submitted to the general
 22 assembly meeting in 1991.

23 3. For the fiscal year beginning July 1, 1990, ten
 24 percent of the amount appropriated for distribution to
 25 cities as provided in section 411.20 shall be made
 26 available to the board of trustees for the statewide
 27 system to cover the administrative costs of the
 28 transition. The amount distributed to each city shall
 29 be reduced accordingly. The moneys remaining
 30 unexpended at the end of the fiscal year shall be
 31 credited to the cities in the same proportion as the
 32 reduction.

33 Sec. 1032. NEW SECTION. 411.38 OBLIGATIONS OF
 34 PARTICIPATING CITIES.

35 Upon the establishment of the statewide system,
 36 each city participating in the statewide fire and
 37 police retirement system shall do all of the
 38 following:

39 1. Pay to the statewide system the normal
 40 contribution rate provided pursuant to section 411.8.

41 2. Transfer from each terminated city fire or
 42 police retirement system to the statewide system
 43 amounts sufficient to cover the accrued liabilities of
 44 that terminated system as determined by the actuary of
 45 the statewide system.

46 3. Contribute additional amounts necessary to
 47 ensure sufficient financial support for the statewide
 48 fire and police retirement system, as determined by
 49 the board of trustees based on information provided by
 50 the actuary of the statewide system."

Page 29

1 42. Page 25, by inserting before line 32 the
 2 following:

3 "Sec. 1033. INITIAL STATEWIDE BOARD FOR STATEWIDE
 4 SYSTEM.

5 1. All members of the initial board of trustees
6 for the statewide fire and police retirement system
7 shall be appointed from the boards of trustees of the
8 participating fire and police retirement systems.

9 2. The terms of the initial appointees shall be as
10 follows:

11 a. The fire fighter and police officer shall be
12 appointed for terms of four years.

13 b. One city treasurer shall be appointed for a
14 term of three years and one for a term of two years.

15 c. One citizen member shall be appointed for a
16 term of three years, one for a term of two years, and
17 one for a term of one year.

18 3. Notwithstanding section 411.35, subsection 2,
19 the term of each original appointee commences on the
20 date of appointment and expires on April 30 in the
21 year of expiration.

22 4. As soon as possible after the effective date of
23 this section, the director of the legislative service
24 bureau shall call a preliminary meeting of the four
25 board members appointed as provided in section 411.36,
26 subsection 1, paragraphs "a", "b", and "c" for the
27 purpose of appointing the remaining board members and
28 setting a date for the first meeting of the full
29 board. The preliminary meeting shall be held before
30 July 1, 1990. The director of the legislative service
31 bureau shall preside at the preliminary meeting and
32 also at the first meeting of the full board until the
33 board elects a chairperson from among its own members.

34 5. The initial board members are entitled to
35 expenses incurred in the performance of their duties
36 during the transition period.

37 6. The initial board may engage actuarial and
38 other services as necessary for transition purposes.

39 **Sec. 1034. DISABILITY DETERMINATIONS — TEMPORARY**
40 **PROVISIONS.**

41 Notwithstanding section 411.5, subsection 9, Code
42 1989, all medical examinations required for disability
43 determinations on or after July 1, 1990, and before
44 July 1, 1991, shall be conducted by the medical boards
45 designated by the local boards of fire trustees and
46 police trustees.

47 **Sec. 1035. REPEALS.**

48 Sections 411.18 and 411.19, Code 1989, are
49 repealed."

50 43. Page 26, by striking lines 12 through 15.

Page 30

1 44. Page 27, by striking lines 8 through 12.

2 45. Page 27, by inserting after line 15 the

3 following:

- 4 "_____. Sections 1003 through 1020, 1022 through
 5 1028, 1035, and 3001 of this Act take effect July 1,
 6 1991.
 7 Sec. 1036. IMMEDIATE EFFECTIVENESS.
 8 Sections 1029 through 1034 and this section, being
 9 deemed of immediate importance, take effect upon
 10 enactment."
 11 46. Title page, line 2, by inserting after the
 12 word "the" the following: "effective dates and".
 13 47. By numbering and renumbering as necessary.

Blanshan of Greene offered the following amendment H—5895, to amendment H—5860, filed from the floor by Blanshan, Carpenter and Hanson of Delaware, and moved its adoption:

H—5895

- 1 Amend the amendment, H—5860, to House File 2543, as
 2 follows:
 3 1. Page 1, by striking lines 19 and 20 and
 4 inserting the following:
 5 "_____. Page 2, by striking lines 5 through 12 and
 6 inserting the following: "final compensation by an
 7 additional percentage each July 1, which is equivalent
 8 to the additional percentage, if any, provided by the
 9 Iowa public employees' retirement system under section
 10 97B.49, subsection 5, paragraph "b", for the
 11 succeeding fiscal year, until reaching sixty percent
 12 of the member's average final compensation.""
 13 2. Page 13, by striking lines 39 and 40 and
 14 inserting the following:
 15 "_____. Page 21, by striking lines 21 through 28
 16 and inserting the following: "final compensation by
 17 an additional percentage each July 1, which is
 18 equivalent to the additional percentage, if any,
 19 provided by the Iowa public employees' retirement
 20 system under section 97B.49, subsection 5, paragraph
 21 "b", for the succeeding fiscal year, until reaching
 22 sixty percent of the member's average final
 23 compensation.""

Amendment H—5895 was adopted.

Carpenter of Polk asked and received unanimous consent to defer action on amendment H—5894, to amendment H—5860.

Hammond of Story offered amendment H—5883, to amendment H—5860, filed from the floor by Hammond, Hanson of Delaware and Carpenter. Division was requested as follows:

H—5883

- 1 Amend the amendment, H—5860, to House File 2543 as
 2 follows:

H-5883A

3 1. Page 3, by inserting after line 28 the
4 following:

5 "_____. Page 3, by inserting after line 5 the
6 following:

7 "Sec. _____. Section 97A.6, Code 1989, is amended by
8 adding the following new subsection:

9 NEW SUBSECTION. 16. Notwithstanding any other
10 provision of this chapter, a member's average final
11 compensation shall be computed using only the covered
12 portion of the member's earnable compensation for each
13 applicable year as shown in the following paragraphs.
14 However, the average final compensation of a member in
15 active service on June 30, 1990, shall not be lower
16 than it would have been if the computation had been
17 made as of June 30, 1990, on the basis of the member's
18 earnable compensation for years ending on or before
19 that date.

20 a. For each calendar year beginning prior to
21 January 1, 1990, the covered portion of the member's
22 earnable compensation is the entire amount of the
23 member's earnable compensation.

24 b. For the calendar year beginning January 1,
25 1990, the covered portion of the member's earnable
26 compensation is the entire amount of the member's
27 earnable compensation or twenty-eight thousand
28 dollars, whichever is less.

29 c. For the calendar year beginning January 1,
30 1991, the covered portion of the member's earnable
31 compensation is the entire amount of the member's
32 earnable compensation or thirty-one thousand dollars,
33 whichever is less.

34 d. For the calendar year beginning January 1,
35 1992, the covered portion of the member's earnable
36 compensation is the entire amount of the member's
37 earnable compensation or thirty-four thousand dollars,
38 whichever is less.

39 e. For the calendar year beginning January 1,
40 1993, the covered portion of the member's earnable
41 compensation is the entire amount of the member's
42 earnable compensation or thirty-seven thousand
43 dollars, whichever is less.

44 f. For the calendar year beginning January 1,
45 1994, and each calendar year thereafter, the covered
46 portion of the member's earnable compensation is the
47 entire amount of the member's earnable compensation or
48 forty thousand dollars, whichever is less." "

49 2. Page 6, by inserting after line 7 the
50 following:

H-5883A

Page 2

1 "_____. Page 4, by inserting before line 7 the
2 following:
3 "Sec. _____. Section 97A.8, subsection 1, Code 1989,
4 is amended by adding the following new paragraph:
5 NEW PARAGRAPH. i. Notwithstanding any other
6 provision of this chapter, employer and employee
7 contributions shall be computed on only the covered
8 portion of the member's earnable compensation for the
9 applicable year as shown in the following
10 subparagraphs:

11 (1) For the calendar year beginning January 1,
12 1990, the covered portion of the member's earnable
13 compensation is twenty-eight thousand dollars.

14 (2) For the calendar year beginning January 1,
15 1991, the covered portion of the member's earnable
16 compensation is thirty-one thousand dollars.

17 (3) For the calendar year beginning January 1,
18 1992, the covered portion of the member's earnable
19 compensation is thirty-four thousand dollars.

20 (4) For the calendar year beginning January 1,
21 1993, the covered portion of the member's earnable
22 compensation is thirty-seven thousand dollars.

23 (5) For the calendar year beginning January 1,
24 1994, and each calendar year thereafter, the covered
25 portion of the member's earnable compensation is forty
26 thousand dollars." "

27 3. Page 22, by inserting after line 5 the
28 following:

29 "_____. Page 22, by inserting after line 21 the
30 following:

31 "Sec. _____. Section 411.6, Code 1989, is amended by
32 adding the following new subsection:

33 NEW SUBSECTION. 14. Notwithstanding any other
34 provision of this chapter, a member's average final
35 compensation shall be computed using only the covered
36 portion of the member's earnable compensation for each
37 applicable year as shown in the following paragraphs.
38 However, the average final compensation of a member in
39 active service on June 30, 1990, shall not be lower
40 than it would have been if the computation had been
41 made as of June 30, 1990, on the basis of the member's
42 earnable compensation for years ending on or before
43 that date.

44 a. For each calendar year beginning prior to
45 January 1, 1990, the covered portion of the member's
46 earnable compensation is the entire amount of the
47 member's earnable compensation.

H-5883A

48 b. For the calendar year beginning January 1,
49 1990, the covered portion of the member's earnable
50 compensation is the entire amount of the member's

Page 3

1 earnable compensation or twenty-eight thousand
2 dollars, whichever is less.

3 c. For the calendar year beginning January 1,
4 1991, the covered portion of the member's earnable
5 compensation is the entire amount of the member's
6 earnable compensation or thirty-one thousand dollars,
7 whichever is less.

8 d. For the calendar year beginning January 1,
9 1992, the covered portion of the member's earnable
10 compensation is the entire amount of the member's
11 earnable compensation or thirty-four thousand dollars,
12 whichever is less.

13 e. For the calendar year beginning January 1,
14 1993, the covered portion of the member's earnable
15 compensation is the entire amount of the member's
16 earnable compensation or thirty-seven thousand
17 dollars, whichever is less.

18 f. For the calendar year beginning January 1,
19 1994, and each calendar year thereafter, the covered
20 portion of the member's earnable compensation is the
21 entire amount of the member's earnable compensation or
22 forty thousand dollars, whichever is less." "

23 4. Page 24, by inserting after line 44 the
24 following:

25 "Sec. _____. Section 411.8, subsection 1, Code 1989,
26 is amended by adding the following new paragraph:

27 **NEW PARAGRAPH.** i. Notwithstanding any other
28 provision of this chapter, employer and employee
29 contributions shall be computed on only the covered
30 portion of the member's earnable compensation for the
31 applicable year as shown in the following
32 subparagraphs:

33 (1) For the calendar year beginning January 1,
34 1990, the covered portion of the member's earnable
35 compensation is twenty-eight thousand dollars.

36 (2) For the calendar year beginning January 1,
37 1991, the covered portion of the member's earnable
38 compensation is thirty-one thousand dollars.

39 (3) For the calendar year beginning January 1,
40 1992, the covered portion of the member's earnable
41 compensation is thirty-four thousand dollars.

42 (4) For the calendar year beginning January 1,
43 1993, the covered portion of the member's earnable
44 compensation is thirty-seven thousand dollars.

H-5883A

45 (5) For the calendar year beginning January 1,
46 1994, and each calendar year thereafter, the covered
47 portion of the member's earnable compensation is forty
48 thousand dollars."

H-5883B

49 5. Page 29, by inserting after line 50 the
50 following:

Page 4

1 "_____. Page 26, by inserting after line 17 the
2 following:
3 "_____. Revising the system of benefits for members,
4 spouses, and other beneficiaries so that members would
5 choose from among five benefit options similar to
6 those available under the Iowa public employees'
7 retirement system." "
8 6. Page 30, by inserting before line 1 the
9 following:
10 "_____. Page 26, by inserting after line 27 the
11 following:
12 "The study shall be conducted in accordance with
13 the guiding goals and principles set forth in section
14 97D.1." "
15 7. By numbering and renumbering as necessary.

On motion by Hammond of Story, amendment H-5883A was adopted.

Neuhauser of Johnson offered the following amendment H-5879, to amendment H-5860, filed by her from the floor and moved its adoption:

H-5879

1 Amend the amendment, H-5860, to House File 2543 as
2 follows:
3 1. Page 4, by inserting after line 6 the follow-
4 ing:
5 "The state shall pay one hundred percent of the
6 costs attributable to additional benefits provided by
7 section 97A.6, subsection 2, paragraph "d"."
8 2. Page 5, by inserting after line 1 the follow-
9 ing:
10 "The employee contribution shall not include the
11 costs attributable to additional benefits provided by
12 section 97A.6, subsection 2, paragraph "d"."
13 3. Page 21, by inserting after line 34 the
14 following:
15 "The employer contribution shall not include the

16 costs attributable to additional benefits provided by
 17 section 411.6, subsection 2, paragraph "d"."

18 4. Page 23, by inserting after line 16 the
 19 following:

20 "The employee contribution shall not include the
 21 costs attributable to additional benefits provided by
 22 section 411.6, subsection 2, paragraph "d"."

23 5. Page 26, by inserting after line 49 the
 24 following:

25 "Sec. _____. NEW SECTION. 411.20A ADDITIONAL STATE
 26 APPROPRIATION.

27 There is appropriated from the general fund of the
 28 state for each fiscal year an amount necessary to
 29 finance one hundred percent of the costs of additional
 30 benefits provided by section 411.6, subsection 2,
 31 paragraph "d".

32 6. Page 29, by inserting before line 47 the
 33 following:

34 "Sec. _____. COST OF ADDITIONAL BENEFITS -
 35 TEMPORARY PROVISIONS.

36 For the fiscal year beginning July 1, 1990, and
 37 ending June 30, 1991, the boards of trustees of the
 38 police and fire retirement systems shall not include
 39 in the employer contribution under section 411.8 the
 40 costs attributable to additional benefits provided by
 41 section 411.6, subsection 2, paragraph "d".

42 7. By numbering and renumbering as necessary.

Roll call was requested by Neuhauser of Johnson and Hansen of Woodbury.

Rule 75 was invoked.

On the question "Shall amendment H-5879, to amendment H-5860, be adopted?" (H.F. 2543)

The ayes were, 48:

Adams	Banks	Bennett	Black
Brammer	Buhr	Carpenter	Clark
Corbett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Garman	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Hermann
Hester	Jay	Jesse	Johnson
Kremer	Lundby	Maulsby	McKean
Metcalf	Miller	Neuhauser	Nielsen
Osterberg	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Rosenberg	Schnekloth
Shoning	Shoultz	Siegrist	Spear
Spenner	Stueland	Tyrrell	Van Maanen

The nays were, 49:

Arnould	Avenson, Spkr.	Beaman	Beatty
Bisignano	Blanshan	Brand	Branstad
Brown	Chapman	Cohoon	Daggett
Fey	Fogarty	Fuller	Groninga
Gruhn	Harbor	Harper	Hatch
Haverland	Hibbard	Holveck	Iverson
Jochum	Kistler	Knapp	Koénigs
Lageschulte	Lykam	May	McKinney
Mertz	Muhlbauer	Murphy	Ollie
Poncy	Renaud	Renken	Royer
Schrader	Shearer	Sherzan	Svoboda
Swartz	Tabor	Teaford	Trent
Connors			
Presiding			

Absent or not voting, 3:

Halvorson, R. A. Pavich Wise

Amendment H—5879 lost.

Blanshan of Greene offered the following amendment H—5888, to amendment H—5860, filed by him from the floor and moved its adoption:

H—5888

- 1 Amend the amendment, H—5860, to House File 2543, as
- 2 follows:
- 3 1. Page 4, by inserting after line 12 the
- 4 following:
- 5 "Notwithstanding any other provision of this
- 6 chapter, beginning July 1, 1996, and each fiscal year
- 7 thereafter, the normal contribution rate shall be
- 8 equivalent to the employer contribution rate provided
- 9 under section 411.8, subsection 1, paragraph "b", for
- 10 the statewide fire and police retirement system for
- 11 the applicable fiscal year."
- 12 2. By striking page 4, line 50, through page 5,
- 13 line 1, and inserting the following: "beginning July
- 14 1, 1995.
- 15 (8) Notwithstanding any other provision of this
- 16 chapter, beginning July 1, 1996, and each fiscal year
- 17 thereafter, the member's contribution rate shall be
- 18 equivalent to the member's contribution rate provided
- 19 under section 411.8, subsection 1, paragraph "F", for
- 20 the statewide fire and police retirement system for
- 21 the applicable fiscal year."

Amendment H—5888 was adopted.

Blanshan of Greene offered the following amendment H—5891, to amendment H—5860, filed by him and Carpenter of Polk from the floor and moved its adoption:

H—5891

1 Amend amendment, H—5860, to House File 2543, as
2 follows:

3 1. Page 6, by inserting after line 13, the
4 following:

5 "_____. Page 5, by inserting after line 24, the
6 following:

7 "Sec. _____. Section 97B.41, subsection 3, paragraph
8 b, subparagraph (1), Code 1989, is amended by striking
9 the subparagraph and inserting in lieu thereof the
10 following:

11 (1) Elective officials in positions for which the
12 compensation is on a fee basis, elective officials of
13 school districts, elective officials of townships, and
14 elective officials of other political subdivisions who
15 are in part-time positions, unless the elective
16 official makes an application to the department to be
17 covered under this chapter. An elective official who
18 made an application to the department to be covered
19 under this chapter may terminate membership under this
20 chapter by informing the department in writing of the
21 member's termination. A county attorney is an
22 employee for purposes of this chapter whether that
23 county attorney is employed on a full-time or part-
24 time basis.

25 Graduate medical students while serving as interns
26 or resident doctors in training at any hospital, or
27 county medical examiners and deputy county medical
28 examiners under chapter 331, division V, part 8."

29 2. Page 6, by striking lines 16 through 22.

30 3. By numbering and renumbering as necessary.

Amendment H—5891 was adopted.

Doderer of Johnson offered the following amendment H—5887, to amendment H—5860, filed from the floor by Doderer, Dvorsky, Harbor, Hammond and Hanson of Delaware and moved its adoption:

H—5887

1 Amend amendment, H—5860, to House File 2543, as
2 follows:

3 1. Page 6, line 31, by striking the word and
4 figure "2 through" and inserting the following: "14
5 through".

Amendment H—5887 was adopted.

Blanshan of Greene offered the following amendment H—5863, to amendment H—5860, filed by him and moved its adoption:

H—5863

1 Amend the amendment H—5860 to House File 2543 as
2 follows:

3 1. Page 7, line 43, by striking the word "state,"
4 and inserting the following: "state,".

5 2. Page 14, line 22, by striking the words "after
6 after" and inserting the following: "after".

7 3. Page 18, line 9, by striking the word
8 "retirement".

9 4. Page 19, line 43, by inserting after the word
10 "trustees" the following: ", other than as a member
11 of the system".

12 5. Page 20, line 42, by striking the word "the".

13 6. Page 28, by inserting after line 1 the
14 following:

15 "_____. The board shall elect a chairperson from
16 among its own members."

17 7. Page 28, line 16, by striking the word
18 "documents" and inserting the following:
19 "documents".

20 8. Page 28, line 17, by striking the figure
21 "411.21" and inserting the following: "411.21".

22 9. Page 29, line 18, by striking the figure
23 "411.35" and inserting the following: "411.36".

24 10. Page 30, line 12, by striking the words "word
25 "the" and inserting the following: "word
26 "providing".

Amendment H—5863 was adopted.

Blanshan of Greene offered the following amendment H—5865, to amendment H—5860, filed by him and moved its adoption:

H—5865

1 Amend the amendment H—5860 to House File 2543 as
2 follows:

3 1. Page 11, by striking lines 45 through 50 and
4 inserting the following: "medical examinations
5 required under the provisions of this chapter, except
6 that for examinations required because of disability
7 three physicians from the University of Iowa hospitals
8 and clinics who shall pass upon the medical
9 examinations required for disability retirements, and
10 shall report to the system".

11 2. Page 29, by striking lines 39 through 46.

12 3. Page 30, line 8, by striking the figure "1034"
13 and inserting the following: "1033".

Amendment H—5865 was adopted.

Doderer of Johnson offered the following amendment H—5889, to amendment H—5860, filed from the floor by Doderer, Johnson, Carpenter, Rosenberg, Hanson of Delaware, Hansen of Woodbury, Shoning and Peterson of Carroll and moved its adoption:

H—5889

- 1 Amend amendment, H—5860, to House File 2543, as
- 2 follows:
- 3 1. Page 26, by striking lines 43 through 46, and
- 4 inserting the following: "actuary of the statewide
- 5 retirement system."

Amendment H—5889 was adopted.

Groninga of Cerro Gordo offered the following amendment H—5867, to amendment H—5860, filed by him and moved its adoption:

H—5867

- 1 Amend amendment, H—5860, to House File 2543, as
- 2 follows:
- 3 1. Page 27, line 29, by striking the words "seven
- 4 members" and inserting the following: "nine members,
- 5 including seven voting members and two nonvoting
- 6 members. The voting members shall be".
- 7 2. Page 27, by inserting after line 43, the
- 8 following:
- 9 "The nonvoting members of the board shall be one
- 10 state representative appointed by the speaker of the
- 11 house of representatives and one state senator
- 12 appointed by the majority leader of the senate."
- 13 3. Page 29, by inserting after line 17, the
- 14 following:
- 15 "_____. The state representative and the state
- 16 senator shall each be appointed for a term of two
- 17 years."

A non-record roll call was requested.

The ayes were 45, nays 14.

Amendment H—5867 was adopted.

The House resumed consideration of amendment H—5883B.

On motion by Hammond of Story, amendment H—5883B, to amendment H—5860, was adopted.

Doderer of Johnson offered the following amendment H—5890, to amendment H—5860, filed from the floor by Doderer, Brown, Jesse, Bisignano, Hansen of Woodbury, Carpenter, Shoning and Peterson of Carroll and moved its adoption:

H—5890

- 1 Amend the amendment, H—5860, to House File 2543, as
- 2 follows:
- 3 1. Page 29, by striking line 50 and inserting the
- 4 following:
- 5 “_____ Page 26, by striking lines 12 through 17
- 6 and inserting the following:
- 7 “_____ Determining methods of enhancing benefits
- 8 for current retirees and their survivors and deter-
- 9 mining equity among state and local systems, both as
- 10 to contribution rates and benefit formulas.” ”

Amendment H—5890 was adopted.

Hansen of Woodbury offered the following amendment H—5899, to amendment H—5860, filed from the floor by Hansen of Woodbury, Hammond, Doderer, Carpenter, Hanson of Delaware and Harbor and moved its adoption:

H—5899

- 1 Amend the amendment, H—5860, to House File 2543, as
- 2 follows:
- 3 1. Page 1, by striking line 27 and inserting the
- 4 following: “in paragraphs “b” and “c”, and the member
- 5 shall also be eligible for a social security
- 6 replacement benefit upon attaining the age of sixty-
- 7 five years, which shall consist of an additional”.
- 8 2. Page 1, line 33, by striking the word “retire-
- 9 ment” and inserting the following: “attaining the age
- 10 of sixty-five years”.
- 11 3. Page 1, line 44, by striking the word “retire-
- 12 ment” and inserting the following: “attaining the age
- 13 of sixty-five years”.
- 14 4. Page 2, line 5, by striking the word “retire-
- 15 ment” and inserting the following: “attaining the age
- 16 of sixty-five years”.
- 17 5. Page 2, line 16, by striking the word “retire-
- 18 ment” and inserting the following: “attaining the age
- 19 of sixty-five years”.
- 20 6. Page 2, line 27, by striking the word “retire-
- 21 ment” and inserting the following: “attaining the age
- 22 of sixty-five years”.
- 23 7. Page 13, by striking line 47 and inserting the
- 24 following: “in paragraphs “b” and “c”, and the member
- 25 shall also be eligible for a social security

- 26 replacement benefit upon attaining the age of sixty-
 27 five years, which shall consist of an additional".
 28 8. Page 14, line 3, by striking the word "retire-
 29 ment" and inserting the following: "attaining the age
 30 of sixty-five years".
 31 9. Page 14, line 14, by striking the word
 32 "retirement" and inserting the following: "attaining
 33 the age of sixty-five years".
 34 10. Page 14, line 25, by striking the word
 35 "retirement" and inserting the following: "attaining
 36 the age of sixty-five years".
 37 11. Page 14, line 36, by striking the word
 38 "retirement" and inserting the following: "attaining
 39 the age of sixty-five years".
 40 12. Page 14, line 47, by striking the word
 41 "retirement" and inserting the following: "attaining
 42 the age of sixty-five years".

Amendment H—5899 was adopted.

Black of Jasper in the chair at 5:30 p.m.

Carpenter of Polk asked and received unanimous consent to withdraw amendment H—5894, previously deferred, to amendment H—5860, filed from the floor by Carpenter, Hansen of Woodbury and Doderer.

Arnould of Scott asked and received unanimous consent that House File 2543 be deferred and that the bill retain its place on the unfinished business calendar.

(Amendment H—5860, as amended, pending.)

INTRODUCTION OF BILL

House File 2563, by committee on ways and means, a bill for an act relating to the investment by the state and political subdivisions of bond proceeds and sinking funds in tax-exempt bonds.

Read first time and placed on the **ways and means calendar**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Spenner of Henry, for the remainder of the day, on request of Van Maanen of Mahaska.

Appropriations Calendar

Senate File 2327, a bill for an act relating to and making appropriations to the department of economic development, INTERNET, Wallace technology transfer foundation, Iowa finance authority, and small

business advocate, and establishing a small business advocate, with report of committee recommending amendment and passage was taken up for consideration.

Poncy of Wapello offered the following amendment H—5831 filed by the committee on appropriations:

H—5831

1 Amend Senate File 2327, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, by striking lines 15 through 23.

4 2. Page 5, by inserting after line 8 the
5 following:

6 "As a condition, limitation, and qualification, any
7 official Iowa trade delegation led by the governor
8 which receives financial or other support from the
9 appropriation in this subsection shall be represented
10 by a bipartisan delegation of the executive council or
11 their designees."

12 3. Page 5, line 10, by striking the figure
13 "150,000" and inserting the following: "100,000".

14 4. Page 5, by striking lines 11 through 13 and
15 inserting the following:

16 "The department may contract with private groups or
17 organizations which are the most appropriate to
18 administer this program. The groups and organizations
19 participating".

20 5. Page 5, line 29, by striking the figure
21 "225,594" and inserting the following: "125,594".

22 6. Page 5, line 30, by striking the figure "4.00"
23 and inserting the following: "3.00".

24 7. Page 5, by striking lines 31 through 34.

25 8. Page 6, line 15, by striking the figure
26 "615,838" and inserting the following: "642,838".

27 9. Page 6, line 16, by striking the figure
28 "11.00" and inserting the following: "12.00".

29 10. Page 6, by inserting after line 16 the
30 following:

31 "Of the amount appropriated in this subsection, up
32 to \$27,000, and 1 FTE shall be used to assist
33 communities or groups of communities to develop and
34 implement planning efforts for community, business,
35 and economic development."

36 11. Page 7, line 27, by striking the figure
37 "1,700,000" and inserting the following: "1,500,000".

38 12. Page 8, by inserting after line 5 the
39 following:

40 "_____. MICROENTERPRISE DEVELOPMENT REVOLVING FUND

41 For deposit in the microenterprise development
42 revolving fund established pursuant to section 15.248
43 for the programs and in the amounts listed in this

44 subsection.”

45 13. Page 8, line 6, by striking the figure “22.”
46 and inserting the following: “a.”

47 14. Page 8, line 8, by striking the figure “23.”
48 and inserting the following: “b.”

49 15. Page 8, line 10, by striking the figure “24.”
50 and inserting the following: “c.”

Page 2

1 16. Page 9, by striking lines 15 through 18 and
2 inserting the following:
3 “As a condition, limitation, and qualification of
4 the appropriations made in this subsection, moneys
5 appropriated shall be used for implementation of the
6 recommendations of the statewide long-range plan for
7 developing and operating welcome centers throughout
8 the state. In addition, the department shall evaluate
9 the operation of the pilot project welcome centers
10 established pursuant to sections 15.271 and 15.272 and
11 report to the general assembly by January 15, 1991,
12 its recommendations for long-term operation of the
13 pilot project welcome centers.”

14 17. Page 9, line 20, by striking the figure
15 “1,845,000” and inserting the following: “1,495,000”.

16 18. Page 9, line 21, by striking the figure
17 “\$700,000” and inserting the following: “\$350,000”.

18 19. Page 9, line 25, by striking the words and
19 figurés “\$40,000 nor more than \$60,000” and inserting
20 the following: “\$20,000 nor more than \$50,000”.

21 20. Page 9, line 27, by inserting after the word
22 “center.” the following: “The department shall
23 reallocate any unencumbered or unobligated funds
24 appropriated from previous fiscal years to the
25 satellite centers for the purposes of this paragraph.”

26 21. Page 9, by inserting after line 27 the
27 following:

28 “If the satellite centers are renamed or replaced
29 by other regional-based centers as a result of
30 legislation enacted by the Seventy-third General
31 Assembly, 1990 Session, the appropriation and
32 reference in this subsection and other provisions of
33 this Act shall mean the renamed or replacement
34 regional-based centers, as applicable.”

35 22. Page 9, line 35, by striking the figure
36 “200,000” and inserting the following: “150,000”.

37 23. Page 10, by inserting after line 12 the
38 following:

39 “As a condition, limitation, and qualification of
40 the appropriations made in this subsection, the
41 department shall not require that projects funded by
42 this program employ additional staff people.”

- 43 24. By striking page 11, line 19 through page 12,
- 44 line 23.
- 45 25. Page 12, line 27, by striking the figure
- 46 "300,000" and inserting the following: "200,000".
- 47 26. Page 12, by striking lines 31 and 32 and
- 48 inserting the following: "Iowa state university of
- 49 science and technology."
- 50 27. Page 13, by striking line 9 and inserting the

Page 3

- 1 following: "fund created by the foundation board:".
- 2 28. Page 14, by striking lines 3 and 4 and
- 3 inserting the following: "the following kinds of
- 4 assistance:".
- 5 29. Page 14, by inserting after line 15 the
- 6 following: "So long as at least one of the kinds of
- 7 assistance described in subparagraphs (1) through (5)
- 8 are provided, additional assistance not described in
- 9 subparagraphs (1) through (5) may also be provided."
- 10 30. Page 15, by striking line 4 and inserting the
- 11 following: "created by the INTERNET board:".
- 12 31. Page 15; line 30, by striking the figure
- 13 "1,165,000" and inserting the following: "500,000".
- 14 32. Page 18, line 10, by striking the figure
- 15 "200,000" and inserting the following: "100,000".
- 16 33. Page 18, by inserting after line 14 the
- 17 following:
- 18 "Sec. _____.
- 19 There is appropriated from the jobs now account
- 20 within the Iowa plan fund for economic development to
- 21 the department of economic development for the fiscal
- 22 year beginning July 1, 1990, and ending June 30, 1991,
- 23 the following amounts, or so much thereof as is
- 24 necessary, to be used for the purposes designated:
- 25 1. For administration of chapter 280B, including
- 26 salaries, support, maintenance, and miscellaneous
- 27 purposes for not more than the following full-time
- 28 equivalent positions:
- 29 \$125,000
- 30 FTEs2.50
- 31 2. For a public/private partnership to provide
- 32 information to employers, employees, and educators
- 33 about the changing nature of the workplace and the
- 34 workforce:
- 35 \$30,000
- 36 3. For the applied technology program at the
- 37 university of northern Iowa:
- 38 \$50,000
- 39 4. In addition to moneys provided for in section
- 40 1, subsection 15 of this Act, to assist communities or
- 41 groups of communities to develop and implement

42 planning efforts for community, business, and economic
 43 development:
 44 \$7,650
 45 5. For a riverfront development and restoration
 46 grant program to be used for construction, renovation,
 47 or restoration of existing or new structures that
 48 enhance the historic, educational, or recreational
 49 value of the riverfront area:
 50 \$150,000

Page 4

1 As a condition, limitation, and qualification of
 2 the appropriation, the department shall give priority
 3 to projects that provide at least a 2-to-1 dollar
 4 match from private or other sources.
 5 6. For the center for community leadership to
 6 assist leaders from multicomunity clusters or
 7 individual communities to develop their personal and
 8 team skills in order to create and implement plans for
 9 the development of their communities:

10 \$50,000

11 Sec. _____

12 There is appropriated from the general fund of the
 13 state to the following named institutions for the
 14 fiscal year beginning July 1, 1990, and ending June
 15 30, 1991, the following amounts, or so much thereof as
 16 is necessary, to be used for the purposes designated:

17 1. To the university of northern Iowa for the
 18 decision-making science institute:
 19 \$750,000

20 2. To the Iowa state university of science and
 21 technology for funding the small business development
 22 centers:
 23 \$1,350,000

24 3. To the Iowa state university of science and
 25 technology for the institute for physical research and
 26 technology:
 27 \$300,000

28 4. To the state university of Iowa for the center
 29 for biocatalysis:
 30 \$300,000

31 5. To the Iowa state university of science and
 32 technology for an intensive effort of technology
 33 transfer for the livestock industry as provided in
 34 section 99E.32, subsection 4, paragraph "g":
 35 \$300,000

36 6. To the university of northern Iowa for the
 37 applied technology program:
 38 \$250,000".

39 34. Page 19, by inserting after line 2, the
 40 following:

41 "Sec. _____
 42 There is appropriated from the general fund of the
 43 state to the Iowa department of public health for the
 44 fiscal year beginning July 1, 1990, and ending June
 45 30, 1991, the following amount, or so much thereof as
 46 is necessary, to be used for the purposes designated:
 47 For the acquisition of emergency medical services
 48 equipment:
 49\$750,000
 50 1. The funds appropriated under this section shall

Page 5

1 be allocated to each county based upon the
 2 apportionment of funds as follows:
 3 a. 50 percent of the funds is apportioned based
 4 upon the area of a county to the total area of all
 5 counties.
 6 b. 25 percent of the funds is apportioned based
 7 upon the population of the county to the total
 8 population of all counties.
 9 c. 25 percent of the funds is apportioned based
 10 upon the rural population of the county to the total
 11 rural population of all counties.
 12 2. Each county EMS association shall propose a
 13 plan for spending the county's allocation and submit
 14 the plan to the regional EMS council for its review
 15 and comment. The regional EMS council shall review
 16 the plan and shall approve, modify, or deny the plan.
 17 If a request is denied, the county EMS association may
 18 submit a new proposal. Upon approval by the regional
 19 EMS council, the Iowa department of public health
 20 shall remit the amount approved to the award
 21 recipients. Each award of \$1 to a county shall
 22 require a \$1 match by the county or EMS provider. The
 23 Iowa department of public health shall provide
 24 assistance to the regional EMS council in reviewing
 25 the proposals.
 26 3. For the purposes of this section, unless the
 27 context otherwise requires:
 28 a. "Area", "county EMS association", "EMS
 29 provider", "regional EMS council", and "rural
 30 population" mean the same as defined in 641 I.A.C.,
 31 ch. 130.
 32 b. "Emergency medical services equipment" means
 33 defibrillators, nondisposable essential ambulance
 34 equipment, as defined by the American college of
 35 surgeons, communications pagers, radios, and base
 36 repeaters. "Emergency medical services equipment"
 37 does not include ambulances, automotive parts, or
 38 buildings.
 39 It is the intent of the general assembly to fund an

40 additional \$750,000 in fiscal year 1992 for this
 41 purpose.
 42 Sec. _____
 43 There is appropriated from the general fund of the
 44 state to the Iowa finance authority for the fiscal
 45 year beginning July 1, 1990, and ending June 30, 1991,
 46 the following amount, or so much thereof as is
 47 necessary, to be used for the purposes designated:
 48 For the rural community 2000 program:
 49\$ 1,600,000
 50 Notwithstanding section 15.283, subsection 4, the

Page 6

1 amount appropriated in this section shall be allocated
 2 for traditional infrastructure under section 15.284
 3 and for new infrastructure under section 15.285.
 4 Sec. _____
 5 There is appropriated from the general fund of the
 6 state to the Iowa finance authority for the fiscal
 7 year beginning July 1, 1990, and ending June 30, 1991,
 8 the following amounts, or so much thereof as is
 9 necessary, to be used for the purposes designated:
 10 1. To the housing trust fund, for the operation,
 11 construction, and rehabilitation of homeless shelters
 12 under section 220.100, subsection 2, paragraph "a":
 13\$ 1,000,000
 14 a. Of the amount appropriated in this subsection,
 15 as nearly as practicable, \$500,000 shall be used for
 16 operating costs, including utilities, maintenance,
 17 food, clothing, and other supplies, or staff support
 18 services for homeless shelters; \$350,000 shall be used
 19 for construction and rehabilitation of homeless
 20 shelters; and \$150,000 shall be used for assistance to
 21 homeless shelters that are facing closure.
 22 b. As a condition, limitation, and qualification
 23 of the \$1,000,000 appropriation to the housing trust
 24 fund in this subsection and notwithstanding section
 25 220.100, subsection 6, from the moneys available for
 26 operating costs of and staff support services for
 27 homeless shelters in paragraph "a", the Iowa finance
 28 authority shall contract with a nongovernmental entity
 29 to administer the funds available for operating costs
 30 of and staff support services for homeless shelters.
 31 2. To the housing trust fund, to be used for the
 32 programs provided in section 220.100, subsection 2,
 33 paragraphs "b" and "c":
 34\$ 500,000
 35 The Iowa finance authority may award reimbursement
 36 for the costs incurred in submitting grant
 37 applications.
 38 Sec. _____

39 There is appropriated from the general fund of the
40 state to the department of human services for the
41 fiscal year beginning July 1, 1990, and ending June
42 30, 1991, the following amount, or so much thereof as
43 is necessary, to be used for the purpose designated:

44 For emergency assistance to families with dependent
45 children under Title IV-A of the federal Social
46 Security Act to match federal dollars for homeless
47 prevention programs:

48 \$ 500,000".

49 35. Page 20, by inserting after line 10 the
50 following:

Page 7

1 "Sec. _____. NEW SECTION. 15.112 RESTRICTIONS
2 RELATING TO COUNCILS OF GOVERNMENTS.

3 The department shall not require a city or county
4 to be a dues paying member of a council of
5 governments.

6 Sec. _____. NEW SECTION. 15.248 MICROENTERPRISE
7 DEVELOPMENT PROGRAM - MICROENTERPRISE DEVELOPMENT
8 REVOLVING FUND.

9 The department shall establish, contingent on the
10 availability of funds authorized for the program, a
11 microenterprise development program and a
12 microenterprise development revolving fund to provide
13 grants, loans, loan guarantees, financial or technical
14 assistance, or any other necessary support and
15 assistance to a person beginning or expanding a small
16 business, as defined in section 220.1, subsection 28.
17 For the fiscal year beginning July 1, 1990, the
18 program shall include the following programs:

19 1. The self-employment loan program under section
20 15.241.

21 2. The case management program under section
22 15.246.

23 3. The targeted small business financial
24 assistance program under section 15.247.

25 4. The department shall review the microenterprise
26 development program and may include different programs
27 than those designated in subsections 1, 2, and 3 for
28 fiscal years beginning on or after July 1, 1991.

29 5. Repayments of loans under the programs listed
30 in subsections 1, 2, and 3 received through June 30,
31 1991, shall be repaid to the Iowa community
32 development loan fund created pursuant to section
33 28.120. Repayments of loans under the programs listed
34 in subsections 1, 2, and 3 on or after July 1, 1991,
35 shall be deposited in the revolving loan fund created
36 in this section."

37 36. Page 20, by inserting after line 20 the

38 following:

39 "Sec. _____. Section 28.120, Code 1989, is amended
40 by adding the following new subsection:
41 NEW SUBSECTION. 7. Notwithstanding subsections 5
42 and 6, for the fiscal year beginning July 1, 1990, and
43 ending June 30, 1991, five hundred thousand dollars is
44 appropriated from the Iowa community development loan
45 fund to the Iowa finance authority for an E911
46 financing program. For the fiscal year beginning July
47 1, 1991, and for each subsequent fiscal year, all
48 moneys in the Iowa community development loan fund are
49 appropriated to the Iowa finance authority for the
50 E911 financing program.

Page 8

1 Sec. _____. Section 28.154, subsection 1, paragraph
2 a, subparagraphs (5) and (6), Code Supplement 1989,
3 are amended to read as follows:

4 (5) The chairperson of the Iowa product
5 development corporation or the chairperson's designee.

6 (6) A shareholder member of the business
7 development finance corporation elected by the
8 business development finance corporation board or the
9 shareholder's designee."

10 37. By striking page 20, line 21 through page 21,
11 line 20.

12 38. Page 26, by inserting after line 20, the
13 following:

14 "Sec. _____. Section 220.100, subsection 2,
15 paragraph a, Code 1989, is amended to read as follows:

16 a. A grant program for the homeless for the
17 construction, rehabilitation, ~~or~~ expansion, or costs
18 of operating of group home shelter for the homeless.

19 Sec. _____. Section 220.100, Code 1989, is amended
20 by adding the following new subsection:

21 NEW SUBSECTION. 7. A homelessness advisory
22 committee is created consisting of the executive
23 director or the executive director's designee, the
24 directors or their designees from the departments of
25 economic development, human services, and human
26 rights, and at least one individual from the private
27 sector to be selected by the executive director. The
28 advisory committee shall advise the authority in
29 coordinating programs that provide for the homeless.

30 Sec. _____. Section 473B.1, subsection 2, as enacted
31 by 1990 Iowa Acts, Senate File 2366, section 1, is
32 amended by striking the subsection.

33 Sec. _____. 1990 Iowa Acts, Senate File 2366,
34 section 7, is amended by striking the section and
35 inserting in lieu thereof the following:

36 SEC. 7.

37 Any of the following counties of Boone, Dallas,
 38 Jasper, Marion, Polk, Story, and Warren, or
 39 combinations of these counties may form councils of
 40 governments or associate with any existing councils of
 41 governments."
 42 39. By renumbering, relettering, or redesignating
 43 and correcting internal references as necessary.

Trent of Muscatine asked and received unanimous consent to defer action on amendment H—5902, to the committee amendment H—5831.

Jochum of Dubuque offered the following amendment H—5864, to the committee amendment H—5831, filed by him and Poney of Wapello and moved its adoption:

H—5864

1 Amend the amendment, H—5831, to Senate File 2327,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, by inserting after line 3 the
 5 following:
 6 "_____. Page 4, by striking lines 23 through 26."
 7 2. Page 3, by striking lines 36 through 38 and
 8 inserting the following:
 9 "_____. To fund a multistate trade office in Canada:
 10 \$ 50,000".
 11 3. Page 4, line 38, by striking the figure
 12 "250,000" and inserting the following: "300,000".

Amendment H—5864 was adopted.

Swartz of Marshall offered the following amendment H—5878, to the committee amendment H—5831, filed by him and moved its adoption:

H—5878

1 Amend the amendment, H—5831, to Senate File 2327 as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 3, line 19, by striking the word "There"
 5 and inserting the following: "Notwithstanding section
 6 15.251, subsection 2, there".

Amendment H—5878 was adopted.

Metcalf of Polk offered the following amendment H—5836, to the committee amendment H—5831, filed by her and moved its adoption:

H—5836

1 Amend the amendment, H—5831, to Senate File 2327,
 2 as amended, passed, and reprinted by the Senate, as

3 follows:

- 4 1. By striking page 3, line 45, through page 4,
- 5 line 4.
- 6 2. By renumbering as necessary.

Amendment H—5836 lost.

Connors of Polk in the chair at 6:00 p.m.

Brand of Benton offered the following amendment H—5876, to the committee amendment H—5831, filed by him from the floor and moved its adoption:

H—5876

1 Amend the amendment H—5831 to Senate File 2327, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

- 4 1. Page 6, line 15, by striking the figure
- 5 "\$500,000" and inserting the following: "\$650,000".
- 6 2. Page 6, line 18, by striking the figure
- 7 "\$350,000" and inserting the following: "\$200,000".
- 8 3. Page 6, line 21, by inserting after the word
- 9 "closure." the following: "If the moneys allocated
- 10 for any of the purposes in this paragraph are not used
- 11 or dedicated by February 1 of the fiscal year, the
- 12 moneys may be reallocated for the other purposes in
- 13 this paragraph that have the most need as determined
- 14 by the Iowa finance authority."

- 15 4. Page 6, by inserting after line 48 the
- 16 following:
17 "The emergency assistance provided for in this
- 18 section shall be available only if all other publicly
- 19 funded resources have been exhausted. This emergency
- 20 assistance includes, but is not limited to, assisting
- 21 people who face eviction, potential eviction, or
- 22 foreclosure, utility shut-off or fuel shortage, loss
- 23 of heating energy supply or equipment, homelessness,
- 24 utility or rental deposits, or other unspecified
- 25 crisis which threatens family or living arrangements.
- 26 This assistance shall be available to migrant families
- 27 who would otherwise meet eligibility criteria."

- 28 5. Page 8, line 25, by inserting after the word
- 29 "development," the following: "elder affairs,".

- 30 6. Page 8, line 26, by striking the words "one
- 31 individual" and inserting the following: "three
- 32 individuals".

Amendment H—5876 was adopted.

Trent of Muscatine asked and received unanimous consent to withdraw amendment H—5902, previously deferred, to the committee amendment H—5831, filed by him from the floor.

On motion by Poncy of Wapello, the committee amendment H—5831, as amended, was adopted.

Schnekloth of Scott offered the following amendment H—5664 filed by him:

H—5664

- 1 Amend Senate File 2327, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 11, by striking the figure
- 4 "815,706" and inserting the following: "1,040,706".
- 5 2. Page 1, line 12, by striking the figure
- 6 "21.00" and inserting the following: "25.50".
- 7 3. Page 17, by striking lines 1 through 11.
- 8 4. By striking page 19, line 3, through page 20,
- 9 line 20.
- 10 5. By striking page 21, line 21, through page 26,
- 11 line 20.
- 12 6. Title page, by striking lines 3 and 4 and
- 13 inserting the following: "foundation, and Iowa
- 14 finance authority."

Schnekloth of Scott offered the following amendment H—5870, to amendment H—5664, filed by him and moved its adoption:

H—5870

- 1 Amend amendment, H—5664, to Senate File 2327, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by inserting after line 6 the
- 5 following:
- 6 "_____. Page 5, by inserting after line 34, the
- 7 following:
- 8 "As a condition, limitation, and qualification of
- 9 the appropriations made in this subsection, the
- 10 department shall designate a person within the
- 11 department as a business assistance officer. The
- 12 business assistance officer shall maintain in a
- 13 central registry, a current catalog of licenses,
- 14 permits, and other regulatory requirements of the
- 15 agency affecting small business. The business
- 16 assistance officer shall maintain a record of
- 17 complaints received from small business and report to
- 18 the legislative fiscal bureau on a quarterly basis the
- 19 number of complaints received and the number of
- 20 complaints resolved." "

Amendment H—5870 was adopted.

Schnekloth of Scott moved the adoption of amendment H—5664, as amended.

Roll call was requested by Schrader of Marion and Wise of Lee.

On the question "Shall amendment H—5664, as amended, be adopted?" (S.F. 2327)

The ayes were, 54:

Banks	Beaman	Bennett	Bisignano
Branstad	Carpenter	Clark	Corbett
Daggett	De Groot	Diemer	Doderer
Eddie	Fey	Garman	Gruhn
Hansen, S. D.	Hanson, D. R.	Harbor	Hatch
Hermann	Hester	Iverson	Jay
Jochum	Johnson	Kistler	Knapp
Kremer	Lageschulte	Lundby	Maulsby
Mertz	Metcalf	Miller	Neuhauser
Pellett	Peters	Petersen, D. F.	Plasier
Poncy	Renaud	Renken	Royer
Schnekloth	Shearer	Sherzan	Shoning
Siegrist	Stueland	Swartz	Tabor
Tyrrell	Van Maanen		

The nays were, 40:

Adams	Arnould	Beatty	Black
Blanshan	Brammer	Brand	Brown
Buhr	Chapman	Cphoon	Dvorsky
Fogarty	Fuller	Groninga	Halvorson, R. N.
Hammond	Harper	Haverland	Holveck
Jesse	Koenigs	Lykam	May
McKean	McKinney	Muhlbauer	Murphy
Nielsen	Osterberg	Peterson, M. K.	Rosenberg
Schrader	Shoultz	Spear	Svoboda
Teaford	Trent	Wise	Connors
			Presiding

Absent or not voting, 6:

Avenson, Spkr.	Halvorson, R. A.	Hibbard	Ollie
Pavich	Spenner		

Amendment H—5664, as amended, was adopted.

Groninga of Cerro Gordo offered the following amendment H—5896 filed from the floor by Groninga, Brand, Cphoon, Svoboda, Poncy, Murphy, Jochum, Halvorson of Webster, Dvorsky and Jesse and moved its adoption:

H—5896

- 1 Amend Senate File 2327, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 7, line 20, by inserting after the word
- 4 "program." the following: "The conditions, criteria,

5 and limitations referred to or specified in section
6 99E.32, subsection 2, paragraph "b", apply to the
7 providing of moneys under the community economic
8 betterment program from the fund established in this
9 subsection."

Amendment H—5896 was adopted.

Schnekloth of Scott asked and received unanimous consent to withdraw amendment H—5663 filed by him on March 14, 1990.

Jesse of Jasper offered the following amendment H—5886 filed by him from the floor:

H—5886

1 Amend Senate File 2327, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 17, lines 27 and 28, by striking the
4 words "moneys are raised to assure participation" and
5 inserting the following: "private funds are raised to
6 locate the world food prize foundation at the Iowa
7 state university of science and technology, and only
8 if the foundation is structured to include substantial
9 representation that reflects environmental concerns
10 and sustainable agriculture".
11 2. Page 17, lines 33 and 34, by striking the
12 words "for purposes of the technical assistance
13 centers" and inserting the following: "and the
14 department of agriculture and land stewardship for the
15 purposes of funding a study of preserving native seed
16 stocks and for the purpose of granting funds to both
17 public and private activities relating to the
18 preservation of native seed stocks".

Black of Jasper offered the following amendment H—5900, to amendment H—5886, filed by him and Jesse of Jasper from the floor and moved its adoption:

H—5900

1 Amend amendment, H—5886, to Senate File 2327, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, line 18, by inserting after the word
5 "stocks" the following: ". In conducting the study,
6 the department of agriculture and land stewardship
7 shall work in cooperation with the department of
8 natural resources and state department of
9 transportation".

Amendment H—5900 was adopted.

Division of amendment H—5886, as amended, was requested as follows:

H—5886A, lines 3 through 10.

H—5886B, lines 11 through 18.

Jesse of Jasper moved the adoption of amendment H—5886A.

A non-record roll call was requested.

The ayes were 43, nays 33.

Amendment H—5886A was adopted.

Petersen of Muscatine rose on a point of order that amendment H—5886B was not germane.

The Speaker ruled the point well taken and amendment H—5886B, as amended, not germane.

Neuhauser of Johnson called up for consideration the motion to reconsider amendment H—5664, as amended, filed by her from the floor.

The House stood at ease at 6:43 p.m., until the fall of the gavel.

The House resumed session and consideration of the motion to reconsider amendment H—5664, as amended, to Senate File 2327 at 7:19 p.m., Connors of Polk in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Clark of Cerro Gordo on request of Van Maanen of Mahaska; Holveck of Polk on request of Hammond of Story, both for the remainder of the day.

Neuhauser of Johnson moved to reconsider the vote by which amendment H—5664, as amended, found on page 1495 of the House Journal, was adopted by the House on March 27, 1990.

A non-record roll call was requested.

The ayes were 52, nays 33.

The motion prevailed and the House reconsidered amendment H—5664, as amended.

On motion by Schneklath of Scott, amendment H—5664, as amended, lost.

Poncy of Wapello moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2327)

The ayes were, 89:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Cohoon	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Iverson	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Poncy	Renaud	Renken	Royer
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Connors			
Presiding			

The nays were, 1:

Schnekloth

Absent or not voting, 10:

Avenson, Spkr.	Clark	Halvorson, R. A.	Hibbard
Holveck	Jay	Pavich	Plasier
Rosenberg	Spenner		

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

IMMEDIATE MESSAGE

(Senate File 2327)

Arnould of Scott asked and received unanimous consent that Senate File 2327 be immediately messaged to the Senate.

MOTIONS TO RECONSIDER

(House File 2115)

I move to reconsider the vote by which House File 2115 passed the House on March 27, 1990.

PELLETT of Cass

(House File 2115)

I move to reconsider the vote by which House File 2115 passed the House on March 27, 1990.

JESSE of Jasper

(Amendment H—5879, to amendment H—5860, to House File 2543)

I move to reconsider the vote by which amendment H—5879, to amendment H—5860, to House File 2543 failed to be adopted by the House on March 27, 1990.

TRENT of Muscatine

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 27, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2343, a bill for an act relating to the fee charged by an employment agency for the procurement of a position of employment.

Also: That the Senate has on March 27, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2371, a bill for an act relating to and making appropriations to the civil rights commission, the department of human rights, the department for the blind, the department of elder affairs, and the Iowa department of public health.

Also: That the Senate has on March 27, 1990, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2306, a bill for an act relating to open enrollment, including the general intent, notification dates, exceptions to notification dates, board action on requests, counting of pupils for state foundation aid purposes, student expulsion or suspension, qualification for transportation, and participation of laboratory schools, and providing an effective date.

JOHN F. DWYER, Secretary

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on March 26, 1990. Had I been present, I would have voted "aye" on House File 2177 and Senate File 2169.

ADAMS of Hamilton

I was necessarily absent from the House chamber on Monday, March 26, 1990. Had I been present, I would have voted "aye" on House File 534.

OLLIE of Clinton

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 27th day of March, 1990: House Files 252, 730, 2131, 2142, 2156, 2437, 2468 and 2531.

JOSEPH O'HERN
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 27, 1990, he approved and transmitted to the Secretary of State the following bills:

House File 2314, an act relating to property taxes and mobile home taxes by providing for monthly or quarterly payments and providing an applicability date.

House File 2322, an act relating to the duties of the county recorder by imposing a fee for recording and indexing certain instruments, and by providing for the issuance of certain transcripts.

House File 2339, an act relating to costs associated with the Iowa management training revolving fund.

House File 2372, an act relating to anabolic steroids, and providing a criminal penalty concerning the distribution of anabolic steroids to minors.

House File 2381, an act authorizing the conversion of a mutual property and casualty insurance company into a stock company, subject to certain conditions and procedural requirements.

House File 2430, an act relating to the disclosure of certain mental health information to family members.

House File 2451, an act relating to weighing and measuring devices, and establishing fees.

House File 2508, an act relating to the commitment and treatment of chronic substance abusers.

House File 2518, an act relating to licensure and discipline of certain practice professionals and providing a penalty.

House File 2549, an act relating to the length of occupancy of the homestead for purposes of the homestead credit and providing a retroactive applicability date.

Senate File 18, an act relating to the time period within which an information or indictment for sexual abuse with a child under the age of twelve shall be found.

Senate File 2059, an act authorizing merged area schools to establish a self-insurance program for the payment of workers' compensation benefits, exempting the self-insurance program from taxation, and exempting the self-insurance program from insurance regulation.

Senate File 2164, an act relating to the date of publication and distribution of the report of state employee salaries.

Senate File 2165, an act abolishing the duty of the treasurer of state to approve increases in the maximum deposit limit of a local government in a depository financial institution.

Senate File 2181, an act altering the penalty for late payment of the solid waste tonnage fee.

Senate File 2187, an act relating to workers' health, safety, and welfare, and effecting funding for the second injury fund.

Senate File 2232, an act relating to indemnification of art exhibitors by the Iowa arts council.

Senate File 2248, an act relating to certain advertising by a hearing aid dealer.

Senate File 2261, an act relating to the filing of uniform commercial code financing statements by permitting a filing officer to accept for filing a copy of a signature and authorizing the adoption of rules to permit electronic filing of financing statements.

Senate File 2268, an act changing the time deadlines for submission of state agency affirmative action plans and annual reports and providing an effective date.

Senate File 2271, an act specifying the required contents of a plan for bank merger or consolidation.

Senate File 2334, an act regulating business relationships between suppliers and dealers of certain equipment and providing dates of applicability.

COMMUNICATION RECEIVED

The following communication was received and is on file in the office of the Chief Clerk:

DEPARTMENT OF PUBLIC HEALTH

The 1989 Annual Report on Public Health Nursing, pursuant to Chapter 17.3, 1989 Code of Iowa.

PRESENTATION OF VISITORS

Hanson of Delaware presented to the House the Honorable Doug Ritsema, former member of the House representing Sioux County.

The Speaker announced that the following visitors were present in the House chamber:

Twenty-six fourth and fifth grade students from Amana Community School, Middle Amana, accompanied by Mrs. Merritt. By Dvorsky of Johnson and Tyrrell of Iowa.

Eleven senior students from Sioux Valley Community School, Linn Grove, accompanied by Dean Miller and Jan Tjeerdsma. By Eddie of Buena Vista and Fogarty of Palo Alto.

Forty students from Belmond Community School, Belmond, accompanied by Mr. Claude Post and Mrs. Jerri Hobson. By Iverson of Wright.

Sixty-five fifth grade students from Lohrville Elementary School, Lohrville, accompanied by Brian Schatter and Brad Worth. By Maulsby of Calhoun.

Fifty-eight fifth grade students from Underwood Elementary School, Underwood, accompanied by Patrick Girard. By Pellett of Cass.

SUBCOMMITTEE ASSIGNMENTS

House File 2521 (Reassigned)

Appropriations: Knapp, Chair; Harbor and Halvorson of Webster.

Senate File 2418

Appropriations: Knapp, Chair; Harbor and Peterson of Carroll.

Senate File 2419

Appropriations: Hansen of Woodbury, Chair; Hatch and Lageschulte.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill, relating to substance abuse prevention and treatment, enforcement of controlled substance provisions, making appropriations, and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 27, 1990.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House Study Bill 823), relating to the investment by the state and political subdivisions of bond proceeds and sinking funds in tax-exempt bonds.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 27, 1990.

RESOLUTION FILED

SCR 128, by committee on appropriations, a concurrent resolution relating to the provision of cable television service.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-5873	H.F.	2540	Senate Amendment
H-5874	H.F.	2500	Senate Amendment
H-5875	H.F.	2450	Senate Amendment
H-5877	H.F.	2154	Senate Amendment
H-5880	H.F.	2357	Senate Amendment
H-5881	H.F.	2496	Senate Amendment
H-5882	H.F.	2320	Senate Amendment
H-5884	H.F.	2560	Metcalf of Polk Osterberg of Linn
H-5885	H.F.	2543	Brown of Lucas
H-5892	H.F.	2543	Corbett of Linn
H-5893	H.F.	2543	Carpenter of Polk
H-5897	S.F.	2031	Jay of Appanoose
H-5898	S.F.	431	Gruhn of Dickinson
H-5901	H.F.	2558	Jesse of Jasper
H-5903	S.F.	2344	Beatty of Warren Buhr of Polk Hammond of Story Fey of Scott Brown of Lucas
H-5904	S.F.	2403	Shearer of Louisa
H-5905	S.F.	2403	Jay of Appanoose Fogarty of Palo Alto Siegrist of Pottawattamie Lundby of Linn
			Koenigs of Mitchell De Groot of Lyon

H—5906	S.F.	2403	Bisignano of Polk
Jesse of Jasper			Connors of Polk
Haverland of Polk			Shoning of Woodbury
Hansen of Woodbury			Tabor of Jackson
H—5907	H.F.	2543	Hammond of Story
			Blanshan of Greene
H—5908	S.F.	2306	Senate Amendment
H—5909	H.F.	2371	Senate Amendment

On motion by Arnould of Scott, the House adjourned at 7:46 p.m., until 9:00 a.m., Wednesday, March 28, 1990.

JOURNAL OF THE HOUSE

Eightieth Calendar Day — Fifty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 28, 1990

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by Reverend Sandra Pippert, pastor of the Congregational Church, Rockwell.

The Journal of Tuesday, March 27, 1990 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Spenner of Henry, until his arrival, on request of Eddie of Buena Vista.

INTRODUCTION OF BILL

House File 2564, by committee on appropriations, a bill for an act relating to substance abuse prevention and treatment, enforcement of controlled substance provisions, making appropriations, and providing penalties.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 26, 1990, receded from the Senate amendment to the House amendment, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2159, a bill for an act relating to this state's labor laws administered by the labor commissioner by amending provisions of the Code regulating occupational safety and health, amusement ride and boiler inspections, asbestos removal and encapsulation, the division of labor services, wage payment collection, and construction contractors, and providing a penalty.

Also: That the Senate has on March 26, 1990, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2163, a bill for an act relating to the composition and election of county agricultural extension councils, enacting transitional provisions, and providing an effective date.

Also: That the Senate has on March 26, 1990, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2197, a bill for an act relating to violations of an individual's rights, by prohibiting acts of assault and criminal mischief, providing victims actionable civil relief against offenders, establishing a program to monitor rights violations, and providing a penalty.

Also: That the Senate has on March 26, 1990, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2249, a bill for an act relating to workers' health, safety, and welfare, by providing an expedited hearing process for certain contested cases, requiring payment of medical expenses of an injured employee in certain circumstances, staying debt collection proceedings against an employee by a person providing treatment pending resolution of a contested case before the industrial commissioner, altering certain formulas for the calculation of benefits, establishing initial hearing deadlines, requiring certain unannounced inspections, authorizing certain administrative search warrants, and imposing certain benefit payment requirements and penalties for unreasonable denial or nonpayment of medical benefits, exempting union agents and employees from certain tort liability, and providing applicability and effective dates.

Also: That the Senate has on March 26, 1990, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2385, a bill for an act establishing a new agricultural products and processes program and creating a state fund to support the program.

JOHN F. DWYER, Secretary

SENATE AMENDMENTS CONSIDERED

Peters of Woodbury called up for consideration **House File 2201**, a bill for an act relating to the disclosure of the names and certain contract costs of all subcontractors by bidders on a state procurement contract, amended by the Senate amendment H-5840 as follows:

H-5840

- 1 Amend House File 2201, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 3, by striking the word
- 4 "procurement" and inserting the following:
- 5 "construction".
- 6 2. Page 1, line 8, by striking the word
- 7 "procurement" and inserting the following:
- 8 "construction".
- 9 3. Page 1, line 25, by inserting after the word
- 10 "bid" the following: "or who the bidder anticipates
- 11 will work on the project being bid".
- 12 4. Page 1, by inserting after line 29, the
- 13 following: "If a subcontractor is added by a bidder
- 14 awarded a contract, the bidder shall disclose the name
- 15 of the new subcontractor."
- 16 5. Page 1, by inserting after line 29 the
- 17 following:

- 18 "Sec. _____ NEW SECTION. 314.15 DISADVANTAGED
 19 BUSINESS ENTERPRISES — RULES. The department of
 20 transportation shall promulgate rules establishing
 21 affirmative action requirements to encourage and
 22 increase participation of disadvantaged individuals in
 23 business enterprises in all federal aid projects made
 24 available by and through the department.
 25 6. Title page, line 3, by striking the word
 26 "procurement" and inserting the following:
 27 "construction".
 28 7. By renumbering, relettering, or redesignating
 29 and correcting internal references as necessary.

Teaford of Black Hawk in the chair at 9:58 a.m.

On motion by Peters of Woodbury, the House concurred in the Senate amendment H—5840.

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

On the question "Shall the bill pass?" (H.F. 2201)

The ayes were, 60:

Adams	Arnould	Avenson, Spkr.	Beaman
Beatty	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Chapman	Cphoon	Connors
Corbett	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Haverland	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Knapp
Koenigs	May	McKinney	Mertz
Muhlbauer	Murphy	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Rosenberg	Schrader
Shearer	Sherzan	Shoultz	Spear
Svoboda	Swartz	Wise	Teaford
			Presiding

The nays were, 35:

Banks	Bennett	Carpenter	Clark
Daggett	De Groot	Diemer	Eddie
Garman	Halvorson, R. A.	Hanson, D. R.	Harbor
Hermann	Hester	Iverson	Kistler
Kremer	Lageschulte	Lundby	Maulsby
McKean	Metcalf	Miller	Pellett
Petersen, D. F.	Plasier	Renken	Royer

Schnekloth
Trent

Shoning
Tyrrell

Siegrist
Van Maanen

Stueland

Absent or not voting, 5:

Hatch
Tabor

Lykam

Neuhauser

Spenner

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

Bisignano of Polk called up for consideration **House File 2431**, a bill for an act allowing a person to purchase insurance through the Iowa comprehensive health association even if the person has coverage under another insurance plan, amended by the Senate, and moved that the House concur in the following Senate amendment H—5844:

H—5844

- 1 Amend House File 2431, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting after line 10, the
- 4 following:
- 5 "Sec. _____. Section 514E.7, subsection 5, paragraph
- 6 b, Code 1989, is amended to read as follows:
- 7 b. Medical advice or treatment was recommended or
- 8 received within a period of six months before the
- 9 effective date of coverage.
- 10 These preexisting condition exclusions shall be
- 11 waived to the extent to which similar exclusions have
- 12 been satisfied under any prior health insurance
- 13 coverage which was involuntarily terminated, if the
- 14 application for pool coverage is made not later than
- 15 thirty days following the involuntary termination.
- 16 For purposes of this subsection, involuntary
- 17 termination includes, but is not limited to,
- 18 termination of coverage when a conversion policy is
- 19 not available or where benefits under a state or
- 20 federal law providing for continuation of coverage
- 21 upon termination of employment will cease or have
- 22 ceased. In that case, coverage in the pool shall be
- 23 effective from the date on which the prior coverage
- 24 was terminated.
- 25 This subsection does not prohibit preexisting
- 26 conditions coverage in an association policy that is
- 27 more favorable to the insured than that specified in
- 28 this subsection."

The motion prevailed and the House concurred in the Senate amendment H—5844.

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

On the question "Shall the bill pass?" (H.F. 2431)

The ayes were, 93:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cohoon	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Nielsen	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schnekloth
Shearer	Sherzan	Shoning	Shultz
Siegrist	Spear	Stueland	Svoboda
Trent	Tyrrell	Van Maanen	Wise
Teaford			
Presiding			

The nays were, none.

Absent or not voting, 7:

Hibbard	Neuhauser	Ollie	Schrader
Spenner	Swartz	Tabor	

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

Adams of Hamilton called up for consideration **House File 2357**, a bill for an act relating to the applicability of school district reorganization incentives and providing an effective date and a retroactive applicability date, amended by the Senate, and moved that the House concur in the following Senate amendment H—5880:

H—5880

- 1 Amend House File 2357, as amended and passed by the
- 2 House, as follows:

- 3 1. Page 1, by striking lines 7 through 9, and
 4 inserting the following: "or dissolved during a
 5 dissolution and in which action to bring about a
 6 reorganization or dissolution was approved in an
 7 election pursuant to sections 275.18 and 275.20 or
 8 section 275.55 initiated by a vote of the board of
 9 directors or jointly by the affected boards of
 10 directors prior to July 1,".
- 11 2. Page 1, by striking lines 22 and 23, and
 12 inserting the following: "is one in which action to
 13 bring about a reorganization was approved in an
 14 election pursuant to sections 275.18 and 275.20
 15 initiated by a vote of the board of directors or
 16 jointly by the affected boards of directors prior to
 17 July 1, 1989".
- 18 3. Page 1, by striking lines 32 and 33, and
 19 inserting the following: "and the school district has
 20 approved initiated an action prior to November 30,
 21 1990, to bring about a reorganization prior to July 1,
 22 1989, the reorganized school".

The motion prevailed and the House concurred in the Senate amendment H—5880.

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

On the question "Shall the bill pass?" (H.F. 2357)

The ayes were, 75:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bisignano	Black
Blanshan	Brammer	Brand	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Daggett	Diemer
Doderer	Dvorsky	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harper	Hatch	Haverland
Hester	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Lykam	May
McKean	McKinney	Mertz	Metcalf
Muhlbauer	Murphy	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Shoning
Shoultz	Spear	Stueland	Svoboda
Tabor	Wise	Teaford	
		Presiding	

The nays were, 21:

Bennett	Branstad	Corbett	De Groot
Eddie	Harbor	Hermann	Iverson
Kremer	Lageschulte	Lundby	Maulsby
Miller	Petersen, D. F.	Plasier	Renken
Royer	Siegrist	Trent	Tyrrell
Van Maanen			

Absent or not voting, 4:

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

Wise of Lee called up for consideration **House File 2540**, a bill for an act relating to and providing a temporary property tax exemption for certain increased valuation of historic property, providing a phase-in of increased valuation, and providing an applicability date, amended by the Senate, and moved that the House concur in the following Senate amendment H—5873:

H—5873

- 1 Amend House File 2540, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 6, by striking the word "board"
- 4 and inserting the following: "assessor".
- 5 2. Page 1, line 6, by striking the word and
- 6 figure "April 15" and inserting the following: "March
- 7 1".
- 8 3. Page 1, line 13, by striking the word "board"
- 9 and inserting the following: "assessor".
- 10 4. Page 1, line 14, by inserting after the word
- 11 "exemption" the following: "and shall forward the
- 12 application to the board".
- 13 5. Page 1, line 27, by inserting after the word
- 14 "receipt" the following: "from the assessor".
- 15 6. Page 1, line 35, by striking the word and
- 16 figure "May 15" and inserting the following: "April
- 17 15".
- 18 7. By renumbering, relettering, or redesignating
- 19 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—5873.

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

On the question "Shall the bill pass?" (H.F. 2540)

The ayes were, 97:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cohoon	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Stueland	Svoboda	Swartz	Tabor
Trent	Tyrrell	Van Maanen	Wise
Teaford			
Presiding			

The nays were, none.

Absent or not voting, 3:

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

Dvorsky of Johnson called up for consideration **House File 2496**, a bill for an act requiring a group health benefits insurer to disclose certain information relating to claims experience and costs of those claims, amended by the Senate, and moved that the House concur in the following Senate amendment H-5881:

H-5881

- 1 Amend House File 2496, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 4, by inserting after the word
- 4 "coverages" the following: "to a group of one hundred
- 5 or more persons".
- 6 2. Page 1, line 6, by inserting after the word
- 7 "request," the following: "once in a twelve-month

8 period.”

9 3. Page 1, by striking lines 8 through 10 and
10 inserting the following:

11 “b. Costs of claims submitted to date.”

The motion prevailed and the House concurred in the Senate amendment H—5881.

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

On the question “Shall the bill pass?” (H.F. 2496)

The ayes were, 87:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bisignano	Black
Blanshan	Brammer	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Iverson	Jay	Jesse
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Peterson, M. K.
Plasier	Poney	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Stueland
Svoboda	Swartz	Tabor	Trent
Van Maanen	Wise	Teaford	
		Presiding	

The nays were, 6:

Bennett	Garman	Petersen, D. F.	Renken
Royer	Tyrrell		

Absent or not voting, 7:

Brand	Groninga	Harbor	Jochum
Mertz	Schneklath	Spenner	

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

Ways and Means Calendar

House File 2559, a bill for an act relating to the process by which a taxpayer appeals a decision of the local board of review to the district court and providing for the reinstatement of appeals dismissed and providing an effective date, was taken up for consideration.

Chapman of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2559)

The ayes were, 89:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cohoon	Corbett
Daggett	Diemer	Doderer	Dvorsky
Eddie	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Murphy
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schrader	Shearer
Sherzan	Shoning	Siegrist	Spear
Stueland	Svoboda	Swartz	Tabor
Trent	Tyrrell	Van Maanen	Wise
Teaford			
Presiding			

The nays were, none.

Absent or not voting, 11:

Connors	De Groot	Fey	Harbor
Harper	Hatch	Mertz	Neuhauser
Schneklath	Shoultz	Spenner	

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

Unfinished Business Calendar

The House resumed consideration of **Senate File 2326**, a bill for an act requiring the department of education to develop and maintain nutrition guidelines for food and beverages sold on public school grounds, previously deferred and placed on the unfinished business calendar.

Adams of Hamilton offered the following amendment H—5591 filed by the committee on education:

H—5591

- 1 Amend Senate File 2326, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 2, by striking the word
- 4 "subsection" and inserting the following:
- 5 "subsections".
- 6 2. Page 1, line 3, by inserting after the word
- 7 "Develop" the following: "by January 1, 1991,".
- 8 3. Page 1, line 4, by inserting after the word
- 9 "guidelines" the following: "which are consistent
- 10 with the dietary guidelines for Americans recommended
- 11 dietary allowances established by the national
- 12 research council and regulations adopted by the United
- 13 States department of agriculture".
- 14 4. Page 1, line 9, by inserting after the words
- 15 "saturated fat," the following: "sugar, sodium,
- 16 fiber,".
- 17 5. Page 1, line 12, by inserting after the words
- 18 "saturated fat," the following: "sugar, sodium,".
- 19 6. Page 1, line 15, by inserting after the figure
- 20 "1990." the following: "If, however, dietary
- 21 guidelines for children are published by the United
- 22 States department of agriculture and department of
- 23 health and human services, the director shall cause
- 24 the previous Iowa nutrition guidelines to be rescinded
- 25 and the new federal dietary guidelines for children
- 26 shall be adopted in place of the previous guidelines."
- 27 7. Page 1, by inserting after line 15, the
- 28 following:
- 29 "NEW SUBSECTION. 40. Provide educational
- 30 resources and technical assistance to schools relating
- 31 to the implementation of the nutritional guidelines
- 32 for food and beverages sold on public school grounds
- 33 or on the grounds of nonpublic schools receiving funds
- 34 under section 283A.10."
- 35 8. Page 1, by inserting after line 19, the
- 36 following:

37 "1. "Competitive food" or "competitive foods"
 38 means all food or beverages sold by students, the
 39 school administration, or other groups or
 40 organizations, or commercial companies on public
 41 school grounds or the grounds of a nonpublic school
 42 which receives funds under section 283A.10, and
 43 includes those foods or beverages which are sold at
 44 snack bars, vending machines, or by other similar
 45 means."

46 9. Page 1, line 20, by striking the figure "1"
 47 and inserting the following: "2".

48 10. Page 1, line 23, by striking the figure "2"
 49 and inserting the following: "3".

50 11. Page 1, line 25, by striking the figure "3"

Page 2

1 and inserting the following: "4".

2 12. Page 1, line 30, by striking the figure "4"

3 and inserting the following: "5".

4 13. Page 3, by striking lines 19 through 29.

Adams of Hamilton offered the following amendment H—5806,
 to the committee amendment H—5591, filed by her and moved its
 adoption:

H—5806

1 Amend the amendment, H—5591, to Senate File 2326,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 1, by striking lines 6 and 7, and insert-
 5 ing the following:

6 "_____. Page 1, line 3, by striking the word
 7 "Develop" and inserting the following: "Establish by
 8 July 1, 1991, a six-month pilot project to develop".

9 2. Page 1, by inserting after line 16 the fol-
 10 lowing:

11 "_____. Page 1, line 10, by striking the word
 12 "provide" and inserting the following: "encourage".

13 3. Page 1, by striking lines 23 through 26 and
 14 inserting the following: "health and human services,
 15 the nutrition guidelines used in the pilot project
 16 shall conform to the new federal dietary guidelines
 17 for children. The department shall, through
 18 establishment of the pilot project, determine the
 19 feasibility of extending the nutrition guidelines
 20 established in the project to other schools and school
 21 districts in the state. In determining the
 22 feasibility of extending the nutrition guidelines, the
 23 department shall consult with school food service
 24 directors in the state. The department shall submit a
 25 report to the general assembly outlining and

- 26 describing the proposed pilot project, including the
 27 proposed pilot project guidelines, by January 1, 1991,
 28 and shall submit, at the conclusion of the pilot
 29 project, a report, along with any recommendations,
 30 relating to the modification of those guidelines and
 31 the feasibility of extending the guidelines to other
 32 schools and school districts.”
- 33 4. By striking page 1, line 35, through page 2,
 34 line 3, and inserting the following:
 35 “_____ Page 1, line 22, by striking the words
 36 “under section 256.9.””
- 37 5. By numbering and renumbering as necessary.

Amendment H—5806 was adopted.

On motion by Adams of Hamilton, the committee amendment H—5591, as amended, was adopted.

Speaker Avenson in the chair at 11:18 a.m.

Adams of Hamilton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question “Shall the bill pass?” (S.F. 2326)

The ayes were, 60:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Chapman	Clark
Cohoon	Connors	Doderer	Dvorsky
Fey	Fogarty	Fuller	Groninga
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Koenigs	Lageschulte	Lykam
May	McKinney	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Schrader	Shearer	Sherzan
Shoultz	Siegrist	Spear	Svoboda
Tabor	Teaford	Wise	Mr. Speaker Avenson

The nays were, 38:

Banks	Beaman	Bennett	Branstad
Carpenter	Corbett	Daggett	De Groot
Diemer	Eddie	Garman	Gruhn
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Iverson	Kistler	Kremer	Lundby
Maulsby	McKean	Mertz	Metcalf

Miller	Muhlbauer	Pellett	Petersen, D. F.
Plasier	Renken	Royer	Schnekloth
Shoning	Spenner	Stueland	Trent
Tyrrell	Van Maanen		

Absent or not voting, 2:

Knapp Swartz

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

On motion by Arnould of Scott, the House was recessed at 11:33 a.m., until 1:15 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

SENATE AMENDMENTS CONSIDERED

Jesse of Jasper called up for consideration **House File 2482**, a bill for an act establishing an entrepreneurship task force, amended by the Senate, and moved that the House concur in the following Senate amendment H—5866:

H—5866

1 Amend House File 2482 as passed by the House, as
 2 follows:
 3 1. Page 2, by inserting after line 28, the
 4 following:

5 "Sec. ____ APPROPRIATION.
 6 There is appropriated from the general fund of the
 7 state to the department of economic development for
 8 the fiscal period beginning July 1, 1990, and ending
 9 January 15, 1991, the following amount, or so much
 10 thereof as is necessary, to be used for the purpose
 11 designated:
 12 For the entrepreneurship task force for expenses as
 13 necessary:
 14\$ 25,000".

15 2. Title, line 1, by inserting after the word "force" the
 16 following: ", and providing an appropriation".

A non-record roll call was requested.

The ayes were 52, nays 30.

The motion prevailed and the House concurred in the Senate amendment H—5866.

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

On the question "Shall the bill pass?" (H.F. 2482)

The ayes were, 80:

Adams	Arnould	Beaman	Bennett
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Buhr
Carpenter	Chapman	Clark	Cohoon
Connors	Corbett	Daggett	De Groot
Doderer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Harbor
Harper	Hatch	Haverland	Hester
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKinney	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Pavich	Peters	Petersen, D. F.
Peterson, M. K.	Poncy	Renaud	Rosenberg
Royer	Schrader	Shearer	Sherzan
Shoning	Siegrist	Spear	Spenner
Svoboda	Swartz	Tabor	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, 14:

Banks	Diemer	Eddie	Garman
Hanson, D. R.	Hermann	Iverson	McKean
Metcalf	Pellett	Plasier	Renken
Schnekloth	Stueland		

Absent or not voting, 6:

Beatty	Hibbard	Mertz	Osterberg
Shoultz	Teaford		

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

May of Worth in the chair at 1:58 p.m.

Schrader of Marion called up for consideration **Senate File 2240**, a bill for an act relating to the transfer of racing dogs, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—5839 to the House amendment:

H—5839

- 1 Amend the House amendment, S—5583, to Senate File
- 2 2240, as passed by the Senate, as follows:
- 3 1. Page 1, by striking lines 10 through 14 and
- 4 inserting the following: "shall maintain a racing dog
- 5 adoption program. The track shall advertise the
- 6 availability".

The motion prevailed and the House concurred in the Senate amendment H—5839.

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

On the question "Shall the bill pass?" (S.F. 2240)

The ayes were, 88:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Haverland
Hermann	Hester	Holveck	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Ollie	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Rosenberg
Royer	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Svoboda	Swartz	Tabor
Tyrrell	Van Maanen	Wise	May
			Presiding

The nays were, 10:

Branstad	Hatch	Maulsby	McKean
Nielsen	Osterberg	Renken	Schneklott
Stueland	Trent		

Absent or not voting, 2:

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

MOTION TO RECONSIDER WITHDRAWN

Pellett of Cass asked and received unanimous consent to withdraw the motion to reconsider House File 2115 filed by him on March 27, 1990.

MOTION TO RECONSIDER PREVAILED (House File 2115)

Jesse of Jasper called up for consideration the motion to reconsider House File 2115, filed on March 27, 1990, and moved to reconsider the vote by which House File 2115, a bill for an act regulating the commercial cleaning of private sewage disposal facilities, by providing for the adoption of standards and the issuance of licenses, providing license fees, providing a civil penalty, and providing effective and applicability dates, passed the House and was placed on its last reading on March 27, 1990.

A non-record roll call was requested.

The ayes were 64, nays 5.

The motion prevailed and the House reconsidered House File 2115.

House Refused to Concur

Jesse of Jasper moved to reconsider the vote by which the House concurred in the Senate amendment H—5818, found on pages 1434 and 1435 of the House Journal, which motion prevailed.

Pellett of Cass moved that the House concur in the Senate amendment H—5818.

The motion lost and the House refused to concur in the Senate amendment H—5818.

The House stood at ease at 2:43 p.m., until the fall of the gavel.

The House resumed session at 2:47 p.m., May of Worth in the chair.

The House stood at ease at 2:48 p.m., until the fall of the gavel.

The House resumed session at 3:46 p.m., Connors of Polk in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-nine members present, twenty-one absent.

SENATE AMENDMENTS CONSIDERED

Jay of Appanoose called up for consideration **House File 2312**, a bill for an act relating to nonsubstantive Code and Act corrections, amended by the Senate, and moved that the House concur in the following Senate amendment H—5869:

H—5869

1 Amend House File 2312, as passed by the House, as
2 follows:

3 1. Page 2, by inserting after line 33 the
4 following:

5 "Sec. _____. Section 18B.6, unnumbered paragraph 1,
6 Code Supplement 1989, is amended to read as follows:

7 The board established pursuant to section ~~18.5~~
8 18B.5 shall have all the general powers needed to
9 carry out its mission and duties, including but not
10 limited to the following powers:"

11 2. Page 13, line 7, by striking the figure
12 "~~324A.8~~," and inserting the following: "324A.8 or
13 other tax funds available pursuant to section
14 307B.26,".

15 3. Page 18, by inserting after line 32, the
16 following:

17 "Sec. _____. Section 570A.2, subsection 2, Code
18 1989, is amended to read as follows:

19 2. If within ~~two~~ four business days of receipt of
20 a certified request a financial institution fails to
21 issue a memorandum upon the request of an agricultural
22 supply dealer and the request from the agricultural
23 supply dealer was proper under subsection 1, or if the
24 memorandum from the financial institution is
25 incomplete, or if the memorandum from the financial
26 institution states that the farmer does not have a
27 sufficient net worth or line of credit to assure
28 payment of the purchase price, the agricultural supply
29 dealer may decide to make the sale and secure the lien
30 provided in section 570A.3."

31 4. Page 18, by inserting after line 32, the
32 following:

33 "Sec. _____. Section 602.6403, subsection 2, Code
34 Supplement 1989, is amended to read as follows:

35 2. The magistrate appointing commission for each
36 county shall prescribe the contents of an application,
37 in addition to any application form provided by the
38 supreme court, for an appointment pursuant to this
39 section. The commission shall publicize notice of any
40 vacancy to be filled in at least two publications in
41 the all official county newspaper newspapers in the
42 county. The commission shall accept applications for
43 a minimum of fifteen days prior to making an
44 appointment, and shall make available during that

45 period of time any printed application forms the
 46 commission prescribes."
 47 5. Page 19, by inserting after line 28 the
 48 following:
 49 "Sec. _____ Section 910A.9, subsection 5, Code
 50 Supplement 1989, is amended to read as follows:

Page 2

1 5. The date on which the offender is expected to
 2 be released from an institution or facility pursuant
 3 to a plan of parole or work release, or upon discharge
 4 of sentence."
 5 6. Renumber as necessary.

The motion prevailed and the House concurred in the Senate amendment H—5869.

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

On the question "Shall the bill pass?" (H.F. 2312)

The ayes were, 95:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Cohoon	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hester
Holveck	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklath	Schrader	Shearer
Sherzan	Shoning	Shultz	Siegrist
Spear	Spenner	Stueland	Svoboda
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Connors	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Clark
Swartz

Gruhn

Hermann

Hibbard

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

Lykam of Scott called up for consideration **House File 2522**, a bill for an act relating to free hunting and fishing licenses for military personnel, amended by the Senate amendment H-5868 as follows:

H-5868

- 1 Amend House File 2522, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting after line 17 the
- 4 following:
- 5 "Sec. _____. Section 110.24, Code Supplement 1989,
- 6 is amended by adding the following new subsection:
- 7 **NEW SUBSECTION. 16.** Upon payment of the fee for a
- 8 lifetime hunting and fishing combined license, the
- 9 department shall issue a hunting and fishing combined
- 10 license to a veteran who was disabled or a prisoner of
- 11 war during that veteran's military service. The
- 12 department shall prepare an application to be used by
- 13 a person requesting a hunting and fishing combined
- 14 license under this subsection. The veteran affairs
- 15 division of the department of public defense shall
- 16 assist the department in verifying the status or
- 17 claims of applicants under this subsection. As used
- 18 in this subsection, "veteran" means a person who
- 19 served in the armed forces of the United States of
- 20 America at any time during World War I between the
- 21 dates of April 6, 1917, and July 2, 1921, World War II
- 22 between the dates of December 7, 1941, and December
- 23 31, 1946, the Korean conflict between the dates of
- 24 June 27, 1950, and January 31, 1955, or the Vietnam
- 25 conflict between August 5, 1964, and May 7, 1975, all
- 26 dates inclusive, and "disabled" means entitled to
- 27 compensation under the United States Code, title 38,
- 28 chapter 11.
- 29 Sec. _____
- 30 This Act takes effect January 1, 1991."
- 31 2. Page 1, by inserting after line 17 the
- 32 following:
- 33 "Sec. _____. **NEW SECTION. 110.30 RECIPROCAL**
- 34 **FISHING PRIVILEGES AUTHORIZED.**
- 35 1. Reciprocal fishing privileges are contingent
- 36 upon a grant of similar privileges by another state to
- 37 residents of this state.
- 38 2. The commission may negotiate fishing

39 reciprocity agreements with other states.
 40 3. When another state confers upon fishing
 41 licensees of this state reciprocal rights, privileges,
 42 and immunities, a fishing license issued by that state
 43 entitles the licensee to all rights, privileges, and
 44 immunities in the public waters of this state enjoyed
 45 by the holders of equivalent licenses issued by this
 46 state, subject to duties, responsibilities, and
 47 liabilities imposed on its own licensees by the laws
 48 of this state."
 49 3. Title page, line 1, by striking the word
 50 "free".

Page 2

1 4. Title page, line 2, by inserting after the
 2 word "personnel" the following: "and veterans, and
 3 providing an effective date".
 4 5. Title page, line 2, by inserting after the
 5 word "personnel" the following: "and authorizing
 6 reciprocal fishing agreements".
 7 6. By renumbering, relettering, or redesignating
 8 and correcting internal references as necessary.

Lykam of Scott offered the following amendment H—5921, to the Senate amendment H—5868, filed by him from the floor and moved its adoption:

H—5921

1 Amend the Senate amendment, H—5868, to House File
 2 2522, as passed by the House, as follows:
 3 1. Page 1, line 7, by inserting after the word
 4 "fee" the following: "of thirty dollars".
 5 2. Page 1, line 10, by inserting after the word
 6 "disabled" the following: "in combat".

Amendment H—5921 was adopted.

On motion by Lykam of Scott, the House concurred in the Senate amendment H—5868, as amended.

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

On the question "Shall the bill pass?" (H.F. 2522)

The ayes were, 94:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignato
Black	Blanshan	Brammer	Brand

Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cphoon	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Iverson
Jay	Jesse	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schneklouth	Schrader
Shearer	Shoning	Siegrist	Spear
Spenner	Stueland	Svoboda	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Connors		
	Presiding		

The nays were, none.

Absent or not voting, 6:

Groninga	Gruhn	Jochum	Sherzan
Shoultz	Swartz		

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

MOTION TO RECONSIDER PREVAILED
(House File 2057)

Beatty of Warren called up for consideration the motion to reconsider House File 2057, filed on March 22, 1990, and moved to reconsider the vote by which House File 2057, a bill for an act relating to prohibited interests in public contracts, passed the House and was placed on its last reading on March 21, 1990.

A non-record roll call was requested.

The ayes were 51, nays 33.

The motion prevailed and the House reconsidered House File 2057.

Beatty of Warren moved to reconsider the vote by which the House concurred in the Senate amendment H—5667, found on pages 1267 and 1268 of the House Journal, which motion prevailed.

Beatty of Warren offered the following amendment H—5859, to the Senate amendment H—5667, filed by her:

H—5859

1 Amend amendment, H—5667, to House File 2057, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, by inserting after line 2, the
5 following:

6 "_____. Page 1, by inserting before line 1, the
7 following:

8 "Section 1. Section 68B.4, Code 1989, is amended
9 to read as follows:

10 68B.4 WHEN SALES PROHIBITED.

11 No An official or employee of any regulatory agency
12 shall not sell, either directly or indirectly, any
13 goods or services to individuals, associations, or
14 corporations subject to the regulatory authority of
15 the agency of which the person is an official or
16 employee, except when the official or employee has met
17 all of the following conditions:

18 1. The consent of the regulatory agency for which
19 the person is an official or employee is obtained and
20 the person is not the official or employee with the
21 authority to determine whether agency consent is to be
22 given under this section.

23 2. The duties or functions performed by the
24 official or employee for the regulatory agency are not
25 related to the regulatory authority of the agency over
26 the individual, association, or corporation, or the
27 selling of goods or services by the official or
28 employee to the individuals, associations, or
29 corporations does not affect the official's or
30 employee's duties or functions at the regulatory
31 agency.

32 3. The selling of any goods or services by the
33 official or employee to an individual, association, or
34 corporation does not include advocacy on behalf of the
35 individual, association, or corporation to the
36 regulatory agency in which the person is an official
37 or employee.

38 4. The selling of any goods or services by the
39 official or employee to an individual, association, or
40 corporation does not cause the official or employee to
41 sell goods or services to the regulatory agency on
42 behalf of the individual, association, or corporation.

43 Each regulatory agency shall adopt rules specifying
44 the method by which agency consent under this section
45 may be obtained."

46 2. By renumbering as necessary.

Van Maanen of Mahaska rose on a point of order that amendment H—5859 was not germane.

The Speaker ruled the point well taken and amendment H—5859 not germane.

Arnould of Scott moved that the rules be suspended to consider amendment H—5859.

A non-record roll call was requested.

The ayes were 53, nays 34.

The motion prevailed and the rules were suspended to consider amendment H—5859.

Beatty of Warren moved the adoption of amendment H—5859, to the Senate amendment H—5667.

A non-record roll call was requested.

The ayes were 35, nays 28.

Amendment H—5859 was adopted.

On motion by Royer of Page, the House concurred in the Senate amendment H—5667, as amended.

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

On the question "Shall the bill pass?" (H.F. 2057)

The ayes were, 94:

Adams	Arnould	Avenson, Spkr.	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Clark
Cohoon	Corbett	Daggett	De Groot
Diemer	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie

Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Shoning
Shoultz	Siegrist	Spear	Spanner
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Connors		
	Presiding		

The nays were, none.

Absent or not voting, 6:

Banks	Chapman	Doderer	Dvorsky
Hermann	Sherzan		

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

IMMEDIATE MESSAGE (House File 2057)

Arnould of Scott asked and received unanimous consent that House File 2057 be immediately messaged to the Senate.

SENATE AMENDMENTS CONSIDERED

Jay of Appanoose called up for consideration **House File 2500**, a bill for an act relating to the enforcement of outdoor recreation and natural resource laws, by defining repeat offenders, by requiring the reporting of hunting accidents, by providing for the suspension of licenses, permits, and certificates, and by providing penalties, amended by the Senate amendment H—5874 as follows:

H—5874

- 1 Amend House File 2500, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. Page 1, by striking line 11 and inserting the
- 4 following: "a simple misdemeanor."
- 5 2. Page 1, line 22, by striking the words "is im-
- 6 mediately" and inserting the following: "shall be".
- 7 3. Page 1, line 25, by inserting after the word
- 8 "schedule." the following: "Failure to make a payment
- 9 shall cause the suspension to be renewed."
- 10 4. By striking page 1, line 26, through page 2,
- 11 line 1.
- 12 5. Page 2, line 2, by striking the figure
- 13 "109.135" and inserting the following: "109.134".
- 14 6. Page 2, line 10, by striking the word
- 15 "commits" and inserting the following: "is guilty
- 16 of".

17 7. Page 2, line 17, by striking the word
18 "commits" and inserting the following: "is guilty
19 of".

20 8. Page 2, line 24, by striking the word
21 "commits" and inserting the following: "is guilty
22 of".

23 9. Page 2, lines 24 and 25, by striking the words
24 "if the person has two or more violations" and insert-
25 ing the following: "when the person has had two or
26 more convictions".

27 10. Page 2, by inserting after line 27 the fol-
28 lowing:

29 "Sec. _____ PLAN FOR SUSPENSION OR REVOCATION OF
30 LICENSES.

31 The director of the department of natural resources
32 shall prepare and submit a plan for suspension and
33 revocation of licenses issued by the department for
34 violations of chapter 109, 109A, 109B, 110, 110A, or
35 110B. The suspension and revocation plan shall be
36 submitted to the president or presiding officer of the
37 senate and the speaker of the house of representatives
38 of this state no later than January 15, 1991."

Jay of Appanoose offered the following amendment H—5927, to the Senate amendment H—5874, filed by him from the floor and moved its adoption:

H—5927

- 1 Amend the Senate amendment, H—5874, to House File
- 2 2500, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by striking lines 10 and 11.
- 5 2. Page 1, by striking lines 27 through 38.
- 6 3. By renumbering as necessary.

Amendment H—5927 was adopted.

On motion by Jay of Appanoose, the House concurred in the Senate amendment H—5874, as amended.

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

On the question "Shall the bill pass?" (H.F. 2500)

The ayes were, 94:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand

Branstad	Brown	Buhr	Carpenter
Clark	Cohoon	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hester	Holveck	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalfe
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schneklath	Shearer
Sherzan	Shoning	Siegrist	Spear
Spanner	Stueland	Svoboda	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Connors		
	Presiding		

The nays were, none.

Absent or not voting, 6:

Chapman	Hermann	Hibbard	Schrader
Shoultz	Swartz		

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

Hatch of Polk called up for consideration **House File 2154**, a bill for an act relating to civil rights by requiring certain cities to maintain a local civil rights agency or commission and provide adequate funding for the agency or commission, and providing for the continuation in effect of certain local civil rights laws, amended by the Senate, and moved that the House concur in the following Senate amendment H—5877:

H—5877

- 1 Amend House File 2154, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 3, by inserting after line 10, the
- 4 following:
- 5 "Sec. _____.
- 6 This Act applies only to an agency or commission of
- 7 local government in existence on the effective date of
- 8 this Act.

9 This Act is repealed as of July 1, 1991. The Code
10 editor shall editorally amend section 601A.19 in this
11 Act to reflect this repeal by restoring the language
12 in the section to the language in the section as it
13 appears in the Code of Iowa 1989."

14 2. Title page, line 5, by inserting after the
15 word "laws" the following: ", and providing for the
16 applicability of the Act".

17 3. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H—5877.

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

On the question "Shall the bill pass?" (H.F. 2154)

The ayes were, 77:

Adams	Arnould	Avenson, Spkr.	Beaman
Beatty	Bisignano	Black	Blanshan
Brammer	Brand	Brown	Buhr
Carpenter	Chapman	Clark	Cphoon
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Lundby	Lykam	May	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Plasier	Poncy	Renaud	Rosenberg
Royer	Schrader	Shearer	Shoning
Siegrist	Spear	Spenner	Tabor
Teaford	Trent	Tyrrell	Wise
Connors			
Presiding			

The nays were, 19:

Banks	Bennett	Branstad	Garman
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Iverson	Kremer	Lageschulte	Maulsby
McKean	Pellett	Petersen, D. F.	Renken
Schnekloth	Stueland	Van Maanen	

Absent or not voting, 4:

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

Unfinished Business Calendar

The House resumed consideration of **Senate File 2048**, a bill for an act to prohibit the discharge of firearms near a feedlot and subjecting violators to existing penalties, previously deferred and placed on the unfinished business calendar.

Koenigs of Mitchell moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2048)

The ayes were, 94:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schnekloth	Schrader	Shearer
Sherzan	Shoning	Siegrist	Spear
Spenner	Stueland	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Connors		
	Presiding		

The nays were, none.

Absent or not voting, 6:

Beatty	Bennett	Hibbard	Petersen, D. F.
Shoultz	Svoboda		

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

The House resumed consideration of **Senate File 390**, a bill for an act relating to the transfer of agricultural land, by restricting the time land can be held by financial and insurance institutions, providing for valuation of land, the opportunity to repurchase land, for redemption, and providing effective dates and dates of applicability, previously deferred and placed on the unfinished business calendar.

Svoboda of Tama offered the following amendment H—5153 filed by the committee on agriculture and moved its adoption:

H—5153

1 Amend Senate File 390, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking page 1, line 1, through page 2,
4 line 21.

5 2. Page 2, line 31, by striking the words "five
6 two" and inserting the following: "five".

7 3. By striking page 3, line 18 through page 6,
8 line 4, and inserting the following:

9 "Sec. _____. Section 654.16, Code 1989, is amended
10 by striking the section and inserting in lieu thereof
11 the following:

12 **654.16 SEPARATE REDEMPTION OF HOMESTEAD.**

13 If a sheriff's sale is ordered on agricultural land
14 used for farming, as defined in section 175.2, the
15 mortgagor may, by a date set by the court but not
16 later than ten days before the sale, designate to the
17 court the portion of the land which the mortgagor
18 claims as a homestead. The homestead may be any
19 contiguous portion of forty acres or less of the real
20 estate subject to the sheriff's sale. The homestead
21 shall contain the residence of the mortgagor and shall
22 be as compact as practicable.

23 If a homestead is designated, the court shall
24 determine the fair market value of the designated
25 homestead before the sheriff's sale. The court may
26 consult with the county appraisers appointed pursuant
27 to section 450.24, or with one or more independent
28 appraisers, to determine the fair market value of the
29 designated homestead.

30 The mortgagor may redeem the designated homestead
31 by tendering the lesser of either any amount
32 separately bid for the designated homestead at the
33 sheriff's sale pursuant to procedures set forth in
34 chapter 628, or the fair market value, as determined
35 pursuant to this section, of the designated homestead
36 at any time within one year from the date of the
37 sheriff's sale, pursuant to the procedures set forth
38 in chapter 628.

39 Sec. _____. **NEW SECTION. 654.16A RIGHT OF FIRST**

40 REFUSAL FOLLOWING RECORDING OF SHERIFF'S DEED TO
41 AGRICULTURAL LAND.

42 1. Not later than the time a sheriff's deed to
43 agricultural land used for farming, as defined in
44 section 175.2, is recorded, the grantee recording the
45 sheriff's deed shall notify the mortgagor of the
46 mortgagor's right of first refusal. The grantee shall
47 record the sheriff's deed within one year and sixty
48 days from the date of the sheriff's sale. A copy of
49 this section, titled "Notice of Right of First
50 Refusal" is sufficient notice.

Page 2

1 2. If, after a sheriff's deed is recorded, the
2 grantee proposes to sell or otherwise dispose of the
3 agricultural land, in a transaction other than a
4 public auction, the grantee shall first offer the
5 mortgagor the opportunity to repurchase the
6 agricultural land on the same terms and at the same
7 price that the grantee proposes to sell or dispose of
8 the agricultural land. If the grantee seeks to sell
9 or otherwise dispose of the agricultural land by
10 public auction, the mortgagor must be given sixty
11 days' notice of all of the following:
12 a. The date, time, place, and procedures of the
13 auction sale.
14 b. Any minimum terms or limitations imposed upon
15 the auction.
16 3. The grantee is not required to offer the
17 mortgagor financing for the purchase of the
18 agricultural land.
19 4. The mortgagor has ten business days after being
20 given notice of the terms and price of the proposed
21 sale or disposition, other than a public auction, in
22 which to exercise the right to repurchase the
23 agricultural land by submitting a binding offer to the
24 grantee on the same terms as the proposed sale or
25 other disposition, with closing to occur within thirty
26 days after the offer unless otherwise agreed by the
27 grantee. After the expiration of either the period
28 for offer or the period for closing, without
29 submission of an offer or a closing occurring, the
30 grantee may sell or otherwise dispose of the
31 agricultural land to any other person on the terms
32 upon which it was offered to the mortgagor.
33 5. Notice of the mortgagor's right of first
34 refusal, a proposed sale, auction, or other
35 disposition, or the submission of a binding offer by
36 the mortgagor, is considered given on the date that
37 notice or offer is personally served on the other
38 party or on the date that notice or offer is mailed to

39 the other party's last known address by registered or
 40 certified mail, return receipt requested. The right
 41 of first refusal provided in this section is not
 42 assignable, but may be exercised by the mortgagor's
 43 successor in interest, receiver, personal
 44 representative, executor, or heir only in case of
 45 bankruptcy, receivership, or death of the mortgagor."
 46 4. Page 6, by striking lines 7 through 10.
 47 5. Page 6, lines 11 and 12, by striking the words
 48 and figure "section 3 of".
 49 6. Page 6, lines 17 and 18, by striking the words
 50 and figure "section 4 of".

Page 3

1 7. Page 6, by inserting after line 21 the
 2 following:
 3 "Sec. _____.
 4 Section 654.16A applies to all foreclosure actions
 5 filed on or after the effective date of this Act, and
 6 is retroactive to all foreclosure actions for which a
 7 sheriff's sale has not been held on the effective date
 8 of this Act."

The committee amendment H—5153 was adopted.

Svoboda of Tama moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 390)

The ayes were, 96:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Clark	Cphoon	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud

Renken	Rosenberg	Royer	Schneklath
Schrader	Shearer	Sherzan	Shoning
Siegrist	Spear	Spenner	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Connors
			Presiding

The nays were, 1:

Stueland

Absent or not voting, 3:

Chapman

Jochum

Shoultz

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

The House resumed consideration of **Senate File 2049**, a bill for an act relating to the establishment of standards for the collection, processing, storage, and distribution of human blood, plasma, and blood products, and to the licensing of blood collection and plasmapheresis centers, and providing a penalty, previously deferred and placed on the unfinished business calendar.

Fey of Scott offered the following amendment H—5615 filed by the committee on human resources:

H—5615

1 Amend Senate File 2049, as passed by the Senate, as
 2 foHows:
 3 1. By striking everything after the enacting
 4 clause and inserting the following:
 5 "Section 1. NEW SECTION. 135.23 LICENSURE OF
 6 BLOOD COLLECTION, BLOOD PROCESSING, OR PLASMAPHERESIS
 7 CENTERS.
 8 A person shall not establish, conduct, manage, or
 9 operate a blood collection, blood processing, or
 10 plasmapheresis center without obtaining a license from
 11 the board of pharmacy examiners. To obtain an Iowa
 12 license, a blood collection, blood processing, or
 13 plasmapheresis center shall provide verification of
 14 current licensure or proper registration with the
 15 United States food and drug administration and shall
 16 comply with all applicable federal regulations. Each
 17 blood collection, blood processing, or plasmapheresis
 18 center shall submit to the board of pharmacy
 19 examiners, on an ongoing basis, copies of the center's
 20 most recent proficiency testing results and on-site
 21 inspection reports required for licensure,
 22 registration, or accreditation with the United States
 23 food and drug administration, the American association

24 of blood banks, the centers for disease control of the
25 United States department of health and human services,
26 the college of American pathologists, or the joint
27 commission on accreditation of health care organi-
28 zations. The purpose of the reports is to ensure
29 compliance with the federal licensure, registration,
30 or accreditation requirements. The department shall
31 provide technical assistance to blood collection,
32 blood processing, and plasmapheresis centers to ensure
33 compliance with the requirements of the organizations
34 named pursuant to this section."

35 2. Title page, by striking lines 1 through 5, and
36 inserting the following: "An Act relating to the
37 licensing of blood collection, blood processing, and
38 plasmapheresis centers."

Fey of Scott asked and received unanimous consent to withdraw amendment H—5722, to the committee amendment H—5615, filed by him on March 15, 1990.

Spear of Lee offered amendment H—5681, to the committee amendment H—5615, filed by him. Division was requested as follows:

H—5681

- 1 Amend the amendment, H—5615, to Senate File 2049,
- 2 as passed by the Senate, as follows:

H—5681A

- 3 1. Page 1, line 11, by striking the words "board
- 4 of pharmacy examiners" and inserting the following:
- 5 "department".
- 6 2. Page 1, lines 18 and 19, by striking the words
- 7 "board of pharmacy examiners" and inserting the
- 8 following: "department".

H—5681B

- 9 3. Page 1, by inserting after line 34, the
- 10 following:
- 11 "Notwithstanding the responsibilities of the board
- 12 of pharmacy examiners relating to prescriptions for
- 13 human blood, blood plasma, and blood products,
- 14 established under chapter 155A, the department shall
- 15 have exclusive responsibility for the licensing of
- 16 blood collection, blood processing, and plasmapheresis
- 17 centers."

Speaker Avenson in the chair at 4:54 p.m.

On motion by Spear of Lee, amendment H—5681A was adopted.

Fey of Scott offered the following amendment H—5872, to the committee amendment H—5615, filed by him and moved its adoption:

H—5872

- 1 Amend the amendment, H—5615, to Senate File 2049,
- 2 as passed by the Senate, as follows:
- 3 1. Page 1, line 34, by inserting after the word
- 4 "section." the following: "The department may assess
- 5 an annual licensing fee of no more than one hundred
- 6 dollars."

Amendment H—5872 was adopted.

The House resumed consideration of amendment H—5681B.

Spear of Lee asked and received unanimous consent to withdraw amendment H—5681B found on page 1539 of the House Journal.

Plasier of Sioux offered the following amendment H—5713, to the committee amendment H—5615, filed by him and moved its adoption:

H—5713

- 1 Amend amendment, H—5615, to Senate File 2049, as
- 2 passed by the Senate, as follows:
- 3 1. Page 1, by inserting after line 34, the
- 4 following:
- 5 "Sec. _____. Section 1 of this Act is repealed July
- 6 1, 1991."
- 7 2. Page 1, line 38, by inserting after the word
- 8 "centers" the following: ", and providing for a
- 9 repeal".
- 10 3. By renumbering as necessary.

Amendment H—5713 was adopted.

On motion by Fey of Scott, the committee amendment H—5615, as amended, was adopted.

Fey of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2049)

The ayes were, 66:

Adams	Arnould	Bennett	Bisignano
Black	Blanshan	Brammer	Brown
Carpenter	Cohoon	Connors	Daggett
De Groot	Diemer	Eddie	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. A.	Harbor	Hatch	Haverland

Hermann	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Lageschulte
Lykam	Maulsby	May	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Rosenberg	Schneklath	Schrader
Shearer	Sherzan	Siegrist	Spear
Spenner	Tabor	Tyrrell	Van Maanen
Wise	Mr. Speaker Avenson		

The nays were, 34:

Banks	Beaman	Beatty	Brand
Branstad	Buhr	Chapman	Clark
Corbett	Doderer	Dvorsky	Garman
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harper	Iverson	Kremer	Lundby
McKean	Neuhauser	Nielsen	Pellett
Peters	Renken	Royer	Shoning
Shoultz	Stueland	Svoboda	Swartz
Teaford	Trent		

Absent or not voting, none.

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

Bennett of Ida in the chair at 5:09 p.m.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 22, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 156, a bill for an act relating to the separation of workers' compensation insurance premiums into two parts.

JOHN F. DWYER, Secretary

SENATE AMENDMENT CONSIDERED

Haverland of Polk called up for consideration **House File 2371**, a bill for an act relating to and making appropriations to the civil rights commission, the department of human rights, the department for the blind, the department of elder affairs, and the Iowa department of public health, amended by the Senate amendment H—5909 as follows:

H-5909

1 Amend House File 2371, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, line 5, by striking the word "For" and
4 inserting the following: "a. For".

5 2. Page 2, line 8, by striking the figure
6 "351,000" and inserting the following: "211,000".

7 3. Page 2, by striking lines 10 and 11 and
8 inserting the following:

9 "b. For the displaced homemaker program:
10\$ 140,000".

11 4. Page 3, line 24, by striking the figure
12 "500,000" and inserting the following: "400,000".

13 5. Page 3, line 25, by striking the figure "1.50"
14 and inserting the following: "1.00".

15 6. Page 3, line 27, by striking the figure
16 "400,000" and inserting the following: "300,000".

17 7. Page 4, by inserting after line 13, the
18 following:

19 "(3) Grants awarded under this paragraph shall be
20 awarded on a competitive basis to fund low-income
21 youth programs in both urban and rural areas
22 throughout the state."

23 8. Page 4, by striking line 14, and inserting the
24 following:

25 "b. Of the amount appropriated under this
26 subsection, \$100,000".

27 9. Page 4, line 17, by inserting after the word
28 "state." the following: "Grants awarded under this
29 paragraph shall be awarded on a competitive basis."

30 10. Page 4, by striking line 18, and inserting
31 the following:

32 "c. Of the funds appropriated under this
33 subsection, 8".

34 11. Page 4, by inserting after line 20, the
35 following:

36 "d. Notwithstanding section 8.33, moneys
37 appropriated under this subsection for the fiscal year
38 beginning July 1, 1990, shall not revert to the
39 general fund of the state at the end of the fiscal
40 year but shall be available for expenditure during the
41 fiscal year beginning July 1, 1991, for the purposes
42 designated.

43 Sec. 200.

44 Notwithstanding section 8.33, moneys appropriated
45 from the jobs now account for the fiscal year
46 beginning July 1, 1989, pursuant to section 99E.32,
47 subsection 5, paragraph "w", which remain unexpended
48 on June 30, 1990, shall not revert to any fund but
49 shall be available for expenditure for the purposes
50 designated during the fiscal year beginning July 1,

Page 2

1 1990, and shall be in addition to any other moneys
2 available for those purposes."

3 12. Page 5, line 24, by striking the words "A
4 local" and inserting the following: "As a condition,
5 qualification, and limitation of the funds
6 appropriated by this subsection, a local".

7 13. By striking page 5, line 31, through page 6,
8 line 6, and inserting the following:

9 "6. a. For existing retired senior volunteer
10 program projects:
11\$ 58,000

12 b. For two additional retired senior volunteer
13 program projects:
14\$ 25,000".

15 14. Page 7, line 20, by striking the figure
16 "838,000" and inserting the following: "829,096".

17 15. Page 7, line 33, by striking the figure
18 "1,177,000" and inserting the following: "1,171,296".

19 16. Page 9, line 14, by striking the figure
20 "2,677,000" and inserting the following: "2,484,709".

21 17. Page 9, line 15, by striking the figure
22 "79.50" and inserting the following: "78.50".

23 18. Page 9, line 32, by striking the figure
24 "50,000" and inserting the following: "10,000".

25 19. By striking page 11, line 23, through page
26 12, line 24.

27 20. Page 12, line 29, by striking the figure
28 "644,000" and inserting the following: "639,748".

29 21. Page 12, by inserting after line 30 the
30 following:

31 "Sec. _____. INSPECTIONS - AUTHORIZATION OF
32 INVESTIGATOR.

33 As a condition, limitation and qualification of the
34 appropriation contained in this subsection, the
35 department of inspections and appeals shall assign an
36 additional investigator from the department of
37 inspections and appeals to conduct investigations
38 under the purview of the boards within the division of
39 professional licensure of the Iowa department of
40 public health."

41 22. Page 12, line 35, by striking the figure
42 "225,000" and inserting the following: "223,428".

43 23. Page 13, line 6, by striking the figure
44 "980,000" and inserting the following: "971,955".

45 24. Page 13, line 12, by striking the figure
46 "781,000" and inserting the following: "773,995".

47 25. Page 13, line 18, by striking the figure
48 "612,000" and inserting the following: "606,268".

49 26. Page 13, line 33, by striking the figure
50 "519,000" and inserting the following: "514,012".

Page 3

- 1 27. Page 14, line 6, by striking the figure
2 "3,957,000" and inserting the following: "3,945,020".
3 28. Page 14, line 17, by striking the figure
4 "149,000" and inserting the following: "124,000".
5 29. Page 15, line 12, by striking the figure
6 "1,725,000" and inserting the following: "1,750,000".
7 30. Page 15, line 16, by striking the words "the
8 areas surrounding" and inserting the following: "and
9 surrounding the areas of".
10 31. By striking page 22, line 30, through page
11 23, line 31.
12 32. By striking page 24, line 28, through page
13 25, line 2.
14 33. Page 25, by inserting before line 3, the
15 following:
16 "Sec. 100. 1989 Iowa Acts, chapter 304, section
17 1108, is amended to read as follows:
18 SEC. 1108. PRIMARY AND PREVENTIVE HEALTH CARE FOR
19 CHILDREN. If division II and section 1101 of this Act
20 are enacted, there is appropriated from the general
21 fund of the state to the Iowa department of public
22 health for the fiscal period beginning October 1,
23 1989, and ending June 30, 1990, \$300,000 and in the
24 fiscal years beginning July 1, 1990, and July 1, 1991,
25 \$450,000, or so much thereof as is necessary, to be
26 used for the purposes designated:
27 For the public purpose of providing a renewable
28 grant, following a request for proposals, to a
29 statewide charitable organization within the meaning
30 of section 501(c)(3) of the Internal Revenue Code
31 which was organized prior to April 1, 1989, and has as
32 one of its purposes the sponsorship or support for
33 programs designed to improve the quality, awareness,
34 and availability of health care for the young, to
35 serve as the funding mechanism for the provision of
36 primary health care and preventive services to
37 children in the state who are uninsured and who are
38 not eligible under any public plan of health
39 insurance, provided all of the following conditions
40 are met:
41 1. The organization shall provide a match in
42 advance of each state dollar provided as follows:
43 a. In the fiscal year beginning July 1, 1989, two
44 dollars.
45 b. In the fiscal year beginning July 1, 1990,
46 three dollars.
47 c. In the fiscal year beginning July 1, 1991, four
48 dollars.
49 2. The organization coordinates services with new
50 or existing public programs and services provided by

Page 4

- 1 or funded by appropriate state agencies in an effort
 2 to avoid inappropriate duplication of services and
 3 ensure access to care to the extent as is reasonably
 4 possible. The organization shall work with the Iowa
 5 department of public health, family and community
 6 health division, to ensure duplication is minimized.
- 7 3. The organization's governing board includes in
 8 its membership representatives from the executive and
 9 legislative branches of state government.
- 10 4. Grant funds are available as needed to provide
 11 services and shall not be used for administrative
 12 costs of the department or the grantee.
- 13 5. Notwithstanding section 8.33, funds
 14 appropriated in this section which are unencumbered or
 15 unobligated on June 30, 1990, shall not revert to the
 16 general fund but shall remain available to the
 17 department for the provision of maternal and child
 18 health services purposes of this section during the
 19 fiscal period beginning July 1, 1990."
- 20 34. Page 25, by inserting after line 24, the
 21 following:
 22 "Sec. _____
 23 Sections 100 and 200 of this Act, being deemed of
 24 immediate importance, take effect upon enactment."
 25 35. Title page, line 4, by inserting after the
 26 word "health" the following: ", and providing an
 27 effective date".
- 28 36. By renumbering as necessary.

Haverland of Polk offered the following amendment H—5915, to the Senate amendment H—5909, filed by him from the floor and moved its adoption:

H—5915

- 1 Amend the Senate amendment, H—5909, to House File
 2 2371, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 1, line 47, by striking the words
 5 "paragraph "w"" and inserting the following:
 6 "paragraph "v"".

Amendment H—5915 was adopted.

Carpenter of Pok offered the following amendment H—5930, to the Senate amendment H—5909, filed by her and Halvorson of Clayton from the floor and moved its adoption:

H—5930

- 1 Amend the Senate Amendment, H—5909, to House File

2 2371, as amended, passed, and reprinted by the House,
3 as follows:

4 1. By striking page 1, line 11, through page 2,
5 line 2, and inserting the following:

6 "_____. By striking page 3, line 20, through page
7 4, line 20."

8 2. Page 2, by inserting after line 14, the
9 following:

10 "_____. By striking page 6, line 35 through page 7,
11 line 9."

12 3. Page 4, by striking lines 23 and 24, and
13 inserting the following:

14 "Section 100 of this Act, being deemed of immediate
15 importance, takes effect upon enactment."

A non-record roll call was requested.

The ayes were 38, nays 44.

Amendment H—5930 lost.

Haverland of Polk offered the following amendment H—5929, to the Senate amendment H—5909, filed by him from the floor and moved its adoption:

H—5929

1 Amend the Senate amendment, H—5909, to House File

2 2371, as amended, passed, and reprinted by the House,

3 as follows:

4 1. Page 2, by striking lines 29 through 40.

Amendment H—5929 was adopted.

On motion by Haverland of Polk, the House concurred in the Senate amendment H—5909, as amended.

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

On the question "Shall the bill pass?" (H.F. 2371)

The ayes were, 91:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Fey	Fuller	Garman

Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Haverland	Hermann	Hester
Hibbard	Holveck	Iverson	Jay
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Poncy	Renaud
Renken	Rosenberg	Royer	Schnekloth
Shearer	Sherzan	Shoning	Siegrist
Spear	Spenner	Svoboda	Swartz
Tabör	Teaford	Trent	Tyrrell
Van Maanen	Wise	Bennett	
		Presiding	

The nays were, 2:

Eddie Plasier

Absent or not voting, 7:

Fogarty	Hatch	Jesse	Muhlbauer
Schrader	Shoultz	Stueland	

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

MOTIONS TO RECONSIDER (Senate File 2048)

I move to reconsider the vote by which Senate File 2048 passed the House on March 28, 1990.

BLACK of Jasper

(Senate File 2049)

I move to reconsider the vote by which Senate File 2049 passed the House on March 28, 1990.

FEY of Scott

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on March 27, 1990. Had I been present, I would have voted "nay" on amendment H—5879 to House File 2543; amendment H—5664 to Senate File 2327; and "aye" on Senate File 2327.

PAVICH of Pottawattamie

I was necessarily absent from the House chamber on March 27 and March 28, 1990. Had I been present, I would have voted "aye" on House Files 2357, 2431, 2496, 2540, 2559 and Senate File 2327; "nay" on House File 2201.

SPENNER of Henry

COMMUNICATION RECEIVED

The following communication was received and is on file in the office of the Chief Clerk:

IOWA DEPARTMENT OF TRANSPORTATION

The State Aircraft Pool Fiscal Year 1989 Summary Report, pursuant to Chapter 328.56(5), Code of Iowa.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Fifty ninth grade students from Oelwein Junior High School, Oelwein, accompanied by Bruce Willemsen, Mitch Murphy, Carl Heller and Jeff Niehaus. By Avenson of Fayette.

Twenty-two twelfth grade students from Mormon Trail Senior High School, Garden Grove, accompanied by William Shuey. By Daggett of Adams and Brown of Lucas.

Brownie Troops 817 and 720, St. Theresa School, Des Moines, accompanied by Lynn O'Hern. By Holveck of Polk.

Forty-three sixth grade students from Manson Elementary School, Manson, accompanied by Gary L. Mays, Mrs. Scheffler and Mrs. Moeding. By Maulsby of Calhoun.

Twenty-five eighth grade students from Essex Junior High School, Essex. By Royer of Page.

Thirty-one twelfth grade students from Waco High School, Olds, accompanied by Greg Thomas. By Spenner of Henry.

Fifty fifth grade students from Grant Elementary School, Oskaloosa, accompanied by Margaret Mattix and Margaret Stoltzfus. By Van Maanen of Mahaska.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2411

Ways and Means: Groninga, Chair; Bennett and May.

Senate File 2412

Ways and Means: Murphy, Chair; Metcalf and Rosenberg.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

House File 2554, a bill for an act relating to county tax and services provisions by appropriating funds for state assistance to counties for certain services to the chronically mentally ill, by modifying the mobile home tax reduction for the elderly and disabled, the homestead tax credit, the property tax credit and rent reimbursement for the elderly and disabled, by increasing the amount of credit and reimbursement, creating a family farm tax credit, and providing a penalty, and effective and applicability dates.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5924 March 28, 1990.

COMMITTEE ON EDUCATION

Senate File 2410, a bill for an act relating to higher education, including coordination, administration, standards, and funding, making appropriations, and providing effective dates.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5914 March 27, 1990.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Senate File 2413, a bill for an act relating to certain specific crimes and the disposition of offenders by providing for payment of sexual abuse medical examinations, providing for workers' compensation coverage and the liability of certain persons performing community service, providing for notification of the parents of persons under age eighteen discovered to be in possession of alcohol or drugs, providing for a term of confinement for distribution of illegal drugs within one thousand feet of a public park, providing for the reporting and identification of certain precursor drugs, providing for the disposition of certain juvenile offenders, establishing institutional reading room requirements, providing for the diversion of certain offenders to treatment facilities, providing that certain persons serving mandatory minimum sentences serve a portion of their sentence on work release, establishing a penalty for certain persons who cause a serious injury to another while operating a motor vehicle, providing for certain offenders to serve their sentence on consecutive days, providing for posttreatment services as a condition of probation, establishing a tax on marijuana and controlled substances, providing an expansion of the business deduction for businesses employing individuals on parole, probation, work release, or convicted of a felony, establishing penalties for participation in criminal gang activity, providing for the nonbailability of certain offenders, providing requirements for presentence investigations,

providing for early release of offenders participating in certain treatment or for certain property offenders, making certain changes relating to conditions of parole and work release, authorizing parole and probation officers to discharge certain offenders, making certain changes relating to the victim reparation program, establishing a pilot project for the chemical testing of persons arrested for felony offenses, and providing penalties.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H-5936** March 28, 1990.

COMMITTEE ON TRANSPORTATION

House File 2562, a bill for an act relating to the use of white flashing lights on privately owned motor vehicles of certain emergency medical care providers and making penalties applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5923** March 28, 1990.

COMMITTEE ON WAYS AND MEANS

House File 2553, a bill for an act relating to waste volume reduction and recycling, increasing the solid waste tonnage fee, providing for appropriation of the solid waste tonnage fees collected, and providing applicability dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5928** March 28, 1990.

AMENDMENTS FILED

H-5910	H.F.	2558	Halvorson of Clayton
H-5911	S.F.	2163	Senate Amendment
H-5912	S.F.	2114	Hammond of Story
			Metcalf of Polk
			Carpenter of Polk
			Bisignano of Polk
			Teaford of Black Hawk
			Jay of Appanoose
			Osterberg of Linn
			Johnson of Winneshiek
H-5913	S.F.	2403	Peterson of Carroll
			Carpenter of Polk
			Banks of Plymouth
			Knapp of Dubuque
H-5914	S.F.	2410	Committee on Education
H-5916	S.F.	2407	Groninga of Cerro Gordo
H-5917	H.F.	2543	Corbett of Linn
H-5918	H.F.	2543	Bisignano of Polk

H—5919	S.F.	2114	Wise of Lee Tabor of Jackson
H—5920	H.F.	2553	Halvorson of Clayton
H—5922	H.F.	2320	Groninga of Cerro Gordo
H—5923	H.F.	2562	Committee on Transportation
H—5924	H.F.	2554	Committee on Appropriations
H—5925	H.F.	2554	Hammond of Story Tabor of Jackson
H—5926	S.F.	2286	Haverland of Polk Doderer of Johnson Brammer of Linn
H—5928	H.F.	2553	Committee on Ways and Means
H—5931	S.F.	2403	Muhlbauer of Crawford Shearer of Louisa
H—5932	H.F.	2320	Ollie of Clinton
H—5933	S.F.	2286	Halvorson of Webster Brand of Benton Corbett of Linn Daggett of Adams
H—5934	H.F.	156	Senate Amendment
H—5935	H.F.	2320	Groninga of Cerro Gordo
H—5936	S.F.	2413	Committee on Judiciary and Law Enforcement

On motion by Arnould of Scott, the House adjourned at 5:39 p.m., until 9:00 a.m., Thursday, March 29, 1990.

JOURNAL OF THE HOUSE

Eighty-first Calendar Day — Fifty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 29, 1990

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by Reverend Dean Coffee, pastor of the Hanford Community Church, Hanford.

The Journal of Wednesday, March 28, 1990 was approved.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 27, 1990, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2186, a bill for an act relating to the receipt of assistance under certain economic development programs and providing civil penalties for certain violations.

Also: That the Senate has on March 28, 1990, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2280, a bill for an act relating to and making appropriations to various state agencies including certain state elected officials, the executive council, the department of general services, the department of personnel, the department of revenue and finance, the office of state-federal relations, and the department of management, increasing certain fees, changing the procurement program, and providing for repeals of certain provisions.

Also: That the Senate has on March 28, 1990, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2402, a bill for an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation, and enforcement, and including allocation and use of moneys from the road use tax fund, primary road fund, and state aviation fund, mandating reports of certain agency purchases and providing expenses for certain members of the Iowa highway research board.

JOHN F. DWYER, Secretary

ADOPTION OF HOUSE CONCURRENT RESOLUTION 110

Pursuant to House Rule 26, House Concurrent Resolution 110, a concurrent resolution relating to an endorsement by the General

Assembly for full federal funding for the fish and wildlife mitigation on the Missouri River, filed March 21, 1990, was adopted by unanimous consent.

IMMEDIATE MESSAGE
(House File 2371)

Arnould of Scott asked and received unanimous consent that House File 2371 be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Brammer of Linn called up for consideration **House File 2320**, a bill for an act relating to fire and casualty insurance, altering the method of filing rates subject to the approval of the commissioner of insurance, except for workers' compensation liability insurance rates, providing a special effective date, and authorizing civil penalties, amended by the Senate amendment H-5882 as follows:

H-5882

- 1 Amend House File 2320, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by inserting before line 1, the
- 4 following:
- 5 "Sec. 102. Section 296.7, Code Supplement 1989, is
- 6 amended by striking the section and inserting in lieu
- 7 thereof the following:
- 8 296.7 INDEBTEDNESS FOR INSURANCE AUTHORIZED - TAX
- 9 LEVY.
- 10 1. A school district or merged area school
- 11 corporation may contract indebtedness and issue
- 12 general obligation bonds or enter into insurance
- 13 agreements obligating the school district or
- 14 corporation to make payments beyond its current budget
- 15 year for one or more of the following mechanisms to
- 16 protect the school district or corporation from tort
- 17 liability, loss of property, environmental hazards, or
- 18 any other risk associated with the operation of the
- 19 school district or corporation:
- 20 a. To procure or provide for a policy of
- 21 insurance.
- 22 b. To provide a self-insurance program.
- 23 c. To establish and maintain a local government
- 24 risk pool.
- 25 However, this subsection does not apply to an
- 26 insurance program described in subsection 3.
- 27 2. For purposes of subsection 1, an employee
- 28 benefit plan which includes a specific or aggregate
- 29 excess loss coverage or a program that self-insures
- 30 only a per-employee or per-family deductible for each

31 year and which transfers the risk remaining beyond
32 this deductible is not a self-insurance program, but
33 is instead an insurance program. As used in this
34 section, an "employee benefit plan" includes, but is
35 not limited to benefits for hospital and surgical,
36 medical expense, major medical, dental, prescription
37 drug, disability, or life insurance costs or benefits.

38 3. A school district, providing an insurance
39 program as described in subsection 2, shall not
40 contract indebtedness and issue general obligation
41 bonds or enter into insurance agreements obligating
42 the school district or corporation to make payments
43 beyond its current budget year for that employee
44 benefit plan. A school district may, however, apply
45 to the school budget review committee for relief if
46 necessitated by the expenses in the school district's
47 insurance program as described in subsection 2.

48 4. Taxes may be levied in excess of any limitation
49 imposed by statute for payment of one or more of the
50 following authorized by subsection 1:

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1 a. Principal, premium, or interest on bonds.

2 b. Premium on an insurance policy, including a
3 stop loss or reinsurance policy, except as limited by
4 subsection 3.

5 c. Costs of a self-insurance program.

6 d. Costs of a local government risk pool.

7 e. Amounts payable under an insurance agreement.

8 However, for a school district, a tax levied under
9 this section shall be included in the district
10 management levy under section 298.4.

11 5. A self-insurance program or local government
12 risk pool authorized by subsection 1 is not insurance
13 and is not subject to regulation under chapters 505
14 through 523C. However, those self-insurance plans
15 regulated pursuant to section 509A.14 shall remain
16 subject to the requirements of section 509A.14 and
17 rules adopted pursuant to that section.

18 6. Notwithstanding the other provisions of this
19 section or any other statute, the tax levy authorized
20 by this section shall not be used to pay the costs of
21 employee benefits, including, but not limited to costs
22 for hospital and surgical, medical expense, major
23 medical, dental, prescription drug, disability, or
24 life insurance benefits.

25 7. If the board by resolution restricts the use of
26 money in a fund as a reserve for uninsured liability
27 or a self-insurance program, the use shall be
28 restricted and unavailable for any other purpose until
29 the board removes the restriction. The removal is not

30 effective until all obligations of the restricted fund
31 have been satisfied, or the next fiscal year,
32 whichever occurs later.

33 Sec. 103. Section 505.8, subsection 2, Code 1989,
34 is amended to read as follows:

35 2. The commissioner shall, subject to the
36 ~~provisions of chapter 17A, establish, publish, and~~
37 ~~enforce rules not inconsistent with the law for the~~
38 ~~enforcement of the provisions of this title and for~~
39 ~~the enforcement of the laws, the administration and~~
40 ~~supervision of which are imposed on the division,~~
41 ~~including rules to establish fees sufficient to~~
42 ~~administer the laws, where appropriate fees are not~~
43 ~~otherwise provided for in rule or statute, and as~~
44 necessary to obtain from persons authorized to do
45 business in the state or regulated by the division
46 that data required pursuant to section 145.3 by the
47 state health data commission.

48 Sec. 104. Section 507.14, Code 1989, is amended by
49 striking the section and inserting in lieu thereof the
50 following:

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1 507.14 CONFIDENTIAL DOCUMENTS — EXCEPTIONS.

2 A report, preliminary or final, of an examination
3 of a domestic or foreign insurer, and all notes, work
4 papers, or other documents related to an examination
5 of an insurer are not public records under chapter 22
6 except when sought by the insurer to whom they relate
7 or an insurance regulator of another state, and shall
8 be privileged and confidential in any judicial or
9 administrative proceeding except any of the following:

10 1. An action commenced by the commissioner under
11 chapter 507C.

12 2. An administrative proceeding brought by the
13 insurance division under chapter 17A.

14 3. A judicial review proceeding under chapter 17A
15 brought by an insurer to whom the records relate.

16 4. An action or proceeding which arises out of the
17 criminal provisions of the laws of this state or the
18 United States.

19 5. An action brought in a shareholders' derivative
20 suit against an insurer.

21 6. An action brought to recover moneys or to
22 recover upon an indemnity bond for embezzlement,
23 misappropriation, or misuse of insurer funds.

24 Sec. 106. Section 507C.6, subsection 1, paragraph
25 b, Code 1989, is amended to read as follows:

26 b. To make available to the commissioner any
27 books, accounts, documents, or other records, or
28 information, or property of or pertaining to the

29 insurer and in the commissioner's person's possession,
30 custody, or control.

31 Sec. 107. Section 508.5, Code 1989, is amended to
32 read as follows:

33 508.5 CAPITAL AND SURPLUS REQUIRED.

34 A stock life insurance company shall not be
35 authorized to transact business under the provisions
36 of this chapter with less than one two million five
37 hundred thousand dollars capital stock fully paid for
38 in cash and one two million five hundred thousand
39 dollars of surplus paid in in cash or invested as
40 provided by law. A stock life insurance company shall
41 not increase its capital stock unless the amount of
42 the increase is fully paid in cash. The stock shall
43 be divided into shares of not less than one dollar par
44 value each.

45 Sec. 108. Section 508.9, Code 1989, is amended to
46 read as follows:

47 508.9 MUTUAL COMPANIES - CONDITIONS.

48 Level premium and natural premium life insurance
49 companies organized under the laws of this state upon
50 the mutual plan shall, before issuing policies, have

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1 actual applications on at least two hundred and fifty
2 lives for an average amount of one thousand dollars
3 each. A list of the applications giving the name,
4 age, residence, amount of insurance, and annual
5 premium of each applicant shall be filed with the
6 commissioner of insurance, and a deposit made with the
7 commissioner of an amount equal to three-fifths of the
8 whole annual premium on the applications, in cash or
9 the securities required by section 508.5. In
10 addition, a deposit of cash or securities of the
11 character provided by law for the investment of funds
12 for life insurance companies in the sum of two five
13 million dollars shall be made with the commissioner,
14 which shall constitute a guaranty fund for the
15 protection of policyholders. In no event shall the
16 contribution to the guaranty fund shall not give
17 to contributors to the fund or to other persons any
18 voting or other power in the management of the affairs
19 of the company. The guaranty fund may be repaid to
20 the contributors thereto to the guarantee fund with
21 interest at six percent from the date of contribution,
22 at any time, in whole or in part, provided if the
23 repayment does not reduce the surplus of the company
24 below the amount of two million dollars and then only
25 provided if consent in writing for the repayment is
26 obtained from the commissioner of insurance. Upon
27 compliance with the provisions of this section, the

28 commissioner shall issue to the mutual company the
29 certificate prescribed in this chapter.

30 Sec. 109. Section 508B.1, subsection 4, paragraph
31 a, Code 1989, is amended to read as follows:

32 a. "Plan of conversion" or "conversion plan" means
33 a plan authorized by section 508B.3 and, in the case
34 of plans authorized by section 508B.3, subsections 1
35 and 3, includes a procedure by which the mutual
36 company's participating policies and contracts in
37 force on the effective date of the conversion plan are
38 operated by the reorganized company as a closed block
39 of participating business for the exclusive benefit of
40 the policies and contracts included, for dividend
41 purposes only; to which are allocated assets of the
42 mutual company in an amount which together with
43 anticipated revenue from the business is reasonably
44 expected to be sufficient to support the business;;
45 and which includes, but is not limited to, provisions
46 for payment of claims and reasonable expenses, and
47 provisions for continuation of current payable
48 dividend scales if the experience underlying the
49 scales continues, and a procedure for appropriate
50 adjustments in the scales if the experience changes.

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1 However, at the option of the mutual company, some or
2 all classes of group policies and contracts shall not
3 be placed in the closed block but shall continue to be
4 eligible to receive dividends based on the experience
5 of such the class or classes.

6 Sec. 110. Section 508B.2, unnumbered paragraph 3,
7 Code 1989, is amended to read as follows:

8 In lieu of selecting a plan of conversion provided
9 for in this chapter, a mutual company may convert to a
10 stock company pursuant to a plan approved by the
11 commissioner. The commissioner or the mutual company
12 may use any provisions or combination of provisions
13 provided for a plan in this chapter and may adopt any
14 other provisions which are not unfair or inequitable
15 to the policyholders of the mutual company. If a
16 mutual company selects this procedure for conversion
17 purposes, the mutual company shall reimburse the state
18 for expenses incurred by the division in connection
19 with the conversion plan except for expenses that are
20 normal operating expenses of the division.

21 Sec. 111. Section 508B.3, subsection 2, paragraph
22 a, Code 1989, is amended to read as follows:

23 a. The mutual company's participating business,
24 comprised of its participating policies and contracts
25 in force on the effective date of the conversion,
26 shall be operated by the reorganized insurer as a

27 closed block of participating business. However, at
 28 the option of the mutual company, group policies and
 29 group contracts may be omitted from the closed block.

30 Sec. 112. Section 508B.3, subsection 2, paragraph
 31 e, Code 1989, is amended to read as follows:

32 e. The reorganized company or its parent
 33 corporation shall issue and sell shares of one or more
 34 classes having a total price equal to the estimated
 35 value in the market on the initial offering date of
 36 such the shares.

37 Sec. 113. Section 508B.3, subsection 2, paragraph
 38 g, Code 1989, is amended to read as follows:

39 g. If a purchaser or a group of purchasers acting
 40 in concert is to attain such control in the initial
 41 offering, the mutual company shall not, directly or
 42 indirectly, pay for any of the costs or expenses of
 43 the proposed conversion of the mutual company, whether
 44 or not the conversion is effected.

45 Sec. 114. Section 508B.3, subsection 3, paragraph
 46 b, Code 1989, is amended to read as follows:

47 b. The participating policyholders' consideration
 48 shall be based on the latest annual statement, updated
 49 to the effective date of the conversion plan, and
 50 filed prior to the effective date of the adoption by

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1 the board of directors of the plan of conversion and
 2 The policyholders' consideration shall be equal to the
 3 excess of both of the following:

4 (1) The total amount of the mutual company's
 5 assets accumulated from the operations of
 6 participating policies and contracts in force on the
 7 date of the statement over the sum of the total amount
 8 of assets allocated to the participating business.

9 (2) An amount equal to reserves and other
 10 liabilities attributable to any group participating
 11 policies and contracts not included in the closed
 12 block of participating business sum of the total
 13 amount of assets allocated to the participating
 14 business and an amount equal to reserves and other
 15 liabilities attributable to any group participating
 16 policies and contracts not included in the closed
 17 block of participating business.

18 Sec. 115. Section 508B.3, subsection 3, paragraph
 19 j, Code 1989, is amended to read as follows:

20 j. The liquidation account referred to in
 21 paragraph "c" must be equal to the excess of the total
 22 amount of the assets of the mutual company as of the
 23 effective date of the conversion over the sum of the
 24 total amount of assets allocated to the closed block
 25 of participating business and the policyholders'

26 consideration and other reserves and liabilities
27 attributed to policies and contracts not included in
28 the amount attributable to policies and contracts in
29 force on that effective date. The determinations
30 shall be based on the latest annual statement of the
31 mutual company, updated to the effective date, and
32 filed before the effective date of the conversion
33 plan. The function of the liquidation account ~~shall~~
34 ~~be is~~ solely to establish a priority on liquidation
35 and its existence ~~shall does not operate to~~ restrict
36 the use or application of the surplus of the
37 reorganized company except as specified in paragraph
38 "j". The liquidation account shall be allocated
39 equally as of the effective date of conversion among
40 the then participating policyholders. The amount
41 allocated to ~~any~~ a policy or contract shall not
42 increase and shall be reduced to zero when the policy
43 or contract terminates. In the event of a complete
44 liquidation of the reorganized company, the
45 policyholders among which the liquidation account is
46 allocated ~~shall be~~ are entitled to receive a
47 liquidation distribution in the then amount of the
48 liquidation account before any liquidation
49 distribution is made with respect to shares.
50 Sec. 116. Section 508B.3, subsection 3, paragraph

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1 k, Code 1989, is amended to read as follows:
2 k. At the option of the mutual company, the
3 consideration to be given in exchange for the
4 policyholders' membership interest ~~or into which the~~
5 ~~membership is to be converted interests~~ may consist of
6 cash, securities of the reorganized company,
7 securities of another institution; a certificate of
8 contribution, additional life insurance, annuity
9 benefits, increased dividends, or other consideration
10 or any combination of forms of consideration. The
11 consideration, if any, given to ~~any a class or~~
12 category of ~~policyholder~~ policyholders may differ from
13 the consideration given to another class or category
14 of policyholders. The certificate of contribution
15 shall be repayable in ten years, equal to one hundred
16 percent of the value of the policyholders' membership
17 interest, and bear interest at the highest rate
18 charged by the reorganized company for policy loans on
19 the effective date of the conversion.
20 Sec. 117. Section 508B.5, unnumbered paragraph 2,
21 Code 1989, is amended to read as follows:
22 The consultant may assist in determining the equity
23 ~~or value of the policyholders and or value of the~~
24 mutual company. The consultant may consider the value

25 of the consideration to be given to the participating
 26 policyholders in exchange for their membership
 27 interests or into which the membership interest is to
 28 be converted and may consider the valuations necessary
 29 to carry out the plans provided for in section 508B.3.
 30 Valuations shall be made taking into account the
 31 latest filed annual statement of the mutual company,
 32 updated to the effective date of the conversion plan,
 33 and any significant developments occurring subsequent
 34 to the date of the statement.

35 Sec. 118. Section 508B.7, Code 1989, is amended to
 36 read as follows:

37 **508B.7 REVIEW OF PLAN BY COMMISSIONER — HEARING**
 38 **AUTHORIZED — APPROVAL.**

39 The commissioner of insurance shall review the
 40 plan. The commissioner shall approve the plan if the
 41 commissioner finds the plan complies with all
 42 provisions of law, is not unfair or inequitable to the
 43 mutual company and its policyholders, and that the
 44 reorganized company will have the amount of capital
 45 and surplus deemed by the commissioner to be
 46 reasonably necessary for its future solvency. The
 47 commissioner may order a hearing on the fairness and
 48 equity of the terms of the plan after giving written
 49 notice of the hearing to the mutual company, its
 50 policyholders, and other interested persons, all of

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1 whom have the right to appear at the hearing. Costs
 2 incurred in connection with the notice shall be paid
 3 by the company.

4 Sec. 119. Section 508B.13, Code 1989, is amended
 5 to read as follows:

6 **508B.13 PROHIBITIONS ON CERTAIN OFFERS TO ACQUIRE**
 7 **SHARES.**

8 Prior to and for a period of five years following
 9 the effective date of the conversion, and in the case
 10 of the plans of conversion specified in subsections 1
 11 and 3 of section 508B.3, five years following the date
 12 of distribution of consideration to the policyholders
 13 in exchange for their membership interests, an officer
 14 or director, including family members and their
 15 spouses, of the mutual company or the reorganized
 16 company a person, shall not directly or indirectly
 17 acquire or offer to acquire or acquire the beneficial
 18 ownership of the reorganized company unless the
 19 acquisition is made pursuant to a stock option plan
 20 approved by the commissioner, made pursuant to the
 21 plan of conversion, or made after the initial public
 22 offering from a broker or dealer of registered
 23 securities with the securities and exchange commission

24 at the quoted price on the date of purchase. An
 25 approved plan may include a stock option plan. As
 26 used in this section, "beneficial ownership" means,
 27 with respect to ~~any~~ a security, the sole or shared
 28 power to vote or direct the voting of the security or
 29 the sole power to dispose or direct the disposition of
 30 the security, and "family member" includes a brother,
 31 sister, spouse, parent, grandparent, ancestor, or
 32 descendant of the officer or director.

33 Sec. 120. Section 508B.14, unnumbered paragraph 2,
 34 Code 1989, is amended to read as follows:

35 The reorganized company or ~~any~~ a defendant may
 36 require the plaintiff petition the court in such an
 37 action to give security for the reasonable attorney
 38 fees which may be incurred by any party to the action.
 39 The amount of the security may be increased or
 40 decreased in the discretion of the court having
 41 jurisdiction if a showing is made that the security
 42 provided is or may become inadequate or excessive.

43 Sec. 121. Section 508C.5, subsection 6, unnumbered
 44 paragraph 1, Code 1989, is amended to read as follows:

45 "Impaired insurer" means a member insurer domiciled
 46 in this state which, after July 1, 1987, is either of
 47 the following:

48 Sec. 122. Section 508C.5, subsection 7, Code 1989,
 49 is amended to read as follows:

50 7. "Insolvent insurer" means a member insurer

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1 which, after July 1, 1987, becomes insolvent and is
 2 placed under a final order of liquidation,
 3 rehabilitation, or ~~conservation~~ by a court of
 4 competent jurisdiction.

5 Sec. 123. Section 508C.8, subsection 1, unnumbered
 6 paragraph 1, Code 1989, is amended to read as follows:

7 If a domestic, foreign, or alien insurer is an
 8 impaired insurer, the association, subject to
 9 conditions imposed by the association and approved by
 10 the impaired insurer and the commissioner, may:

11 Sec. 124. Section 508C.8, subsection 2, Code 1989,
 12 is amended by striking the subsection and inserting in
 13 lieu thereof the following:

14 2. a. If a domestic, foreign, or alien insurer is
 15 an impaired insurer and the insurer is not paying
 16 claims timely, then, subject to the approval of the
 17 commissioner and to the preconditions specified in
 18 this subsection, the association may do either or both
 19 of the following:

20 (1) Take any of the actions specified in
 21 subsection 1, subject to the conditions in that
 22 subsection.

23 (2) Provide substitute benefits in lieu of the
24 contractual obligations of the impaired insurer solely
25 for health claims, periodic annuity benefits, death
26 benefits, supplemental benefits, and cash withdrawals
27 for policy or contract owners who petition for the
28 benefits under claims of emergency or hardship in
29 accordance with standards proposed by the association
30 and approved by the commissioner.

31 b. The association is subject to this subsection
32 only if all of the following conditions are met:

33 (1) The laws of the state of domicile provide that
34 until all payments of or on account of the impaired
35 insurer's contractual obligations by all guaranty
36 associations, along with all interest on the payments
37 and expenses have been repaid to the guaranty
38 associations or a plan of repayment by the impaired
39 insurer has been approved by the guaranty associations
40 all of the following apply:

41 (a) The delinquency proceeding shall not be
42 dismissed.

43 (b) Neither the impaired insurer nor its assets
44 shall be returned to the control of its shareholders
45 or private management.

46 (c) The impaired insurer shall not be permitted to
47 solicit or accept new business or have any suspended
48 or revoked license restored.

49 (2) If the impaired insurer is a domestic insurer
50 it has been placed under an order of rehabilitation by

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1 a court of competent jurisdiction in this state; or,
2 if the impaired insurer is a foreign or alien insurer
3 it has been prohibited from soliciting or accepting
4 new business in this state, its certificate of
5 authority has been suspended or revoked in this state,
6 and a petition for rehabilitation or liquidation has
7 been filed in a court of competent jurisdiction in its
8 state or nation of domicile by the commissioner of
9 that state or similar authority in an alien nation.

10 Sec. 125. Section 508C.9, subsection 3, paragraph
11 a, Code 1989, is amended to read as follows:

12 a. The amount of a class A assessment shall be
13 determined by the board and to the extent that class A
14 assessments do not exceed one hundred dollars per
15 company in any one calendar year may be made on a per
16 capita basis. The assessment shall be credited
17 against future insolvency assessments. The amount of
18 a class B assessment shall be allocated for assessment
19 purposes among the accounts as the liabilities and
20 expenses of the association, either experienced or
21 reasonably expected, are attributable to those

22 accounts, all as determined by the association and on
23 as equitable a basis as is reasonably practical.

24 Sec. 126. Section 508C.9, subsection 3, paragraph

25 b, Code 1989, is amended to read as follows:

26 b. Class A assessments in excess of one hundred
27 dollars per company per calendar year and class B
28 assessments against member insurers for each account
29 shall be in the proportion that the aggregate premiums
30 received on business in this state by each assessed
31 member insurer on policies or contracts related to
32 that account for the three most recent calendar years
33 for which information is available, preceding the year
34 of impairment or insolvency in which the insurer
35 became impaired or insolvent, bear to is to the
36 aggregate premiums received on business in this state
37 by all assessed member insurers on policies related to
38 that account for the three most recent calendar years
39 for which information is available preceding the
40 assessment.

41 Sec. 127. Section 508C.9, subsection 5, paragraph

42 a, Code 1989, is amended to read as follows:

43 a. The total of all assessments upon a member
44 insurer for each account shall not in any one calendar
45 year exceed two percent of the insurer's premiums
46 received in this state during the calendar year
47 preceding the assessment three most recent calendar
48 years for which information is available, preceding
49 the year in which the insurer becomes impaired or
50 insolvent, on the policies related to that account.

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1 If the maximum assessment for any an account, together
2 with the other assets of the association in the
3 account, does not provide in any one year in the
4 account an amount sufficient to carry out the
5 responsibilities of the association, the necessary
6 additional funds shall be assessed for the account as
7 soon thereafter in succeeding years as soon as
8 permitted by this chapter.

9 Sec. 128. Section 508C.13, subsection 5, paragraph

10 b, Code 1989, is amended to read as follows:

11 b. ~~Stock dividends~~ Distributions are not
12 recoverable if the insurer shows that when paid the
13 ~~distribution was~~ distributions were lawful and
14 reasonable and that the insurer did not know and could
15 not reasonably have known that the ~~distribution~~
16 distributions might adversely affect the ability of
17 the insurer to fulfill its contractual obligations.

18 Sec. 129. Section 509.16, Code 1989, is amended to
19 read as follows:

20 509.16 PREMIUM RATES APPROVED.

21 No An individual policy of credit life or credit
22 accident and health insurance or certificate under a
23 policy of group credit life or credit accident and
24 health insurance shall not be issued for delivery or
25 delivered in this state unless the premium rates
26 charged for the insurance are approved by the
27 commissioner of insurance.

28 The commissioner of insurance, after notice and
29 hearing, may adopt rules as are necessary to identify
30 specific methods of competition or acts or practices
31 within the business of credit life and credit accident
32 and health insurance which are unfair or deceptive.

33 Sec. 130. Section 509.17, subsection 2, Code 1989,
34 is amended to read as follows:

35 2. Due consideration shall be given to past and
36 prospective loss experience within and outside this
37 state; to a reasonable margin for underwriting profit
38 and contingencies, to past and prospective expenses
39 both countrywide and those especially applicable to
40 this state, and to all other relevant factors within
41 and outside this state; but rates shall be deemed
42 reasonable under this section and section 509.16 if
43 they reasonably may be expected to produce a ratio of
44 fifty percent by dividing claims incurred by premiums
45 earned.

46 Sec. 131. Section 509.17, subsection 3, Code 1989,
47 is amended to read as follows:

48 3. The commissioner shall, after a public hearing,
49 approve a reasonable charge or premium for credit
50 accident and health insurance and for credit life

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1 insurance as the commissioner deems appropriate and
2 necessary for the implementation of this section. A
3 charge or premium of not more than sixty-five cents
4 per annum per one hundred dollars of the initial
5 amount of decreasing term credit life insurance, or
6 its actuarial equivalent for credit life insurance
7 written on other than the decreasing term basis, shall
8 be conclusively presumed to meet the requirements of
9 this section.

10 Sec. 132. NEW SECTION. 509.17A SMALL GROUP
11 RATING.

12 1. The commissioner shall with all due diligence
13 adopt by rule the recommendations of the national
14 association of insurance commissioners concerning life
15 and accident or health insurance rating practices for
16 small employer groups, provided that the final
17 recommendations are generally consistent with the
18 following principles:

- 19 a. Better disclosure to the group of the insurer's
20 group rating practices.
- 21 b. Limits on the amount of rate increase that can
22 be based upon the group's own claim experience in the
23 small group market.
- 24 c. Actuarial certification that the insurer's
25 rating practices meet the requirements of the national
26 association of insurance commissioners and meet
27 generally accepted actuarial practice.
- 28 2. Specific limitations which may be contained in
29 the rules adopted pursuant to subsection 1 include,
30 but are not limited to, the following:
- 31 a. The annual rate increase for a group cannot
32 exceed the change in the block's new business rate
33 level plus a fixed percentage of the average rate
34 level for the block.
- 35 b. The maximum renewal rate within a block of
36 business cannot exceed the average rate for that block
37 of business by more than a fixed percentage.
- 38 c. The maximum renewal rate in any block of
39 business of an insurer cannot exceed the lowest new
40 business rate for any block of business for that
41 insurer by more than a fixed percentage.
- 42 d. Other limits on tier and duration rating
43 practices.
- 44 3. Within six months of adopting any rule pursuant
45 to subsection 1, the commissioner shall prepare a
46 report to the general assembly regarding the success,
47 if any, of the rules, and make such recommendations as
48 necessary, including offering proposed legislation, to
49 effectuate the general assembly's goals of reducing
50 the potential for abuse in charging higher than

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- 1 actuarially justified rates for some small groups and
2 in underpricing for new small group business.
- 3 Sec. 133. Section 514A.3, subsection 1, paragraph
4 m, unnumbered paragraph 3, Code 1989, is amended to
5 read as follows:
- 6 ~~(In addition to incorporating the The foregoing~~
7 ~~provision into the policy, the insurer shall deliver~~
8 ~~to the insured at the time of delivery of the policy a~~
9 ~~duplicate statement of the foregoing provision which~~
10 ~~shall be contained in conspicuous print on a separate~~
11 ~~and otherwise blank sheet of paper.) shall be~~
12 prominently printed on the first page of the policy or
13 attached to the policy.
- 14 Sec. 134. NEW SECTION. 514D.9 REGULATIONS
15 REGARDING LIMITATION ON COMPENSATION.
- 16 The commissioner shall issue rules to establish
17 minimum standards to assure fair and reasonable

18 benefits, claim payment, marketing practices, and
 19 compensation arrangements and reporting practices for
 20 the following classes of policies:

- 21 1. Medicare supplement insurance.
- 22 2. Nursing home insurance.
- 23 3. Long-term care insurance.

24 Sec. 135. Section 515.8, Code 1989, is amended to
 25 read as follows:

26 515.8 PAID-UP CAPITAL REQUIRED.

27 An insurance company other than a life insurance
 28 company shall not be incorporated to transact business
 29 upon the stock plan with less than one two million
 30 five hundred thousand dollars capital, the entire
 31 amount of which shall be fully paid up in cash and
 32 invested as provided by law. An insurance company
 33 other than a life insurance company shall not increase
 34 its capital stock unless the amount of the increase is
 35 fully paid up in cash. The stock shall be divided
 36 into shares of not less than one dollar each.

37 Sec. 136. Section 515.10, Code 1989, is amended to
 38 read as follows:

39 515.10 SURPLUS REQUIRED.

40 An insurance company other than a life insurance
 41 company shall have, in addition to the required paid-
 42 up capital, a surplus in cash or invested in
 43 securities authorized by law of not less than one two
 44 million five hundred thousand dollars. If the
 45 commissioner of insurance finds that a company offers
 46 or plans to offer only one kind of insurance the
 47 commissioner may reduce the amount of surplus
 48 required, but in no event shall it be reduced to less
 49 than three hundred thousand dollars.

50 Sec. 137. Section 515.11, Code 1989, is amended to

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1 read as follows:

2 515.11 PROHIBITED LOANS.

3 No part of the capital referred to Capital,
 4 surplus, funds, or other assets, or any part of any or
 5 all of the foregoing, shall not be directly or
 6 indirectly loaned to any an officer, director,
 7 stockholder, or employee of the a company or to a
 8 relative of any an officer or director of the a
 9 company.

10 Sec. 138. Section 515.12, subsection 5, Code 1989,
 11 is amended to read as follows:

12 5. The mutual company shall have in cash or in
 13 securities in which insurance companies are authorized
 14 to invest, surplus in an amount not less than two five
 15 million dollars. The surplus so required may be
 16 advanced in accordance with the provisions of section
 17 515.19.

18 ~~Provided, however, that such~~ However, the surplus
19 requirements shall do not apply to a company which
20 establishes and maintains a guaranty fund as provided
21 by section 515.20.

22 Sec. 139. Section 515.70, Code 1989, is amended by
23 adding the following new unnumbered paragraph:

24 NEW UNNUMBERED PARAGRAPH. An alien insurer, with
25 the approval of the commissioner, may be treated as a
26 domestic insurer of this state in whole or in part.
27 The approval of the commissioner may be based upon
28 such factors as:

29 1. Maintenance of an appropriate trust account,
30 surplus account, or other financial mechanism in this
31 state.

32 2. Maintenance of all books and records of United
33 States operations in this state.

34 3. Maintenance of a separate financial reporting
35 system for its United States operations.

36 4. Any other provisions deemed necessary by the
37 commissioner.

38 Sec. 140. Section 515.80, Code 1989, is amended by
39 striking the section and inserting in lieu thereof the
40 following:

41 515.80 FORFEITURE OF POLICIES — NOTICE.

42 A policy or contract of insurance, unless otherwise
43 provided in section 515.81A or 515.81B, provided for
44 in this chapter shall not be forfeited, suspended, or
45 canceled except by notice to the insured as provided
46 in this chapter. A notice of cancellation is not
47 effective unless mailed or delivered by the insurer to
48 the named insured at least twenty days before the
49 effective date of cancellation, or, where cancellation
50 is for nonpayment of a premium, assessment, or

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1 installment provided for in the policy, or in a note
2 or contract for the payment thereof, at least ten days
3 prior to the date of cancellation. The notice may be
4 made in person, or by sending by mail a letter
5 addressed to the insured at the insured's address as
6 given in or upon the policy, anything in the policy,
7 application, or a separate agreement to the contrary
8 notwithstanding.

9 An insurer shall not fail to renew a policy except
10 by notice to the insured as provided in this chapter.
11 A notice of intention not to renew is not effective
12 unless mailed or delivered by the insurer to the named
13 insured at least thirty days prior to the expiration
14 date of the policy.

15 If the reason does not accompany the notice of
16 cancellation or nonrenewal, the insurer shall, upon

17 receipt of a timely request by the named insured,
18 state in writing the reason for cancellation or
19 nonrenewal.

20 Sec. 141. Section 515.81, Code 1989, is amended to
21 read as follows:

22 515.81 CANCELLATION OF POLICY – NOTICE TO INSURED
23 OR MORTGAGEE.

24 Unless otherwise provided in section 515.81A or
25 515.81B, at any time after the maturity of a premium,
26 assessment, or installment provided for in the policy,
27 or ~~any~~ a note or contract for the payment thereof, or
28 after the suspension, forfeiture, or cancellation of
29 ~~any~~ a policy or contract of insurance, the insured may
30 pay to the company the customary short rates and costs
31 of action, if one has been commenced or judgment
32 rendered thereon, and may, if the insured so elects,
33 have the policy and all contracts or obligations
34 connected therewith with the policy, whether in
35 judgment or otherwise, canceled, and all such policy
36 and contracts shall be void; and in case of
37 suspension, forfeiture, or cancellation of any a
38 policy or contract of insurance, the insured ~~shall is~~
39 not be liable for ~~any a~~ greater amount than the short
40 rates earned at the date of ~~such~~ the suspension,
41 forfeiture, or cancellation and the costs of action
42 provided for in this section. ~~The policy may be~~
43 ~~canceled by the insurance company by service of notice~~
44 ~~in writing upon the insured which notice shall fix the~~
45 ~~date of cancellation which shall be not less than ten~~
46 ~~days after service of the notice. The service of~~
47 ~~notice may be made in person, or by mailing the notice~~
48 ~~to the insured at the insured's post office address as~~
49 ~~given in or upon the policy, or to another address~~
50 ~~given to the company in writing by the insured. A~~

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1 post office department receipt of certified or
2 registered mailing shall be deemed proof of receipt of
3 the notice. If the policy is canceled by the
4 insurance company, the insurer may retain only the pro
5 rata premium, and if the initial cash premium, or any
6 part thereof of the premium, has not been paid, the
7 policy may be canceled by the insurance company by
8 giving notice to the insured as provided in section
9 515.80 and ten days' notice to the mortgagee, or other
10 person to whom the policy is made payable, if any,
11 without tendering any part or portion of the premium,
12 anything to the contrary in the policy
13 notwithstanding.

14 Sec. 142. NEW SECTION. 515.81C CANCELLATION OR
15 NONRENEWAL OF COMMERCIAL UMBRELLA OR EXCESS POLICIES
16 OR CONTRACTS.

17 1. As used in this section, "umbrella or excess
18 insurance policy" means a commercial line policy or
19 contract of insurance providing liability or property
20 coverage over one or more underlying policies or over
21 a specified amount of self-insured retention.

22 Umbrella or excess insurance policy includes policies
23 or contracts written over an umbrella or excess
24 insurance policy or policies.

25 2. An umbrella or excess insurance policy which
26 has not previously been renewed may be canceled by the
27 insurer if it has been in effect for less than sixty
28 days at the time notice of cancellation is mailed or
29 delivered.

30 3. An umbrella or excess insurance policy which
31 has been renewed or which has been in effect for sixty
32 or more days shall not be canceled by the insurer,
33 except as provided in section 515.81A, subsections 2
34 and 3, except by notice to the insured as required by
35 this section or unless at least one of the following
36 conditions occurs:

37 a. A material change in the limits, scope of
38 coverage, or exclusions in one or more of the
39 underlying policies.

40 b. Cancellation or nonrenewal of one or more of
41 the underlying policies where the policies are not
42 replaced without lapse.

43 c. A reduction in the financial rating or grade of
44 one or more of the insurers insuring one or more of
45 the underlying policies based on an evaluation by a
46 recognized financial rating organization.

47 4. A notice of cancellation is not effective
48 unless mailed by certified mail or delivered to the
49 named insured and any loss payee at least ten days
50 prior to the effective date of cancellation. A notice

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1 of cancellation shall include the reason for
2 cancellation of the umbrella or excess insurance
3 policy. A post office department certificate of
4 mailing to the named insured at the address shown in
5 the umbrella or excess policy is proof of receipt of
6 the mailing; however, such a certificate of mailing is
7 not required if cancellation is for nonpayment of
8 premium.

9 5. An insurer shall not fail to renew an umbrella
10 or excess insurance policy except by notice to the
11 insured as provided in this section; however, an
12 insurer may condition renewal of an umbrella or excess

13 insurance policy upon requirements relating to the
 14 underlying policy or policies. If the requirements
 15 are not satisfied as of the expiration date of the
 16 umbrella or excess insurance policy, or thirty days
 17 after mailing or delivery of the notice, whichever is
 18 later, the conditional renewal notice shall be deemed
 19 to be an effective notice of nonrenewal. This
 20 subsection does not apply if the insurer has offered
 21 to renew or if the insured fails to pay a premium due
 22 or any advance premium required by the insurer for
 23 renewal.

24 6. A notice of nonrenewal is not effective unless
 25 mailed by certified mail or delivered to the named
 26 insured and any loss payee at least forty-five days
 27 prior to the expiration date of the umbrella or excess
 28 insurance policy. If the insurer fails to meet the
 29 notice requirements of this subsection the insured has
 30 the option of continuing the policy for the remainder
 31 of the notice period plus an additional thirty days at
 32 the premium rate of the existing umbrella or excess
 33 policy.

34 7. Section 515.81A and 515.81B are not applicable
 35 to umbrella or excess insurance policies except as
 36 provided in subsection 3.

37 Sec. 143. Section 515.147, Code 1989, is amended
 38 to read as follows:

39 515.147 BUSINESS WITH UNAUTHORIZED INSURERS.

40 Nothing contained in this This chapter shall be
 41 construed to does not prevent a licensed resident
 42 agent of this state from procuring insurance in
 43 certain ~~unauthorized nonadmitted~~ insurers providing
 44 that if such insurance is restricted to the type and
 45 kind of insurance authorized by this chapter and the
 46 agent makes oath to the commissioner of insurance in
 47 such the form as is prescribed by the commissioner
 48 that the agent has made diligent effort to place said
 49 the insurance in authorized insurers and has either
 50 exhausted the capacity of all authorized insurers or

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1 has been unable to obtain the desired insurance in
 2 insurers licensed to transact business in this state.
 3 The procuring of any such contracts a contract of
 4 insurance in ~~unauthorized insurers a nonadmitted~~
 5 insurer makes such insurers the insurer liable for,
 6 and the agent shall pay, the taxes on such the
 7 premiums as if such the insurer were duly authorized
 8 to transact business in the state. A sworn report of
 9 all business transacted by agents of this state in
 10 such ~~unauthorized nonadmitted~~ insurers shall be made
 11 to the commissioner of insurance on or before March 1

12 of each year for the preceding calendar year, on such
13 the form as required by the commissioner of insurance
14 may require; such. The report shall be accompanied by
15 a remittance to cover the taxes thereon on the
16 premiums. Any An agent who makes the oath as above
17 provided, pays the taxes on the premiums, and files
18 the report above provided, shall has not be deemed to
19 have written such contracts of insurance unlawfully,
20 and such agent shall is not be personally liable for
21 such the contracts.

22 Sec. 144. Section 515.148, Code 1989, is amended
23 to read as follows:

24 515.148 BANNED COMPANIES.

25 No An agent shall not knowingly place insurance,
26 either directly or through an intermediary broker, in
27 insurers who are insolvent or unsound financially; and
28 in no event shall an agent not place or renew any
29 insurance with unauthorized nonadmitted insurers found
30 by the commissioner of insurance to have failed or
31 refused to furnish, in such the manner as is provided
32 in section 515.149, information reasonably showing the
33 ability or willingness of such the insurers to satisfy
34 obligations undertaken with respect to insurance
35 issued by them."

36 2. Page 1, after line 19, by inserting the
37 following:

38 "Sec. 145. Section 515E.9, Code 1989, is amended
39 by striking the section and inserting in lieu thereof
40 the following:

41 515E.9 PURCHASING GROUP RESTRICTIONS.

42 A purchasing group shall not purchase insurance
43 from an insurer not admitted in this state unless the
44 purchase is effected through a duly licensed agent or
45 broker acting pursuant to sections 515.147 through
46 515.149."

47 3. Page 20, by inserting after line 12, the
48 following:

49 "Sec. 146. Section 518.10, Code 1989, is amended
50 by adding the following new unnumbered paragraph:

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1 NEW UNNUMBERED PARAGRAPH. An alien insurer, with
2 the approval of the commissioner, may be treated as a
3 domestic insurer of this state in whole or in part.
4 The approval of the commissioner may be based upon
5 such factors as:
6 1. Maintenance of an appropriate trust account,
7 surplus account, or other financial mechanism in this
8 state.
9 2. Maintenance of all books and records of United
10 States operations in this state.

11 3. Maintenance of a separate financial reporting
12 system for its United States operations.

13 4. Any other provisions deemed necessary by the
14 commissioner.

15 Sec. 147. NEW SECTION. 518.25 SURPLUS.

16 An association organized under this chapter shall
17 at all times maintain a surplus of not less than fifty
18 thousand dollars or one-tenth of one percent of the
19 gross property risk in force, whichever is greater.
20 Reinsurance sufficient to protect the financial
21 stability of the company is also required. The
22 insurance commissioner may require additional
23 reinsurance if necessary to protect the policyholders
24 of the company. An association authorized to transact
25 business in this state before July 1, 1990, shall meet
26 this requirement not later than July 1, 1993.

27 Sec. 148. NEW SECTION. 518A.37 SURPLUS.

28 An association organized under this chapter shall
29 at all times maintain a surplus of not less than one
30 hundred thousand dollars. Reinsurance sufficient to
31 protect the financial stability of the company is also
32 required. The insurance commissioner may require
33 additional reinsurance if necessary to protect the
34 policyholders of the company. An association
35 authorized to transact business in this state before
36 July 1, 1990, shall meet this requirement not later
37 than July 1, 1992.

38 Sec. 149. Section 521A.1, subsection 6, unnumbered
39 paragraph 1, Code 1989, is amended to read as follows:

40 Insurer shall mean means a company qualified and
41 licensed by the insurance division to transact the
42 business of insurance in this state by certificate
43 issued pursuant to chapters 508, 514B, 515, 518A, and
44 520, except that it shall not include:

45 Sec. 150.

46 Sections 107, 108, 135, 136, and 138 of this Act do
47 not affect insurance companies which, on or before the
48 effective date of this Act, were authorized to
49 transact business in this state."

50 4. Title page, line 1, by inserting after the

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- 1 word "to" the following: "the regulation of insurers,
- 2 insurance, and annuity contracts, including".
- 3 5. By renumbering as necessary.

Hatch of Polk in the chair at 9:42 a.m.

Groninga of Cerro Gordo offered the following amendment
H-5922, to the Senate amendment H-5882, filed by him and moved
its adoption:

H—5922

- 1 Amend the amendment, H—5882, to House File 2320, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, line 42, by striking the words “or
- 5 corporation”.
- 6 2. Page 19, by inserting after line 49, the
- 7 following:
- 8 “Sec. _____.
- 9 Sec. 102 of this Act, being deemed of immediate
- 10 importance, takes effect upon enactment.””
- 11 3. Page 20, by inserting after line 2, the
- 12 following:
- 13 “_____ Title page, line 4, by striking the words
- 14 “a special effective date” and inserting the
- 15 following: “special effective dates”.”
- 16 4. By renumbering as necessary.

Amendment H—5922 was adopted.

Groninga of Cerro Gordo moved to reconsider the vote by which amendment H—5922 was adopted, which motion prevailed.

Groninga of Cerro Gordo asked and received unanimous consent to withdraw amendment H—5922.

Ollie of Clinton asked and received unanimous consent to withdraw amendment H—5932, to the Senate amendment H—5882, filed by him on March 28, 1990.

Groninga of Cerro Gordo offered the following amendment H—5935, to the Senate amendment H—5882, filed by him and moved its adoption:

H—5935

- 1 Amend the amendment, H—5882, to House File 2320, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, line 42, by striking the words “or
- 5 corporation”.
- 6 2. Page 19, by inserting after line 49, the
- 7 following:
- 8 “Sec. 103.
- 9 Section 102 of this Act, applies to all
- 10 indebtedness contracted for, general obligation bonds
- 11 issued, or insurance agreements entered into or
- 12 renewed pursuant to section 296.7 on or after the
- 13 effective date of section 102, but shall not apply to
- 14 an act permitted by section 296.7 at any time prior to
- 15 January 1, 1990.

- 16 Sec. _____.
- 17 Sections 102 and 103 of this Act, being deemed of
18 immediate importance, take effect upon enactment." "
- 19 3. Page 20, by inserting after line 2, the
20 following:
- 21 "_____. Title page, line 4, by striking the words
22 "a special effective date" and inserting the
23 following: "special effective dates"."
- 24 4. By renumbering as necessary.

Amendment H—5935 was adopted.

On motion by Brammer of Linn, the House concurred in the Senate amendment H—5882, as amended.

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

On the question "Shall the bill pass?" (H.F. 2320)

The ayes were, 99:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schneklath	Shrader	Shearer	Sherzan
Shoning	Shultz	Siegrist	Spear
Spenner	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Hatch	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Bisignano

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

Unfinished Business Calendar

The House resumed consideration of **Senate File 2286**, a bill for an act relating to satisfaction of a support order by direct payment to a person who is to receive the payment, previously deferred and placed on the unfinished business calendar.

Speaker Avenson in the chair at 9:55 a.m.

Haverland of Polk offered the following amendment H—5614 filed by the committee on human resources:

H—5614

- 1 Amend Senate File 2286, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting the following:
- 5 "Section 1. **NEW SECTION. 624.37A SATISFACTION OF**
- 6 **SUPPORT PAYMENTS.**
- 7 Notwithstanding sections 252B.14 and 598.22,
- 8 support payments ordered pursuant to any support
- 9 chapter for orders entered on or after July 1, 1985,
- 10 which are not made pursuant to the provisions of
- 11 section 252B.14 or 598.22, shall be credited only as
- 12 provided in this section.
- 13 1. For payment made pursuant to an order entered
- 14 on or after July 1, 1985, the clerk of the district
- 15 court or collection services center shall record a
- 16 satisfaction as a credit on the official support
- 17 payment record if its validity is confirmed by the
- 18 court upon submission of acknowledgement by the person
- 19 entitled to receive the payment, after notice is given
- 20 to all parties.
- 21 2. For purposes of this section, the state is a
- 22 party to which notice shall be given when public funds
- 23 have been expended pursuant to chapter 234, 239, or
- 24 249A, or similar statutes in another state. If proper
- 25 notice is not given to the state when required, any
- 26 order of satisfaction is void.
- 27 3. The court shall not enter an order for
- 28 satisfaction of payments not made through the clerk of
- 29 the district court or collection services center if
- 30 those payments have been assigned as a result of

31 public funds expended pursuant to chapter 234, 239, or
32 249A, or similar statutes in other states.

33 Sec. 2.

34 This Act applies retroactively to payments under
35 support orders entered on or after July 1, 1985."

36 2. Title page, line 2, by inserting after the
37 words "receive the payment" the following: ", and
38 providing for the Act's applicability".

Haverland of Polk offered the following amendment H—5926, to
the committee amendment H—5614, filed by Haverland, et al.:

H—5926

1 Amend the amendment, H—5614, to Senate File 2286,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by inserting before line 5, the
5 following:

6 "Sec. _____. Section 252B.5, Code 1989, is amended
7 by adding the following new subsection:

8 NEW SUBSECTION. 6. At the request of either
9 parent who is subject to the order of support or upon
10 its own initiation, review the amount of the support
11 award in accordance with the guidelines established
12 pursuant to section 598.21, subsection 4, and the
13 federal Family Support Act of 1988, and take action to
14 initiate modification proceedings if the criteria
15 established pursuant to this section are met.
16 However, a review of a support award is not required
17 in those cases for which an assignment ordered
18 pursuant to chapter 234 or 239 is in effect if the
19 child support recovery unit determines that such a
20 review would not be in the best interest of the child
21 and neither parent has requested such review.

22 The department shall adopt rules no later than
23 October 13, 1990, setting forth the process for review
24 of requests for modification of support obligations
25 and the criteria and process for taking action to
26 initiate modification proceedings.

27 Sec. _____. Section 252B.6, subsection 3, Code 1989,
28 is amended by striking the subsection and inserting in
29 lieu thereof the following:

30 3. Appear on behalf of the state for the purpose
31 of facilitating the modification of support awards
32 consistent with guidelines established pursuant to
33 section 598.21, subsection 4 and the federal Family
34 Support Act of 1988. The unit shall not otherwise
35 participate in the proceeding.

36 Sec. _____. Section 252B.6, subsection 4, paragraph
37 b, Code 1989, is amended by striking the paragraph.

38 Sec. _____. Section 252B.7, Code 1989, is amended by

39 adding the following new subsection:
 40 **NEW SUBSECTION. 4.** An attorney employed by or
 41 under contract with the child support recovery unit
 42 represents and acts on behalf of the state when
 43 providing child support enforcement services.
 44 **Sec. ____.** **NEW SECTION. 252B.18 ADVISORY**
 45 **COMMITTEE ESTABLISHED.**
 46 The department shall establish a child support
 47 enforcement program advisory committee which shall
 48 include representatives of custodial parent groups,
 49 noncustodial parent groups, the judicial department,
 50 the office of citizens' aide, the Iowa state bar

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1 association, and representatives of other
 2 constituencies having an interest in child support
 3 enforcement issues. The advisory committee shall
 4 assist the department in reviewing issues related to
 5 the implementation of the federal Family Support Act
 6 of 1988 and methods of improving service. With the
 7 assistance of the advisory committee, the department
 8 shall review existing policies, practices, and
 9 procedures of the child support recovery unit to
 10 identify areas in which administrative appeals
 11 procedures or other provisions for review of contested
 12 issues would help to assure fair and impartial
 13 treatment of persons affected by actions of the unit.
 14 **Sec. ____.** Section 598.21, Code Supplement 1989, is
 15 amended by adding the following new subsection:
 16 **NEW SUBSECTION. 5A.** The court, in entering an
 17 order or decree of child support, shall require the
 18 obligor to pay the amount ordered during the time of
 19 any appeal of the order or decree."
 20 2. Page 1, line 5, by striking the word and
 21 figure "Section 1." and inserting the following:
 22 "Sec. 7."
 23 3. Page 1, by striking lines 33 and 34, and
 24 inserting the following:
 25 "Sec. 8.
 26 Section 7 of this Act applies retroactively to
 27 payments under".
 28 4. Page 1, by striking lines 36 through 38 and
 29 inserting the following:
 30 "____. Title page, by striking lines 1 and 2, and
 31 inserting the following: "An Act relating to the
 32 satisfaction and modification of support orders and
 33 providing for the Act's applicability.""
 34 5. By renumbering as necessary.

Halvorson of Webster rose on a point of order that amendment H-5926 was not germane.

The Speaker ruled the point well taken and amendment H—5926 not germane.

Arnould of Scott moved that the rules be suspended to consider amendment H—5926.

A non-record roll call was requested.

The ayes were 53, nays 35.

The motion prevailed and the rules were suspended to consider amendment H—5926.

Arnould of Scott asked and received unanimous consent that Senate File 2286 be deferred and that the bill retain its place on the calendar.

(Amendment H—5926, to the committee amendment H—5614, pending.)

Ways and Means Calendar

House File 2560, a bill for an act relating to the formation of community clusters by certain governmental units for the joint exercise of powers, was taken up for consideration.

Metcalf of Polk offered the following amendment H—5884 filed by her and Osterberg of Linn and moved its adoption:

H—5884

- 1 Amend House File 2560 as follows:
- 2 1. Page 1, line 15, by inserting after the word
- 3 "facilities," the following: "and".
- 4 2. Page 1, line 16, by striking the words "and
- 5 for revenue sharing".

Amendment H—5884 lost.

Sherzan of Polk in the chair at 10:31 a.m.

Murphy of Dubuque moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2560)

The ayes were, 93:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cohoon	Connors

Corbett	Daggett	De Groot	Diemer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	May
McKean	McKinney	Mertz	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Shoning
Siegrist	Spear	Spenner	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Sherzan			
Presiding			

The nays were, 5:

Doderer	Garman	Hanson, D. R.	Maulsby
Metcalf			

Absent or not voting, 2:

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

RULES SUSPENDED

Arnould of Scott asked for unanimous consent to suspend the rules for the consideration of House Files 2564 and 2554.

Objection was raised.

Arnould of Scott moved to suspend the rules to consider House Files 2564 and 2554.

A non-record roll call was requested.

The ayes were 54, nays 34.

The motion to suspend the rules prevailed.

IMMEDIATE MESSAGE

(House File 2560)

Arnould of Scott asked and received unanimous consent that House File 2560 be immediately messaged to the Senate.

Unfinished Business Calendar

The House resumed consideration of **Senate File 2366**, a bill for an act establishing councils of governments and providing certain duties, previously deferred and placed on the unfinished business calendar.

Garman of Story asked and received unanimous consent to withdraw amendment H—5684 filed by her on March 14, 1990.

Fogarty of Palo Alto moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2366)

The ayes were, 96:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cphoon	Connors
Corbett	Daggett	De Groot	Diemer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schneklath	Schrader	Shearer	Shultz
Siegrist	Spear	Spenner	Stueland
Svoboda	Swartz	Tabor	Trent
Tyrrell	Van Maanen	Wise	Sherzan
			Presiding

The nays were, none.

Absent or not voting, 4:

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Jesse of Jasper, until his return, on request of Hibbard of Madison.

ADOPTION OF SENATE CONCURRENT RESOLUTION 127

Gruhn of Dickinson called up for consideration Senate Concurrent Resolution 127, to encourage the establishment of the National Association of Swine Records in Des Moines, Iowa, and the support of the Association to increase performance of purebred swine and to assist purebred swine producers, and moved its adoption.

The motion prevailed and the resolution was adopted.

Ways and Means Calendar

Senate File 2114, a bill for an act relating to the updating of references to the federal Internal Revenue Code, relating to income tax and the computation of net income, increasing the tax credit allowed for certain research activities, providing an effective date, and providing certain retroactive applicability dates, with report of committee recommending passage was taken up for consideration.

Hammond of Story offered the following amendment H—5912 filed by Hammond, et al.:

H—5912

- 1 Amend Senate File 2114, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting after line 15 the
- 4 following:
- 5 "Sec. 100. Section 422.9, subsection 2, paragraph
- 6 f, Code Supplement 1989, is amended by striking the
- 7 paragraph."
- 8 2. Page 2, by inserting after line 6 the
- 9 following:
- 10 "Sec. 101. Section 422.12, subsection 3, Code
- 11 Supplement 1989, is amended by striking the
- 12 subsection."
- 13 3. Page 3, by inserting after line 24 the
- 14 following:
- 15 "Sec. _____. Sections 100 and 101 of this Act are
- 16 retroactively applicable to January 1, 1990, for tax
- 17 years beginning on or after that date."

Wise of Lee rose on a point of order that amendment H—5912 was not germane.

The Speaker ruled the point well taken and amendment H—5912 not germane.

Hammond of Story asked for unanimous consent to consider amendment H—5912.

Objection was raised.

Speaker Avenson in the chair at 11:15 a.m.

Wise of Lee offered the following amendment H—5919 filed by him and Tabor of Jackson and moved its adoption:

H—5919

- 1 Amend Senate File 2114, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, lines 20 and 21, by striking the words
- 4 "~~six and one-half~~ six and one-half ~~thirteen percent of the first sixty~~
- 5 thousand dollars" and inserting the following: "six
- 6 and one-half percent".
- 7 2. Page 1, by striking lines 23 through 26 and
- 8 inserting the following: "increasing research
- 9 activities. The state's apportioned share of the
- 10 qualifying".
- 11 3. Page 2, lines 19 and 20, by striking the words
- 12 "~~six and one-half~~ six and one-half ~~thirteen percent of the first sixty~~
- 13 thousand dollars" and inserting the following: "six
- 14 and one-half percent".
- 15 4. Page 2, by striking lines 21 through 24 and
- 16 inserting the following: "qualifying expenditures for
- 17 increasing research activities. The state's
- 18 apportioned".
- 19 5. Title page, lines 3 and 4, by striking the
- 20 words "increasing the tax credit allowed for certain
- 21 research activities,".

Amendment H—5919 was adopted.

Groninga of Cerro offered the following amendment H—5412 filed by him and moved its adoption:

H—5412

- 1 Amend Senate File 2114, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 6, by striking the words and
- 4 figures "in effect on January 1, 1990".
- 5 2. Page 2, lines 32 and 33, by striking the words
- 6 and figures "in effect on January 1, 1990".

Amendment H—5412 lost.

Metcalf of Polk offered the following amendment H—5603 filed by her and moved its adoption:

H—5603

- 1 Amend Senate File 2114, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, by striking lines 7 through 14.
- 4 2. Page 3, line 18, by striking the following:
- 5 “, 4,”
- 6 3. By renumbering as necessary.

Roll call was requested by Tabor of Jackson and Wise of Lee.

Rule 75 was invoked.

On the question “Shall amendment H—5603 be adopted?”
(S.F. 2114)

The ayes were, 6:

Bennett	Hermann	Metcalf	Pellett
Petersen, D. F.	Van Maanen		

The nays were, 90:

Adams	Arnould	Banks	Beaman
Beatty	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Cohoon
Connors	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hester	Hibbard
Holveck	Iverson	Jay	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peters	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Wise	Mr. Speaker		
	Avenson		

Absent or not voting, 4:

Clark	Eddie	Jesse	Schneklath
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Amendment H—5603 lost.

The House stood at ease at 11:39 a.m., until the fall of the gavel.

The House resumed session and consideration of Senate File 2114 at 12:46 p.m., Speaker Avenson in the chair.

Arnould of Scott asked and received unanimous consent that Senate File 2114 be deferred and that the bill retain its place on the calendar.

On motion by Arnould of Scott, the House was recessed at 12:47 p.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 29, 1990, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 2371, a bill for an act relating to and making appropriations to the civil rights commission, the department of human rights, the department for the blind, the department of elder affairs, and the Iowa department of public health.

Also: That the Senate has on March 29, 1990, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2364, a bill for an act relating to and making appropriations to the department of agriculture and land stewardship, the Iowa state fair authority, the department of natural resources, and the state racing commission, and changing the distribution of certain fees.

Also: That the Senate has on March 19, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2406, a bill for an act relating to the sales and use tax on carbon dioxide and providing a retroactive applicability date.

Also: That the Senate has on March 29, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2421, a bill for an act relating to human services and making appropriations to the department of human services and other properly related matters and providing an effective date.

JOHN F. DWYER, Secretary

CONSIDERATION OF BILLS Ways and Means Calendar

The House resumed consideration of Senate File 2114, a bill for an act relating to the updating of references to the federal Internal

Revenue Code, relating to income tax and the computation of net income, increasing the tax credit allowed for certain research activities, providing an effective date, and providing certain retroactive applicability dates, previously deferred and retained on the ways and means calendar.

Wise of Lee moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2114)

The ayes were, 92:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lägeschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Royer	Schnekloth
Schrader	Sherzan	Shoning	Siegrist
Spear	Spenner	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, none.

Absent or not voting, 8:

Banks	Corbett	Daggett	Fey
Pellett	Rosenberg	Shearer	Shoultz

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

SENATE AMENDMENT CONSIDERED
House Refused to Concur

Ollie of Clinton called up for consideration **House File 2068**, a bill for an act providing technical changes to the financing of education

programs of school districts and providing a retroactive effective date, amended by the Senate amendment H—5130 as follows:

H—5130

1 Amend House File 2068, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 5, by inserting after line 32, the
4 following:

5 "Sec. _____. Section 280.4, subsection 4, Code
6 Supplement 1989, is amended to read as follows:

7 4. In order to provide funds for the excess costs
8 of instruction of non-English-speaking students above
9 the costs of instruction of pupils in a regular
10 curriculum, students identified as non-English-
11 speaking are assigned an additional weighting that
12 shall be included in the weighted enrollment of the
13 school district of residence for a period not
14 exceeding ~~three~~ five years. However, the school
15 budget review committee may grant supplemental aid or
16 modified allowable growth, to a school district to
17 continue funding a program for students after the
18 expiration of the ~~three-year~~ five-year period. The
19 school budget review committee shall calculate the
20 additional amount for the weighting to the nearest
21 one-hundredth of one so that, to the extent possible,
22 the moneys generated by the weighting will be
23 equivalent to the moneys generated by the two-tenths
24 weighting provided prior to July 1, 1991."

25 2. By numbering and renumbering sections as
26 necessary.

Shearer of Louisa asked and received unanimous consent to withdraw amendment H—5772, to the Senate amendment H—5130, filed by him on March 20, 1990.

On motion by Ollie of Clinton, the House refused to concur in the Senate amendment H—5130.

SENATE AMENDMENTS CONSIDERED

Fuller of Hardin called up for consideration **Senate File 2163**, a bill for an act relating to the composition and election of county agricultural extension councils, enacting transitional provisions, and providing an effective date, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—5911 to the House amendment:

H—5911

- 1 Amend the House amendment, S—5670, to Senate File
- 2 2163, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by striking lines 31 and 32 and
- 5 inserting the following: "Sunday or legal holiday."
- 6 2. Page 3, line 2, by striking the word "fifty-
- 7 five" and inserting the following: "sixty-nine".
- 8 3. Page 3, line 8, by striking the words "fifty-
- 9 five" and inserting the following: "sixty-nine".
- 10 4. Page 3, line 23, by striking the word "sixty"
- 11 and inserting the following: "seventy-four".

The motion prevailed and the House concurred in the Senate amendment H—5911.

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

On the question "Shall the bill pass?" (S.F. 2163)

The ayes were, 96:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Iverson
Jay	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schneklath	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spencer	Stueland
Svoboda	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, none.

Absent or not voting, 4:

Banks Corbett Jesse Swartz

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

IMMEDIATE MESSAGE
(Senate Concurrent Resolution 127)

Arnould of Scott asked and received unanimous consent that Senate Concurrent Resolution 127 be immediately messaged to the Senate.

The House stood at ease at 2:25 p.m., until the fall of the gavel.

The House resumed session at 4:03 p.m., Speaker Avenson in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 28, 1990, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2244, a bill for an act relating to parking fines, handicapped parking spaces, and handicapped identification devices.

Also: That the Senate has on March 29, 1990, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2328, a bill for an act relating to and making appropriations to regulatory bodies of state government, including the auditor of state, the campaign finance disclosure commission, the department of employment services, the office of the state public defender, the department of inspections and appeals, the department of commerce, and the racing and gaming commission, and providing an effective date.

JOHN F. DWYER, Secretary

Unfinished Business Calendar

The House resumed consideration of **House File 2543**, a bill for an act relating to the administration and benefits for certain public retirement systems, and providing for the applicability of the Act, previously deferred and retained on the unfinished business calendar, and amendment H—5860, as amended, found on pages 1443 through 1473 of the House Journal.

Hammond of Story asked and received unanimous consent to withdraw amendment H—5907, to amendment H—5860, filed by her and Blanshan of Greene on March 27, 1990.

Bisignano of Polk in the chair at 4:21 p.m.

Hanson of Delaware offered the following amendment H—5946, to amendment H—5860, filed from the floor by Hanson of Delaware, Hammond, Neuhauser, Carpenter and Doderer and moved its adoption:

H—5946

1 Amend the amendment, H—5860, to House File 2543, as
2 follows:

3 1. Page 20, line 29, by striking the word "On"
4 and inserting the following:

5 "(1) On Except as otherwise provided in
6 subparagraph (2), on".

7 2. Page 20, by inserting after line 36 the
8 following:

9 "(2) The amount of the "normal contribution" and
10 other employer contributions to be paid by each
11 participating city, determined pursuant to
12 subparagraph (1) and paragraphs "b" and "c", shall be
13 reduced by the amount distributed to that city for the
14 applicable fiscal year from the state appropriation
15 provided pursuant to section 411.20."

16 3. Page 21, by striking lines 20 and 21 and
17 inserting the following: "six-tenths."

18 4. Page 26, by striking lines 36 and 37 and
19 inserting the following: "distributed to the cities
20 participating in".

21 5. Page 26, by striking lines 47 through 49.

A non-record roll call was requested.

The ayes were 34, nays 44.

Amendment H—5946 lost.

Hanson of Delaware asked and received unanimous consent to withdraw amendment H—5965, to amendment H—5860, filed by him from the floor.

Trent of Muscatine called up for consideration the motion to reconsider amendment H—5879 filed by him on March 27, 1990 and asked and received unanimous consent to withdraw the motion to reconsider.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hermann of Scott, until his return, on request of Iverson of Wright.

Speaker Avenson in the chair at 4:59 p.m.

Blanshan of Greene moved the adoption of amendment H—5860, as amended.

A non-record roll call was requested.

The ayes were 52, nays 21.

Amendment H—5860, as amended, was adopted.

Carpenter of Polk offered the following amendment H—5893 filed by her and moved its adoption:

H—5893

1 Amend House File 2543 as follows:

- 2 1. Page 1, line 15, by striking the word "four"
 3 and inserting the following: "ten".
 4 2. Page 1, line 19, by striking the word "four"
 5 and inserting the following: "ten".
 6 3. Page 2, line 17, by striking the word "four"
 7 and inserting the following: "ten".
 8 4. Page 4, line 11, by striking the word "four"
 9 and inserting the following: "ten".
 10 5. Page 20, line 30, by striking the word "four"
 11 and inserting the following: "ten".
 12 6. Page 20, line 34, by striking the word "four"
 13 and inserting the following: "ten".
 14 7. Page 21, line 33, by striking the word "four"
 15 and inserting the following: "ten".
 16 8. Page 23, line 25, by striking the word "four"
 17 and inserting the following: "ten".

Amendment H—5893 lost.

Brown of Lucas offered the following amendment H—5885 filed by him and moved its adoption:

H—5885

1 Amend House File 2543, as follows:

- 2 1. Page 14, by inserting after line 25 the
 3 following:
 4 "Effective July 1, 1990, for members terminating on
 5 or after July 4, 1953, a member who terminates covered
 6 employment due to disability and commences receiving
 7 disability benefits pursuant to the United States

8 Social Security Act (42 U.S.C.), who has not attained
 9 the age of fifty-five years, is eligible to receive
 10 benefits under section 97B.49, reduced by twenty-five
 11 hundredths of one percent for each month that the
 12 retirement date precedes the first day of the month in
 13 which the member attains the age of fifty-five.
 14 However, the benefits shall be suspended during any
 15 period in which the member returns to covered
 16 employment. Eligible members are entitled to receipt
 17 of retroactive adjustment payments for no more than
 18 six months immediately preceding the month after July
 19 1, 1990, in which written notice was submitted to the
 20 department."

21 2. Page 15, by inserting after line 5 the
 22 following:

23 "Effective July 1, 1990, for members terminating on
 24 or after July 4, 1953, a member who terminates covered
 25 employment due to disability and commences receiving
 26 disability benefits pursuant to the United States
 27 Railroad Retirement Act (45 U.S.C. § 231 et seq.), who
 28 has not attained the age of fifty-five years, is
 29 eligible to receive benefits under section 97B.49,
 30 reduced by twenty-five hundredths of one percent for
 31 each month that the retirement date precedes the first
 32 day of the month in which the member attains the age
 33 of fifty-five. However, the benefits shall be
 34 suspended during any period in which the member
 35 returns to covered employment. Eligible members are
 36 entitled to receipt of retroactive adjustment payments
 37 for no more than six months immediately preceding the
 38 month after July 1, 1990, in which written notice was
 39 submitted to the department."

40 3. By numbering and renumbering as necessary.

Amendment H-5885 was adopted.

Peters of Woodbury offered the following amendment H-5330
 filed by him:

H-5330

1 Amend House File 2543 as follows:

2 1. Page 15, by inserting after line 19 the
 3 following:

4 "Sec. _____ NEW SECTION. 97B.63 GROUP INSURANCE -
 5 DEDUCTIONS.

6 1. The department shall participate in the
 7 offering of group medicare supplement insurance
 8 coverage to retired members who have attained the age
 9 of sixty-five years and are receiving benefits under
 10 this chapter. A retired member who elects coverage
 11 under the group policy or plan shall authorize the

12 department to deduct from the member's monthly benefit
 13 payment the total amount of the monthly premium for
 14 the coverage, plus an amount not to exceed two percent
 15 of the monthly premium to cover the costs incurred in
 16 administering this subsection. The department's
 17 participation may be limited to, but shall include,
 18 deducting the authorized amounts from the members'
 19 monthly benefit payments. However, any departmental
 20 participation may be conditioned upon the following:

21 a. The department may require that all costs of
 22 development, implementation, and administration of the
 23 group policy or plan be borne by, or reimbursed
 24 through, the members electing coverage or the entity
 25 responsible for the issuance of the group policy or
 26 plan, or a combination of the members and the entity.

27 b. The department may require that the number of
 28 members who anticipate electing coverage pursuant to
 29 this subsection reach a specified minimum before the
 30 department commences the system of deductions from
 31 monthly benefit payments.

32 2. To assist in the development, implementation,
 33 and administration of the group medicare supplement
 34 policy or plan under subsection 1, an advisory
 35 committee shall be formed whose membership shall
 36 include, but is not limited to, two or more
 37 representatives of retired members who anticipate
 38 electing the coverage and one representative of the
 39 department.

40 3. The department may request technical assistance
 41 from the division of insurance of the department of
 42 commerce in providing services and oversight pursuant
 43 to this section."

44 2. By numbering and renumbering as necessary.

Blanshan of Greene rose on a point of order that amendment
 H—5330 was not germane.

The Speaker ruled the point well taken and amendment H—5330
 not germane.

Corbett of Linn asked and received unanimous consent to with-
 draw amendment H—5892 filed by him on March 27, 1990.

Corbett of Linn offered the following amendment H—5917 filed
 by him:

H—5917

- 1 Amend House File 2543 as follows:
- 2 1. Page 15, by inserting after line 19 the
- 3 following:

4 "Sec. _____. NEW SECTION. 97B.53A DUTY OF
5 DEPARTMENT.
6 Effective July 1, 1991, upon a member's termination
7 of covered employment prior to the member's
8 retirement, the department shall send the member by
9 certified mail, to the member's last known mailing
10 address, a notice setting forth the balance and status
11 of the member's account and an explanation of the
12 courses of action available to the member under this
13 chapter."

The following amendment H—5967, to amendment H—5917, filed by Corbett of Linn from the floor was adopted by unanimous consent:

H—5967

- 1 Amend amendment H—5917 to House File 2543 as
- 2 follows:
- 3 1. Page 1, line 9, by striking the word
- 4 "certified" and inserting the words "first class".

On motion by Corbett of Linn, amendment H—5917, as amended, was adopted.

Bisignano of Polk asked and received unanimous consent to withdraw amendment H—5918 filed by him on March 28, 1990.

De Groot of Lyon offered the following amendment H—5322 filed by De Groot, et al., and moved its adoption:

H—5322

- 1 Amend House File 2543 as follows:
- 2 1. Page 26, by inserting after line 33 the
- 3 following:
- 4 "Sec. _____. STUDY OF DEFINED CONTRIBUTION PLAN.
- 5 1. The Iowa public employees' retirement system
- 6 shall conduct a study of the feasibility of initiating
- 7 an optional, supplemental defined contribution
- 8 retirement plan which would be available to all
- 9 members in addition to their basic coverage under the
- 10 existing system. Under the proposed plan, employees
- 11 electing to participate would be eligible to
- 12 contribute up to five percent of their total salary
- 13 per year at their option and this would accumulate
- 14 interest at the rate credited to members' accounts
- 15 under basic Iowa public employees' retirement system
- 16 coverage, less management expenses and administrative
- 17 costs. The funds in the employee's account would be
- 18 available to the employee either upon termination of
- 19 public employment or at retirement.
- 20 2. The Iowa public employees' retirement system
- 21 shall provide a preliminary report concerning the

- 22 study on or after November 1, 1990, and a final report
23 on or after November 1, 1991. The reports shall be
24 transmitted to the chief clerk of the house of
25 representatives and the secretary of the senate for
26 distribution to the general assembly.”
27 2. By numbering and renumbering as necessary.

Amendment H—5322 was adopted.

The House stood at ease at 5:43 p.m., until the fall of the gavel.

The House resumed session and consideration of House File 2543 at 5:45 p.m., Speaker Avenson in the chair.

Arnould of Scott asked and received unanimous consent that House File 2543 be deferred and that the bill retain its place on the calendar.

Appropriations Calendar

House File 2564, a bill for an act relating to substance abuse prevention and treatment, enforcement of controlled substance provisions, making appropriations, and providing penalties, was taken up for consideration.

Brand of Benton offered the following amendment H—5954 filed by him from the floor and moved its adoption:

H—5954

- 1 Amend House File 2564 as follows:
2 1. Page 1, by inserting after line 21 the fol-
3 lowing:
4 “As a condition, limitation, and qualification of
5 this appropriation, grants shall not exceed \$2,500 and
6 shall be awarded for collaborative efforts within the
7 community receiving the grant.”
8 2. Page 20, by striking lines 27 and 28, and
9 inserting the following: “treasurer of state to
10 provide funding for contracting with a nonprofit
11 organization to provide technical assistance to
12 communities pursuant to section 256.43, and to provide
13 grants to communities for the planning and”.

Amendment H—5954 was adopted.

McKinney of Dallas offered the following amendment H—5955 filed by him from the floor and moved its adoption:

H—5955

- 1 Amend House File 2564 as follows:
2 1. Page 3, line 26, by inserting after the figure

3 "125.15A" the following: ", and for not more than the
4 following full-time equivalent positions".

5 2. Page 3, by inserting after line 27, the
6 following:

7 " FTEs 1.50".

8 3. Page 3, by inserting after line 34, the
9 following:

10 "3. For the state board of pharmacy examiners for
11 establishing a drug abuse warning network and an Iowa
12 drug abuse monitoring system:

13 \$ 12,500

14 As a condition, limitation, and qualification of
15 this appropriation, the board of pharmacy examiners,
16 in cooperation with the drug enforcement and abuse
17 prevention coordinator, shall use the amount
18 appropriated in this subsection to match and obtain
19 available federal funds, the total amount of these
20 funds to be used for establishing a drug abuse warning
21 network and an Iowa drug abuse monitoring system."

22 4. Page 5, line 3, by inserting after the word
23 "agents" the following: "and additional support
24 personnel".

25 5. Page 5, line 15, by striking the words "drug
26 abuse" and inserting the following: "drug".

27 6. Page 5, by striking lines 20 through 27.

28 7. Page 7, by striking lines 2 through 19 and
29 inserting the following:

30 "~~As a condition, limitation, and qualification of
31 this appropriation, the law enforcement officers to be
32 trained under this program shall be selected by the
33 Iowa narcotics enforcement advisory council in closed
34 session. The record of the closed session is exempt
35 from chapter 22. When the council has reached a
36 decision, it shall convene in open meeting and
37 announce such decision. No more than four law
38 enforcement officers participating in this training
39 shall be employed by law enforcement agencies located
40 in the same county. The training program shall be for
41 a period of one year and an officer participating in
42 this program shall perform, after receiving initial
43 instruction and training at the law enforcement
44 academy, duties as directed by the department of
45 public safety within the narcotics enforcement
46 division relating to the department's responsibility
47 for the enforcement of all laws and rules relating to
48 any controlled substance or counterfeit substance as
49 provided in sections 80.27 through 80.34.~~"

50 8. Page 8, line 30, by inserting after the figure

Page 2

1 "28E" the following: ", and public agencies which

2 have created multijurisdictional task forces.”

3 9. Page 9, line 1, by inserting after the words
4 “funding for” the following: “state and”.

5 10. Page 9, by striking lines 4 through 6, and
6 inserting the following: “operations, funding to
7 initiate or continue project D.A.R.E. (drug abuse
8 resistance education) within local communities,
9 including training for local law enforcement
10 officials, and funding”.

11 11. Page 9, by striking lines 10 and 11, and
12 inserting the following: “available through the
13 alcohol and drug abuse and mental health services
14 block grant for the federal fiscal year beginning
15 October 1, 1990, and ending September 30, 1991.”.

16 12. Page 9, by inserting after line 18, the
17 following:

18 “It is also the intent of the general assembly that
19 of funds made available through the drug control and
20 system improvement grant program for the federal
21 fiscal year beginning October 1, 1990, and ending
22 September 30, 1991, priority shall be given, to the
23 extent possible, for funding applications made by
24 public agencies pursuant to chapter 28E, and public
25 agencies which have created multijurisdictional task
26 forces, for the purpose of cooperating jointly in
27 enforcement efforts related primarily to controlled,
28 substances, for funding project D.A.R.E. (drug abuse
29 resistance education), for funding adult and juvenile
30 treatment programs, for funding drug enforcement
31 operations to be used for the purchase of illegal
32 substances in furtherance of these enforcement
33 operations, for funding for providing progressive
34 training to law enforcement personnel on all aspects
35 of drug control, for funding local prosecutors, for
36 funding efforts at reducing court delays, and for
37 funding the Iowa substance abuse information center
38 located in Cedar Rapids.”

39 13. Page 9, by striking lines 20 through 25, and
40 inserting the following:

41 “The department of education shall survey all
42 school districts in the state for the purpose of
43 evaluating and assessing the extent to which substance
44 abuse education is being provided to students in
45 grades kindergarten through 12. The department shall
46 recognize successful programs and provide information
47 concerning such programs to other districts. The
48 department shall report the findings of its survey to
49 the general assembly no later than January 15, 1991.

50 Sec. _____.”

Page 3

1 14. Page 13, line 31, by striking the words "a
2 patient" and inserting the following: "patients".

3 15. Page 22, by inserting after line 15, the
4 following:

5 "Sec. _____. 1989 Iowa Acts, chapter 310, section 4,
6 subsections 1 and 2, are amended to read as follows:

7 1. There is appropriated from the fund created in
8 section 8.41 to the Iowa department of public health
9 office of the governor for the drug enforcement and
10 abuse prevention coordinator for the federal fiscal

11 year beginning October 1, 1989, the following amount:
12 \$1,553,000
13 4,860,000

14 Funds appropriated by this subsection are the
15 anticipated funds to be received from the federal
16 government for the designated fiscal year under Pub.
17 L. No. 100-690 which provides for the drug control and
18 system improvement grant program. The department drug
19 enforcement and abuse prevention coordinator shall
20 expend the funds appropriated by this section as
21 provided in the federal law making the funds available
22 and in conformance with chapter 17A.

23 2. An amount not exceeding ten five percent of the
24 funds appropriated in subsection 1 shall be used by
25 the Iowa department of public health drug enforcement
26 and abuse prevention coordinator for administrative
27 expenses. From the funds set aside by this subsection
28 for administrative expenses, the Iowa department of
29 public health drug enforcement and abuse prevention
30 coordinator shall pay to the auditor of state an
31 amount sufficient to pay the cost of auditing the use
32 and administration of the state's portion of the funds
33 appropriated in subsection 1. The auditor of state
34 shall bill the Iowa department of public health drug
35 enforcement and abuse prevention coordinator for the
36 cost of the audit.

37 Sec. _____. 1989 Iowa Acts, chapter 310, section 14,
38 subsection 1, is amended to read as follows:

39 1. If funds received from the federal government
40 in the form of block grants exceed the amounts
41 appropriated in sections 2, 3, and 4 and 3, and
42 section 7, subsection 1 of this Act, the excess shall
43 be prorated to the appropriate programs according to
44 the percentages specified in those sections, except
45 additional funds shall not be prorated for
46 administrative expenses."

47 16. Renumber as necessary.

Amendment H—5955 was adopted.

Adams of Hamilton offered the following amendment H—5943 filed by her from the floor and moved its adoption:

H—5943

1 Amend House File 2564 as follows:

2 1. Page 6, line 4, by inserting after the word
3 "problems." the following: "The drug enforcement and
4 abuse prevention coordinator shall monitor the program
5 and receive reports required to be made concerning the
6 program. Persons responsible for the program shall
7 report to the drug enforcement and abuse prevention
8 coordinator concerning progress in establishing the
9 program and the expenditures made. The coordinator
10 shall provide such reports to the general assembly."

11 2. Page 6, by inserting after line 14, the
12 following:

13 "Persons responsible for the program shall
14 coordinate and encourage the involvement of other
15 programs and service providers within the community in
16 developing this program."

Amendment H—5943 was adopted.

Peters of Woodbury offered amendment H—5942 filed by him from the floor. Division was requested as follows:

H—5942

1 Amend House File 2564 as follows:

H—5942A

2 1. Page 10, by striking lines 10 through 17.

H—5942B

3 2. By striking page 18, line 27, through page 19,
4 line 11.

5 3. By renumbering as necessary.

Arnould of Scott asked and received unanimous consent to defer action on amendment H—5942A.

Fey of Scott offered the following amendment H—5947 filed by him from the floor and moved its adoption:

H—5947

1 Amend House File 2564 as follows:

2 1. Page 10, by striking lines 10 through 17.

3 2. By renumbering as necessary.

Amendment H—5947 was adopted, placing out of order amendment H—5942A, previously deferred.

Adams of Hamilton offered the following amendment H—5948 filed by her and McKinney of Dallas from the floor:

H—5948

- 1 Amend House File 2564 as follows:
- 2 1. Page 11, by inserting after line 17 the
- 3 following:
- 4 "_____. The majority leader of the senate shall
- 5 appoint two members from the membership of the senate
- 6 and the speaker of the house of representatives shall
- 7 appoint two members from the membership of the house
- 8 who shall be ex officio, nonvoting members of the
- 9 council."
- 10 2. Renumber and correct internal references as
- 11 necessary.

The following amendment H—5974, to amendment H—5948, filed by Halvorson of Clayton from the floor was adopted by unanimous consent:

H—5974

- 1 Amend amendment H—5948, to House File 2564 as
- 2 follows:
- 3 1. Page 1, line 5, by inserting after the word
- 4 "members" the following: ", one member from each
- 5 political party,".
- 6 2. Page 1, line 7, by inserting after the word
- 7 "members" the following: ", one member from each
- 8 political party,".

On motion by Adams of Hamilton, amendment H—5948, as amended, was adopted.

Peters of Woodbury asked and received unanimous consent to defer action on amendment H—5949.

The House resumed consideration of amendment H—5942B.

Arnould of Scott asked and received unanimous consent that House File 2564 be deferred and that the bill retain its place on the calendar.

(Amendment H—5942B pending.)

Unfinished Business Calendar

The House resumed consideration of **House File 2543**, a bill for an act relating to the administration and benefits for certain public

retirement systems, and providing for the applicability of the Act, previously deferred and retained on the unfinished business calendar.

Doderer of Johnson offered the following amendment H—5968 filed by her and Carpenter of Polk from the floor and moved its adoption:

H—5968

1 Amend House File 2543 as follows:

2 1. Page 3, by inserting after line 5, the
3 following:

4 "Sec. _____. NEW SECTION. 97A.6A OPTIONAL
5 RETIREMENT BENEFITS.

6 In lieu of the retirement benefits and refund of
7 contributions provided for members of the system and
8 the members' beneficiaries under sections 97A.6 and
9 97A.16, members may elect to receive an optional
10 retirement benefit during the member's lifetime and
11 have the optional retirement benefit, or a designated
12 fraction of the optional retirement benefit, continued
13 and paid to the members beneficiary after the member's
14 death and during the lifetime of the beneficiary. The
15 optional retirement benefit shall be determined at the
16 time of the member's retirement based upon whether the
17 member retires under service retirement, accidental
18 disability, or ordinary disability.

19 The member shall make the election request in
20 writing to the board of trustees prior to retirement.
21 The election is subject to the approval of the board
22 of trustees. If the member is married, the election
23 of an option under this section requires the written
24 acknowledgement of the member's spouse. The member
25 may revoke the election prior to retirement by written
26 request to the board of trustees, but cannot revoke
27 the election after retirement. The election request
28 applies to retirement under service retirement,
29 accidental disability and ordinary disability,
30 whichever is applicable at the time of the member's
31 retirement.

32 Optional retirement benefits shall be the actuarial
33 equivalent of the amounts of the retirement benefits
34 payable to members and beneficiaries under section
35 97A.6. The actuarial equivalent shall be based on the
36 mortality and interest assumptions set out in section
37 97A.5.

38 If the member dies without a beneficiary prior to
39 retirement or prior to receipt in benefits of an
40 amount equal to the total amount remaining to the
41 member's credit at the time of separation from
42 service, the election is null and void.

43 If the member dies with a beneficiary prior to
44 retirement, the election remains valid and the
45 beneficiary is entitled to receive the retirement
46 benefit beginning at the death of the member.
47 If the member dies with a beneficiary and the
48 beneficiary subsequently dies prior to receipt in
49 retirement benefits by both the member and the
50 beneficiary of an amount equal to the total amount

Page 2

1 remaining to the member's credit at the time of
2 separation from service, the election remains valid.
3 For the purpose of this section, "beneficiary"
4 means a spouse, child, or a dependent parent."
5 2. Page 22, by inserting after line 21, the
6 following:
7 "Sec. _____. NEW SECTION. 411.6A OPTIONAL
8 RETIREMENT BENEFITS.
9 In lieu of the retirement benefits and refund of
10 contributions provided for members of the system and
11 the members' beneficiaries under sections 411.6 and
12 411.23, members may elect to receive an optional
13 retirement benefit during the member's lifetime and
14 have the optional retirement benefit, or a designated
15 fraction of the optional retirement benefit, continued
16 and paid to the member's beneficiary after the
17 member's death and during the lifetime of the
18 beneficiary. The optional retirement benefit shall be
19 determined at the time of the member's retirement
20 based upon whether the member retires under service
21 retirement, accidental disability, or ordinary
22 disability.
23 The member shall make the election request in
24 writing to the board of trustees prior to retirement.
25 The election is subject to the approval of the board
26 of trustees. If the member is married, the election
27 of an option under this section requires the written
28 acknowledgement of the member's spouse. The member
29 may revoke the election prior to retirement by written
30 request to the board of trustees, but cannot revoke
31 the election after retirement. The election request
32 applies to retirement under service retirement,
33 accidental disability and ordinary disability,
34 whichever is applicable at the time of the member's
35 retirement.
36 Optional retirement benefits shall be the actuarial
37 equivalent of the amounts of the retirement benefits
38 payable to members and beneficiaries under section
39 411.6. The actuarial equivalent shall be based on the
40 mortality and interest assumptions set out in section
41 411.5.

42 If the member dies without a beneficiary prior to
43 retirement or prior to receipt in benefits of an
44 amount equal to the total amount remaining to the
45 member's credit at the time of separation from
46 service, the election is null and void.

47 If the member dies with a beneficiary prior to
48 retirement, the election remains valid and the
49 beneficiary is entitled to receive the retirement
50 benefit beginning at the death of the member.

Page 3

1 If the member dies with a beneficiary and the
2 beneficiary subsequently dies prior to receipt in
3 retirement benefits by both the member and the
4 beneficiary of an amount equal to the total amount
5 remaining to the member's credit at the time of
6 separation from service, the election remains valid.

7 For the purpose of this section, "beneficiary"
8 means a spouse, child, or a dependent parent."

Amendment H—5968 was adopted.

Blanshan of Greene moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2543)

The ayes were, 90:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Chapman	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Dvorsky	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	May	McKean
McKinney	Mertz	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peters	Petersen, D. F.	Peterson, M. K.
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklloth	Schrader	Shearer
Sherzan	Shoning	Shultz	Siegrist
Spear	Spenner	Svoboda	Swartz

Tabor
Wise

Teaford
Mr. Speaker
Avenson

Tyrrell

Van Maanen

The nays were, 9:

Carpenter
Metcalf
Trent

Doderer
Miller

Eddie
Pellett

Maulsby
Plasier

Absent or not voting, 1:

Stueland

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Stueland of Clinton, for the remainder of the day, on request of Eddie of Buena Vista.

SENATE MESSAGES CONSIDERED

Senate File 2406, by committee on ways and means, a bill for an act relating to the sales and use tax on carbon dioxide and providing a retroactive applicability date.

Read first time and referred to committee on **ways and means**.

Senate File 2421, by committee on appropriations, a bill for an act relating to human services and making appropriations to the department of human services and other properly related matters, providing for retroactive applicability of certain provisions, and providing an effective date.

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 29, 1990, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2327, a bill for an act relating to and making appropriations to the department of economic development, INTERNET, Wallace technology transfer foundation, Iowa finance authority, and small business advocate, and establishing a small business advocate.

JOHN F. DWYER, Secretary

IMMEDIATE MESSAGE
(House File 2543)

Arnould of Scott asked and received unanimous consent that House File 2543 be immediately messaged to the Senate.

Appropriations Calendar

The House resumed consideration of **House File 2564**, a bill for an act relating to substance abuse prevention and treatment, enforcement of controlled substance provisions, making appropriations, and providing penalties, and amendment H—5942B, found on page 1598 of the House Journal, previously deferred and retained on the appropriations calendar.

Renaud of Polk in the chair at 6:45 p.m.

Peters of Woodbury moved the adoption of amendment H—5942B.

A non-record roll call was requested.

The ayes were 53, nays 40.

Amendment H—5942B was adopted, placing out of order amendment H—5949, previously deferred, filed by Peters of Woodbury from the floor.

Pavich of Pottawattamie offered the following amendment H—5977 filed by him from the floor and moved its adoption:

H—5977

- 1 Amend House File 2564 as follows:
- 2 1. Page 11, line 32, by striking the words "a
- 3 quorum may" and inserting the following: "the voting
- 4 members of the council is necessary to".

Amendment H—5977 was adopted.

McKinney of Dallas offered the following amendment H—5950 filed by him from the floor and moved its adoption:

H—5950

- 1 Amend House File 2564 as follows:
- 2 1. Title page, by striking lines 1 through 3, and
- 3 inserting the following: "An Act relating to making
- 4 appropriations for substance abuse treatment,
- 5 prevention, education, and enforcement programs,
- 6 establishing an evaluation mechanism for substance
- 7 abuse treatment programs, and providing civil
- 8 penalties."

Amendment H—5950 was adopted.

Speaker Avenson in the chair at 7:09 p.m.

McKinney of Dallas moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2564)

The ayes were, 99:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cphoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbaüer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklöth	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 1:

Stueland

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

IMMEDIATE MESSAGE
(House File 2564)

Arnould of Scott asked and received unanimous consent that House File 2564 be immediately messaged to the Senate.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Wednesday, March 28, 1990. Had I been present, I would have voted "aye" on House File 2431.

OLLIE of Clinton

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Twenty-six eighth grade students from West Central School, Maynard, accompanied by Ron Reusche and Bill Burke. By Avenson of Fayette.

Forty students from Russell Elementary and Russell High School, Russell, accompanied by Mike Harter. By Brown of Lucas.

Thirty fifth grade students from Western Hills Elementary School, West Des Moines, accompanied by Paul Linn and Stacey Roberts. By Carpenter of Polk.

Forty-five students from Wapello High School, Wapello, accompanied by Tim Jobes. By Shearer of Louisa.

Sixty fifth grade students from Oak Park Elementary School, Des Moines, accompanied by Sue Renaud and Doris Comstock. By Sherzan of Polk.

Forty Junior High School students from Peet Junior High School, Cedar Falls, accompanied by Carolyn Harms. By Teaford of Black Hawk.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON LOCAL GOVERNMENT

House File 2557, a bill for an act relating to the filing of liens against property for nonpayment of city utility or enterprise charges.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-5945 March 28, 1990.

COMMITTEE ON WAYS AND MEANS

Senate File 2304, a bill for an act relating to penalty and interest on cigarette, tobacco, motor fuel, individual income, withholding, corporation income, franchise, sales, use, retailer's use, environmental protection charge, inheritance, generation skipping transfer, and estate taxes, and providing effective and applicability dates.

Fiscal Note is not required.

Recommended **Do Pass** March 29, 1990.

Senate File 2412, a bill for an act relating to the regulation of certain charitable organizations, providing a fee, and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5962** March 29, 1990.

AMENDMENTS FILED

H-5937	S.F.	2402	Senate Amendment
H-5938	S.F.	2280	Senate Amendment
H-5939	H.F.	2554	Svoboda of Tama
			Gruhn of Dickinson
			Peters of Woodbury
			Brown of Lucas
H-5940	S.C.R.	128	Osterberg of Linn
			Carpenter of Polk
			Shearer of Louisa
H-5941	H.F.	2554	Tabor of Jackson
H-5944	S.C.R.	128	Osterberg of Linn
H-5945	H.F.	2557	Committee on
			Local Government
H-5951	H.F.	2554	Maulsby of Calhoun
			Lageschulte of Bremer
H-5952	H.F.	2554	Tabor of Jackson
H-5953	H.F.	2554	Svoboda of Tama
			Petersen of Muscatine
			Gruhn of Dickinson
			De Groot of Lyon
			Fogarty of Palo Alto
			Branstad of Winnebago
			Maulsby of Calhoun
H-5956	H.F.	2554	Tabor of Jackson
H-5957	S.F.	2344	Haverland of Polk
H-5958	S.F.	2093	Tabor of Jackson
			Renaud of Polk
			Blanshan of Greene
H-5959	S.F.	2364	Senate Amendment

H-5960	H.F.	2554	Schnekloth of Scott
H-5961	H.F.	2554	Iverson of Wright
			Hermann of Scott
			Petersen of Muscatine
			Hanson of Delaware
			Hester of Pottawattamie
			Maulsby of Calhoun
			Van Maanen of Mahaska
			Garman of Story
			Royer of Page
			Daggett of Adams
			Trent of Muscatine
			Halvorson of Clayton
H-5962	S.F.	2412	Committee on
			Ways and Means
H-5963	H.F.	2554	Bennett of Ida
H-5964	H.F.	2554	Siegrist of Pottawattamie
			Beaman of Clarke
			Harbor of Mills
H-5966	H.F.	2554	Lageschulte of Bremer
			Maulsby of Calhoun
			Branstad of Winnebago
			De Groot of Lyon
H-5969	H.F.	2554	Kremer of Buchanan
H-5970	S.F.	2412	Murphy of Dubuque
			Bennett of Ida
H-5971	S.F.	2328	Senate Amendment
H-5972	H.F.	2456	Osterberg of Linn
			Jay of Appanoose
H-5973	S.F.	2403	Neuhauser of Johnson
			Dvorsky of Johnson
			Nielsen of Linn
			McKean of Jones
			Johnson of Winneshiek
			Banks of Plymouth
H-5975	H.F.	2554	Lageschulte of Bremer
			Maulsby of Calhoun
			Iverson of Wright
H-5976	H.F.	2554	Siegrist of Pottawattamie
			Renaud of Polk
			Poncy of Wapello
			Beaman of Clarke
H-5978	S.F.	2327	Senate Amendment

H-5979	S.F.	2410	Shoultz of Black Hawk Hatch of Polk
H-5980	S.F.	2410	Shoultz of Black Hawk Hatch of Polk
H-5981	S.F.	2410	Shoultz of Black Hawk Hatch of Polk
H-5982	H.F.	2554	Osterberg of Linn
H-5983	S.F.	2413	Jay of Appanoose

On motion by Arnould of Scott, the House adjourned at 7:26 p.m., until 9:00 a.m., Friday, March 30, 1990.

JOURNAL OF THE HOUSE

Eighty-second Calendar Day — Fifty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, March 30, 1990

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Honorable Don Knapp, state representative from Dubuque County.

The Journal of Thursday, March 29, 1990, was approved.

SENATE AMENDMENT CONSIDERED

Jay of Appanoose called up for consideration **House File 2450**, a bill for an act relating to court costs to the city for certain dismissals of parking violations and court costs and fees for certain parking violations, amended by the Senate, and moved that the House concur in the following Senate amendment H—5875:

H—5875

- 1 Amend House File 2450, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 10, by inserting after the word
- 4 "violations" the following: "Filing fees".
- 5 2. Page 1, by inserting after line 13 the
- 6 following:
- 7 "Sec. _____. Section 321.236, subsection 1, para-
- 8 graph a, Code 1989, is amended to read as follows:
- 9 a. May be charged and collected upon a simple
- 10 notice of a fine not exceeding five dollars payable to
- 11 the city clerk or clerk of the district court, if
- 12 authorized by ordinance. The fine may be increased up
- 13 to ten dollars if the parking violation is not paid
- 14 within thirty days of the date upon which the
- 15 violation occurred, if authorized by ordinance. No
- 16 costs or other charges shall be assessed. All fines
- 17 collected by a city pursuant to this paragraph shall
- 18 be retained by the city and all fines collected by a
- 19 county pursuant to this paragraph shall be retained by
- 20 the county."
- 21 3. Page 1, by striking lines 22 and 23 and
- 22 inserting the following: "information shall not be
- 23 collected in cases of overtime or uniform citation and
- 24 complaint for parking violations under sections
- 25 321.236, 321.239, 321.358, 321.360, and 321.361 is one
- 26 dollar, effective January 1, 1991. The court costs in

27 cases of parking meter and overtime parking violations
 28 which are denied, and charged and collected pursuant
 29 to section 321.236, subsection 1, or pursuant to a
 30 uniform citation and complaint are eight dollars per
 31 information or complaint or per uniform citation and
 32 complaint, effective January 1, 1991."

33 4. By striking page 1, line 33, through page 2,
 34 line 3, and inserting the following: "805.8 to be
 35 scheduled violations. The filing fees and court costs
 36 in cases of parking meter and overtime parking
 37 violations which are denied, and charged and collected
 38 pursuant to section 321.236, subsection 1, are eight
 39 dollars per court appearance, regardless of the number
 40 of parking violations considered at that court
 41 appearance are as stated in section 602.8106,
 42 subsection 1. The court costs in scheduled".

43 5. Page 2, by striking lines 22 through 24 and
 44 inserting the following: "dollars. The scheduled
 45 fine for a parking violation of section 321.236
 46 increases in an amount up to ten dollars, as
 47 authorized by ordinance pursuant to section 321.236,
 48 subsection 1, paragraph "a", if the parking violation
 49 is not paid within thirty days of the date upon which
 50 the violation occurred. For".

The motion prevailed and the House concurred in the Senate amendment H-5875.

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

On the question "Shall the bill pass?" (H.F. 2450)

The ayes were, 91:

- | | | | |
|---------------|------------------|------------------|----------|
| Arnould | Banks | Beaman | Beatty |
| Bennett | Bisignano | Black | Blanshan |
| Brammer | Brand | Branstad | Buhr |
| Carpenter | Chapman | Clark | Cphoon |
| Connors | Corbett | Daggett | De Groot |
| Doderer | Dvorsky | Eddie | Fey |
| Fogarty | Fuller | Garman | Groninga |
| Gruhn | Halvorson, R. A. | Halvorson, R. N. | Hammond |
| Hansen, S. D. | Hanson, D. R. | Harbor | Harper |
| Hatch | Hermann | Hester | Holveck |
| Iverson | Jay | Jesse | Jochum |
| Johnson | Kistler | Knapp | Koenigs |
| Kremer | Lageschulte | Lundby | Lykam |
| Maulsby | May | McKean | McKinney |
| Mertz | Metcalf | Murphy | Nielsen |

Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spanner	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 9:

Adams	Brown	Diemer	Haverland
Hibbard	Miller	Muhlbauer	Neuhauser
Plasier			

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

Ways and Means Calendar

House File 2554, a bill for an act relating to county tax and services provisions by appropriating funds for state assistance to counties for certain services to the chronically mentally ill, by modifying the mobile home tax reduction for the elderly and disabled, the homestead tax credit, the property tax credit and rent reimbursement for the elderly and disabled, by increasing the amount of credit and reimbursement, creating a family farm tax credit, and providing a penalty, and effective and applicability dates, with report of committee recommending amendment and passage was taken up for consideration.

Tabor of Jackson offered the following amendment H—5924 filed by the committee on appropriations and moved its adoption:

H—5924

- 1 Amend House File 2554 as follows:
- 2 1. Page 2, line 7, by inserting after the word
- 3 "county" the following: "shall provide services in
- 4 accordance with standards and consistent with the
- 5 guidelines adopted pursuant to section 225C.27 and".
- 6 2. Page 2, line 12, by inserting after the word
- 7 "the" the following: "mental health and mental
- 8 retardation".
- 9 3. Page 3, by inserting after line 11 the
- 10 following:
- 11 "7. Nothing in this section is intended by the
- 12 general assembly to be the provision of a fair and
- 13 equitable funding formula specified in 1985 Iowa Acts,

14 chapter 249, section 9. Nothing in this section shall
 15 be construed, is intended, or shall imply a claim of
 16 entitlement to any programs or services specified in
 17 section 225C.28."

The committee amendment H—5924 was adopted.

Osterberg of Linn offered the following amendment H—5982 filed
 by him:

H—5982

1 Amend House File 2554 as follows:

2 1. Page 1, line 3, by inserting after the figure
 3 "2." the following: "a."

4 2. Page 1, by inserting after line 21 the
 5 following:

6 "b. If the owner of the mobile home is an Iowa
 7 resident, has attained the age of eighteen years on or
 8 before December 31 of the base year but has not
 9 attained the age or disability status described in
 10 paragraph "a", and has an income when included with
 11 that of a spouse which is less than fourteen thousand
 12 dollars, the annual tax shall be computed as follows:

13 <u>If the Household</u>	<u>Annual Tax Per</u>
14 <u>Income is:</u>	<u>Square Foot:</u>
15 \$ 0 — 5,999.99	10.0 cents
16 6,000 — 6,999.99	11.6
17 7,000 — 7,999.99	13.0
18 8,000 — 9,999.99	15.0
19 10,000 — 11,999.99	16.7
20 12,000 — 13,999.99	17.6".

21 3. By striking page 3, line 12, through page 4,
 22 line 5, and inserting the following:

23 "Sec. 50. Section 425.17, subsections 5 and
 24 9, Code Supplement 1989, are amended to read as follows:

25 5. "Claimant" means a either one of the following:

26 a. A person filing a claim for credit or
 27 reimbursement under this division who has attained the
 28 age of sixty-five years on or before December 31 of
 29 the base year or who is a surviving spouse having
 30 attained the age of fifty-five years on or before
 31 December 31, 1988, or who is totally disabled and was
 32 totally disabled on or before December 31 of the base
 33 year, and was domiciled in this state during the
 34 entire base year and is domiciled in this state at the
 35 time the claim is filed or at the time of the person's
 36 death in the case of a claim filed by the executor or
 37 administrator of the claimant's estate.

38 b. A person filing a claim for credit or
 39 reimbursement under this division who has attained the
 40 age of eighteen years on or before December 31 of the

41 base year but has not attained the age or disability
42 status described in paragraph "a", and was domiciled
43 in this state during the entire base year and is
44 domiciled in this state at the time the claim is filed
45 or at the time of the person's death in the case of a
46 claim filed by the executor or administrator of the
47 claimant's estate.

48 "Claimant" under paragraph "a" or "b" includes a
49 vendee in possession under a contract for deed and may
50 include one or more joint tenants or tenants in

Page 2

1 common. In the case of a claim for rent constituting
2 property taxes paid, the claimant shall have rented
3 the property during any part of the base year. If a
4 homestead is occupied by two or more persons, and more
5 than one person is able to qualify as a claimant, the
6 persons may determine among them who will be the
7 claimant. If they are unable to agree, the matter
8 shall be referred to the director of revenue and
9 finance not later than October 31 of each year and the
10 director's decision is final.

11 9. "Property taxes due" means property taxes
12 including any special assessments, but exclusive of
13 delinquent interest and charges for services, due on a
14 claimant's homestead in this state, but includes only
15 property taxes for which the claimant is liable and
16 which will actually be paid by the claimant. However,
17 if the claimant is a person whose property taxes have
18 been suspended under sections 427.8 and 427.9,
19 "property taxes due" means property taxes including
20 any special assessments, but exclusive of delinquent
21 interest and charges for services, due on a claimant's
22 homestead in this state, but includes only property
23 taxes for which the claimant is liable and which would
24 have to be paid by the claimant if the payment of the
25 taxes has not been suspended pursuant to sections
26 427.8 and 427.9. "Property taxes due" shall be
27 computed with no deduction for any credit under this
28 division or for any homestead credit allowed under
29 section 425.1. Each claim shall be based upon the
30 taxes due during the fiscal year next following the
31 base year. If a homestead is owned by two or more
32 persons as joint tenants or tenants in common, and one
33 or more persons are not members of claimant's
34 household, "property taxes due" is that part of
35 property taxes due on the homestead which equals the
36 ownership percentage of the claimant and the
37 claimant's household. The county treasurer shall
38 include with the tax receipt a statement that if the
39 owner of the property is sixty five eighteen years of

40 age or over or is totally disabled, or is a surviving
 41 spouse who was fifty-five years of age on or before
 42 December 31, 1988, the person may be eligible for the
 43 credit allowed under this division. If a homestead is
 44 an integral part of a farm, the claimant may use the
 45 total property taxes due for the larger unit. If a
 46 homestead is an integral part of a multidwelling or
 47 multipurpose building the property taxes due for the
 48 purpose of this subsection shall be prorated to
 49 reflect the portion which the value of the property
 50 that the household occupies as its homestead is to the

Page 3

1 value of the entire structure. For purposes of this
 2 subsection, "unit" refers to that parcel of property
 3 covered by a single tax statement of which the
 4 homestead is a part."

5 4. Page 4, line 8, by inserting after the figure
 6 "1." the following: "a".

7 5. Page 4, line 8, by inserting after the word
 8 "reimbursement" the following: "for a claimant
 9 described in section 425.17, subsection 5, paragraph
 10 "a"".

11 6. Page 4, by inserting after line 20, the
 12 following:

13 b. The tentative credit or reimbursement for a
 14 claimant described in section 425.17, subsection 5,
 15 paragraph "b", shall be determined in accordance with
 16 the following schedule:

	<u>Percent of property taxes</u> <u>due or rent constituting</u> <u>property taxes paid</u> <u>allowed as a credit or</u> <u>reimbursement:</u>
17 <u>If the household</u>	
18 <u>income is:</u>	
19 \$ 0 — 5,999.99	50%
20 6,000 — 6,999.99	42
21 7,000 — 7,999.99	35
22 8,000 — 9,999.99	25
23 10,000 — 11,999.99	17
24 12,000 — 13,999.99	12".

25 7. Page 5, line 8, by inserting after the word
 26 "less." the following: "However, where the claimant is
 27 an individual described in section 425.17, subsection 5,
 28 paragraph "b", the claim filed constitutes a claim for
 29 credit of an amount equal to one-half of the actual amount
 30 due and payable during the fiscal year or equal to one-half
 31 of the annual payment, whichever is less."

32 8. Page 12, line 11, by inserting after the figure
 33 "1," the following: "50".

34 9. Page 12, line 13, by inserting before the
 35 figure "4" the following: "50".

39 10. Page 12, line 17, by striking the word and
40 figure "3 and".

41 11. Page 12, line 18, by striking the words
42 "homestead tax credits and".

43 12. Title page, line 5, by striking the words
44 "the homestead tax credit,".

Hatch of Polk in the chair at 10:08 a.m.

Osterberg of Linn moved the adoption of amendment H—5982.

A non-record roll call was requested.

The ayes were 38, nays 30.

Amendment H—5982 was adopted.

Iverson of Wright asked and received unanimous consent to withdraw amendment H—5961 filed by Iverson, et al., on March 29, 1990.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hibbard of Madison, until his arrival, on request of Brown of Lucas.

Iverson of Wright offered the following amendment H—5991 filed by him from the floor and moved its adoption:

H—5991

1 Amend House File 2554 as follows:

2 1. Page 1, by striking lines 1 through 28.

3 2. Page 2, line 3, by striking the words "five
4 million" and inserting the following: "seven million
5 two hundred thousand".

6 3. Page 3, by inserting after line 11, the
7 following:

8 "Sec. _____. Section 257.3, subsections 1 and 2,

9 Code Supplement 1989, are amended to read as follows:

10 1. AMOUNT OF TAX. Except as provided in
11 subsection 2, a school district shall cause to be
12 levied each year, for the school general fund, a
13 foundation property tax equal to five dollars and
14 forty cents per thousand dollars of assessed valuation
15 on all taxable property in the district. The county
16 auditor shall spread the foundation levy over all
17 taxable property in the district.

18 2. AMOUNT FOR REORGANIZED AND DISSOLVED DISTRICTS.

19 Reorganized school districts that met the requirements
20 of section 442.2, subsection 1, Code 1989, prior to
21 July 1, 1989, and had reduced property tax rates shall
22 continue to have the reduced levies that they would
23 have had under section 442.2, subsection 1, Code 1989,

- 24 and those levies shall continue to increase twenty
 25 cents per year as provided in that subsection, except
 26 that those levies shall not increase above five
 27 dollars per thousand dollars of assessed valuation."
 28 4. By striking page 3, line 12, through page 11,
 29 line 26.
 30 5. Page 12, by striking lines 10 through 20.
 31 6. Title page, by striking lines 4 through 9 and
 32 inserting the following: "the school foundation
 33 property tax levy rate, and providing an effective
 34 date."

Roll call was requested by Tabor of Jackson and Wise of Lee.

Rule 75 was invoked.

On the question "Shall amendment H—5991 be adopted?"
 (H.F. 2554)

The ayes were, 35:

Banks	Beaman	Bennett	Branstad
Clark	Corbett	Daggett	De Groot
Diemer	Eddie	Garman	Halvorson, R. A.
Hanson, D. R.	Harbor	Hermann	Hester
Iverson	Kistler	Koenigs	Lageschulte
Lundby	Maulsby	McKean	Mertz
Miller	Pellett	Petersen, D. F.	Renken
Royer	Schneklath	Spenner	Stueland
Trent	Tyrrell	Van Maanen	

The nays were, 63:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Buhr	Carpenter
Chapman	Cohoon	Connors	Doderer
Dvorsky	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Harper	Haverland	Holveck	Jay
Jesse	Jochum	Johnson	Knapp
Kremer	Lykam	May	McKinney
Metcalf	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Plasier	Poncy
Renaud	Rosenberg	Schrader	Shearer
Sherzan	Shoning	Shultz	Siegrist
Spear	Svoboda	Swartz	Tabor
Teaford	Wise	Hatch	
		Presiding	

Absent or not voting, 2:

Fey Hibbard

Amendment H—5991 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Poncy of Wapello, for the remainder of the day, on request of Koenigs of Mitchell.

Svoboda of Tama asked and received unanimous consent to withdraw amendment H—5953 filed by Svoboda, et al., on March 29, 1990.

Petersen of Muscatine offered the following amendment H—5990 filed by him from the floor:

H—5990

1 Amend House File 2554 as follows:

2 1. Page 3, by inserting after line 11 the
3 following:

4 "Sec. _____. NEW SECTION. 331.426A MENTAL HEALTH
5 SERVICES LIMITATION — STATE OBLIGATION.

6 1. The amount that a county may expend to pay the
7 charges for services under the mental health programs
8 in existence on July 1, 1990, from the receipts from
9 property taxes levied under this part of division IV
10 shall not exceed the amount expended in the fiscal
11 year beginning July 1, 1991, to pay the charges for
12 services under the mental health programs in existence
13 on July 1, 1990, from the receipts from property taxes
14 levied under this part of division IV.

15 2. For fiscal years beginning on or after July 1,
16 1992, the state shall pay the charges for services
17 under the mental health programs in existence on July
18 1, 1990, to the extent the county is unable to pay the
19 charges as a result of the limitation imposed under
20 subsection 1."

21 2. Title page, line 3, by inserting after the
22 word "ill," the following: "limiting the amount of
23 property taxes that may be expended for services under
24 certain mental health programs."

Speaker Avenson in the chair at 11:29 a.m.

Petersen of Muscatine moved the adoption of amendment H—5990.

Roll call was requested by Maulsby of Calhoun and De Groot of Lyon.

On the question "Shall amendment H—5990 be adopted?"
(H.F. 2554)

The ayes were, 44:

Banks
Branstad

Beaman
Brown

Bennett
Clark

Black
Corbett

Daggett	De Groot	Diemer	Eddie
Fogarty	Garman	Halvorson, R. A.	Halvorson, R. N.
Hanson, D. R.	Harbor	Hermann	Hester
Iverson	Jay	Kistler	Kremer
Lageschulte	Lundby	Maulsby	McKean
Mertz	Metcalf	Miller	Pellett
Petersen, D. F.	Plasier	Renken	Royer
Schnekloth	Shoning	Siegrist	Spenner
Stueland	Trent	Tyrrell	Van Maanen

The nays were, 51:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Brand	Buhr
Chapman	Cohoon	Connors	Doderer
Dvorsky	Fey	Fuller	Groninga
Gruhn	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Holveck	Jesse
Jochum	Johnson	Knapp	Koenigs
Lykam	May	McKinney	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Renaud	Rosenberg	Schrader	Shearer
Shoultz	Spear	Svoboda	Tabor
Teaford	Wise	Mr. Speaker	
		Avenson	

Absent or not voting, 5:

Carpenter	Hibbard	Poney	Sherzan
Swartz			

Amendment H — 5990 lost.

Arnould of Scott asked and received unanimous consent that House File 2554 be deferred and that the bill retain its place on the calendar.

Peters of Woodbury in the chair at 11:47 a.m.

On motion by Arnould of Scott, the House was recessed at 11:50 a.m., until 12:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Chapman of Linn, for the remainder of the day, on request of Arnould of Scott.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 30, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2420, a bill for an act relating to the transfer of appropriations within and between state departments, institutions, and agencies.

Also: That the Senate has on March 30, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2423, a bill for an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for educational and cultural programs of this state, providing effective dates, and providing retroactive applicability.

JOHN F. DWYER, Secretary

ADOPTION OF SENATE CONCURRENT RESOLUTION 128

Blanshan of Greene called up for consideration Senate Concurrent Resolution 128, relating to the provision of cable television service.

Osterberg of Linn offered the following amendment H—5944 filed by him and moved its adoption:

H—5944

- 1 Amend Senate Concurrent Resolution 128, as passed
- 2 by the Senate, as follows:
- 3 1. Page 3, line 5, by striking the word
- 4 "Regulations" and inserting the following: "State and
- 5 federal regulations".
- 6 2. Page 3, line 8, by inserting after the word
- 7 "operations." the following: "State regulations of
- 8 intrastate fiber optics shall not be preempted by the
- 9 federal government."

Amendment H—5944 was adopted.

Osterberg of Linn offered the following amendment H—5940 filed by Osterberg, et al.:

H—5940

- 1 Amend Senate Concurrent Resolution 128, as passed
- 2 by the Senate, as follows:
- 3 1. Page 3, by inserting after line 12 the fol-
- 4 lowing:
- 5 "d. Regulations are in place to ensure that fiber-
- 6 optic cable deployed to homes is accorded the legal
- 7 status of a common carrier.

8 e. Regulations are in place to prohibit the
9 delivery of information services or programming
10 originated by an owner or operator of a fiber optic
11 cable deployed to homes who provides telephonic or
12 other regulated communications services, except in
13 regulated circumstances where the owner or operator is
14 subject to a penalty for the use of information
15 concerning a competitor obtained in the course of
16 providing services, and procedures are in place to
17 make technological information gained through system
18 use, operation, or ownership which affect system use
19 available to competitors using the system."

Osterberg of Linn offered the following amendment H—6000, to amendment H—5940, filed by him and Shearer of Louisa from the floor and moved its adoption:

H—6000

1 Amend amendment, H—5940, to Senate Concurrent
2 Resolution 128, as passed by the Senate, as follows:
3 1. Page 1, by striking lines 8 through 19, and
4 inserting the following:
5 "e. Regulations are in place to prohibit common
6 carriers, which provide video transmission facilities
7 by use of an integrated switched network, from
8 providing, pursuant to customer desires, individual
9 customer data accumulated by the carrier in the course
10 of furnishing regulated common carrier services to the
11 customer, to all enhanced service providers whether
12 they are affiliated or unaffiliated with the involved
13 common carrier. Penalties must be assessed of any
14 carrier that violates these disclosure rules."

Amendment H—6000 was adopted.

On motion by Osterberg of Linn, amendment H—5940, as amended, was adopted.

On motion by Blanshan of Greene, the resolution, as amended, was adopted.

IMMEDIATE MESSAGE
(Senate Concurrent Resolution 128)

Arnould of Scott asked and received unanimous consent that Senate Concurrent Resolution 128 be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 30, 1990, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 2459, a bill for an act relating to the employment of personnel under sharing agreements between school districts.

Also: That the Senate has on March 30, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2415, a bill for an act authorizing an additional tax levy and the creation of a reserve account by a benefited fire district.

Also: That the Senate has on March 30, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2416, a bill for an act relating to transfer of the delinquent tax liens and the service of notice of expiration of the right of redemption from tax sales on certain persons with an interest in the real estate, and providing an effective date.

JOHN F. DWYER, Secretary

The House stood at ease at 1:23 p.m., until the fall of the gavel.

The House resumed session at 2:28 p.m., Speaker Avenson in the chair.

Ways and Means Calendar

The House resumed consideration of **House File 2554**, a bill for an act relating to county tax and services provisions by appropriating funds for state assistance to counties for certain services to the chronically mentally ill, by modifying the mobile home tax reduction for the elderly and disabled, the homestead tax credit, the property tax credit and rent reimbursement for the elderly and disabled, by increasing the amount of credit and reimbursement, creating a family farm tax credit, and providing a penalty, and effective and applicability dates, previously deferred and retained on the ways and means calendar.

Siegrist of Pottawattamie offered the following amendment H-5964 filed by Siegrist, et al.:

H-5964

- 1 Amend House File 2554 as follows:
- 2 1. Page 4, by inserting after line 5 the
- 3 following:
- 4 "Sec. 100. Section 425.15, Code 1989, is amended
- 5 to read as follows:

6 425.15 DISABLED VETERAN TAX CREDIT.

7 If the owner of the a homestead, allowed a credit
8 under this chapter, is a veteran of any of the
9 military forces of the United States, who acquired the
10 homestead under the provisions of the United States
11 Code, title 38, chapter 21, sections 801 and 802 38
12 U.S.C. § 21.801, 21.802, the credit allowed on the
13 homestead from the homestead credit fund shall be the
14 entire amount of the tax levied on the homestead. The
15 credit allowed shall be continued to the estate of the
16 a veteran who is deceased or the surviving spouse and
17 any child, as defined in section 234.1, who are the
18 beneficiaries of the a deceased veteran, so long as
19 the surviving spouse remains unmarried. This section
20 is not applicable to the holder of title to any
21 homestead whose annual income, together with that of
22 the titleholder's spouse, if any, for the last
23 preceding twelve-month income tax accounting period
24 exceeds ten fifty thousand dollars. For the purpose
25 of this section "income" means taxable income for
26 federal income tax purposes plus income from
27 securities of state and other political subdivisions
28 exempt from federal income tax. Any A veteran or a
29 beneficiary of the a veteran who elects to secure the
30 credit provided in this section is not eligible for
31 any other real property tax exemption provided by law
32 for veterans of military service. If the a veteran
33 acquires a different homestead, the credit allowed
34 under the provisions of this section may be claimed on
35 a the new homestead unless the veteran fails to meet
36 the other requirements of this section."

37 2. Page 12, by inserting after line 22 the
38 following:

39 "Sec. _____.

40 Section 100 of this Act is applicable for
41 assessment years beginning on or after July 1, 1991."

42 3. By renumbering as necessary.

Siegrist of Pottawattamie offered the following amendment
H-5976, to amendment H-5964, filed by Siegrist, et al., and moved
its adoption:

H-5976

1 Amend amendment H-5964 to House File 2554 as
2 follows:

3 1. Page 1, line 24, by striking the word "fifty"
4 and inserting the word "twenty-five".

Amendment H-5976 was adopted.

On motion by Siegrist of Pottawattamie, amendment H—5964, as amended, was adopted.

Tabor of Jackson offered the following amendment H—5952 filed by him:

H—5952

1 Amend House File 2554 as follows:

2 1. By striking page 6, line 33 through page 7,
3 line 5, and inserting the following:

4 "3. "Actively engaged in farming" means satisfying
5 all of the following conditions:

6 a. The person receives or has the right to receive
7 all of the crop production from more than one-half of
8 the tract.

9 b. The person materially participated in the
10 production of the crops, as defined in section 469(h),
11 except paragraphs (3) and (4), of the Internal Revenue
12 Code, as defined in section 422.3 and regulations
13 adopted for the applicable paragraphs of that section.

14 However, a person performing activities in the
15 capacity of a lessor, whether under a cash or crop
16 share lease, is not actively engaged in farming on the
17 area of the tract covered by the lease."

18 2. Page 7, line 33, by striking the words "are
19 actively engaged in farming" and inserting the
20 following: "were actively engaged in farming during
21 the fiscal year preceding the fiscal year in which the
22 auditor computes the amount of credit under section
23 425A.5 for which the tract would be eligible, owned
24 the tract on June 30 of that preceding fiscal year,".

25 3. Page 8, line 1, by striking the words "or
26 owner's spouse." and inserting the following: ",
27 owner's spouse, owner's child or stepchild, or the
28 spouse of the owner's child or stepchild."

29 4. Page 8, line 24, by striking the word
30 "auditor" and inserting the following: "board of
31 supervisors".

32 5. Page 8, line 27, by striking the word "is" and
33 inserting the following: "was, during the fiscal year
34 specified in subsection 2,".

35 6. Page 8, line 28, by striking the word "is" and
36 inserting the following: "was".

37 7. Page 8, line 29, by striking the word "is" and
38 inserting the following: "was".

39 8. Page 8, line 30, by striking the word
40 "auditor" and inserting the following: "board".

41 9. Page 9, line 3, by striking the word "are" and
42 inserting the following: "were".

43 10. Page 9, line 7, by striking the words and
44 figure "March 15 deliver to the county auditor" and

- 45 inserting the following: "October 1 deliver to the
46 county assessor".
47 11. Page 9, line 8, by striking the word
48 "auditor" and inserting the following: "assessor".
49 12. Page 9, line 12, by striking the word
50 "auditor" and inserting the following: "assessor".

Page 2

- 1 13. Page 9, line 13, by striking the word and
2 figure "March 16" and inserting the following:
3 "October 15".
4 14. Page 9, line 15, by inserting after the word
5 "disallowance." the following: "However, the deadline
6 for filing claims in the 1990 calendar year shall be
7 December 1, 1990, and the assessor shall return the
8 statements and designations to the county board of
9 supervisors on December 15, 1990."
10 15. Page 9, line 17, by striking the word
11 "auditors" and inserting the following: "assessors".
12 16. Page 9, by striking lines 21 and 22 and
13 inserting the following: "the decision of the board
14 to the district court in which the tract for which the
15 credit is claimed is situated by giving written notice
16 of the appeal to the county assessor within twenty
17 days from the date of the mailing of the notice of the
18 decision of the board of supervisors."
19 17. Page 10, by striking lines 6 through 21.
20 18. Page 12, lines 13 and 14, by striking the
21 words and figures "Sections 4 and 5 of this Act are"
22 and inserting the following: "Section 4 of this Act
23 is".

Arnould of Scott asked and received unanimous consent to temporarily defer action on amendment H—5963, to amendment H—5952.

Kremer of Buchanan asked and received unanimous consent to withdraw amendment H—5969, to amendment H—5952, filed by him on March 29, 1990.

Lageschulte of Bremer offered the following amendment H—5975, to amendment H—5952, filed by Lageschulte, et al., and moved its adoption:

H—5975

- 1 Amend the amendment, H—5952, to House File 2554 as
2 follows:
3 1. Page 1, line 27, by striking the words "or
4 stepchild" and inserting the following: ", stepchild,
5 or grandchild".
6 2. Page 1, line 28, by striking the words "or
7 stepchild" and inserting the following: ", stepchild,
8 or grandchild".

Amendment H—5975 lost.

Bennett of Ida offered the following amendment H—5963, previously deferred, to amendment H—5952, filed by him and moved its adoption:

H—5963

- 1 Amend the amendment, H—5952, to House File 2554 as
- 2 follows:
- 3 1. Page 1, by striking lines 14 through 17.

Amendment H—5963 lost.

On motion by Tabor of Jackson, amendment H—5952 was adopted, placing out of order lines 37 and 38, page 3, of amendment H—5982 previously adopted, found on page 1615 of the House Journal.

Svoboda of Tama offered the following amendment H—5939 filed by Svoboda, et al., and moved its adoption:

H—5939

- 1 Amend House File 2554 as follows:
- 2 1. Page 7, by striking lines 10 through 13.
- 3 2. Page 7, lines 33 and 34, by striking the words
- 4 and figure: "have met requirements of subsection 3,".
- 5 3. Page 8, by striking lines 10 through 23.
- 6 4. Page 9, lines 3 and 4, by striking the words
- 7 and figures: "has met the requirements of section
- 8 425A.3, subsection 3,".
- 9 5. Page 9, by striking lines 10 through 12 and
- 10 inserting the following: ". The auditor shall return
- 11 the statement and".

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 47, nays 45.

Amendment H—5939 was adopted, placing out of order lines 49 and 50 of page 1 of amendment H—5952, previously adopted, found on pages 1624 and 1625 of the House Journal.

Schneklath of Scott offered the following amendment H—5960 filed by him and moved its adoption:

H—5960

- 1 Amend House File 2554 as follows:
- 2 1. Page 8, line 1, by inserting after the word
- 3 "spouse" the following: ", but if the owner has
- 4 retired from farming and the owner was eligible for

- 5 the credit at the time of retirement, the individual
- 6 leasing the tract from the owner, if the lessee is a
- 7 beginning farmer as defined in section 175.2".

Roll call was requested by Bennett of Ida and Schnekloth of Scott.

On the question "Shall amendment H—5960 be adopted?"
(H.F. 2554)

The ayes were, 45:

Banks	Beaman	Bennett	Brand
Branstad	Brown	Carpenter	Clark
Corbett	Daggett	De Groot	Diemer
Eddie	Fogarty	Garman	Halvorson, R. A.
Hanson, D. R.	Harbor	Hermann	Hester
Iverson	Jay	Kistler	Kremer
Lageschulte	Lundby	Maulsby	Mertz
Metcalf	Miller	Muhlbauer	Pellett
Petersen, D. F.	Plasier	Renken	Royer
Schnekloth	Shearer	Shoning	Siegrist
Spenner	Svoboda	Trent	Tyrrell
Van Maanen			

The nays were, 48:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Buhr	Cohoon
Connors	Doderer	Dvorsky	Fey
Fuller	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Hibbard	Holveck	Jochum
Johnson	Knapp	Koenigs	Lykam
May	McKinney	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Renaud	Rosenberg
Sherzan	Shoultz	Spear	Swartz
Tabor	Teaford	Wise	Mr. Speaker Avenson

Absent or not voting, 7:

Black	Chapman	Jesse	McKean
Poncy	Schrader	Stueland	

Amendment H—5960 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Stueland of Clinton, for the remainder of the day, on request of Van Maanen of Mahaska.

Lageschulte of Bremer offered the following amendment H—5966 filed by Lageschulte, et al.:

H—5966

- 1 Amend House File 2554 as follows:
- 2 1. Page 8, line 1, by inserting after the word
- 3 "spouse." the following: "If the owner rents all or a
- 4 portion of the tract and shares in the risk and profit
- 5 on a fifty percent-fifty percent basis, the lessee".

Fey of Scott in the chair at 3:21 p.m.

Lageschulte of Bremer moved the adoption of amendment H—5966.

Roll call was requested by Lageschulte of Bremer and Spenner of Henry.

Rule 75 was invoked.

On the question "Shall amendment H—5966 be adopted?" (H.F. 2554)

The ayes were, 40:

Banks	Beaman	Bennett	Black
Branstad	Brown	Clark	Corbett
Daggett	De Groot	Diemer	Eddie
Fuller	Garman	Halvorson, R. A.	Hanson, D. R.
Harbor	Hermann	Hester	Iverson
Jesse	Kistler	Kremer	Lageschulte
Lundby	Maulsby	Mertz	Miller
Pellett	Petersen, D. F.	Plasier	Renken
Royer	Schneklath	Shoning	Siegrist
Spenner	Trent	Tyrrell	Van Maanen

The nays were, 53:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Blanshan	Brammer	Brand
Buhr	Carpenter	Cphoon	Connors
Doderer	Dvorsky	Fogarty	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Harper	Hatch	Holveck	Jay
Jochum	Johnson	Knapp	Koenigs
Lykam	May	McKinney	Metcalf
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Renaud	Rosenberg	Schrader	Shearer
Sherzan	Shoultz	Spear	Svoboda
Swartz	Tabor	Teaford	Wise
Fey			
Presiding			

Absent or not voting, 7:

Chapman	Haverland	Hibbard	McKean
Muhlbauer	Poncy	Stueland	

Amendment H—5966 lost.

Maulsby of Calhoun offered the following amendment H—5951 filed by him and Lageschulte of Bremer and moved its adoption:

H—5951

- 1 Amend House File 2554 as follows:
- 2 1. Page 8, line 8, by striking the word "twenty"
- 3 and inserting the following: "fifty-one".

Amendment H—5951 was adopted.

Tabor of Jackson asked and received unanimous consent to withdraw amendment H—5941 filed by him on March 29, 1990.

Tabor of Jackson asked and received unanimous consent to defer action on amendment H—5956.

Petersen of Muscatine offered the following amendment H—5985 filed by him from the floor and moved its adoption:

H—5985

- 1 Amend House File 2554 as follows:
- 2 1. By striking page 5, line 26 through page 11,
- 3 line 26, and inserting the following:
- 4 "Sec. 100. NEW SECTION. 426B.1 LIVESTOCK VALUE-
- 5 ADDED TAX CREDIT.
- 6 A livestock value-added tax credit is allowed which
- 7 is to be determined and claimed as provided in this
- 8 section.
- 9 The value-added tax credit may be claimed on the
- 10 taxes imposed on any agricultural building valued at
- 11 not more than one hundred thousand dollars which is
- 12 used directly by the farmer in the production of meat,
- 13 milk, or eggs. The amount of the credit equals one
- 14 thousand five hundred dollars. The credit allowed
- 15 under this section does not extend to any other
- 16 agricultural land or building which is used by the
- 17 farmer for machinery or equipment storage or commodity
- 18 storage whose use is only incidental to the production
- 19 of meat, milk, or eggs.
- 20 Application for the credit shall be filed by the
- 21 owner of the agricultural building with the county
- 22 assessor not later than February 1 on forms provided
- 23 by the department of revenue and finance. The credit
- 24 shall be allowed for meat, milk, and eggs sold in the
- 25 preceding calendar year. The credit shall be allowed

26 against taxes due and payable in the fiscal year
27 beginning in the calendar year in which the credit is
28 claimed. The application shall describe and locate
29 the specific agricultural building upon which the
30 credit is to be applied. The claim filed under this
31 section is subject to the same procedures provided by
32 law for other property tax exemption claims.

33 Any amount of the credit claimed which exceeds the
34 amount of property taxes due and payable on the
35 agricultural building shall not be carried forward or
36 backward by the owner and the owner is not entitled to
37 any refund.

38 **Sec. 101. NEW SECTION. 426B.2 AMOUNT OF CREDITS**
39 **CERTIFIED — WARRANTS DRAWN BY DIRECTOR.**

40 1. On or before June 1, the county assessor shall
41 certify the total amount of credits allowed under
42 section 426B.1 to the director of the department of
43 revenue and finance.

44 2. After receiving from the county assessors the
45 certifications provided for in subsection 1, and
46 during the following fiscal year, the director of
47 revenue and finance shall draw warrants on the value-
48 added tax credit fund created in section 426B.3,
49 payable to the county treasurers in the amount
50 certified by the county assessors of the respective

Page 2

1 counties and mail the warrants to the county auditors
2 on August 15 of each year taking into consideration
3 the relative budget and cash position of the state
4 resources. However, if the value-added tax credit
5 fund is insufficient to pay in full the total of the
6 amounts certified to the director of revenue and
7 finance, the director shall prorate the fund to the
8 county treasurers and shall notify the county auditors
9 of the pro rata percentage on or before August 1.

10 3. Upon receiving the pro rata percentage from the
11 director of revenue and finance, the county auditor
12 shall determine the amount to be credited to each
13 agricultural building, and shall enter upon tax lists
14 as a credit against the tax levied on each
15 agricultural building on which there has been made an
16 allowance of credit before delivering the tax lists to
17 the county treasurer. Upon receipt of the director's
18 warrant by the county auditor, the auditor shall
19 deliver the warrant to the county treasurer for
20 apportionment. The county treasurer shall show on
21 each tax receipt the amount of tax credit for each
22 agricultural building. In case of change of ownership
23 the credit shall follow the title.

24 **Sec. 102. NEW SECTION. 426B.3 VALUE-ADDED TAX**

25 CREDIT FUND.

26 The value-added tax credit fund is created in the
27 office of the treasurer of state. There is
28 appropriated to the fund from funds in the general
29 fund not otherwise appropriated the sum of thirteen
30 million five hundred thousand dollars. Any balance in
31 the fund on June 30 shall revert to the general fund."

32 2. Page 12, line 17, by striking the word and
33 figures "6 through 13" and inserting the following:
34 "100 through 102".

35 3. Page 12, line 18, by striking the words
36 "family farm" and inserting the following: "value-
37 added".

38 4. Title page, line 7, by striking the words
39 "family farm" and inserting the following: "value-
40 added".

Roll call was requested by Bennett of Ida and Pellett of Cass.

On the question "Shall amendment H—5985 be adopted?"

(H.F. 2554)

The ayes were, 38:

Banks	Beaman	Bennett	Branstad
Brown	Carpenter	Clark	Corbett
Daggett	De Groot	Diemer	Eddie
Garman	Halvorson, R. A.	Hanson, D. R.	Harbor
Hester	Iverson	Kistler	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
May	Miller	Pellett	Petersen, D. F.
Plasier	Renken	Royer	Schnekloth
Shoning	Siegrist	Spenner	Trent
Tyrrell	Van Maanen		

The nays were, 56:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Buhr	Cohoon	Connors
Doderer	Dvorsky	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Knapp	Lykam
McKinney	Mertz	Metcalf	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Peters	Peterson, M. K.	Renaud
Rosenberg	Schrader	Shearer	Sherzan
Shoultz	Spear	Svoboda	Swartz
Tabor	Teaford	Wise	Fey
			Presiding

Absent or not voting, 6:

Chapman	Hermann	McKean	Pavich
Poncy	Stueland		

Amendment H — 5985 lost.

Hanson of Delaware offered the following amendment H — 5999 filed from the floor by Hanson of Delaware, Osterberg, Lageschulte, Petersen of Muscatine and Halvorson of Webster and moved its adoption:

H — 5999

- 1 Amend House File 2554 as follows:
- 2 1. Page 10, line 1, by striking the words "total
- 3 taxable value" and inserting the following: "taxable
- 4 value, not to exceed three hundred thousand dollars
- 5 per claim,".

Roll call was requested by Lageschulte of Bremer and Halvorson of Webster.

On the question "Shall amendment H — 5999 be adopted?"
(H.F. 2554)

The ayes were, 43:

Banks	Beaman	Bennett	Black
Brown	Buhr	Carpenter	Clark
Corbett	Daggett	De Groot	Diemer
Eddie	Garman	Halvorson, R. A.	Halvorson, R. N.
Hanson, D. R.	Harbor	Hester	Holveck
Iverson	Jesse	Johnson	Kistler
Kremer	Lageschulte	Lundby	Maulsby
Metcalf	Miller	Nielsen	Osterberg
Pellett	Plasier	Renken	Rosenberg
Royer	Shoning	Siegrist	Spenner
Trent	Tyrrell	Van Maanen	

The nays were, 49:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Brammer	Brand	Branstad
Cohoon	Connors	Doderer	Dvorsky
Fogarty	Fuller	Groninga	Gruhn
Hammond	Hansen, S. D.	Harper	Hatch
Hibbard	Jay	Jochum	Knapp
Koenigs	Lykam	May	McKinney
Mertz	Muhlbauer	Murphy	Neuhauser
Ollie	Pavich	Peters	Peterson, M. K.
Renaud	Schneklloth	Schrader	Shearer

Sherzan
Swartz
Fey

Shoultz
Tabor

Spear
Teaford

Svoboda
Wise

Presiding

Absent or not voting, 8:

Blanshan
McKean

Chapman
Petersen, D. F.

Haverland
Poncy

Hermann
Stueland

Amendment H—5999 lost.

Speaker Avenson in the chair at 4:14 p.m.

Hammond of Story offered the following amendment H—5925 filed by her and Tabor of Jackson and moved its adoption:

H—5925

- 1 Amend House File 2554 as follows:
- 2 1. Page 12, by inserting after line 9 the
- 3 following:
- 4 "Sec. _____.
- 5 The department of human services may adopt
- 6 administrative rules under section 17A.4, subsection
- 7 2, and section 17A.5, subsection 2, paragraph "b", to
- 8 implement section 2 of this Act. Rules adopted
- 9 pursuant to section 2 of this Act relating to
- 10 documentation from the counties shall become effective
- 11 immediately upon filing, unless a later effective date
- 12 is specified in the rules. The rules shall also be
- 13 published as notice of intended action as provided in
- 14 section 17A.4."

Amendment H—5925 was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Harbor of Mills on request of Siegrist of Pottawattamie; Hermann of Scott on request of Miller of Cherokee, both for the remainder of the day.

Tabor of Jackson offered the following amendment H—6004 filed from the floor by Tabor, Wise, Svoboda, Neuhauser, Mertz, Fuller, Harper, Adams, Fogarty and Gruhn:

H—6004

- 1 Amend House File 2554 as follows:
- 2 1. Page 12, by inserting after line 9 the
- 3 following:
- 4 "Sec. _____.
- 5 The legislative council is requested to establish
- 6 an interim study committee that would recommend

7 phasing in of a state-county funding formula to be
8 implemented over a 15-year period. Components of the
9 formula shall include case management and community-
10 based facilities and the costs of services for chronic
11 mental illness and other mental health programs.”

Petersen of Muscatine offered the following amendment H—6015, to amendment H—6004, filed by him from the floor and moved its adoption:

H—6015

1 Amend amendment H—6004 to House File 2554 as
2 follows:
3 1. Page 1, by striking lines 6 through 8, and
4 inserting the following: “an interim study committee
5 to consider the impact of the state assuming the
6 cost of mental health programs which are currently
7 paid for by the counties and that will study the
8 phasing in of a state-county funding formula to be
9 implemented over a five-year period. Components of
10 the”.

Amendment H—6015 lost.

On motion by Tabor of Jackson, amendment H—6004 was adopted.

Tabor of Jackson offered the following amendment H—6019 filed by him and Osterberg of Linn from the floor and moved its adoption:

H—6019

1 Amend House File 2554, as follows:
2 Page 12, line 15, by inserting after the numerals
3 “1992.” the following: “Section 50 of this Act
4 is also applicable to rent reimbursement claims filed
5 on or after January 1, 1992.”

Amendment H—6019 was adopted.

Schnekloth of Scott asked and received unanimous consent to reconsider the vote by which the committee amendment H—5924, found on pages 1612 and 1613 of the House Journal, was adopted by the House on March 30, 1990.

Schnekloth of Scott offered the following amendment H—6003, to the committee amendment H—5924, filed by him from the floor and moved its adoption:

H-6003

- 1 Amend the amendment, H-5924, to House File 2554 as
- 2 follows:
- 3 1. Page 1, line 5, by inserting after the figure
- 4 "225C.27" the following: ", subsections 2 and 3,".

Amendment H-6003 was adopted.

On motion by Schnekloth of Scott, the committee amendment H-5924, as amended, was adopted.

Tabor of Jackson asked and received unanimous consent to withdraw amendment H-5956, previously deferred, filed by him on March 29, 1990.

Tabor of Jackson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2554)

The ayes were, 91:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harper
Hatch	Haverland	Hester	Hibbard
Holveck	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, 1:

Doderer

Absent or not voting, 8:

Chapman	Harbor	Hermann	May
McKean	Poney	Stueland	Swartz

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

IMMEDIATE MESSAGE
(House File 2554)

Arnould of Scott asked and received unanimous consent that House File 2554 be immediately messaged to the Senate.

SENATE AMENDMENTS CONSIDERED

Spear of Lee called up for consideration **Senate File 2328**, a bill for an act relating to and making appropriations to regulatory bodies of state government, including the auditor of state, the campaign finance disclosure commission, the department of employment services, the office of the state public defender, the department of inspections and appeals, the department of commerce, and the racing and gaming commission, and providing an effective date, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-5971 to the House amendment:

H-5971

- 1 Amend the amendment, S-5681, to Senate File 2328,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by inserting after line 25, the
- 5 following:
- 6 "_____. Page 3, by inserting after line 28, the
- 7 following:
- 8 "As a condition, qualification, and limitation of
- 9 the funds appropriated by this section, the department
- 10 of employment services shall direct the division of
- 11 industrial services to implement, by rule, procedures
- 12 for an informal mediation process to avoid filing
- 13 contested cases and for an expedited workers'
- 14 compensation contested case proceeding." "
- 15 2. Page 1, by inserting after line 48, the
- 16 following:
- 17 "_____. Page 8, by inserting after line 29, the
- 18 following:
- 19 "Sec. 300.
- 20 There is appropriated from the administrative
- 21 contribution surcharge fund of the state to the
- 22 department of employment services, the lesser of
- 23 \$200,000 or the remaining balance in the fund at the
- 24 end of the fiscal year beginning July 1, 1989, and
- 25 ending June 30, 1990, to provide services in
- 26 communities where job service offices were located as

27 of July 1, 1989.” ”

28 3. Page 2, line 23, by striking the figure

29 “10,069,000” and inserting the following:

30 “9,700,000”.”

31 4. Page 2, by inserting after line 27, the

32 following:

33 “_____. Page 13, line 23, by striking the figure

34 “790,320” and inserting the following: “856,600”.

35 _____. Page 13, line 24, by striking the figure

36 “10.00” and inserting the following: “11.00”.

37 _____. Page 13, by inserting after line 32, the

38 following:

39 “Of the amount appropriated in this section, the

40 following amounts, or so much thereof as is necessary,

41 shall be expended for the designated purposes:

42 \$29,000 for 1 administrative assistant FTE, \$20,000 to

43 contract for insurance consulting services, and

44 \$17,280 for support and capital expenses, all in

45 connection with the first year of implementing House

46 File 730, regarding errors and omission insurance for

47 real estate appraisers, if enacted by the 1990 Session

48 of the General Assembly.” ”

49 5. Page 4, by inserting after line 13, the

50 following:

Page 2

1 “Sec. _____. Section 84A.1, subsection 2, Code 1989,

2 is amended by adding the following new unnumbered

3 paragraph:

4 NEW UNNUMBERED PARAGRAPH. The director shall

5 direct the administrative and compliance functions and

6 control the docket of the division of industrial

7 services.

8 Sec. _____. Section 86.2, Code 1989, is amended by

9 adding the following new unnumbered paragraph:

10 NEW UNNUMBERED PARAGRAPH. The commissioner may

11 appoint one or more chief deputy industrial

12 commissioners and one or more assistant industrial

13 commissioners. A chief deputy industrial commissioner

14 or an assistant industrial commissioner shall perform

15 such additional administrative responsibilities as are

16 deemed reasonably necessary and assigned by the

17 commissioner.

18 Sec. _____. Section 86.4, Code 1989, is amended to

19 read as follows:

20 **86.4 POLITICAL ACTIVITY AND CONTRIBUTIONS.**

21 It shall be unlawful for the commissioner, or any

22 appointee of the a chief deputy industrial

23 commissioner while in office, to espouse the election

24 or appointment of any candidate to any political

25 office, and any person violating the provisions of

26 this section shall be guilty of a simple misdemeanor.”

27 6. Page 4, by striking line 39 and inserting the
28 following:

29 “Sec. _____. Section 99D.11, subsection 5, Code
30 Supplement 1989, is amended to read as follows:

31 5. As each race is run the licensee shall deduct
32 sixteen percent from the total sum wagered on all
33 horses or dogs as first winners. The balance, after
34 deducting breakage, shall be paid to the holders of
35 certificates on the winning horse or dog in the
36 proportion that the amount wagered by each certificate
37 holder bears to the total amount wagered on all horses
38 or dogs in the race as first winners. The licensee
39 may pay a larger amount if approved by the commission.
40 The licensee shall likewise receive other wagers on
41 horses or dogs selected to run ~~second, third, or both,~~
42 ~~or in places or combinations~~ the commission may
43 authorize. The method, procedure, and the authority
44 and right of the licensee, as well as the deduction
45 allowed to the licensee, shall be as specified with
46 respect to wagers upon horses or dogs selected to run
47 first. However, the commission may authorize the
48 licensee to deduct a higher percent of the total sum
49 wagered not to exceed twenty percent on multiple or
50 exotic wagering involving more than one horse or dog.

Page 3

1 Sec. _____. Section 99D.13, subsection 2, Code”.

2 7. Page 5, by inserting after line 41, the
3 following:

4 “Sec. _____.

5 Section 300 of this Act, being deemed of immediate
6 importance, takes effect upon enactment.”

7 _____. Title page, line 6, by inserting after the
8 word “commission,” the following: “allocating certain
9 standing appropriations subject to certain procedures
10 and conditions, and affecting certain regulated
11 entities.””

12 8. By renumbering, relettering, or redesignating
13 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—5971.

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

On the question “Shall the bill pass?” (S.F. 2328)

The ayes were, 82:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brand	Brown	Buhr
Carpenter	Clark	Cohoon	Connors
Corbett	Daggett	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Hammond	Hansen, S. D.	Hanson, D. R.
Harper	Hatch	Haverland	Hester
Hibbard	Holveck	Iverson	Jay
Jesse	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	May	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Renaud	Renken	Rosenberg
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Tabor	Teaford	Trent	Tyrrell
Wise	Mr. Speaker		
	Avenson		

The nays were, 8:

Branstad	De Groot	Halvorson, R. N.	Kistler
Maulsby	Pellett	Schneklloth	Van Maanen

Absent or not voting, 10:

Brammer	Chapman	Harbor	Hermann
McKean	Poncy	Royer	Schrader
Stueland	Swartz		

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

SENATE AMENDMENT CONSIDERED

Johnson of Winneshiek called up for consideration **Senate File 2364**, a bill for an act relating to and making appropriations to the department of agriculture and land stewardship, the Iowa state fair authority, the department of natural resources, and the state racing commission, and changing the distribution of certain fees, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—5959 to the House amendment:

H—5959

- 1 Amend House amendment, S—5675, to Senate File 2364,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by inserting before line 3 the
- 5 following:

6 "_____. Page 1, line 35, by striking the figure
7 "1,074,748" and inserting the following: "1,097,748".

8 _____ Page 2, line 1, by striking the figure
9 "22.0" and inserting the following: "23.0".

10 2. Page 1, by striking lines 15 and 16 and
11 inserting the following:

12 "(2) The legislative council is notified of the".

13 3. Page 1, line 20, by inserting after the word
14 "positions" the following: "recommended by the
15 legislative council".

16 4. Page 1, by striking lines 38 through 42 and
17 inserting the following: "may be associated with any
18 project or improvement upon approval by the Iowa state
19 fair board."

20 5. Page 2, by striking lines 3 through 14.

21 6. Page 2, by striking lines 21 through 31 and
22 inserting the following: "line 3."

23 7. By striking page 2, line 44 through page 3,
24 line 5.

25 8. Page 3, by striking lines 8 through 13.

26 9. Page 3, by striking lines 15 through 38 and
27 inserting the following:

28 "_____. By striking page 12, line 34 through page
29 13, line 14, and inserting the following:

30 "Sec. _____.

31 The department of natural resources, by October 1,
32 1990, shall conduct a public hearing in Pocahontas
33 county relating to the possible restoration and
34 preservation of Lizard Lake.

35 Sec. _____. LOWHEAD DAM REPAIR.

36 1. There is appropriated to the department of
37 natural resources for the fiscal year beginning July
38 1, 1990, and ending June 30, 1991, the following
39 amount or so much thereof as is necessary, to be used
40 for the purpose designated:

41 For use by the department to transfer immediately
42 to the county board of supervisors of Jones county in
43 order to enter into an agreement with the department
44 to restore and repair a lowhead dam in the county:

45 \$ 50,000

46 2. The unencumbered or unobligated balance of the
47 appropriation made for the fiscal term as provided
48 under this section shall revert to the state treasury
49 pursuant to section 8.33."

50 _____ Page 16, by inserting after line 4 the

Page 2

1 following:

2 "Sec. _____. 1989 Iowa Acts, chapter 311, section 9,
3 subsection 4, unnumbered paragraph 1, is amended to
4 read as follows:

5 County boards of supervisors of Jones, Lyon,
6 Jasper, or Buena Vista counties may each enter into an
7 agreement with the department of natural resources to
8 restore and repair lowhead dams within their counties.

9 The department shall use moneys appropriated to the
 10 county conservation account of the Iowa resources
 11 enhancement and protection fund under section 455A.19,
 12 subsection 1, paragraph "b", subparagraph (3), as
 13 provided in 1989 Iowa Acts, House File 769. Under an
 14 agreement, Jones county is eligible to receive
 15 \$50,000, Lyon county is eligible to receive \$50,000,
 16 Jasper county is eligible to receive \$25,000, and
 17 Buena Vista is eligible to receive \$25,000." "

18 10. Page 4, by striking lines 29 through 43.

19 11. Page 4, by inserting after line 43, the
 20 following:

21 "Sec. 900. Section 206.33, Code Supplement 1989,
 22 is amended to read as follows:

23 206.33 DAMINOZIDE — PROHIBITION.

24 A person shall not offer for sale, sell, purchase,
 25 apply, or use a pesticide containing daminozide in
 26 this state if the pesticide is sold, purchased,
 27 applied, or used for purposes of enhancing or
 28 improving a product produced to be consumed."

29 12. Page 4, by inserting after line 46 the
 30 following:

31 "Sec. _____. Section 455B.304, Code Supplement 1989,
 32 is amended by adding the following new unnumbered
 33 paragraph:

34 NEW UNNUMBERED PARAGRAPH. Notwithstanding the
 35 provisions of this chapter regarding the requirement
 36 of the equipping of a sanitary landfill with a
 37 leachate control system and the establishment and
 38 continuation of a postclosure account, the department
 39 shall adopt rules which provide for an exemption from
 40 the requirements to equip a sanitary landfill with a
 41 leachate control system and to establish and maintain
 42 a postclosure account if the sanitary landfill
 43 operator is a public agency, if the sanitary landfill
 44 has closed or will close by July 1, 1992, and will no
 45 longer accept waste for disposal after that date, and
 46 if at the time of closure of the sanitary landfill
 47 monitoring of the groundwater does not reveal the
 48 presence of leachate. The rules may require
 49 postclosure groundwater monitoring and shall establish
 50 the requirements for the implementation of leachate

Page 3

1 collection and control in cases in which leachate is
 2 found during postclosure monitoring. The rules shall
 3 provide for a closure completion period following the
 4 date of closure of a sanitary landfill.
 5 Notwithstanding the provisions of this paragraph, the
 6 public agency shall retain financial responsibility
 7 for closure and postclosure requirements applicable to
 8 sanitary disposal projects."

9 13. Page 4, line 47, by striking the words and
 10 figure " "Sec. 800. Section 455A.25" and inserting the
 11 following:

- 12 "Sec. 800. NEW SECTION. 455B.500".
 13 14. Page 5, by striking lines 10 and 11 and
 14 inserting the following: "conduct an evaluation of
 15 the permit status of the research and may determine
 16 whether a permit ought to be issued or modified before
 17 the research continues." "
 18 15. Page 6, by striking line 30 through page 7,
 19 line 8.
 20 16. Page 7, by striking lines 11 through 18.
 21 17. Page 7, by inserting after line 31 the
 22 following:
 23 "_____. Page 18, by inserting after line 10 the
 24 following:
 25 "Sec. _____. Section 900 of this Act, being deemed
 26 of immediate importance, takes effect upon
 27 enactment." "
 28 18. By renumbering, relettering, or redesignating
 29 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—5959.

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

On the question "Shall the bill pass?" (S.F. 2364)

The ayes were, 88:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Clark	Cohon
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hester	Holveck	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Renaud	Renken	Rosenberg	Schneklath
Schrader	Shearer	Sherzan	Shoning
Siegrist	Spear	Spenner	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, none.

Absent or not voting, 12:

Blanshan	Chapman	Connors	Hanson, D. R.
Harbor	Hermann	Hibbard	McKean
Poney	Royer	Shoultz	Stueland

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hanson of Delaware, for the remainder of the day, on request of Renken of Grundy.

IMMEDIATE MESSAGES (Senate Files 2328 and 2364)

Arnould of Scott asked and received unanimous consent that Senate Files 2328 and 2364 be immediately messaged to the Senate.

RULES SUSPENDED

Arnould of Scott asked for unanimous consent to suspend the rules to consider Senate File 2410.

Objection was raised.

Arnould of Scott moved to suspend the rules to consider Senate File 2410, not eligible for debate today.

A non-record roll call was requested.

The ayes were 53, nays 33.

The motion prevailed and the rules were suspended.

Appropriations Calendar

Senate File 2410, a bill for an act relating to higher education, including coordination, administration, standards, and funding, making appropriations, and providing effective dates, with report of committee recommending amendment and passage was taken up for consideration.

Shoultz of Black Hawk offered the following amendment H—5914 filed by the committee on education:

H-5914

- 1 Amend Senate File 2410, as amended, passed, and
2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 3, by striking the words "nine
4 eleven" and inserting the following: "nine".
- 5 2. Page 2, line 13, by striking the words "five
6 six" and inserting the following: "five".
- 7 3. Page 2, by striking lines 17 through 25 and
8 inserting the following:
9 "Three of the state board members shall have
10 substantial knowledge related to the community college
11 system. The remaining six members shall be members of
12 the general public."
- 13 4. Page 3, line 13, by striking the word
14 "colleges" and inserting the following: "college
15 programs".
- 16 5. Page 4, line 4, by inserting after the word
17 "Explore" the following: ", in conjunction with the
18 state board of regents,".
- 19 6. Page 4, by striking line 12, and inserting the
20 following: "February 15, 1991."
- 21 7. By striking page 4, line 19, through page 5,
22 line 8.
- 23 8. Page 5, line 18, by striking the words "five
24 voting members and three" and inserting the following:
25 "four voting members and two".
- 26 9. Page 5, by striking lines 19 through 25 and
27 inserting the following: "ex officio nonvoting
28 members. The four voting members of the council shall
29 be members of the state board and shall include the
30 three members of the state board who have knowledge of
31 issues and concerns affecting the community college
32 system and a fourth member of the state board
33 designated annually by the state board president. Of
34 the two ex officio nonvoting members, one shall be a
35 community college president appointed by an
36 association which".
- 37 10. Page 5, line 27, by inserting after the words
38 "shall be" the following: "a community college
39 trustee".
- 40 11. By striking page 5, line 29, through page 6,
41 line 2, and inserting the following: "college
42 trustees in the state. The ex officio nonvoting
43 members shall serve staggered three-year terms
44 beginning on May 1, of the year of appointment."
- 45 12. By striking page 6, line 25, through page 9,
46 line 13, and inserting the following:
47 "Sec. _____. NEW SECTION. 260B.1 HIGHER EDUCATION
48 STRATEGIC PLANNING COUNCIL ESTABLISHED.
49 The higher education strategic planning council is
50 established to develop strategic plans for the

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1 advancement of higher education institutions in the
2 state.

3 The higher education council is an independent
4 public body to be located in the offices of the
5 college aid commission, which consists of six voting
6 members and three ex officio members, who are to be
7 selected in the following manner. Two voting members
8 shall be selected from each of the following three
9 education sectors:

10 1. State board for community colleges.

11 2. State board of regents.

12 3. An association which represents the largest
13 number of independent colleges and universities.

14 Members selected from the association of
15 independent colleges and universities shall also be
16 members of a governing board of a college or
17 university.

18 The director of the department of education, or the
19 director's designee, the executive director of the
20 state board of regents, or the executive director's
21 designee, and the president of the association which
22 represents the largest number of independent colleges
23 and universities, or the president's designee, shall
24 be ex officio members of the council and shall assist
25 the council in carrying out its duties. All voting
26 members shall serve staggered two-year terms in the
27 manner provided in chapter 69.

28 The council shall elect a chairperson on a rotating
29 basis from the portion of its membership which is
30 composed of representatives of the three education
31 sectors. The chairperson shall serve for one year and
32 until a successor is elected and qualified. Members
33 shall receive reimbursement for actual expenses and
34 may receive per diem compensation as provided in
35 section 7E.6.

36 Sec. _____. NEW SECTION. 260B.2 DUTIES OF COUNCIL.

37 The council shall be responsible for developing
38 strategic plans which address issues relating to
39 higher education, education intersectoral missions,
40 and the future direction of postsecondary education in
41 Iowa.

42 The council shall submit annual reports regarding
43 its responsibilities and activities to the governor
44 and general assembly. Reports shall include
45 information relating to the development of the
46 strategic plans.

47 Sec. _____. NEW SECTION. 260B.3 COUNCIL PLAN
48 DEVELOPMENT.

49 The council may contract with consultants for
50 assistance in developing strategic plans."

Page 3.

1 13. By striking page 9, line 35, through page 11,
2 line 31, and inserting the following:

3 "Sec. _____. NEW SECTION. 261.92 DEFINITIONS.

4 When used in this division, unless the context
5 otherwise requires:

6 1. "Accredited higher education institution" means
7 a public institution of higher learning located in
8 Iowa which is accredited by the north central
9 association of colleges and secondary schools
10 accrediting agency based on their requirements as of
11 April 1, 1969.

12 2. "Commission" means the college student aid
13 commission.

14 3. "Financial need" means the difference between
15 the student's financial resources available, including
16 those available from the student's parents as
17 determined by a completed parents' confidential
18 statement, and the student's anticipated expenses
19 while attending the accredited higher education
20 institution. Financial need shall be redetermined at
21 least annually.

22 4. "Full-time resident student" means an
23 individual resident of Iowa who is enrolled at an
24 accredited higher education institution in a course of
25 study including at least twelve semester hours or the
26 trimester equivalent of twelve semester hours or the
27 quarter equivalent of twelve semester hours. "Course
28 of study" does not include correspondence courses.

29 5. "Grant" means an award by the state of Iowa to
30 a qualified resident student under the Iowa grant
31 program.

32 6. "Part-time resident student" means an
33 individual resident of Iowa who is enrolled at an
34 accredited higher education institution in a course of
35 study including at least three semester hours or the
36 trimester or quarter equivalent of three semester
37 hours or the four quarter equivalent of three semester
38 hours. "Course of study" does not include
39 correspondence courses.

40 7. "Qualified student" means a resident student
41 who has established financial need and who is making
42 satisfactory progress toward graduation.

43 Sec. _____. NEW SECTION. 261.93 WHO QUALIFIED.

44 A grant may be awarded to a resident of Iowa who is
45 admitted and in attendance as a full-time or part-time
46 resident student at an accredited higher education
47 institution and who establishes financial need.

48 Sec. _____. NEW SECTION. 261.94 EXTENT OF GRANT.

49 A qualified full-time resident student may receive
50 grants for not more than eight semesters of

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1 undergraduate study or the trimester or quarter
2 equivalent. A qualified part-time resident student
3 may receive grants for not more than sixteen semesters
4 of undergraduate study or the trimester or quarter
5 equivalent.

6 Sec. _____. NEW SECTION. 261.95 AMOUNT OF GRANT.

7 1. The amount of a grant to a qualified full-time
8 student for an academic year shall be the lesser of
9 the student's financial need for that period or up to
10 one thousand dollars.

11 2. The amount of a grant to a qualified part-time
12 student enrolled in a course of study shall be equal
13 to the average amount of a grant to a full-time
14 student times a number which represents twenty-four
15 semester hours, or the trimester or quarter
16 equivalent, divided by the number of hours in which
17 the part-time student is actually enrolled.

18 3. A grant may be made annually for both the fall
19 and spring semesters or the trimester equivalent.
20 Payments under the grant shall be allocated equally
21 among the semesters or trimesters and shall be paid at
22 the beginning of each semester or trimester, upon
23 certification by the accredited higher education
24 institution that the student is admitted and in
25 attendance. If the student discontinues attendance
26 before the end of the semester or trimester after
27 receiving payment under the grant, the entire amount
28 of any refund due that student, up to the amount of
29 any payments made under the annual grant, shall be
30 paid by the accredited higher education institution to
31 the state.

32 4. If a student receives financial aid under any
33 other program, the full amount of the other financial
34 aid shall be considered part of the student's
35 financial resources available in determining the
36 amount of the student's financial need for that
37 period. In no case may the state's total financial
38 contribution to the student's education, including
39 financial aid under any other state program, exceed
40 the tuition and mandatory fees at the institution
41 which the student attends.

42 Sec. _____. NEW SECTION. 261.96 ADMINISTRATION BY
43 COMMISSION - RULES.

44 The commission shall administer this program and
45 shall:

46 1. Provide application forms and parents'
47 confidential statement forms.

48 2. Adopt rules and regulations for determining
49 financial need, defining tuition and mandatory fees,
50 defining residence for the purposes of the Iowa grant

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1 program, determining grant award amounts on the basis
2 of student need, processing and approving applications
3 for grants, and determining priority of grants. The
4 commission may provide for proration of funds if the
5 available funds are insufficient to pay all approved
6 grants. The proration shall take primary account of
7 the financial need of the applicant. In determining
8 who is a resident of Iowa, the commission's rules
9 shall be at least as restrictive as those of the board
10 of regents.

11 3. Approve and award grants.

12 4. Make an annual report to the governor and
13 general assembly, and evaluate the Iowa grant program
14 for the period. The commission may require the
15 accredited higher education institution to promptly
16 furnish any information which the commission may
17 request in connection with the Iowa grant program.

18 Sec. _____. NEW SECTION. 261.97 APPLICATION FOR
19 GRANTS.

20 Each applicant, in accordance with the rules of the
21 commission, shall:

22 1. Complete and file an application for a grant.

23 2. Be responsible for the submission of the
24 parents' confidential statement for processing, the
25 processed information to be returned both to the
26 commission and to the accredited higher education
27 institution in which the applicant is enrolling.

28 3. Report promptly to the commission any
29 information requested.

30 4. File a new application and parents'
31 confidential statement annually on the basis of which
32 the applicant's eligibility for a renewed grant will
33 be evaluated and determined.

34 Sec. _____. NEW SECTION. 261.98 ACCESS TO
35 EDUCATION PILOT PROJECT.

36 An access to education pilot project is established
37 for the fiscal year beginning July 1, 1990, and ending
38 June 30, 1991, for purposes of providing grants to
39 resident students who attend community colleges in
40 this state. Students whose financial resources are up
41 to twenty percent over the eligibility level for a
42 PELL grant are eligible to receive grants under this
43 program. Students meeting the eligibility level may
44 receive a grant of up to two hundred fifty dollars.

45 The pilot project shall be administered by the
46 college student aid commission. Community colleges
47 which have students receiving grants under the pilot
48 project shall provide the commission with information
49 as to the income levels and age of grant recipients
50 and the length of time since grant recipients have

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1 enrolled in an educational program. The commission
2 shall tabulate and submit the information in a report
3 to the general assembly by January 1, 1991.

4 The commission shall adopt rules for the
5 administration of this program."

6 14. Page 16, by inserting after line 8, the
7 following:

8 "NEW SUBSECTION. 26. Explore, in conjunction with
9 the department of education, the need for coordination
10 between school districts, state board of regents'
11 institutions, and community colleges for purposes of
12 delivery of courses, use of telecommunications,
13 transportation, and other similar issues.
14 Coordination may include, but is not limited to,
15 coordination of calendars, programs, schedules, or
16 telecommunications emissions. The state board shall
17 develop recommendations which shall be submitted in a
18 report to the general assembly by February 15, 1991."

19 15. Page 22, by inserting after line 7, the
20 following:

21 "Sec. _____. NEW SECTION. 280A.22A STATE BOARD FOR
22 COMMUNITY COLLEGES.

23 The state board of education shall constitute the
24 state board for community colleges.

25 Sec. _____. NEW SECTION. 280A.22B DUTIES OF STATE
26 BOARD.

27 The state board for community colleges shall:

28 1. Adopt and establish policies for programs and
29 services of the department which relate to community
30 colleges.

31 2. Prescribe standards and procedures for the
32 approval of practitioner preparation programs and
33 professional development programs under section 256.7,
34 subsection 3.

35 3. Review and make recommendations that relate to
36 community colleges in the five-year plan for the
37 achievement of educational goals."

38 16. Page 22, by striking line 24, and inserting
39 the following: "services in the college and develop a
40 plan to".

41 17. Page 22, line 25, by inserting after the word
42 "meet" the following: "those".

43 18. Page 38, by inserting after line 19, the
44 following:

45 "A community college with an approved quality
46 instructional center shall annually submit a report
47 indicating how funds received during the past year
48 were spent and the projections of the next year's
49 funding needs. The department shall review the
50 reports to determine which centers will continue to be

Page 7

- 1 identified as quality instructional centers and the
- 2 next year's funding levels for each approved center."
- 3 19. Page 39, by striking line 4, and inserting
- 4 the following: "COLLEGE PROGRAMS."
- 5 20. Page 39, line 6, by striking the word
- 6 "colleges" and inserting the following: "college
- 7 programs".
- 8 21. Page 39, line 11, by striking the word
- 9 "colleges" and inserting the following: "college
- 10 programs".
- 11 22. Page 39, line 14, by inserting after the
- 12 words "compliance with" the following: "program".
- 13 23. Page 39, line 25, by striking the word
- 14 "being" and inserting the following: "which conducts
- 15 the programs being".
- 16 24. Page 39, line 29, by inserting after the word
- 17 "associations" the following: ", which are designed
- 18 to avoid duplication in the accreditation process".
- 19 25. Page 39, line 34, by inserting after the word
- 20 "standards" the following: "for a program".
- 21 26. Page 40, by striking line 2 and inserting the
- 22 following: "program of the community college".
- 23 27. Page 40, line 4, by inserting after the word
- 24 "each" the following: "program".
- 25 28. Page 40, line 9, by striking the word "the"
- 26 and inserting the following: "a program of a".
- 27 29. Page 40, by striking lines 11 through 13, and
- 28 inserting the following: "determines that a program
- 29 of a community college does not meet accreditation
- 30 standards, the director of".
- 31 30. Page 40, line 17, by inserting after the word
- 32 "the" the following: "program".
- 33 31. Page 40, line 23, by striking the words "or
- 34 college".
- 35 32. Page 40, line 24, by striking the word
- 36 "programs" and inserting the following: "specific
- 37 programs or courses of study".
- 38 33. Page 40, line 26, by inserting after the
- 39 words "meet the" the following: "program".
- 40 34. Page 40, lines 28 and 29, by striking the
- 41 words "remains accredited or the".
- 42 35. Page 40, line 31, by inserting after the word
- 43 "standards" the following: "for the program".
- 44 36. Page 40, line 35, by inserting after the word
- 45 "deficiencies" the following: "in the program".
- 46 37. Page 41, line 2, by striking the words
- 47 "offered by" and inserting the following: "of".
- 48 38. Page 41, by striking lines 7 and 8.
- 49 39. Page 41, line 9, by striking the letter "c"
- 50 and inserting the following: "b".

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- 1 40. Page 41, line 12, by inserting after the word
- 2 "which" the following: "has a program which".
- 3 41. Page 41, line 14, by inserting after the word
- 4 "accreditation" the following: "of the program".
- 5 42. Page 41, line 17, by inserting after the word
- 6 "accreditation" the following: "of the program".
- 7 43. Page 41, line 23, by inserting after the word
- 8 "accreditation" the following: "of the program".
- 9 44. Page 41, line 24, by inserting after the word
- 10 "standards" the following: "for that program".
- 11 45. Page 41, line 25, by inserting after the word
- 12 "accreditation" the following: "of the program".
- 13 46. Page 41, line 30, by inserting after the word
- 14 "accreditation" the following: "of the program".
- 15 47. Page 42, line 6, by inserting after the word
- 16 "accreditation" the following: "of the program".
- 17 48. Page 42, by striking line 9, and inserting
- 18 the following: "COMMUNITY COLLEGE PROGRAMS."
- 19 1. The state board shall develop standards for the
- 20 accreditation of each of the following community
- 21 college programs:
- 22 a. Administration.
- 23 b. Faculty.
- 24 c. Curriculum and evaluation.
- 25 d. Library or learning resource center.
- 26 e. Student services.
- 27 f. Laboratories, shops, equipment, and supplies.
- 28 g. Physical plant.
- 29 h. Building and site approval."
- 30 49. Page 42, line 10, by striking the word "In"
- 31 and inserting the following: "2. In".
- 32 50. Page 42, by striking line 11, and inserting
- 33 the following: "college programs, the state board of
- 34 education shall adhere to the provisions of section
- 35 280A.23 and review the".
- 36 51. Page 42, line 21, by inserting after the word
- 37 "standards" the following: "for the programs".
- 38 52. Page 42, line 23, by striking the figure "1"
- 39 and inserting the following: "a".
- 40 53. Page 43, line 1, by striking the figure "2"
- 41 and inserting the following: "b".
- 42 54. Page 43, line 9, by striking the figure "3"
- 43 and inserting the following: "c".
- 44 55. Page 44, line 16, by inserting after the word
- 45 "development." the following: "Any items of a staff
- 46 development plan which are mandatory items of
- 47 bargaining under chapter 20 shall be negotiated with
- 48 the appropriate certified bargaining agent."
- 49 56. Page 46, line 5, by inserting after the word
- 50 "plan." the following: "Plans submitted to the

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1 department shall contain an affirmation by each
2 certified faculty or staff organization with which the
3 board negotiates for collective bargaining purposes
4 that the procedures of chapter 20 have been met for
5 items which are mandatory subjects of bargaining.”

6 57. Page 57, line 10, by inserting after the word
7 “assembly.” the following: “Before a board of
8 trustees can proceed with a project in the building
9 program, the project must be approved by the state
10 board for community colleges, and be a project
11 designed for special programs, special needs of
12 special students, and to meet needs for which
13 privately owned housing is not available.”

14 58. Page 57, by striking lines 11 through 13, and
15 inserting the following: “buildings and facilities
16 which are designed to meet the special needs of
17 students attending special programs. The list shall
18 be revised annually, but”.

19 59. Page 58, by inserting after line 9, the
20 following:

21 “Sec. _____. NEW SECTION. 220.162 AUTHORITY TO
22 ISSUE COMMUNITY COLLEGE DORMITORY BONDS AND NOTES.

23 The authority shall assist a community college or
24 the state board for community colleges as provided in
25 chapter 280A, and the authority shall have all of the
26 powers delegated to it in a chapter 28E agreement by a
27 community college board of directors, the state board
28 for community colleges, or a private developer
29 contracting with a community college to develop a
30 self-liquidating housing facility, such as a
31 dormitory, for the community college, with respect to
32 the issuance or securing of bonds or notes and the
33 carrying out of the purposes of chapter 280A.

34 Sec. _____. NEW SECTION. 280A.71 COMMUNITY COLLEGE
35 BOND PROGRAM — DEFINITIONS — FUNDING — BONDS AND
36 NOTES.

37 1. As used in this section and section 280A.72,
38 unless the context otherwise requires, “authority”
39 means the Iowa finance authority.

40 2. The authority shall cooperate with the state
41 board for community colleges, individual community
42 colleges, and private developers, acting in
43 conjunction with a community colleges to build self-
44 liquidating housing facilities in connection with the
45 community college, in the creation, administration,
46 and funding of a community college bond program to
47 finance self-liquidating facilities, such as
48 dormitories, in connection with a community college.

49 3. The authority may issue its bonds and notes for
50 the purpose of funding the nonrecurring cost of

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1 acquiring or constructing a community college related
2 facility, such as a dormitory.

3 4. The authority may issue its bonds and notes for
4 the purposes of this chapter and may enter into one or
5 more lending agreements or purchase agreements with
6 one or more bondholders or noteholders containing the
7 terms and conditions of the repayment of and the
8 security for the bonds or notes. The authority and
9 the bondholders or noteholders or a trustee agent
10 designated by the authority may enter into agreements
11 to provide for any of the following:

12 a. That the proceeds of the bonds and notes and
13 the investments of the proceeds may be received, held,
14 and disbursed by the authority or by a trustee or
15 agent designated by the authority.

16 b. That the bondholders or noteholders or a
17 trustee or agent designated by the authority may
18 collect, invest, and apply the amount payable under
19 the loan agreements or any other instruments securing
20 the debt obligations under the loan agreements.

21 c. That the bondholders or noteholders may enforce
22 the remedies provided in the loan agreements or other
23 instruments on their own behalf without the
24 appointment or designation of a trustee. If there is
25 a default in the principal of or interest on the bonds
26 or notes or in the performance of any agreement
27 contained in the loan agreements or other instruments,
28 the payment or performance may be enforced in
29 accordance with the loan agreement or other
30 instrument.

31 d. Other terms and conditions as deemed necessary
32 or appropriate by the authority.

33 5. The powers granted the authority under this
34 section are in addition to other powers contained in
35 chapter 220. All other provisions of chapter 220,
36 except section 220.28, subsection 4, apply to bonds or
37 notes issued and powers granted to the authority under
38 this section, except to the extent they are
39 inconsistent with this section.

40 6. All bonds or notes issued by the authority in
41 connection with the program are exempt from taxation
42 by this state and the interest on the bonds or notes
43 is exempt from state income tax, both personal and
44 corporate.

45 Sec. _____. NEW SECTION. 280A.72 SECURITY -
46 RESERVE FUNDS - PLEDGES - NONLIABILITY - IRREVOCABLE
47 CONTRACTS.

48 1. The authority may provide in the resolution,
49 trust agreement, or other instrument authorizing the
50 issuance of its bonds or notes pursuant to section

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1 280A.71 that the principal of, premium, and interest
2 on the bonds or notes are payable from any of the
3 following and may pledge the same to its bonds and
4 notes:

5 a. The income and receipts or other moneys derived
6 from the projects financed with the proceeds of the
7 bonds or notes.

8 b. The income and receipts or other money derived
9 from designated projects whether or not the projects
10 are financed in whole or in part with the proceeds of
11 the bonds or notes.

12 c. The amounts on deposit in the name of a
13 community college or a private developer or operator
14 of a community college facility, including but not
15 limited to revenues from a purchase, rental, or lease
16 agreement, or dormitory charges.

17 d. The amounts payable to the authority, the
18 community college board of directors, the state board
19 for community colleges, or a private developer or
20 operator, pursuant to a loan agreement.

21 e. Any other funds or accounts established by the
22 authority in connection with the program or the sale
23 and issuance of its bonds or notes.

24 2. The authority may establish reserve funds to
25 secure one or more issues of its bonds or notes. The
26 authority may deposit in a reserve fund established
27 under this subsection, the proceeds of the sale of its
28 bonds or notes and other money which is made available
29 from any other source.

30 3. A pledge made in respect of bonds or notes is
31 valid and binding from the time the pledge is made.
32 The money or property so pledged and received after
33 the pledge by the authority is immediately subject to
34 the lien of the pledge without physical delivery or
35 further act. The lien of the pledge is valid and
36 binding as against all persons having claims of any
37 kind in tort, contract, or otherwise against the
38 authority whether or not the parties have notice of
39 the lien. Neither the resolution, trust agreement, or
40 any other instrument by which a pledge is created
41 needs to be recorded, filed, or perfected under
42 chapter 554, to be valid, binding, or effective
43 against all persons.

44 4. The members of the authority or persons
45 executing the bonds or notes are not personally liable
46 on the bonds or notes and are not subject to personal
47 liability or accountability by reason of the issuance
48 of the bonds or notes.

49 5. The bonds or notes issued by the authority are
50 not an indebtedness or other liability of the state or

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1 of a political subdivision of the state within the
2 meaning of any constitutional or statutory debt
3 limitations, but are special obligations of the
4 authority and are payable solely from the income and
5 receipts or other funds or property of the community
6 college or private developer, and the amounts on
7 deposit in a community college bond fund, and the
8 amounts payable to the authority under its loan
9 agreements with a community college or private
10 developer to the extent that the amounts are
11 designated in the resolution, trust agreement, or
12 other instrument of the authority authorizing the
13 issuance of the bonds or notes as being available as
14 security for the bonds or notes. The authority shall
15 not pledge the faith or credit of the state or of a
16 political subdivision of the state to the payment of
17 any bonds or notes. The issuance of any bonds or
18 notes by the authority does not directly, indirectly,
19 or contingently obligate the state or a political
20 subdivision of the state to apply money from, or levy,
21 or pledge any form of taxation whatever to the payment
22 of the bonds or notes.

23 6. The state pledges to and agrees with the
24 holders of bonds or notes issued under this subchapter
25 that the state will not limit or alter the rights and
26 powers vested in the authority to fulfill the terms of
27 a contract made by the authority with respect to the
28 bonds or notes, or in any way impair the rights and
29 remedies of the holders until the bonds or notes,
30 together with the interest on them including interest
31 on unpaid installments or interest, and all costs and
32 expenses in connection with an action or proceeding by
33 or on behalf of the holders, are fully met and
34 discharged. The authority is authorized to include
35 this pledge and agreement of the state, as it refers
36 to holders of bonds or notes of the authority, in a
37 contract with the holders.

38 Sec. _____. NEW SECTION. 280A.73 RULES.

39 The authority shall adopt rules pursuant to chapter
40 17A to implement sections 280A.71 and 280A.72."

41 60. Page 74, line 14, by striking the word "The"
42 and inserting the following: "If funds are
43 appropriated for that purpose, the".

44 61. Page 74, line 26, by striking the word "The
45 department of education" and inserting the following:
46 "If funds are appropriated for that purpose, the
47 department of education, in consultation with the
48 state board of regents,".

49 62. Page 75, line 5, by striking the word "The"
50 and inserting the following: "If funds are

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1 appropriated for that purpose, the".

2 63. Page 75, line 15, by striking the word "The"
3 and inserting the following: "If funds are
4 appropriated for that purpose, the".

5 64. Page 75, line 32, by striking the word "The"
6 and inserting the following: "If funds are
7 appropriated for that purpose, the".

8 65. Page 76, line 4, by striking the word "The"
9 and inserting the following: "If funds are
10 appropriated for that purpose, the".

11 66. Page 76, by striking lines 10 through 15.

12 67. Page 76, line 17, by striking the word "The"
13 and inserting the following: "If funds are
14 appropriated for that purpose, the".

15 68. Page 76, line 22, by striking the word "The"
16 and inserting the following: "If funds are
17 appropriated for that purpose, the".

18 69. Page 76, line 27, by striking the words
19 "needs and" and inserting the following: "needs,".

20 70. Page 76, line 29, by inserting after the word
21 "states" the following: ", and evaluation of the
22 educational requirements for nursing educators under
23 655 Iowa Administrative Code, Rule 2.3 (2)(d)(2), Rule
24 2.6 (1)(a)(1)(1.), and Rule 2.6 (2)(c), as the
25 requirements relate to community colleges. In
26 addition, this study, done in cooperation with the
27 board of nursing, shall include an assessment of the
28 state's supply of nursing educators who possess the
29 educational qualifications identified in the
30 administrative rules. The board of nursing shall by
31 rule delay enforcement of the nursing educator
32 administrative rules being studied until completion of
33 the study, submission of any findings, and a review of
34 the rules and the completed study by the
35 administrative rules review committee."

36 71. By striking page 78, line 1, through page 79,
37 line 2, and inserting the following:

38 Sec. _____. APPOINTMENT OF STATE BOARD.

39 Notwithstanding the composition of the state board
40 of education established in section 256.3, for the
41 period commencing July 1, 1990, and ending April 30,
42 1992, the state board of education shall consist of
43 eleven members including the nine members appointed
44 under section 256.3 and two additional members who
45 have substantial knowledge related to the community
46 college and who shall have full voting rights. The
47 two additional members shall be appointed in the
48 manner specified in section 256.3 for members of the
49 state board of education. One of the two additional
50 members shall be appointed to a term ending April 30,

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- 1 1992, and the other additional member to a term ending
- 2 on April 30, 1996. Of the positions of membership for
- 3 which terms expire under section 256.3 on April 30,
- 4 1992, two positions are eliminated and shall not be
- 5 filled."
- 6 72. Page 79, by striking lines 9 through 12.
- 7 73. By numbering and renumbering as necessary.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Branstad of Winnebago, for the remainder of the day, on request of Maulsby of Calhoun.

Shoultz of Black Hawk offered the following amendment H—5986, to the committee amendment H—5914, filed by him from the floor and moved its adoption:

H—5986

- 1 Amend the amendment, H—5914, to Senate File 2410,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. By striking page 3, line 1, through page 6,
- 5 line 5, and inserting the following:
- 6 "_____. By striking page 9, line 35, through page
- 7 11, line 31."
- 8 2. Page 6, line 10, by inserting after the word
- 9 "districts," the following: "area education
- 10 agencies,".
- 11 3. By renumbering as necessary.

Amendment H—5986 was adopted, placing out of order amendment H—5981 filed by Shoultz of Black Hawk and Hatch of Polk on March 29, 1990.

On motion by Shoultz of Black Hawk, the committee amendment H—5914, as amended, was adopted.

Halvorson of Clayton offered the following amendment H—6021 filed by him from the floor and moved its adoption:

H—6021

- 1 Amend Senate File 2410, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by striking lines 2 through 7.
- 4 2. Page 4, by striking lines 13 through 18.
- 5 3. By striking page 35, line 23 through page 36,
- 6 line 8.
- 7 4. By striking page 38, line 20 through page 39,

- 8 line 2.
 9 5. Page 72, by striking lines 12 and 13, and
 10 inserting the following: "instructional centers under
 11 section 280A.45. There is".
 12 6. Page 72, by striking line 16 and inserting the
 13 following: "1991, and in succeeding years, an amount
 14 equal to one and twenty-five hundredths percent of
 15 the".
 16 7. By striking page 72, line 24 through page 73,
 17 line 1.
 18 8. By renumbering as necessary.

Roll call was requested by Shultz of Black Hawk and Fey of Scott.

On the question "Shall amendment H—6021 be adopted?"
 (S.F. 2410)

The ayes were, 22:

Banks	Bennett	Carpenter	Clark
Diemer	Eddie	Halvorson, R. A.	Hester
Iverson	Kistler	Kremer	Lundby
Maulsby	Metcalf	Miller	Pellett
Petersen, D. F.	Renken	Siegrist	Spenner
Tyrrell	Van Maanen		

The nays were, 63:

Adams	Arnould	Beaman,	Beatty
Bisignano	Black	Brammer	Brand
Brown	Buhr	Cohoon	Connors
Daggett	De Groot	Doderer	Dvorsky
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Knapp	Koenigs
Lageschulte	Lykam	May	McKinney
Mertz	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Shoning
Shultz	Spear	Svoboda	Tabor
Teaford	Wise	Mr. Speaker	
		Avenson	

Absent or not voting, 15:

Blanshan	Branstad	Chapman	Corbett
Hanson, D. R.	Harbor	Hermann	McKean
Plasier	Poney	Royer	Schneklath
Stueland	Swartz	Trent	

Amendment H—6021 lost.

Shoultz of Black Hawk offered the following amendment H—5979 filed by him and Hatch of Polk and moved its adoption:

H—5979

- 1 Amend Senate File 2410, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 4, line 5, by inserting after the word
- 4 "districts," the following: "area education
- 5 agencies,".
- 6 2. Page 37, line 31, by inserting after the word
- 7 "vocational-technical" the following: "and
- 8 occupational".
- 9 3. Page 48, line 30, by inserting after the word
- 10 "division" the following: "and to insure that no
- 11 property tax revenues will be needed to retire the
- 12 bonds or notes".

Amendment H—5979 was adopted.

Siegrist of Pottawattamie offered the following amendment H—6016 filed from the floor by Siegrist, Diemer, Corbett, Lundby, Van Maanen, Iverson, Halvorson of Clayton, Harbor and Garman and moved its adoption:

H—6016

- 1 Amend Senate File 2410, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 15, line 31, by striking the word and
- 4 figures "January 1, 1992" and inserting the following:
- 5 "July 1, 1991".
- 6 2. Page 16, line 3, by striking the word and
- 7 figures "January 1, 1992" and inserting the following
- 8 "July 1, 1991".
- 9 3. Page 27, line 18, by striking the word and
- 10 figures "January 1, 1992" and inserting the following:
- 11 "July 1, 1991".
- 12 4. Page 27, line 25, by striking the word and
- 13 figures "January 1, 1992" and inserting the following:
- 14 "July 1, 1991".

Amendment H—6016 was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Schnekloth of Scott, for the remainder of the day, on request of Van Maanen of Mahaska.

Halvorson of Clayton offered the following amendment H—6020 filed by him from the floor and moved its adoption:

H-6020

- 1 Amend Senate File 2410, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 67, line 33, by striking the figure
- 4 "1991" and inserting the following: "1992".

A non-record roll call was requested.

The ayes were 22, nays 54.

Amendment H-6020 lost.

Shultz of Black Hawk offered the following amendment H-5980 filed by him and Hatch of Polk and moved its adoption:

H-5980

- 1 Amend Senate File 2410, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 68, by inserting after line 2 the
- 4 following:
- 5 "Sec. 100. Section 286A.2, subsection 7, Code
- 6 Supplement 1989, is amended by adding the following
- 7 new paragraph:
- 8 NEW PARAGRAPH. e. Equipment purchase function."
- 9 2. Page 71, by inserting after line 25 the
- 10 following:
- 11 "Sec. _____. NEW SECTION. 286A.8A EQUIPMENT
- 12 PURCHASE FUNCTION COST.
- 13 Commencing July 1, 1991, the equipment purchase
- 14 function cost for a budget year is determined by the
- 15 department of education by multiplying the sum of all
- 16 of the area schools' support for the five
- 17 instructional cost centers, for the general
- 18 institutional support function, for the student
- 19 services function, and for the physical plant function
- 20 for that year by .194 percent for equipment purchases
- 21 for the arts and sciences cost center and by .776
- 22 percent for equipment purchases for the vocational-
- 23 technical preparatory cost center. The department
- 24 shall allocate the equipment purchase function cost
- 25 among the area schools based upon each area school's
- 26 proportion of arts and sciences contact hours and
- 27 vocational-technical preparatory contact hours
- 28 compared to the total arts and sciences and
- 29 vocational-technical preparatory contact hours, and
- 30 shall notify the department of management.
- 31 The foundation support level for the equipment
- 32 purchase function cost for an area school for a base
- 33 year is sixty-five percent of the area school's
- 34 equipment purchase function cost for that year.
- 35 Commencing July 1, 1991, and on July 1 of each

36 succeeding year, the percent multiplier of the area
 37 school's equipment purchase function cost shall be
 38 increased by an additional one percent until the
 39 foundation support level for the equipment purchase
 40 function reaches seventy-five percent of the area
 41 school's equipment purchase function cost."

42 3. Page 79, by inserting after line 19 the
 43 following:

44 "Sec. _____

45 The Code editor is directed to correct the sections
 46 of chapter 286A that refer to the numbers of
 47 instructional cost centers and noninstructional cost
 48 functions that have been created upon the effective
 49 dates of the creation of the adult remedial cost
 50 center and the equipment purchase function.

Page 2

- 1 Sec. _____
- 2 Section 87 of this Act takes effect July 1, 1992.
- 3 Sec. _____
- 4 Section 100 of this Act takes effect July 1, 1991."

Amendment H—5980 was adopted.

Shultz of Black Hawk offered the following amendment H—6018
 filed by him from the floor and moved its adoption:

H—6018

- 1 Amend Senate File 2410 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 71, line 14, by striking the figure
- 4 "1994" and inserting the following: "1995".

Amendment H—6018 was adopted.

Shultz of Black Hawk moved that the bill be read a last time now
 and placed upon its passage which motion prevailed and the bill was
 read a last time.

On the question "Shall the bill pass?" (S.F. 2410)

The ayes were, 83:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Black	Blanshan
Brand	Brown	Buhr	Carpenter
Clark	Cphoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Harper	Hatch	Haverland	Hester
Hibbard	Holveck	Iverson	Jay
Jesse	Jochum	Johnson	Kistler

Koenigs	Kremer	Lageschulte	Lundby
Lykam	May	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Renaud	Renken
Rosenberg	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Svoboda	Swartz	Tabor	Teaford
Trent	Wise	Mr. Speaker	
		Avenson	

The nays were, 5:

Knapp	Maulsby	Spenner	Tyrrell
Van Maanen			

Absent or not voting, 12:

Bisignano	Brammer	Branstad	Chapman
Hanson, D. R.	Harbor	Hermann	McKean
Poncy	Royer	Schnekloth	Stueland

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

IMMEDIATE MESSAGE (Senate File 2410)

Arnould of Scott asked and received unanimous consent that Senate File 2410 be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 30, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 489, a bill for an act relating to the time within which a claim must be brought by a minor or incompetent under the state tort claims Act.

Also: That the Senate has on March 30, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 677, a bill for an act relating to written credit agreements between a creditor and debtor and rights of action on that agreement.

Also: That the Senate has on March 30, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2543, a bill for an act relating to the administration and benefits for certain public retirement systems, and providing for the applicability of the Act.

Also: That the Senate has on March 30, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2552, a bill for an act relating to storage tanks, including the conditions and funding mechanisms of the Iowa comprehensive petroleum underground storage tank fund.

Also: That the Senate has on March 30, 1990, concurred in the House amendment and adopted the following resolution in which the concurrence of the Senate was asked:

Senate Concurrent Resolution 128, a concurrent resolution relating to the provision of cable television service.

JOHN F. DWYER, Secretary

EXPLANATION OF VOTE

I was temporarily absent from the House chamber on March 30, 1990. Had I been present, I would have voted "aye" on House File 2554.

MAY of Worth

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 30th day of March, 1990: House Files 2177, 2338, 2371, 2436, 2461 and 2465.

JOSEPH O'HERN

Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 29, 1990, he approved and transmitted to the Secretary of State the following bills:

House File 664, an act relating to the fine for certain violations regarding motor vehicles of excessive size or weight.

House File 2092, an act relating to debt management services.

House File 2119, an act relating to violations involving disobedience of the warning lamps, signal lamps, and stop arms of school buses.

House File 2143, an act regulating the parking of motor vehicles on snow routes, and providing a penalty.

House File 2238, an act eliminating the requirement of zero balancing of automatic adjustments in the rates and charges of public utility service.

House File 2250, an act relating to the importation of bees and bee-related items, increasing certain fees, and providing penalties.

House File 2279, an act permitting the department of natural resources to accept credit cards for payment of certain fees and other permitted purposes.

House File 2296, an act relating to the regulation and operation of dams.

House File 2307, an act relating to the concurrent holding of the offices of city council member and fire chief of the volunteer fire department.

House File 2308, an act relating to freestanding hospice facilities.

Senate File 2015, an act relating to training requirements for reserve peace officers and providing for the Act's applicability.

Senate File 2291, an act relating to the interest rate charged in connection with a renewal or extension of time under a retail motor vehicle installment contract.

Senate File 2309, an act relating to the issuance of class "A" liquor licenses to veterans organizations.

Senate File 2311, an act relating to unclaimed fees to conform with the uniform disposition of unclaimed property Act.

Senate File 2315, an act relating to a pseudorabies control program, and making penalties applicable.

Senate File 2317, an act relating to issuing permits for regulated uses of water by the department of natural resources.

Senate File 2340, an act relating to the disposition of unclaimed property.

Senate File 2343, an act relating to clinical privileges of certain health practitioners.

Senate File 2350, an act relating to the uniform management of institutional funds Act.

Senate File 2369, an act relating to the historic resource development program.

Senate File 2388, an act relating to administrative procedures for the establishment, determination, and collection of certain spousal support debts.

Also: That on March 30, 1990, he approved and transmitted to the Secretary of State the following bills:

House File 252, an act relating to leave for a chief deputy sheriff, second deputy sheriff, or other officer or employee subject to civil service who becomes a candidate for elective office.

House File 730, an act relating to the adoption of rules by the real estate commission imposing certain requirements on real estate brokers and salespersons, and providing an effective date.

House File 2131, an act relating to housing cooperatives by authorizing the creation of local housing authorities to encourage and organize sweat equity housing cooperative associations with state financial assistance as available, and providing procedures and requirements.

House File 2142, an act relating to reporting requirements for certain cities receiving road use tax funds, and providing an effective date.

House File 2156, an act relating to membership of members and part-time employees of the general assembly in the state group insurance plan, and providing effective and retroactive applicability dates.

House File 2437, an act relating to child support payments by providing for immediate withholding of an obligor's income and providing a penalty.

House File 2468, an act relating to the establishment of the division of criminal justice planning and providing an effective date.

House File 2531, an act to require a business, as a condition of the receipt of state financial assistance for economic development purposes, to meet certain requirements relating to federal and state environmental protection laws and the disposal of solid and hazardous waste.

Senate Joint Resolution 2003, a joint resolution proposing the establishment of disability prevention activities coordination by certain state agencies, and requiring preparation of a report relating to coordination of disability prevention programs.

Senate File 57, an act requiring the natural resource commission to adopt a rule to allow handicapped individuals to use a crossbow.

Senate File 2052, an act relating to the extension of the foreclosure moratorium as provided in the governor's declaration of economic emergency made on October 1, 1985, and providing for the retroactive applicability of the Act and an effective date.

Senate File 2080, an act providing for the sale, offer for sale, or distribution of sterile varieties of purple loosestrife.

Senate File 2097, an act relating to the mediation of disputes between licensees and patients by the board of dental examiners.

Senate File 2158, an act permitting the shared ownership, operation, or cooperative use of publicly owned petroleum storage facilities by more than one public agency or political subdivision and providing for the applicability of the Act.

Senate File 2201, an act relating to the family support subsidy program.

Senate File 2227, an act relating to public improvements, by authorizing counties to create special assessment districts in areas of the county outside cities or within cities for certain public improvements, to assess the cost of the improvements to the benefited property within the districts, to establish and collect rates and charges to maintain and operate the improvements, and by providing an effective date.

Senate File 2235, an act relating to reassignment of certificates of title and providing an effective date.

Senate File 2262, an act relating to licensure to practice veterinary medicine.

Senate File 2263, an act authorizing a board of trustees of certain public hospitals to establish a separate fund for depreciation and providing properly related matters.

GOVERNOR'S VETO MESSAGE

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

March 29, 1990

The Honorable Jo Ann Zimmerman
President of the Senate
State Capitol Building
L O C A L

Dear Madam President:

Senate File 2296, an act relating to informal dispute resolution, establishing a council for dispute resolution, and relieving the office of prosecuting attorneys training coordinator of the department of justice of responsibility for the dispute resolution program, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Senate File 2296 substantially alters the informal dispute resolution program. Currently, the program is administered in the Office of Prosecuting Attorneys Training Coordinator of the Department of Justice. This bill transfers the dispute resolution duties from that office to the Iowa Council for Dispute Resolution, an independent, nonprofit, quasi-public corporate body created in the bill.

The bill also would provide for the appointment of an executive director, support staff and a several member council. While funding to pay the salaries of the executive director and staff, and the expenses of the council members would be necessary to make this program work, no appropriation for these purposes is made in the bill and I am not aware of any in other legislation this session. Given our current difficult fiscal situation and spending restraints imposed on state agencies, approval of this bill would not be prudent at this time.

For the above reason, I hereby respectfully disapprove Senate File 2296.

Sincerely,
Terry E. Branstad
Governor

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Thirty fifth grade students from Crossroads Park Elementary School, West Des Moines, accompanied by Mrs. Gray. By Carpenter of Polk.

Thirty eighth grade students Mar-Mac Middle School, McGregor. By Halvorson of Clayton.

Forty second and fifth grade students from Glenwood Northeast Elementary School, Glenwood, accompanied by Ms. Uehling. By Harbor of Mills.

Six Boy Scouts from Clarion, accompanied by Arlan Tonderum and Dan Eikenberry. By Iverson of Wright.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Resolution, a concurrent resolution relating to the board of regents' ten-year building program and providing for the financing of fire and life safety and deferred maintenance projects.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 30, 1990.

RESOLUTION FILED

HCR 112, by committee on appropriations, a concurrent resolution relating to the board of regents' ten-year building program and providing for the financing of fire and life safety and deferred maintenance projects.

Placed on the **appropriations calendar**.

AMENDMENTS FILED

H-5987	S.F.	2413	Bennett of Ida Maulsby of Calhoun
H-5988	S.F.	2413	Bennett of Ida Siegrist of Pottawattamie Spenner of Henry Lageschulte of Bremer
H-5989	S.F.	2413	Halvorson of Clayton Sherzan of Polk Knapp of Dubuque
H-5992	S.F.	2413	Beaman of Clarke
H-5993	S.F.	2413	Trent of Muscatine
H-5994	H.F.	2562	Shearer of Louisa

H-5995	S.F.	2413	Trent of Muscatine Spenner of Henry Shoning of Woodbury Kistler of Jefferson
H-5996	S.F.	2413	Iverson of Wright Spenner of Henry Tyrrell of Iowa Kistler of Jefferson
H-5997	S.F.	2413	Siegrist of Pottawattamie Bennett of Ida Hester of Pottawattamie Shoning of Woodbury
			Lundby of Linn Maulsby of Calhoun Kistler of Jefferson
H-5998	S.F.	2413	Rosenberg of Story
H-6001	S.F.	2413	Trent of Muscatine Garman of Story Clark of Cerro Gordo
H-6002	S.F.	431	Gruhn of Dickinson
H-6005	S.F.	2413	Kistler of Jefferson Garman of Story
H-6006	S.F.	2413	Clark of Cerro Gordo
H-6007	S.F.	2403	Johnson of Winneshiek
H-6008	S.F.	2413	Maulsby of Calhoun
H-6009	S.F.	2413	McKean of Jones Hermann of Scott Tyrrell of Iowa
H-6010	S.F.	2413	Kremer of Buchanan
H-6011	S.F.	2413	Black of Jasper
H-6012	S.F.	2413	Garman of Story
H-6013	S.F.	2413	Clark of Cerro Gordo Trent of Muscatine Jesse of Jasper Dvorsky of Johnson Brown of Lucas Lykam of Scott Shearer of Louisa
H-6014	H.F.	2534	
H-6017	H.F.	2557	Spear of Lee Connors of Polk
H-6023	S.F.	2011	Teaford of Black Hawk
H-6024	S.F.	2413	Trent of Muscatine
H-6025	S.F.	2413	Rosenberg of Story
H-6026	H.F.	2543	Senate Amendment
H-6027	H.F.	677	Senate Amendment
H-6028	H.F.	2552	Senate Amendment

On motion by Arnould of Scott, the House adjourned at 5:50 p.m., until 10:00 a.m., Monday, April 2, 1990.

JOURNAL OF THE HOUSE

Eighty-fifth Calendar Day — Fifty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 2, 1990

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Honorable Joel Brown, state representative from Lucas County.

The Journal of Friday, March 30, 1990 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Daggett of Adams on request of Van Maanen of Mahaska; Fuller of Hardin, until his arrival, on request of Ollie of Clinton; Svoboda of Tama, until her arrival, on request of Peterson of Carroll.

SENATE MESSAGES CONSIDERED

Senate File 2415, by committee on ways and means, a bill for an act authorizing an additional tax levy and the creation of a reserve account by a benefited fire district.

Read first time and referred to committee on **ways and means**.

Senate File 2416, by committee on ways and means, a bill for an act relating to transfer of the delinquent tax liens and the service of notice of expiration of the right of redemption from tax sales on certain persons with an interest in the real estate, and providing an effective date.

Read first time and referred to committee on **ways and means**.

Senate File 2420, by committee on appropriations, a bill for an act relating to the transfer of appropriations within and between state departments, institutions, and agencies.

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

Senate File 2423, by committee on appropriations, a bill for an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for educational and cultural programs of this state, providing effective dates, and providing retroactive applicability.

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

CONSIDERATION OF BILLS
Regular Calendar

House File 2562, a bill for an act relating to the use of white flashing lights on privately owned motor vehicles of certain emergency medical care providers and making penalties applicable, with report of committee recommending amendment and passage was taken up for consideration.

Shearer of Louisa offered the following amendment H—5923 filed by the committee on transportation:

H—5923

1 Amend House File 2562 as follows:

2 1. Page 1, by inserting after line 12, the
3 following:

4 "Sec. _____. Section 321.423, subsection 1, Code
5 1989, is amended by adding the following new
6 paragraph:

7 NEW PARAGRAPH. e. "Hazard lights" are lights
8 which flash yellow or amber to the front of the
9 vehicle and red to the rear of the vehicle
10 simultaneously."

11 2. Page 2, by striking lines 11 through 14 and
12 inserting the following:

13 "NEW SUBSECTION. 7. FLASHING WHITE LIGHT. A
14 flashing white light shall only be used on a vehicle
15 when used in conjunction with hazard lights and a
16 flashing white light shall not be used on a vehicle
17 except in any of the following circumstances:"

18 3. Page 2, line 15, by striking the letter "b."
19 and inserting the following: "a."

20 4. Page 2, line 17, by striking the letter "c."
21 and inserting the following: "b."

22 5. Page 2, line 28, by striking the letter "d."
23 and inserting the following: "c."

Shearer of Louisa offered the following amendment H—5994, to the committee amendment H—5923, filed by him and moved its adoption:

H—5994

1 Amend the amendment, H—5923, to House File 2562 as
2 follows:

3 1. Page 1, by inserting after line 10 the fol-
4 lowing:

5 "_____. Page 1, line 14, by striking the word
6 "paragraph" and inserting the following:

- 7 "paragraphs".
 8 _____. Page 1, by inserting after line 17 the
 9 following:
 10 "NEW PARAGRAPH. g. A white flashing strobe light
 11 mounted on a school bus as permitted under section
 12 321.373, subsection 7." "
 13 2. Page 1, line 13, by striking the word "A" and
 14 inserting the following: "Except as provided in
 15 section 321.373, subsection 7, and subsection 2,
 16 paragraph "c" of this section, a".
 17 3. Renumbering as necessary.

Amendment H—5994 was adopted.

On motion by Shearer of Louisa, the committee amendment H—5923, as amended, was adopted.

Shearer of Louisa moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2562)

The ayes were, 92:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
De Groot	Diemer	Doderer	Eddie
Fogarty	Garman	Groninga	Gruhn
Halvorson, R. A.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stueland
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, 4:

Dvorsky	Fey	Halvorson, R. N.	Neuhauser
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Absent or not voting, 4:

Daggett Fuller Jay Svoboda

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

Ways and Means Calendar

Senate File 2407, a bill for an act relating to the premium taxation on certain health maintenance organization payments, was taken up for consideration.

Groninga of Cerro Gordo asked and received unanimous consent to withdraw amendment H—5916 filed by him on March 28, 1990.

Groninga of Cerro Gordo moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2407)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Iverson	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schnekloth	Schrader	Shearer
Shoning	Shoultz	Siegrist	Spear
Spenner	Stueland	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 6:

Beatty	Daggett	Fuller	Jay
Sherzan	Svoboda		

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

Senate File 2304, a bill for an act relating to penalty and interest on cigarette, tobacco, motor fuel, individual income, withholding, corporation income, franchise, sales, use, retailer's use, environmental protection charge, inheritance, generation skipping transfer, and estate taxes, and providing effective and applicability dates, with report of committee recommending passage was taken up for consideration.

Van Maanen of Mahaska rose on a point of order that Senate File 2304 was not eligible for debate.

The Speaker ruled the point well taken.

Arnould of Scott asked for unanimous consent to consider Senate File 2304.

Objection was raised.

Arnould of Scott moved to suspend the rules to consider Senate File 2304.

A non-record roll call was requested.

The ayes were 52, nays 34.

The motion prevailed and the rules were suspended to consider Senate File 2304.

Chapman of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2304)

The ayes were, 95:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cphoon	Connors	Corbett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.

Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Iverson
Jesse	Jochum	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schnekloth	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stueland	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 5:

Daggett	Fuller	Jay	Johnson
Svoboda			

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

SENATE AMENDMENT CONSIDERED

Poncy of Wapello called up for consideration **Senate File 2327**, a bill for an act relating to and making appropriations to the department of economic development, INTERNET, Wallace technology transfer foundation, Iowa finance authority, and small business advocate, and establishing a small business advocate, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-5978 to the House amendment:

H-5978

- 1 Amend the House amendment, S-5726, to Senate File
- 2 2327, as amended, passed and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, line 8, by inserting after the word
- 5 "governor," the following: "or any executive council
- 6 member".
- 7 2. Page 3, by striking lines 25 through 27 and
- 8 inserting the following: "locate the world food prize
- 9 foundation in Iowa and the foundation is structured to
- 10 include".

11 3. Page 8, by inserting after line 18 the fol-
12 lowing:
13 "_____. Page 20, by inserting before line 11 the
14 following:
15 "Sec. _____. Section 15.284, Code Supplement 1989,
16 is amended to read as follows:
17 15.284 TRADITIONAL INFRASTRUCTURE.
18 1. The traditional infrastructure category
19 contains projects that include, but are not limited
20 to, sewer, water, roads, bridges, airports, and other
21 projects described in section 384.24, subsection 3.
22 2. Any Iowa city, ~~or county~~, rural water district
23 created under chapter 357A, or nonprofit corporation
24 created for the purpose of operating a rural water
25 system is eligible to apply for loans or grants from
26 this category. Along with the application, the city
27 or county applicant shall submit the following:
28 a. A needs assessment study.
29 b. A capital improvement program.
30 c. Evidence of matching contribution of at least
31 twenty-five percent of the total project cost.
32 3. Applications must be seeking funds to improve
33 the physical assets of the traditional infrastructure
34 of the political subdivision applicant in aid of
35 development.
36 4. The finance division of the department shall
37 rank the applicants according to financial need, cost-
38 benefit of the project, percent of match, impact, and
39 ability to administer project.
40 5. The interest rate for a loan, if assessed, may
41 range from zero to five percent. The department may
42 charge applicants an administration fee, not to exceed
43 one percent of the principal amount of the loan or
44 grant, to be paid as a lump sum.
45 6. The department may coordinate with the
46 department of natural resources to assist political
47 subdivisions applicants receiving federal or other
48 state aid for waste water treatment facilities.
49 However, the department shall not allocate more than
50 fifty percent of the moneys available to this category

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1 for this purpose.
2 Sec. _____. Section 15.288, Code Supplement 1989, is
3 amended by adding the following new unnumbered
4 paragraph:
5 NEW UNNUMBERED PARAGRAPH. For purposes of this
6 section as it relates to the traditional
7 infrastructure category under section 15.284,
8 "political subdivision" includes a rural water
9 district created under chapter 357A or a nonprofit

- 10 corporation created for the purpose of operating a
 11 rural water system." "
- 12 4. By renumbering, relettering, or redesignating
 13 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—5978.

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

On the question "Shall the bill pass?" (S.F. 2327)

The ayes were, 89:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
De Groot	Diemer	Doderer	Dvorsky
Fey	Fogarty	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Iverson	Jesse	Jochum
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Rosenberg
Royer	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stueland	Swartz	Tabor
Teaford	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, 6:

Eddie	Hanson, D. R.	Maulsby	Renken
Schnekloth	Trent		

Absent or not voting, 5:

Daggett	Fuller	Jay	Johnson
Svoboda			

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

IMMEDIATE MESSAGE
(Senate File 2327)

Groninga of Cerro Gordo asked and received unanimous consent that Senate File 2327 be immediately messaged to the Senate.

Swartz of Marshall in the chair at 11:28 a.m.

SENATE AMENDMENTS CONSIDERED
House Refused To Concur

Cohoon of Des Moines called up for consideration **Senate File 2402**, a bill for an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation, and enforcement, and including allocation and use of moneys from the road use tax fund, primary road fund, and state aviation fund, mandating reports of certain agency purchases and providing expenses for certain members of the Iowa highway research board, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—5937 to the House amendment:

H—5937

- 1 Amend the House amendment, S—5680, to Senate File
- 2 2402, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by striking lines 6 through 8 and
- 5 inserting the following:
- 6 "_____. Page 1, by striking lines 33 and 34."
- 7 2. Page 1, by striking lines 22 and 23.
- 8 3. Page 1, line 25, by striking the figure
- 9 "6,587,943" and inserting the following: "6,534,828".
- 10 4. Page 1, by striking lines 31 through 38.
- 11 5. Page 1, by inserting after line 40 the
- 12 following:
- 13 "_____. Page 4, by striking lines 15 through 17."
- 14 6. Page 1, by striking lines 41 through 44.
- 15 7. Page 2, by striking lines 4 through 8.
- 16 8. Page 2, by striking line 15 and inserting the
- 17 following:
- 18 "_____. Page 6, line 25, by striking the word
- 19 "purchase" and inserting the following:
- 20 "lease/purchase".
- 21 "_____. Page 6, line 28, by striking the figure
- 22 "300,000" and inserting the following: "350,000"."
- 23 9. Page 2, by striking line 43.
- 24 10. Page 2, by inserting before line 44 the
- 25 following:

- 26 "_____. Page 9, by inserting before line 13 the
 27 following:
 28 "The funds appropriated in this subsection shall
 29 remain available for obligation until June 30, 1992,
 30 and once obligated shall remain available until
 31 expended. Public or private entities willing to
 32 donate land for scenic highway projects shall be given
 33 a higher consideration." "
- 34 11. Page 2, by inserting before line 44 the
 35 following:
 36 "_____. Page 10, line 33, by striking the figure
 37 "2,883" and inserting the following: "2,889".
 38 _____. Page 11, by striking lines 5 through 8 and
 39 inserting the following:
 40 "(3) For parcel acquisition:
 41 \$ 306,000".
 42 12. Page 3, by striking lines 15 and 16.
 43 13. Page 3, line 20, by striking the word "shall"
 44 and inserting the following: "may".
 45 14. Page 3, by striking lines 24 through 28 and
 46 inserting the following: "recycled tire rubber."
 47 15. Page 3, by inserting after line 34 the
 48 following:
 49 "Sec. _____.
 50 The state department of transportation shall

Page 2

- 1 contact other states' transportation departments for
 2 the purpose of initiating a lawsuit in conjunction
 3 with the other states, to seek an injunction to
 4 prevent the United States department of transportation
 5 from impounding the states' portions of the federal
 6 gas tax." "
- 7 16. Page 4, by striking lines 2 through 16.
 8 17. By striking page 4, line 43, through page 5,
 9 line 10.
 10 18. By renumbering, relettering, or redesignating
 11 and correcting internal references as necessary.

The motion lost and the House refused to concur in the Senate amendment H—5937.

Renaud of Polk called up for consideration **Senate File 2280**, a bill for an act relating to and making appropriations to various state agencies including certain state elected officials, the executive council, the department of general services, the department of personnel, the department of revenue and finance, the office of state-federal relations, and the department of management, increasing certain fees,

changing the procurement program, and providing for repeals of certain provisions, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-5938 to the House amendment:

H-5938

1 Amend House amendment, S-5672, to Senate File 2280,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 2, by inserting after line 1 the
5 following:

6 " _____. Page 7, by inserting after line 7 the
7 following:

8 "11. In carrying out the requirements of 1990 Iowa
9 Acts, Senate File 2212, section 24, relating to the
10 acquisition or construction of expanded prison
11 facilities, the department of general services may
12 include the architectural and engineering costs of the
13 project as a part of the total costs of the project to
14 be financed by lease-purchase arrangements.

15 12. If personnel reductions are required in the
16 department of general services resulting from budget
17 reductions, the layoffs shall be made only after
18 service contracts with private parties have been
19 reviewed and reduced or canceled where possible." "

20 2. Page 2, line 11, by striking the figure
21 "1,224,000" and inserting the following: "1,331,000".

22 3. Page 2, by striking lines 32 and 33, and
23 inserting the following:

24 " _____. Page 12, by striking lines 10 through 22."

25 4. Page 2, by striking lines 36 and 37.

26 5. Page 2, line 39, by striking the figure
27 "6,259,000" and inserting the following: "6,047,156".

28 6. Page 2, line 41, by striking the figure
29 "1,712,000" and inserting the following: "1,654,000".

30 7. Page 2, line 43, by striking the figure
31 "1,304,000" and inserting the following: "1,260,000".

32 8. Page 2, line 45, by striking the figure
33 "1,878,000" and inserting the following: "1,814,000".

34 9. Page 2, line 47, by striking the figure
35 "740,000" and inserting the following: "715,000".

36 10. Page 3, by striking lines 16 through 22 and
37 inserting the following:

38 "Sec. _____. LAYOFF AND RECALL PROCEDURES.

39 The department of personnel in consultation with
40 the department of management, the department of
41 revenue and finance, and the department of general
42 services, shall establish a program for employees of
43 those departments whose positions are terminated as a
44 result of this Act. The departments shall give a

45 preference to qualified persons previously employed
 46 whose jobs were terminated as a result of this Act
 47 when hiring to fill vacant positions according to
 48 existing outplacement procedures established by the
 49 department of personnel and recall procedures
 50 established by public employee collective bargaining

Page 2

- 1 agreements."
 2 11. By renumbering as necessary.

The motion lost and the House refused to concur in the Senate amendment H—5938.

IMMEDIATE MESSAGES
 (Senate Files 2402 and 2280)

Groninga of Cerro Gordo asked and received unanimous consent that Senate Files 2402 and 2280 be immediately messaged to the Senate.

On motion by Arnould of Scott, the House was recessed at 11:30 a.m., until 2:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 2, 1990, insisted on its amendment to House File 2287, a bill for an act relating to a subsequent employer's unemployment benefit contribution rate upon the purchase or transference of a small business, and the members of the Conference Committee on the part of the Senate are: The Senator from Polk, Senator Palmer, Chair; the Senator from Polk, Senator Mann; the Senator from Monroe, Senator Peterson; the Senator from Buena Vista, Senator Fuhrman; the Senator from Osceola, Senator Vande Hoef.

Also: That the Senate has on April 2, 1990, insisted on its amendment to House File 2416, a bill for an act relating to corporal punishment, and the members of the Conference Committee on the part of the Senate are: The Senator from Fayette, Senator Murphy, Chair; the Senator from Johnson, Senator Lloyd-Jones; the Senator from Linn, Senator Horn; the Senator from Black Hawk, Senator Corning; the Senator from Scott, Senator Tinsman.

Also: That the Senate has on April 2, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2475, a bill for an act relating to the surcharge for dishonored instruments.

JOHN F. DWYER, Secretary

CONSIDERATION OF BILLS
Ways and Means Calendar

House File 2563, a bill for an act relating to the investment by the state and political subdivisions of bond proceeds and sinking funds in tax-exempt bonds, was taken up for consideration.

Brand of Benton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2563)

The ayes were, 99:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 1:

Daggett

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

SENATE AMENDMENT CONSIDERED
House Refused to Concur

Ollie of Clinton called up for consideration **Senate File 2306**, a bill for an act relating to open enrollment, including the general intent, notification dates, exceptions to notification dates, board action on requests, counting of pupils for state foundation aid purposes, student expulsion or suspension, qualification for transportation, and participation of laboratory schools, and providing an effective date, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—5908 to the House amendment:

H—5908

1 Amend the amendment, S—5534, to Senate File 2306,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 1, by inserting after line 7, the
 5 following:

6 “_____ Page 1, line 29, by inserting after the
 7 word “deadline” the following: “or if the request is
 8 to enroll a child in kindergarten in a public school
 9 in another district.”

10 2. Page 1, by striking lines 17 and 18, and
 11 inserting the following:

12 “_____ Page 3, by striking lines 15 and 16, and
 13 inserting the following: “permitted to appeal the
 14 decision of the board either directly to the director
 15 of the department of education or to the state board
 16 under chapter 290, but not to both. If the matter is
 17 to be heard by the director, or the director’s
 18 designee, the matter shall be heard de”.

19 _____ Page 3, line 18, by striking the words “by
 20 the director, or the director’s designee”.

21 3. Page 1, by inserting after line 34, the
 22 following:

23 “_____ Page 5, line 7, by inserting after the word
 24 “years.” the following: “If a request to transfer is
 25 due to a change in family residence, change in the
 26 state in which the family residence is located, a
 27 change in a child’s parents’ marital status, a
 28 guardianship proceeding, placement in foster care,
 29 adoption, participation in a foreign exchange program,
 30 or participation in a substance abuse or mental health
 31 treatment program, and the child, who is the subject
 32 of the request, is not currently using any provision
 33 of open enrollment, the parent or guardian of the
 34 child shall have the option to have the child remain
 35 in the child’s original district of residence under
 36 open enrollment with no interruption in the child’s
 37 educational program. If a parent or guardian

38 exercises this option, the child's new district of
 39 residence is not required to pay the lower of the two
 40 district costs per pupil or other costs to the
 41 receiving district until the start of the first full
 42 year of enrollment of the child."

43 4. Page 1, by striking lines 37 through 43, and
 44 inserting the following:

45 "If a child, for which a request to transfer has
 46 been filed with a district, has been suspended or
 47 expelled in the district, ~~the receiving district named~~
 48 ~~in the request may refuse the request the child shall~~
 49 ~~not be permitted to transfer until the child has been~~
 50 ~~reinstated in the sending district. Once the child~~

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1 has been reinstated, however, the child shall be
 2 permitted to transfer in the same manner as if the
 3 child had not been suspended by the sending district
 4 and no record of the disciplinary action shall be
 5 forwarded from the sending district to the receiving
 6 district upon the child's transfer. If a child, for
 7 whom a request to transfer has been filed with a
 8 district, has been expelled in the district, the child
 9 shall be permitted to transfer to a receiving district
 10 under this section. However, before being permitted
 11 to transfer, the child shall apply for reinstatement
 12 in the sending district. If the child is reinstated
 13 in the sending district, no record of the disciplinary
 14 action may be forwarded to the receiving district. If
 15 the child is not reinstated in the sending district,
 16 the receiving district shall be permitted to petition
 17 the director of the department of education for
 18 permission to refuse the transfer of the student to
 19 the receiving district."

20 5. Page 1, by striking lines 46 and 47, and
 21 inserting the following:

22 "_____. Page 8, line 11, by inserting after the
 23 word "circumstances" the following: "consistent with
 24 the definition of good cause."

25 6. By striking page 1, line 49 through page 2,
 26 line 19, and inserting the following: "inserting the
 27 following: "reorganization plan, or a similar set of
 28 circumstances consistent with the definition of good
 29 cause. If the good cause relates to a change."

30 7. Page 2, line 22, by inserting after the word
 31 "provisions" the following: "and, if a district has a
 32 minority enrollment of less than ten percent of the
 33 total district student population, the desegregation
 34 provisions".

35 8. By renumbering, relettering, or redesignating
 36 and correcting internal references as necessary.

A non-record roll call was requested.

The ayes were 12, nays 38.

The motion lost and the House refused to concur in the Senate amendment H—5908.

IMMEDIATE MESSAGES
(House File 2563 and Senate File 2306)

Arnould of Scott asked and received unanimous consent that House File 2563 and Senate File 2306 be immediately messaged to the Senate.

MOTION TO RECONSIDER WITHDRAWN
(Senate File 2408)

Peterson of Carroll asked and received unanimous consent to withdraw the motion to reconsider Senate File 2408, a bill for an act relating to and making appropriations to the justice system, filed by him on March 23, 1990.

IMMEDIATE MESSAGE
(Senate File 2408)

Arnould of Scott asked and received unanimous consent that Senate File 2408 be immediately messaged to the Senate.

RULES SUSPENDED

Arnould of Scott asked for unanimous consent to immediately consider House Concurrent Resolution 112.

Objection was raised.

Arnould of Scott moved to suspend the rules to immediately consider House Concurrent Resolution 112, not eligible for debate.

A non-record roll call was requested.

The ayes were 54, nays 35.

The motion prevailed and the rules were suspended.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 112

McKinney of Dallas called up for consideration House Concurrent Resolution 112 as follows:

- 1 House Concurrent Resolution 112
- 2 By Committee On Appropriations
- 3 A Concurrent Resolution relating to the board of re-
- 4 gents' ten-year building program and providing for
- 5 the financing of fire and life safety and deferred
- 6 maintenance projects.

7 *Whereas*, pursuant to section 262A.3, the state
8 board of regents prepared and within seven days after
9 the convening of the Seventy-third General Assembly of
10 the State of Iowa, Second Session, submitted to the
11 Seventy-third General Assembly, Second Session, for
12 approval the proposed ten-year building program for
13 each institution of higher learning under the
14 jurisdiction of the board, containing a list of the
15 buildings and facilities which the board deems
16 necessary to further the educational objectives of the
17 institutions, together with an estimate of the cost of
18 each of the buildings and facilities and an estimate
19 of the maximum amount of bonds which the board expects
20 to issue under chapter 262A for the fiscal period
21 beginning July 1, 1990, and ending December 31, 1992;
22 and

23 *Whereas*, the projects contained in the building
24 program are deemed necessary for the proper
25 performance of the instructional, research, and
26 service functions of the institutions; and

27 *Whereas*, section 262A.4 provides that the state
28 board of regents, after authorization by a
29 constitutional majority of each house of the general
30 assembly and approval by the governor, may undertake

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1 and carry out at the institutions of higher learning
2 under the jurisdiction of the board any project as
3 defined in chapter 262A; and

4 *Whereas*, chapter 262A authorizes the state board of
5 regents to borrow money and to issue and sell
6 negotiable revenue bonds to pay all or any part of the
7 cost of carrying out projects at any institution
8 payable solely from and secured by an irrevocable
9 pledge of a sufficient portion of the student fees and
10 charges and institutional income received by the
11 particular institution; and

12 *Whereas*, to further the educational objectives of
13 the institutions, the state board of regents requests
14 authorization to undertake and carry out certain
15 projects at this time and to finance their cost by
16 borrowing money and issuing negotiable bonds under
17 chapter 262A in a total amount not to exceed
18 \$18,898,000, the remaining cost of the projects to be
19 financed by capital appropriations or by federal or
20 other funds lawfully available; *Now Therefore*,

21 *Be It Resolved By The House Of Representatives, The*
22 *Senate Concurring*, That the proposed ten-year building
23 program submitted by the state board of regents for
24 each institution of higher learning under its
25 jurisdiction is approved.

26 *Be It Further Resolved*, That no commitment is
 27 implied or intended by approval to fund any portion of
 28 the proposed ten-year building program submitted by
 29 the state board of regents beyond the portion that is
 30 approved by the Seventy-third General Assembly, Second

Page 3

1 Session, and the governor.

2 *Be It Further Resolved*, That during the fiscal
 3 period which commences July 1, 1990, and which ends
 4 December 31, 1992, the maximum amount of bonds which
 5 the state board of regents expects to issue under
 6 chapter 262A unless additional bonding is authorized
 7 is \$18,898,000, all or any part of which may be issued
 8 during the fiscal year ending June 30, 1991, and if
 9 all that amount should not be issued during the fiscal
 10 year ending June 30, 1991, any remaining balance may
 11 be issued during the fiscal period ending December 31,
 12 1992, and this plan of financing is approved.

13 *Be It Further Resolved*, That the state board of
 14 regents is authorized to undertake and carry out the
 15 following projects and to pay all or any part of the
 16 cost of carrying out the projects by borrowing money
 17 and issuing negotiable revenue bonds under chapter
 18 262A in a total amount not to exceed \$18,898,000:

19 State University of Iowa

20 Fire and life safety deficiency corrections and
 21 related deferred maintenance approved by the legis-
 22 lative capital projects committee of the legislative
 23 council on March 27, 1990

24 Cost of issuance of bonds
 25 \$ 5,000,000

26 Iowa State University of Science and Technology

27 Fire and life safety deficiency corrections and
 28 related deferred maintenance approved by the legis-
 29 lative capital projects committee of the legislative
 30 council on March 27, 1990

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1 Cost of issuance of bonds
 2 \$ 9,644,000

3 University of Northern Iowa

4 Fire and life safety deficiency corrections and
 5 related deferred maintenance approved by the legis-
 6 lative capital projects committee of the legislative
 7 council on March 27, 1990, and high priority deferred
 8 maintenance projects approved by the state board of
 9 regents

10 Cost of issuance of bonds
 11 \$ 4,254,000

12 Total \$18,898,000

Tabor of Jackson in the chair at 3:35 p.m.

Speaker Avenson in the chair at 3:57 p.m.

McKinney of Dallas moved the adoption of the resolution.

Roll call was requested by McKinney of Dallas and Sherzan of Polk.

On the question "Shall the resolution be adopted?" (H.C.R. 112)

The ayes were, 71:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Carpenter	Chapman
Cohoon	Connors	Corbett	Diemer
Doderer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lykam	May
McKinney	Mertz	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peters	Peterson, M. K.	Poncy
Renaud	Rosenberg	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stueland
Svoboda	Swartz	Tabor	Teaford
Tyrrell	Wise	Mr. Speaker	
		Avenson	

The nays were, 27:

Banks	Beaman	Bennett	Branstad
Clark	De Groot	Eddie	Garman
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Hester	Iverson	Kistler	Lundby
Maulsby	McKean	Metcalf	Miller
Pellett	Petersen, D. F.	Plasier	Renken
Schnekloth	Trent	Van Maanen	

Absent or not voting, 2:

Daggett Halvorson, R. N.

The motion prevailed and the resolution was adopted.

CONFERENCE COMMITTEES APPOINTED
(House File 2287)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2287: Ollie of Clinton, Chair; Harper of Black Hawk, Tyrrell of Iowa, Plasier of Sioux and Lykam of Scott.

(House File 2416)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2416: Harper of Black Hawk, Chair; Haverland of Polk, Corbett of Linn, Ollie of Clinton and Iverson of Wright.

SENATE AMENDMENT CONSIDERED
House Refused to Concur

Blanshan of Greene called up for consideration **House File 2543**, a bill for an act relating to the administration and benefits for certain public retirement systems, and providing effective dates and for the applicability of the Act, amended by the Senate amendment H - 6026 as follows:

H - 6026

- 1 Amend House File 2543, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting the following:
- 5 "Section 1. Section 97A.6, subsections 2 and 6,
- 6 Code 1989, are amended to read as follows:
- 7 2. ALLOWANCE ON SERVICE RETIREMENT.
- 8 a. Upon retirement from service prior to July 1,
- 9 1990, a member shall receive a service retirement
- 10 allowance which shall consist of a pension which ~~shall~~
- 11 equal one-half equals fifty percent of the member's
- 12 average final compensation.
- 13 b. Upon retirement from service on or after July
- 14 1, 1990, a member shall receive a service retirement
- 15 allowance which shall consist of a pension which
- 16 equals fifty-two percent of the member's average final
- 17 compensation.
- 18 c. Commencing July 1, 1991, the board of trustees
- 19 shall increase the percentage multiplier of the
- 20 member's average final compensation by an additional
- 21 two percent each July 1 until reaching sixty percent
- 22 of the member's average final compensation if the
- 23 annual actuarial valuation of the retirement system
- 24 indicates for that year that the cost of this increase
- 25 in the percentage of the member's average final

26 compensation used in computing retirement benefits can
 27 be absorbed within the employer and employee
 28 contribution rates in effect pursuant to section
 29 97A.8.

30 d. Commencing July 1, 1990, if the member has
 31 completed more than twenty-two years of creditable
 32 service, the service retirement allowance shall
 33 consist of a pension which equals the amount provided
 34 in paragraphs "b" and "c", plus an additional one
 35 percent of the member's average final compensation for
 36 each year of service over twenty-two years, excluding
 37 years of service after the member's fifty-fifth
 38 birthday. However, this paragraph does not apply to
 39 more than eight additional years of service.

40 6. RETIREMENT AFTER ACCIDENT.

41 a. Upon retirement for accidental disability prior
 42 to July 1, 1990, a member shall receive an accidental
 43 disability retirement allowance which shall consist of
 44 a pension equal to sixty-six and two-thirds percent of
 45 the member's average final compensation.

46 b. Upon retirement for accidental disability on or
 47 after July 1, 1990, a member shall receive an
 48 accidental disability retirement allowance which shall
 49 consist of a pension equal to sixty percent of the
 50 member's average final compensation.

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1 Sec. 2. Section 97A.6, subsection 14, paragraph a,
 2 subparagraphs (1), (2), (3), and (4), Code 1989, are
 3 amended to read as follows:

4 (1) Twenty-five percent for members receiving a
 5 service retirement allowance and for beneficiaries
 6 receiving a pension under subsection 9 of this
 7 section. However, effective July 1, 1990, for members
 8 who retired before that date, thirty percent shall be
 9 the applicable percentage for members and
 10 beneficiaries under this subparagraph.

11 (2) Twenty Twenty-five percent for members with
 12 five or more years of membership service who are
 13 receiving an ordinary disability retirement allowance.
 14 However, effective July 1, 1984, for members who
 15 retired before July 1, 1979, and effective July 1,
 16 1988, for members who retire on or after July 1, 1988,
 17 twenty-five percent shall be used for members who are
 18 receiving an ordinary disability retirement allowance.
 19 However, effective July 1, 1990, for members who
 20 retired before that date, thirty percent shall be the
 21 applicable percentage for members under this
 22 subparagraph.

23 (3) Twelve and one-half percent for members with
 24 less than five years of membership service who are

25 receiving an ordinary disability retirement allowance,
 26 and for beneficiaries receiving a pension under
 27 subsection 8 of this section. However, effective July
 28 1, 1990, for members who retired before that date,
 29 fifteen percent shall be the applicable percentage for
 30 members and beneficiaries under this subparagraph.

31 (4) Thirty-three and one-third percent for members
 32 receiving an accidental disability allowance.

33 However, effective July 1, 1990, for members who
 34 retired before that date, thirty percent shall be the
 35 applicable percentage for members under this
 36 subparagraph.

37 Sec. 3. Section 97A.6, Code 1989, is amended by
 38 adding the following new subsection:

39 NEW SUBSECTION. 15. REMARRIAGE OF SURVIVING
 40 SPOUSE. Effective July 1, 1990, for a member who died
 41 prior to July 1, 1988, if the member's surviving
 42 spouse remarried prior to July 1, 1988, the remarriage
 43 does not make the spouse ineligible under subsection
 44 8, paragraph "c", subparagraphs (1) and (2), to
 45 receive benefits under subsections 8, 9, 12, and 14.

46 Sec. 4. Section 97A.8, subsection 1, paragraph f,
 47 Code 1989, is amended to read as follows:

48 f. Except as otherwise provided in paragraph "h":

49 (1) An amount equal to three and one-tenth percent
 50 of each member's compensation from the earnable

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1 compensation of the member shall be paid to the
 2 pension accumulation fund for the fiscal year begin-
 3 ning July 1, 1989.

4 (2) An amount equal to four and forty-six
 5 hundredths percent of each member's compensation from
 6 the earnable compensation of the member shall be paid
 7 to the pension accumulation fund for the fiscal year
 8 beginning July 1, 1990.

9 (3) An amount equal to five and eighty-two
 10 hundredths percent of each member's compensation from
 11 the earnable compensation of the member shall be paid
 12 to the pension accumulation fund for the fiscal year
 13 beginning July 1, 1991.

14 (4) An amount equal to seven and eighteen
 15 hundredths percent of each member's compensation from
 16 the earnable compensation of the member shall be paid
 17 to the pension accumulation fund for the fiscal year
 18 beginning July 1, 1992.

19 (5) An amount equal to eight and fifty-four
 20 hundredths percent of each member's compensation from
 21 the earnable compensation of the member shall be paid
 22 to the pension accumulation fund for the fiscal year
 23 beginning July 1, 1993.

24 (6) An amount equal to nine and nine-tenths
25 percent of each member's compensation from the
26 earnable compensation of the member shall be paid to
27 the pension accumulation fund for the fiscal year
28 beginning July 1, 1994, and each fiscal year
29 thereafter.

30 Sec. 5. Section 97A.8, subsection 1, Code 1989, is
31 amended by adding the following new paragraph:

32 **NEW PARAGRAPH. h.** Notwithstanding the provisions
33 of paragraph "f", the following transition percentages
34 apply to members' contributions as specified:

35 (1) For members who on July 1, 1990, have attained
36 the age of forty-nine years or more, an amount equal
37 to nine and nine-tenths percent of each member's
38 compensation from the earnable compensation of the
39 member shall be paid to the pension accumulation fund
40 for the fiscal year beginning July 1, 1990, and each
41 fiscal year thereafter.

42 (2) For members who on July 1, 1990, have attained
43 the age of forty-eight years but have not attained the
44 age of forty-nine years, an amount equal to eight and
45 fifty-four hundredths percent shall be paid for the
46 fiscal year beginning July 1, 1990, and an amount
47 equal to nine and nine-tenths percent shall be paid
48 for the fiscal year beginning July 1, 1991, and each
49 fiscal year thereafter.

50 (3) For members who on July 1, 1990, have attained

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1 the age of forty-seven years but have not attained the
2 age of forty-eight years, an amount equal to seven and
3 eighteen hundredths percent shall be paid for the
4 fiscal year beginning July 1, 1990, an amount equal to
5 eight and fifty-four hundredths percent shall be paid
6 for the fiscal year beginning July 1, 1991, and an
7 amount equal to nine and nine-tenths percent shall be
8 paid for the fiscal year beginning July 1, 1992, and
9 each fiscal year thereafter.

10 (4) For members who on July 1, 1990, have attained
11 the age of forty-six years but have not attained the
12 age of forty-seven years, an amount equal to five and
13 eighty-two hundredths percent shall be paid for the
14 fiscal year beginning July 1, 1990, an amount equal to
15 seven and eighteen hundredths percent shall be paid
16 for the fiscal year beginning July 1, 1991, an amount
17 equal to eight and fifty-four hundredths percent shall
18 be paid for the fiscal year beginning July 1, 1992,
19 and an amount equal to nine and nine-tenths percent
20 shall be paid for the fiscal year beginning July 1,
21 1993, and each fiscal year thereafter.

22 (5) For members who on July 1, 1990, have attained

23 the age of forty-five years but have not attained the
24 age of forty-six years, an amount equal to four and
25 forty-six hundredths percent shall be paid for the
26 fiscal year beginning July 1, 1990, an amount equal to
27 five and eighty-two hundredths percent shall be paid
28 for the fiscal year beginning July 1, 1991, an amount
29 equal to seven and eighteen hundredths percent shall
30 be paid for the fiscal year beginning July 1, 1992, an
31 amount equal to eight and fifty-four hundredths
32 percent shall be paid for the fiscal year beginning
33 July 1, 1993, and an amount equal to nine and nine-
34 tenths percent shall be paid for the fiscal year
35 beginning July 1, 1994, and each fiscal year
36 thereafter.

37 Sec. 6. Section 97B.15, Code 1989, is amended to
38 read as follows:

39 97B.15 RULES.

40 The department may ~~make~~ adopt rules under chapter
41 17A and establish procedures, not inconsistent with
42 this chapter, which are necessary or appropriate to
43 implement this chapter and shall adopt reasonable and
44 proper rules to regulate and provide for the nature
45 and extent of the proofs and evidence and the method
46 of taking and furnishing the proofs and evidence in
47 order to establish the right to benefits under this
48 chapter. The department may adopt rules to conform
49 the requirements for receipt of retirement benefits
50 under this chapter to the mandates of applicable

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1 federal statutes and regulations governing age
2 ~~discrimination or the taxation of distributions.~~

3 Sec. 7. Section 97B.41, subsection 1, paragraph a,
4 unnumbered paragraph 2, Code 1989, is amended to read
5 as follows:

6 Wages for a member of the general assembly means
7 the total compensation received by a member of the
8 general assembly, whether paid in the form of per diem
9 or annual salary, exclusive of expense and travel
10 allowances paid to a member of the general assembly
11 except as otherwise provided in this paragraph. Wages
12 includes per diem payments paid to members of the
13 general assembly during interim periods between
14 sessions of the general assembly. Wages also includes
15 the daily allowance to members of the general assembly
16 for nontravel expenses of office during a session of
17 the general assembly.

18 Sec. 8. Section 97B.41, subsection 1, paragraph b,
19 subparagraph (9), Code 1989, is amended by striking
20 the subparagraph and inserting in lieu thereof the
21 following:

22 (9) For the calendar year beginning January 1,
23 1989, and ending December 31, 1989, wages not in
24 excess of twenty-six thousand dollars.

25 Sec. 9. Section 97B.41, subsection 1, paragraph b,
26 Code 1989, is amended by adding the following new
27 subparagraphs after subparagraph (9) and renumbering
28 the subsequent subparagraphs:

29 NEW SUBPARAGRAPH. (10) For the calendar year
30 beginning January 1, 1990, and ending December 31,
31 1990, wages not in excess of twenty-eight thousand
32 dollars.

33 NEW SUBPARAGRAPH. (11) Commencing January 1,
34 1991, for each calendar year, the department shall
35 increase the covered wages limitation from the
36 previous calendar year by three thousand dollars if
37 the annual actuarial valuation of the assets and
38 liabilities of the retirement system indicates that
39 the cost of the increase in covered wages can be
40 absorbed within the employer and employee contribution
41 rates in effect under section 97B.11. However,
42 covered wages shall not exceed forty thousand dollars
43 for a calendar year.

44 Sec. 10. Section 97B.41, subsection 3, paragraph
45 b, Code 1989, is amended by adding the following new
46 subparagraph:

47 NEW SUBPARAGRAPH. (15) Employees appointed by the
48 state board of regents who, at the discretion of the
49 state board of regents, elect coverage in a retirement
50 system qualified by the state board of regents that

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1 meets the criteria of section 97B.2.

2 Sec. 11. Section 97B.41, subsection 10, Code 1989,
3 is amended to read as follows:

4 10. a. "Vested member" means a member who
5 ~~terminated employment in accordance with one of the~~
6 ~~following paragraphs meets one of the following~~
7 ~~requirements:~~

8 a. (1) Prior to July 1, 1965, after having had
9 attained the age of forty-eight and completed at least
10 eight years of service.

11 b. (2) Between July 1, 1965 and June 30, 1973,
12 after having had completed at least eight years of
13 service.

14 e. (3) On or after July 1, 1973, after having has
15 completed at least four years of service.

16 d. (4) After having Has attained the age of fifty-
17 five.

18 e. (5) On or after July 1, 1988, an inactive
19 member who had accumulated, as of the date of the
20 member's last termination of employment, years of

21 membership service equal to or exceeding the years of
22 membership service specified in this subsection for
23 qualifying as a vested member on that date of
24 termination.

25 b. "Active vested member" means an active member
26 who has attained sufficient membership service to
27 achieve vested status.

28 c. "Inactive vested member" means an inactive
29 member who was a vested member at the time of
30 termination of employment.

31 Sec. 12. Section 97B.41, subsection 15, Code 1989,
32 is amended to read as follows:

33 15. "Years of prior service" means the total of
34 all periods of prior service of a member. In the
35 determination of such total years of prior service any
36 fraction of the total in excess of an integral number
37 of years which is at least six months shall be deemed
38 to be a complete year and any smaller fraction shall
39 be disregarded. In computing credit for prior
40 service, service of less than a full quarter shall be
41 rounded up to a full quarter. Where a member had
42 prior service as a teacher, a full year of service
43 shall be granted that member if the member had three
44 quarters of service and a contract for employment the
45 following school year.

46 Sec. 13. Section 97B.41, subsection 21, Code 1989,
47 is amended by striking the subsection.

48 Sec. 14. Section 97B.42, Code 1989, is amended by
49 adding the following new unnumbered paragraphs:

50 NEW UNNUMBERED PARAGRAPH. Notwithstanding any

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1 other provision of this section, a member who is
2 employed by an area vocational school or an area
3 community college may elect coverage under an
4 alternative retirement benefits system, which is
5 issued by or through a nonprofit corporation issuing
6 retirement annuities exclusively to educational
7 institutions and their employees, in lieu of
8 continuing contributions to the Iowa public employees'
9 retirement system, if the board of directors of the
10 area vocational school or area community college has
11 approved the alternative system pursuant to section
12 280A.23. However, a vested member who elects to
13 participate in the alternative benefits system does
14 not have a right to withdraw funds from the member's
15 Iowa public employees' retirement system account prior
16 to retirement or termination of covered employment.
17 The department shall cooperate with the boards of
18 directors of the area vocational schools and area
19 community colleges to facilitate the implementation of

20 this paragraph.

21 **NEW UNNUMBERED PARAGRAPH.** Notwithstanding any
22 other provision of this section, a person newly
23 entering permanent, full-time employment with an area
24 vocational school or area community college on or
25 after the effective date of this Act may elect
26 coverage under an alternative retirement benefits
27 system, which is issued by or through a nonprofit
28 corporation issuing retirement annuities exclusively
29 to educational institutions and their employees, in
30 lieu of coverage under the Iowa public employees'
31 retirement system, but only if the person has no
32 membership service credits under the Iowa public
33 employees' retirement system. An election to
34 participate in the alternative retirement benefits
35 system is irrevocable as to the person's employment
36 with that area vocational school or area community
37 college and any other area vocational school or area
38 community college in this state. If the person elects
39 coverage under the alternative retirement benefits
40 system, the person shall become a member of that
41 system upon the first day of employment with the area
42 vocational school or area community college.

43 Sec. 15. Section 97B.43, unnumbered paragraph 3,
44 Code 1989, is amended to read as follows:

45 Each individual who as of on or after July 1, 1978,
46 was an active, vested, or retired member and who (1)
47 made application for and received a refund of
48 contributions made under the abolished system or (2)
49 has on deposit with the retirement fund contributions
50 made under the abolished system shall be entitled to

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1 credit for years of prior service in the determination
2 of retirement allowance payments by filing a written
3 election with the department on or after July 1, 1978,
4 and by redepositing any withdrawn contributions under
5 the abolished system together with interest as stated
6 in this paragraph. Any individual who as of on or
7 after July 1, 1978, is a retired member and who made
8 application for and received a refund of contributions
9 made under the abolished system, may, by filing a
10 written election with the department on or after July
11 1, 1978, have the department retain fifty percent of
12 the monthly increase in retiree benefits that will
13 accrue to the individual because of prior service. If
14 the monthly increase in retirement benefits is less
15 than ten dollars, the department shall retain five
16 dollars of the scheduled increase, and if the monthly
17 increase is less than five dollars, the provisions of
18 this paragraph shall not apply. The department shall

19 continue to retain such funds until the withdrawn
20 contributions, together with interest accrued to the
21 month in which the written election is filed, have
22 been repaid. Due notice of this provision shall be
23 sent to all retired members as of on or after July 1,
24 1978. However, this paragraph shall not apply to any
25 person who received a refund of any membership service
26 contributions unless the person repaid the membership
27 service contributions pursuant to section 97B.74;
28 ~~provided, however, that but~~ a refund of contributions
29 remitted for the calendar quarter ending September 30,
30 1953 which was based entirely upon employment which
31 terminated prior to July 4, 1953 shall not be
32 considered as a refund of membership service
33 contributions. The interest to be paid into the fund
34 shall be compounded at the rates credited to member
35 accounts from the date of payment of the refund of
36 contributions under the abolished system to the date
37 the member redeposits the refunded amount. The
38 provisions of the first paragraph of this section
39 relating to the consideration given to credited
40 amounts shall apply to the redeposited amounts or to
41 amounts left on deposit. Effective July 1, 1978, the
42 provisions of this paragraph shall apply to each
43 individual who as of on or after July 1, 1978, was an
44 active, vested, or retired member, but who was not in
45 service on July 4, 1953. The period for filing the
46 written election with the department and redepositing
47 any withdrawn contributions together with interest
48 accrued shall commence July 1, 1978. A member who is
49 a retired member as of on or after July 1, 1978 may
50 file written election with the department on or after

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1 July 1, 1978 to have the department retain fifty
2 percent of the monthly increase as provided in this
3 paragraph.

4 Sec. 16. Section 97B.48, subsection 1, Code 1989,
5 is amended to read as follows:

6 1. Retirement allowances shall be paid monthly,
7 except that an allowance of less than one hundred
8 twenty two hundred forty dollars a year shall be paid
9 as a lump sum in an actuarial equivalent amount.
10 Receipt of the lump-sum payment by a member shall
11 terminate any and all entitlement for the period of
12 service covered of the said member under this chapter.

13 Sec. 17. Section 97B.48, subsection 3, Code 1989,
14 is amended to read as follows:

15 3. If, after the first day of the month in which
16 the member attains the age of fifty-five years and
17 until the member's sixty-fifth birthday, a member who

18 is retired under this chapter is in regular full-time
19 employment, the member's retirement allowance shall be
20 suspended for as long as the member remains in
21 employment. However, effective January 1, ~~1989~~ 1990,
22 employment is not full-time employment until the
23 member receives remuneration in an amount in excess of
24 six thousand one hundred twenty eight hundred forty
25 dollars for a calendar year. Effective the first of
26 the month in which a member attains the age of sixty-
27 five years, a retired member may receive a retirement
28 allowance after return to covered employment
29 regardless of the amount of remuneration received.
30 Effective January 1, 1991, a retired member of any age
31 may receive a retirement allowance after return to
32 covered employment, regardless of the amount of
33 remuneration received, if the covered employment
34 consists of holding an elective office. As of the
35 first of the month in which the member attains the age
36 of seventy years, the member may receive a retirement
37 allowance determined under section 97B.49, regardless
38 of the amount of remuneration received. Upon a
39 retirement after reemployment, a retired member may
40 have the retired member's retirement allowance
41 redetermined under this section or section 97B.49 or
42 97B.50, whichever is applicable, based upon the
43 addition of credit for the years of membership service
44 of the employee after reemployment, the covered wage
45 during reemployment, and the age of the employee after
46 reemployment. The retired member shall not receive a
47 retirement allowance based upon more than a total of
48 thirty years of service.

49 Sec. 18. Section 97B.49, subsection 5, Code 1989,
50 is amended to read as follows:

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1 5. a. For each active member retiring on or after
2 July 1, 1986, and before July 1, 1990, with four or
3 more complete years of service, a monthly benefit
4 shall be computed which is equal to one-twelfth of an
5 amount equal to fifty percent of the three-year
6 average covered wage multiplied by a fraction of years
7 of service.

8 b. For each active member retiring on or after
9 July 1, 1990, with four or more complete years of
10 service, a monthly benefit shall be computed which is
11 equal to one-twelfth of an amount equal to fifty-two
12 percent of the three-year average covered wage
13 multiplied by a fraction of years of service.

14 Commencing July 1, 1991, the department shall
15 increase the percentage multiplier of the three-year
16 average covered wage by an additional two percent each

17 July 1 until reaching sixty percent of the three-year
 18 average covered wage if the annual actuarial valuation
 19 of the retirement system indicates for that year that
 20 the cost of this increase in the percentage of the
 21 three-year average covered wage used in computing
 22 retirement benefits can be absorbed within the
 23 employer and employee contribution rates in effect
 24 under section 97B.11.

25 c. For the purposes of this subsection, "fraction
 26 of years of service" means a number, not to exceed
 27 one, equal to the sum of the years of membership
 28 service and the number of years of prior service
 29 divided by thirty years.

30 d. If benefits under this subsection commence on
 31 an early retirement date, the amount of benefit shall
 32 be reduced in accordance with section 97B.50.

33 Sec. 19. Section 97B.49, subsection 13, paragraphs
 34 a and b, Code 1989, are amended to read as follows:

35 a. A member who retired from the system between
 36 January 1, 1976, and June 30, 1982, or a contingent
 37 annuitant or beneficiary of such a member, shall
 38 receive with the November 1988 1990 and the November
 39 1989 1991 monthly benefit payments a retirement
 40 dividend equal to ~~eighty~~ one hundred forty percent of
 41 the monthly benefit payment the member received for
 42 the preceding June, or the most recently received
 43 benefit payment, whichever is greater. The retirement
 44 dividend does not affect the amount of a monthly
 45 benefit payment.

46 b. Each member who retired from the system between
 47 July 4, 1953, and December 31, 1975, or a contingent
 48 annuitant or beneficiary of such a member, shall
 49 receive with the November 1988 1990 and the November
 50 1989 1991 monthly benefit payments a retirement

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1 dividend equal to one hundred ~~twenty eight~~ percent of
 2 the monthly benefit payment the member received for
 3 the preceding June, or the most recently received
 4 benefit payment, whichever is greater. The retirement
 5 dividend does not affect the amount of a monthly
 6 benefit payment.

7 Sec. 20. Section 97B.49, subsection 13, paragraph
 8 c, Code 1989, is amended to read as follows:

9 c. Notwithstanding the determination of the amount
 10 of a retirement dividend under paragraph "a", or "b",
 11 or "d", a retirement dividend shall not be less than
 12 twenty-five dollars.

13 Sec. 21. Section 97B.49, subsection 13, Code 1989,
 14 is amended by adding the following new paragraph after
 15 paragraph c and relettering the subsequent paragraphs:

16 NEW PARAGRAPH. d. A member who retired from the
17 system between July 1, 1982, and June 30, 1986, or a
18 contingent annuitant or beneficiary of such a member,
19 shall receive with the November 1990 and the November
20 1991 monthly benefit payments a retirement dividend
21 equal to twenty-four percent of the monthly benefit
22 payment the member received for the preceding June, or
23 the most recently received benefit payment, whichever
24 is greater. The retirement dividend does not affect
25 the amount of a monthly benefit payment.

26 Sec. 22. Section 97B.49, subsection 15, Code 1989,
27 is amended to read as follows:

28 15. In lieu of the monthly benefit computed under
29 subsections 1 and 3 as applicable, or subsection 5,
30 for:

31 a. For each active member retiring on or after
32 July 1, 1988, and before July 1, 1990, who is at least
33 fifty-five years of age and has completed at least
34 thirty years of membership service and prior service,
35 and for which the sum of the number of years of
36 membership service and prior service and the member's
37 age in years as of the member's last birthday equals
38 or exceeds ninety-two, a monthly benefit shall be
39 computed which is equal to one-twelfth of fifty
40 percent of the three-year average covered wage of the
41 member.

42 b. For each active member retiring on or after
43 July 1, 1990, who is at least fifty-five years of age
44 and for which the sum of the number of years of
45 membership service and prior service and the member's
46 age in years as of the member's last birthday exceeds
47 ninety-two, a monthly benefit shall be computed which
48 is equal to one-twelfth of the same percentage of the
49 three-year average covered wage of the member as is
50 provided in subsection 5.

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1 Sec. 23. Section 97B.49, subsection 16, paragraphs
2 a, b, and c, Code 1989, are amended to read as
3 follows:

4 a. Notwithstanding other provisions of this
5 chapter, a:

6 (1) A member who is or has been employed in a
7 protection occupation who retires on or after July 1,
8 1988, and before July 1, 1990, and at the time of
9 retirement is at least fifty-five years of age and has
10 completed at least twenty-five years of membership
11 service in a protection occupation, may elect to
12 receive in lieu of the receipt of any benefits under
13 subsection 5 or 15, a monthly retirement allowance
14 equal to one-twelfth of fifty percent of the member's

15 three-year average covered wage as a member who has
16 been employed in a protection occupation, with
17 benefits payable during the member's lifetime.

18 (2) A member who is or has been employed in a
19 protection occupation who retires on or after July 1,
20 1990, and at the time of retirement is at least fifty-
21 five years of age and has completed at least twenty-
22 five years of membership service in a protection
23 occupation, may elect to receive in lieu of the
24 receipt of any benefits under subsection 5 or 15, a
25 monthly retirement allowance equal to one-twelfth of
26 fifty-two percent of the member's three-year average
27 covered wage as a member who has been employed in a
28 protection occupation, with benefits payable during
29 the member's lifetime.

30 (3) Commencing July 1, 1991, the department shall
31 increase the percentage multiplier of the three-year
32 average covered wage by an additional two percent each
33 July 1 until reaching sixty percent of the three-year
34 average covered wage if the annual actuarial valuation
35 of the retirement system indicates for that year that
36 the cost of this increase in the percentage of the
37 three-year average covered wage used in computing
38 retirement benefits can be absorbed within the
39 employer and employee contribution rates in effect
40 under section 97B.11 and this section.

41 b. Notwithstanding other provisions of this
42 chapter, a:

43 (1) A member who retires from employment as a
44 county sheriff or deputy sheriff who retires on or
45 after July 1, 1988, and before July 1, 1990, and at
46 the time of retirement is at least fifty-five years of
47 age and has completed at least twenty-two years of
48 membership service, may elect to receive in lieu of
49 the receipt of any benefits under subsection 5 or 15,
50 a monthly retirement allowance equal to one-twelfth of

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1 fifty percent of the member's three-year average
2 covered wage as a member, with benefits payable during
3 the member's lifetime.

4 (2) A member who retires from employment as a
5 county sheriff or deputy sheriff who retires on or
6 after July 1, 1990, and at the time of retirement is
7 at least fifty-five years of age and has completed at
8 least twenty-two years of membership service, may
9 elect to receive in lieu of the receipt of any
10 benefits under subsection 5 or 15, a monthly
11 retirement allowance equal to one-twelfth of the same
12 percentage of the member's three-year average covered
13 wage as is provided in paragraph "a", with benefits

14 payable during the member's lifetime.

15 (3) The years of membership service required under
16 this paragraph shall include membership service as a
17 sheriff or deputy sheriff and membership service under
18 employment in a protection occupation included in
19 paragraph "d", subparagraph (2).

20 (4) For the purposes of this subsection, sheriff
21 means a county sheriff as defined in section 39.17 and
22 deputy sheriff means a deputy sheriff appointed
23 pursuant to section 341.1 prior to July 1, 1981, or
24 section 331.903 on or after July 1, 1981.

25 c. A member covered under this subsection who
26 retires on or after July 1, 1988, and before July 1,
27 1990, and has not completed the twenty-five years of
28 membership service required under paragraph "a", or
29 twenty-two years of membership service required under
30 paragraph "b", is eligible to receive a monthly
31 retirement allowance equal to one-twelfth of fifty
32 percent of the member's three-year average covered
33 wage as a member employed in a protection occupation,
34 or as a sheriff or deputy sheriff, multiplied by a
35 fraction of years of service.

36 A member covered under this subsection who retires
37 on or after July 1, 1990, and has not completed the
38 twenty-five years of membership service required under
39 paragraph "a", or twenty-two years of membership
40 service required under paragraph "b", is eligible to
41 receive a monthly retirement allowance equal to one-
42 twelfth of the same percentage of the member's three-
43 year average covered wage as is provided in paragraph
44 "a", multiplied by a fraction of years of service.

45 PARAGRAPH DIVIDED. For the purpose of this
46 subsection, "fraction of years of service" means a
47 number, not to exceed one, equal to the sum of the
48 years of membership service for a member retiring in a
49 protection occupation, divided by twenty-five years,
50 or the sum of the years of membership service for a

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1 member retiring as a sheriff or deputy sheriff divided
2 by twenty-two years.

3 Sec. 24. Section 97B.49, subsection 16, paragraph
4 d, subparagraph (3), Code 1989, is amended to read as
5 follows:

6 (3) A correctional officer or correctional
7 supervisor employed by the Iowa department of
8 corrections, in an applicable job classification and
9 any other employee of that department who has ongoing,
10 direct contact with inmates. The department of
11 corrections and the department of personnel shall
12 jointly determine the applicable merit system job

13 classifications of correctional officers.

14 Sec. 25. Section 97B.49, subsection 16, paragraph
15 d, Code 1989, is amended by adding the following new
16 subparagraph:

17 NEW SUBPARAGRAPH. (7) An employee of the state
18 department of transportation who is designated as a
19 "peace officer" by resolution under section 321.477,
20 but only if the employee retires on or after July 1,
21 1990. For purposes of this subparagraph, service as a
22 traffic weight officer employed by the highway
23 commission prior to the creation of the state
24 department of transportation or as a peace officer
25 employed by the Iowa state commerce commission prior
26 to the creation of the state department of
27 transportation shall be included in computing the
28 employee's years of membership service.

29 Sec. 26. Section 97B.49, subsection 16, Code 1989,
30 is amended by adding the following new paragraph:

31 NEW PARAGRAPH. k. For the fiscal year commencing
32 July 1, 1990, and each succeeding fiscal year, the
33 state department of transportation shall pay to the
34 department of personnel, from funds appropriated to
35 the state department of transportation from the road
36 use tax fund and the primary road fund, the amount
37 necessary to pay the employer share of the cost of the
38 additional benefits provided to employees covered
39 under paragraph "d", subparagraph (7).

40 Sec. 27. Section 97B.50, subsection 2, Code 1989,
41 is amended to read as follows:

42 2. a. A member who retires from the system due to
43 disability and commences receiving disability benefits
44 pursuant to the United States Social Security Act (42
45 U.S.C.), as amended to July 1, 1978, who is eligible
46 for early retirement, but has not reached the normal
47 retirement date, shall receive full benefits under
48 section 97B.49 and shall not have benefits reduced
49 upon retirement as required under subsection 1
50 regardless of whether the member has completed thirty

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1 or more years of membership service. This section
2 takes effect July 1, 1987 for a member meeting the
3 requirements of this subsection paragraph who retired
4 from the system at any time between July 4, 1953 and
5 June 30, 1987.

6 b. A member who retires from the system due to
7 disability and commences receiving disability benefits
8 pursuant to the United States Railroad Retirement Act
9 (45 U.S.C. § 231 et seq.) who is eligible for early
10 retirement but has not reached the normal retirement
11 date, shall receive full benefits under section 97B.49

12 and shall not have benefits reduced upon retirement as
13 required under subsection 1 regardless of whether the
14 member has completed thirty or more years of
15 membership service. This section takes effect July 1,
16 1990, for a member meeting the requirements of this
17 paragraph who retired from the system at any time
18 since July 4, 1953. However, eligible members are
19 entitled to receipt of retroactive adjustment payments
20 for no more than six months immediately preceding the
21 month after July 1, 1990, in which written notice was
22 submitted to the department.

23 Sec. 28. Section 97B.52, subsection 3, Code 1989,
24 is amended to read as follows:

25 3. a. Other than as provided above in subsections
26 1 and 2 of this section, or section 97B.51, all rights
27 to any benefits under the retirement system will shall
28 cease upon the death of a member.

29 b. If a death benefit is due and payable, interest
30 shall continue to accumulate through the month
31 preceding the month in which payment is made to the
32 designated beneficiary, heirs at law, or to the estate
33 unless the payment of the death benefit is delayed
34 because of a dispute between alleged heirs, in which
35 case the benefit due and payable shall be placed in a
36 noninterest bearing escrow account until the
37 beneficiary is determined in accordance with this
38 section.

39 Sec. 29. Section 97B.73, Code 1989, is amended to
40 read as follows:

41 97B.73 MEMBERS FROM OTHER PUBLIC SYSTEMS.

42 A vested or retired member who was a member of a
43 public retirement system in public employment in
44 another state but was not vested or retired under that
45 system may or in the federal government, or who was a
46 member of another public retirement system in this
47 state, including but not limited to the teachers
48 insurance annuity association-college retirement
49 equities fund, but who was not retired under that
50 system, upon submitting verification of membership and

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1 service in the other public retirement system to the
2 department, including proof that the member has no
3 further claim upon a retirement benefit from that
4 other public system, may make employer and employee
5 contributions to the system for the period of service
6 in the other public retirement system and receive
7 credit for membership service in this system
8 equivalent to the number of years of service in the
9 other public retirement system. The contributions
10 paid by the vested or retired member for service in

11 the other public retirement system shall be equal to
12 the accumulated contributions as defined in section
13 97B.41, subsection 12, by the member for that period
14 of service and the employer contribution for that
15 period of service that would have been contributed by
16 the vested or retired member and the employer plus
17 interest on the contributions that would have accrued
18 if the member had been a member of this system earning
19 the same wages earned under the other system for the
20 period from the date of service of the member in the
21 other public retirement system to the date of payment
22 of the contributions by the member equal to two
23 percent plus the interest dividend rate applicable for
24 each year contribution payable shall be based upon the
25 member's covered wages for the most recent full
26 calendar year at the applicable rates in effect for
27 that calendar year under sections 97B.11 and 97B.49
28 and multiplied by the member's years of service in
29 other public employment.

30 This section is applicable to a vested or retired
31 member who was a member of a public retirement system
32 established in sections 294.8, 294.9, and 294.10 but
33 was not vested or retired under that system.

34 A member vested under another public system must
35 wave, on a form provided by the Iowa public
36 employees' retirement system, all rights to a
37 retirement benefit under that other public system
38 before receiving credit in this system for those years
39 of service in the other public system.

40 Effective July 1, 1988, a member eligible for an
41 increased retirement allowance because of the payment
42 of contributions under this section is entitled to
43 receipt of retroactive adjustment payments for no more
44 than six months immediately preceding the month in
45 which written notice was submitted to the department.

46 Sec. 30. Section 97B.74, unnumbered paragraphs 1
47 and 2, Code 1989, are amended to read as follows:

48 An Effective January 1, 1991, an active, vested, or
49 retired member who at any time between July 4, 1953
50 and July 1, 1973 was a member of the system at any

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1 time on or after July 4, 1953, but who did not meet
2 the requirements to be a vested member for that period
3 of membership service, and who received a refund of
4 the member's contributions for that period of
5 membership service, may elect in writing to the
6 department to make contributions to the system for
7 that period of membership service for which a refund
8 of contributions was made. The contributions repaid

9 by the member for such service shall be equal to the
10 accumulated contributions, as defined in section
11 97B.41, subsection 12, received by the member for that
12 period of membership service plus interest on the
13 accumulated contributions for the period from the date
14 of receipt by the member to the date of repayment
15 equal to two percent plus the interest dividend rate
16 applicable for each year compounded annually.

17 The provisions of this section are only available
18 to a member if that member's total years of membership
19 and prior service, with the addition of service for
20 that period of membership service for which
21 contributions are repaid, equals or exceeds fifteen
22 years. An active member must have at least one
23 quarter's reportable wages on file and have membership
24 service, including that period of membership service
25 for which a refund of contributions was made,
26 sufficient to give the member vested status.

27 Sec. 31. Section 97B.80, Code 1989, is amended to
28 read as follows:

29 97B.80 VETERAN'S CREDIT.

30 An active member in service on July 1, 1988, who at
31 any time served on active duty in the armed forces of
32 the United States, upon submitting verification of the
33 dates of the active duty service in the armed forces
34 to the department, may make employer and employee
35 contributions to the system based upon the member's
36 covered wages for the calendar year beginning January
37 1, 1987, at the rates in effect under section 97B.11
38 on January 1, 1987, for the period of time of the
39 active duty service, not to exceed four years, and
40 receive credit for membership service and prior
41 service for the period of time for which the
42 contributions are made. Effective July 1, 1990, a
43 vested or retired member with reportable wages in the
44 most recent calendar year, who at any time served on
45 active duty in the armed forces of the United States,
46 upon submitting verification of the dates of the
47 active duty service, may make employer and employee
48 contributions to the system based upon the member's
49 covered wages for the most recent full calendar year
50 at the applicable rates in effect for that year under

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1 sections 97B.11 and 97B.49, for the period of time of
2 the active duty service, in one-year increments but
3 not to exceed four years, and receive credit for
4 membership service and prior service for the period of
5 time for which the contributions are made.
6 Verification of active duty service and payment of
7 contributions shall be made to the department.

8 However, a member is not eligible to make
9 contributions under this section if the member is
10 receiving or is eligible to receive retirement pay
11 from the United States government for active duty in
12 the armed forces.

13 Sec. 32. NEW SECTION. 97B.81 WAIVER RIGHTS.

14 A person receiving, or eligible to receive, an
15 allowance or benefit, or an increase to an allowance
16 or benefit, under this chapter, may at any time waive
17 the person's rights to all or part of the allowance or
18 benefit, by filing a written and notarized notice of
19 waiver with the public employees' retirement system on
20 a form provided by the system. The waiver shall
21 remain in effect until the first day of the month
22 following the person's death or the filing of a
23 written and notarized cancellation of the waiver with
24 the retirement system. The amount waived is forever
25 forfeited.

26 Sec. 33. NEW SECTION. 97D.1 GUIDING GOALS FOR
27 FUTURE CHANGES IN PUBLIC RETIREMENT SYSTEMS – SOCIAL
28 SECURITY – PORTABILITY.

29 1. The general assembly declares that legislative
30 proposals for changes in specific public retirement
31 systems should be considered within the context of all
32 public retirement systems within the state, with
33 emphasis on equity and equality between and among the
34 systems. The following list of guiding goals shall
35 apply to the consideration of proposed changes:

36 a. Select those benefit enhancement options which
37 most successfully deliver the greatest good to the
38 greatest number of employees.

39 b. Choose those options which best correct
40 existing inequities between and among the various
41 retirement groups in the state.

42 c. Determine those options which most ably serve
43 the twin objectives of attracting and retaining
44 quality employees.

45 d. Avoid enacting further incentives toward
46 earlier retirement with full benefits.

47 e. Avoid further splintering of benefits by
48 disproportionate enhancement of benefits for one group
49 over and beyond those available to the other.

50 2. The public retirement systems committee

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1 established by section 97B.76 shall periodically weigh
2 the advantages and disadvantages of establishing
3 participation in the federal social security system
4 for the members of public retirement systems operating
5 under chapters 97A and 411 and the impact of such a
6 change on total contributions and benefits.

7 3. The public retirement systems committee estab-
8 lished by section 97B.76 shall consider proposals to
9 achieve greater portability of pension benefits
10 between the various public retirement systems in the
11 state. Special attention should be given to the
12 actuarial cost of transfers of value from one system
13 to another.

14 Sec. 34. NEW SECTION. 97D.2 ANALYSIS OF COST OF
15 PROPOSED CHANGES.

16 When the public retirement systems committee estab-
17 lished by section 97B.76 or a standing committee of
18 the senate or house of representatives receives a
19 proposal for a change in a public retirement system
20 within this state, the committee may require the
21 development of actuarial information concerning the
22 costs of the proposed change. If the proposal affects
23 police and fire retirement systems under chapter 411,
24 the committee may arrange for the services of an
25 actuarial consultant to assist in developing the
26 information on a consolidated basis for all the
27 systems.

28 Sec. 35. Section 280A.23, Code 1989, is amended by
29 adding the following new subsections:

30 NEW SUBSECTION. 15. Provide for an alternative
31 retirement benefits system, which is issued by or
32 through a nonprofit corporation issuing retirement
33 annuities exclusively to educational institutions and
34 their employees, for persons employed by the area
35 vocational school or area community college who are
36 members of the Iowa public employees' retirement
37 system on the effective date of this Act and who elect
38 coverage under the alternative retirement benefits
39 system pursuant to section 97B.42, in lieu of
40 continuing contributions to the Iowa public employees'
41 retirement system. The system for employee and
42 employer contributions under the alternative system
43 shall be substantially the same as provided by the
44 state board of regents under the teachers insurance
45 annuity association-college retirement equities fund,
46 and the employer's contribution shall not exceed the
47 employer's contribution rate established for employees
48 of the state board of regents who are under that
49 system.

50 NEW SUBSECTION. 16. Provide for an alternative

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1 retirement benefits system, which is issued by or
2 through a nonprofit corporation issuing retirement
3 annuities exclusively to educational institutions and
4 their employees, for persons newly employed after the
5 effective date of this Act who elect coverage under

6 that system pursuant to section 97B.42, in lieu of
7 coverage under the Iowa public employees' retirement
8 system. The system for employee and employer
9 contributions under the alternative system shall be
10 substantially the same as provided by the state board
11 of regents under the teachers insurance annuity
12 association-college retirement equities fund, and the
13 employer's contribution rate shall not exceed the
14 employer's contribution rate established for employees
15 of the state board of regents who are under that
16 system.

17 Sec. 36. Section 411.5, subsection 9, Code 1989,
18 is amended to read as follows:

19 9. MEDICAL BOARD. The board of fire trustees and
20 the board of police trustees jointly shall designate a
21 medical board to be composed of three physicians who
22 shall arrange for and pass upon all medical
23 examinations required under the provisions of this
24 chapter, ~~except that for examinations required because~~
25 ~~of disability three physicians from the University of~~
26 ~~Iowa hospitals and clinics who shall pass upon the~~
27 ~~medical examinations required for disability~~
28 ~~retirements, and shall report in writing to each board~~
29 ~~of trustees, respectively, its conclusions and~~
30 ~~recommendations upon all matters duly referred to it.~~

31 Sec. 37. Section 411.6, subsections 2 and 6, Code
32 1989, are amended to read as follows:

33 2. ALLOWANCE ON SERVICE RETIREMENT.

34 a. Upon retirement from service, prior to July 1,
35 1990, a member shall receive a service retirement
36 allowance which shall consist of a pension given by
37 the city which shall equal ~~one-half equals fifty~~
38 percent of the member's average final compensation.

39 b. Upon retirement from service on or after July
40 1, 1990, a member shall receive a service retirement
41 allowance which shall consist of a pension given by
42 the city which equals fifty-two percent of the
43 member's average final compensation.

44 c. Commencing July 1, 1991, each board of trustees
45 shall increase the percentage multiplier of the
46 member's average final compensation by an additional
47 two percent each July 1 until reaching sixty percent
48 of the member's average final compensation if the
49 annual actuarial valuation of the board's retirement
50 system indicates for that year that the cost of this

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1 increase in the percentage of the member's average
2 final compensation used in computing retirement
3 benefits can be absorbed within the employer and
4 employee contribution rates in effect pursuant to

5 section 411.8.

6 d. Commencing July 1, 1990, if the member has
7 completed more than twenty-two years of creditable
8 service, the service retirement allowance shall
9 consist of a pension which equals the amount provided
10 in paragraphs "b" and "c", plus an additional
11 percentage as set forth below:

12 (1) For a member who terminates service, other
13 than by death or disability, on or after July 1, 1990,
14 but before July 1, 1991, and who does not withdraw the
15 member's contributions pursuant to section 411.23,
16 upon the member's retirement there shall be added
17 three-tenths percent of the member's average final
18 compensation for each year of service over twenty-two
19 years, excluding years of service after the member's
20 fifty-fifth birthday. However, this subparagraph does
21 not apply to more than eight additional years of
22 service.

23 (2) For a member who terminates service, other
24 than by death or disability, on or after July 1, 1991,
25 but before July 1, 1992, and who does not withdraw the
26 member's contributions pursuant to section 411.23,
27 upon the member's retirement there shall be added six-
28 tenths percent of the member's average final
29 compensation for each year of service over twenty-two
30 years, excluding years of service after the member's
31 fifty-fifth birthday. However, this subparagraph does
32 not apply to more than eight additional years of
33 service.

34 (3) For a member who terminates service, other
35 than by death or disability, on or after July 1, 1992,
36 but before July 1, 1993, and who does not withdraw the
37 member's contributions pursuant to section 411.23,
38 upon the member's retirement there shall be added
39 nine-tenths percent of the member's average final
40 compensation for each year of service over twenty-two
41 years, excluding years of service after the member's
42 fifty-fifth birthday. However, this subparagraph does
43 not apply to more than eight additional years of
44 service.

45 (4) For a member who terminates service, other
46 than by death or disability, on or after July 1, 1993,
47 but before July 1, 1994, and who does not withdraw the
48 member's contributions pursuant to section 411.23,
49 upon the member's retirement there shall be added one
50 and two-tenths percent of the member's average final

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1 compensation for each year of service over twenty-two
2 years, excluding years of service after the member's
3 fifty-fifth birthday. However, this subparagraph does

4 not apply to more than eight additional years of
5 service.

6 (5) For a member who terminates service, other
7 than by death or disability, on or after July 1, 1994,
8 and who does not withdraw the member's contributions
9 pursuant to section 411.23, upon the member's
10 retirement there shall be added one and five-tenths
11 percent of the member's average final compensation for
12 each year of service over twenty-two years, excluding
13 years of service after the member's fifty-fifth
14 birthday. However, this subparagraph does not apply
15 to more than eight additional years of service.

16 6. RETIREMENT AFTER ACCIDENT.

17 a. Upon retirement for accidental disability prior
18 to July 1, 1990, a member shall receive an accidental
19 disability retirement allowance which shall consist of
20 a pension equal to $66 \frac{2}{3}$ sixty-six and two-thirds
21 percent of the member's average final compensation.

22 b. Upon retirement for accidental disability on or
23 after July 1, 1990, a member shall receive an
24 accidental disability retirement allowance which shall
25 consist of a pension equal to sixty percent of the
26 member's average final compensation.

27 Sec. 38. Section 411.6, subsection 12, paragraph
28 a, subparagraphs (1) through (4), Code 1989, are
29 amended to read as follows:

30 (1) Twenty-five percent for members receiving a
31 service retirement allowance and for beneficiaries
32 receiving a pension under subsection 9 of this
33 section. However, effective July 1, 1990, for members
34 who retired before that date, thirty percent shall be
35 the applicable percentage for members and
36 beneficiaries under this subparagraph.

37 (2) Twenty-five percent for members with
38 five or more years of membership service who are
39 receiving an ordinary disability retirement allowance.
40 However, effective July 1, 1984, for members who
41 retired before July 1, 1970, and effective July 1,
42 1988, for members who retire on or after July 1, 1988,
43 twenty-five percent shall be used for members who are
44 receiving an ordinary disability allowance. However,
45 effective July 1, 1990, for members who retired before
46 that date, thirty percent shall be the applicable
47 percentage for members under this subparagraph.

48 (3) Twelve and one-half percent for members with
49 less than five years of membership service who are
50 receiving an ordinary disability retirement allowance.

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1 and for beneficiaries receiving a pension under
2 subsection 8 of this section. However, effective July

3 1, 1990, for members who retired before that date,
4 fifteen percent shall be the applicable percentage for
5 members and beneficiaries under this subparagraph.

6 (4) Thirty-three and one-third percent for members
7 receiving an accidental disability allowance.

8 However, effective July 1, 1990, for members who
9 retired before that date, thirty percent shall be the
10 applicable percentage for members under this
11 subparagraph.

12 Sec. 39. Section 411.6, Code 1989, is amended by
13 adding the following new subsection:

14 NEW SUBSECTION. 13. REMARRIAGE OF SURVIVING
15 SPOUSE. Effective July 1, 1990, for a member who died
16 prior to July 1, 1988, if the member's surviving
17 spouse remarried prior to July 1, 1988, the remarriage
18 does not make the spouse ineligible under subsection
19 8, paragraph "c", subparagraphs (1) and (2), to
20 receive benefits under subsections 8, 9, 11, and 12.

21 Sec. 40. Section 411.8, subsection 1, paragraph f,
22 Code 1989, is amended to read as follows:

23 f. Except as otherwise provided in paragraph "h":

24 (1) An amount equal to three and one-tenth percent
25 of each member's compensation from the earnable
26 compensation of the member shall be paid to the
27 pension accumulation fund for the fiscal year
28 beginning July 1, 1989.

29 (2) An amount equal to four and forty-six
30 hundredths percent of each member's compensation from
31 the earnable compensation of the member shall be paid
32 to the pension accumulation fund for the fiscal year
33 beginning July 1, 1990.

34 (3) An amount equal to five and eighty-two
35 hundredths percent of each member's compensation from
36 the earnable compensation of the member shall be paid
37 to the pension accumulation fund for the fiscal year
38 beginning July 1, 1991.

39 (4) An amount equal to seven and eighteen
40 hundredths percent of each member's compensation from
41 the earnable compensation of the member shall be paid
42 to the pension accumulation fund for the fiscal year
43 beginning July 1, 1992.

44 (5) An amount equal to eight and fifty-four
45 hundredths percent of each member's compensation from
46 the earnable compensation of the member shall be paid
47 to the pension accumulation fund for the fiscal year
48 beginning July 1, 1993.

49 (6) An amount equal to nine and nine-tenths
50 percent of each member's compensation from the

2 the pension accumulation fund for the fiscal year
3 beginning July 1, 1994, and each fiscal year
4 thereafter.

5 Sec. 41. Section 411.8, subsection 1, Code 1989,
6 is amended by adding the following new paragraph:
7 NEW PARAGRAPH. h. Notwithstanding the provisions
8 of paragraph "f", the following transition percentages
9 apply to members' contributions as specified:

10 (1) For members who on July 1, 1990, have attained
11 the age of forty-nine years or more, an amount equal
12 to nine and nine-tenths percent of each member's
13 compensation from the earnable compensation of the
14 member shall be paid to the fund for the fiscal year
15 beginning July 1, 1990, and each subsequent fiscal
16 year.

17 (2) For members who on July 1, 1990, have attained
18 the age of forty-eight years but have not attained the
19 age of forty-nine years, an amount equal to eight and
20 fifty-four hundredths percent shall be paid for the
21 fiscal year beginning July 1, 1990, and an amount
22 equal to nine and nine-tenths percent shall be paid
23 for the fiscal year beginning July 1, 1991, and each
24 subsequent fiscal year thereafter.

25 (3) For members who on July 1, 1990, have attained
26 the age of forty-seven years but have not attained the
27 age of forty-eight years, an amount equal to seven and
28 eighteen hundredths percent shall be paid for the
29 fiscal year beginning July 1, 1990, an amount equal to
30 eight and fifty-four hundredths percent shall be paid
31 for the fiscal year beginning July 1, 1991, and an
32 amount equal to nine and nine-tenths percent shall be
33 paid for the fiscal year beginning July 1, 1992, and
34 each subsequent fiscal year.

35 (4) For members who on July 1, 1990, have attained
36 the age of forty-six years but have not attained the
37 age of forty-seven years, an amount equal to five and
38 eighty-two hundredths percent shall be paid for the
39 fiscal year beginning July 1, 1990, an amount equal to
40 seven and eighteen hundredths percent shall be paid
41 for the fiscal year beginning July 1, 1991, an amount
42 equal to eight and fifty-four hundredths percent shall
43 be paid for the fiscal year beginning July 1, 1992,
44 and an amount equal to nine and nine-tenths percent
45 shall be paid for the fiscal year beginning July 1,
46 1993, and each subsequent fiscal year:

47 (5) For members who on July 1, 1990, have attained
48 the age of forty-five years but have not attained the
49 age of forty-six years, an amount equal to four and
50 forty-six hundredths percent shall be paid for the

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1 fiscal year beginning July 1, 1990, an amount equal to
2 five and eighty-two hundredths percent shall be paid
3 for the fiscal year beginning July 1, 1991, an amount
4 equal to seven and eighteen hundredths percent shall
5 be paid for the fiscal year beginning July 1, 1992, an
6 amount equal to eight and fifty-four hundredths
7 percent shall be paid for the fiscal year beginning
8 July 1, 1993, and an amount equal to nine and nine-
9 tenths percent shall be paid for the fiscal year
10 beginning July 1, 1994, and each subsequent fiscal
11 year.

12 Sec. 42. NEW SECTION. 411.31 REPORTING.

13 Each board of trustees shall submit annually to the
14 auditor of state its most recent actuarial valuation
15 and a pension status report, which shall be in the
16 form prescribed by the auditor of state and shall
17 provide statistical and financial information as
18 required by the auditor of state, including
19 information about benefits, contribution rates,
20 assets, liabilities, and social security coverage.
21 The auditor of state shall consult with the director
22 of the legislative fiscal bureau for the purpose of
23 determining the information to be included in the
24 pension status reports.

25 Sec. 43. NEW SECTION. 411.32 EVALUATION OF
26 FINANCIAL STATUS OF SYSTEMS.

27 The legislative fiscal bureau shall review the
28 actuarial reports and pension status reports submitted
29 in accordance with section 411.31 and shall
30 periodically prepare an evaluation of the financial
31 status of police and fire retirement systems operating
32 under this chapter. The evaluation shall be submitted
33 to the secretary of the senate and the chief clerk of
34 the house of representatives for distribution to the
35 members of the general assembly.

36 The legislative fiscal bureau may arrange for the
37 services of an actuarial consultant to assist in
38 performing the duties assigned by this section.

39 Sec. 44. NEW SECTION. 411.33 FUNDING REQUIRE-
40 MENTS.

41 Each retirement system operating under this chapter
42 shall have sufficient assets, evaluated at cost, to
43 cover the system's currently accrued liabilities. A
44 retirement system whose assets are not sufficient to
45 provide this coverage on the effective date of this
46 Act shall establish the necessary asset level on or
47 before June 30, 1995. The system shall report to the
48 auditor of state in the annual pension status report
49 its plan for and progress toward achieving the
50 required coverage.

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1 Sec. 45. STUDY.

2 1. The Iowa public employees' retirement system
3 shall conduct a study of the feasibility of initiating
4 an optional, supplemental defined contribution
5 retirement plan which would be available to all
6 members in addition to their basic coverage under the
7 existing system. Under the proposed plan, employees
8 electing to participate would be eligible to
9 contribute up to five percent of their total salary
10 per year at their option and this would accumulate
11 interest at the rate credited to members' accounts
12 under basic Iowa public employees' retirement system
13 coverage, less management expenses and administrative
14 costs. The funds in the employee's account would be
15 available to the employee either upon termination of
16 public employment or at retirement.

17 2. The Iowa public employees' retirement system
18 shall provide a preliminary report concerning the
19 study on or after November 1, 1990, and a final report
20 on or after November 1, 1991. The reports shall be
21 transmitted to the chief clerk of the house of
22 representatives and the secretary of the senate for
23 distribution to the general assembly.

24 Sec. 46. TRANSFER OF SECTION.

25 The Code editor shall transfer section 97B.76 to
26 chapter 97D, created by this Act.

27 Sec. 47. APPLICABILITY.

28 Section 12 of this Act is applicable to
29 computations of years of prior service made on or
30 after the effective date of this Act."

Neuhauser of Johnson in the chair at 4:09 p.m.

Blanshan of Greene moved that the House concur in the Senate amendment H—6026.

The motion lost and the House refused to concur in the Senate amendment H—6026.

The House stood at ease at 4:16 p.m., until the fall of the gavel.

The House resumed session at 4:25 p.m., Neuhauser of Johnson in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 2, 1990, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2003, a bill for an act permitting a refund of unexpired motor vehicle registration fees to persons who sell their motor vehicles and who will no longer be driving.

Also: That the Senate has, on April 2, 1990, insisted on its amendment to Senate File 2280, a bill for an act relating to and making appropriations to various state agencies including certain state elected officials, the executive council, the department of general services, the department of personnel, the department of revenue and finance, the office of state-federal relations, and the department of management, increasing certain fees, changing the procurement program, and providing for repeals of certain provisions, and the members of the Conference Committee on the part of the Senate are: The Senator from Pottawattamie, Senator Gronstal, Chair; the Senator from Marion, Senator Dieleman; the Senator from Palo Alto, Senator Kibble; the Senator from Bremer, Senator Jensen; the Senator from Montgomery, Senator Hultman.

Also: That the Senate has on April 2, 1990, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2326, a bill for an act requiring the department of education to develop and maintain nutrition guidelines for food and beverages sold on public school grounds.

Also: That the Senate has, on April 2, 1990, insisted on its amendment to Senate File 2402, a bill for an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation, and enforcement, and including allocation and use of moneys from the road use tax fund, primary road fund, and state aviation fund, mandating reports of certain agency purchases and providing expenses for certain members of the Iowa highway research board, and the members of the Conference Committee on the part of the Senate are: The Senator from Wapello, Senator Gettings, Chair; the Senator from Tama, Senator Husak; the Senator from Dubuque, Senator Welsh; the Senator from Black hawk, Senator Lind; the Senator from Muscatine, Senator Drake.

JOHN F. DWYER, Secretary

SENATE AMENDMENT CONSIDERED House Refused to Concur

Ollie of Clinton called up for consideration **House File 156**, a bill for an act relating to the separation of workers' compensation insurance premiums into two parts, amended by the Senate, and moved that the House concur in the following Senate amendment H—5934:

H—5934

- 1 Amend House File 156, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 3 through 10, and
- 4 inserting the following:
- 5 "1. To encourage loss control and increase
- 6 workplace safety for construction risk
- 7 classifications, a workers' compensation rating
- 8 organization licensed under chapter 515A shall file
- 9 with the insurance division, a construction

10 contracting classification premium adjustment program.
 11 The program shall define eligible construction
 12 contracting classifications, prescribe the experience
 13 rating necessary for participation in the program,
 14 establish a credit from manual rates for selected
 15 categories of average hourly wages, and initiate a
 16 required procedure and approved form by which insurers
 17 shall notify all insureds, who have one or more
 18 construction contracting classifications on their
 19 policy, that they may be eligible for a premium
 20 adjustment credit.

21 2. If the rating organization fails to file a
 22 premium adjustment program within thirty days
 23 following the effective date of this Act, the
 24 commissioner of insurance shall adopt administrative
 25 rules which, at a minimum, prescribe the construction
 26 contracting classifications eligible for premium
 27 adjustment."

28 2. Title page, by striking lines 1 and 2, and
 29 inserting the following: "An Act relating to workers'
 30 compensation insurance premiums for construction
 31 contractors."

Roll call was requested by Halvorson of Clayton and Tyrrell of Iowa.

On the question "Shall the House concur in the Senate amendment H—5934?" (H.F. 156)

The ayes were, 38:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	De Groot
Diemer	Eddie	Garman	Halvorson, R. A.
Hanson, D. R.	Harbor	Hermann	Hester
Iverson	Kistler	Kremer	Lageschulte
Lundby	Maulsby	McKean	Metcalf
Miller	Pellett	Petersen, D. F.	Plasier
Renken	Royer	Schnekloth	Shoning
Siegrist	Spenner	Stueland	Trent
Tyrrell	Van Maanen		

The nays were, 60:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Buhr	Chapman
Cohoon	Connors	Doderer	Dvorsky
Fey	Fogarty	Fuller	Groninga
Gruhn	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Knapp	Koenigs	Lykam	May

McKinney	Mertz	Muhlbauer	Murphy
Nielsen	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Schrader	Shearer	Sherzan
Shoultz	Spear	Svoboda	Swartz
Tabor	Teaford	Wise	Neuhauser Presiding

Absent or not voting, 2:

Daggett Halvorson, R. N.

The motion lost and the House refused to concur in the Senate amendment H—5934.

IMMEDIATE MESSAGES

Groninga of Cerro Gordo asked and received unanimous consent that House Files 156 and 2543 and House Concurrent Resolution 112 be immediately messaged to the Senate.

Speaker Avenson in the chair at 4:46 p.m.

HOUSE INSISTS

Blanshan of Greene called up for consideration **Senate File 2057**, a bill for an act relating to the conduct of pari-mutuel racing by simultaneous telecast, and moved that the House insist on its amendment, which motion prevailed.

CONFERENCE COMMITTEE APPOINTED

(Senate File 2057)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 2057: Blanshan of Greene, Chair; Garman of Story, Renken of Grundy, Connors of Polk and Bisignano of Polk.

IMMEDIATE MESSAGE

(Senate File 2057)

Arnould of Scott asked and received unanimous consent that Senate File 2057 be immediately messaged to the Senate.

RULES SUSPENDED

Arnould of Scott moved to suspend the rules to consider Senate File 2421, not eligible for debate today.

A non-record roll call was requested.

The ayes were 52, nays 36.

The motion prevailed and the rules were suspended.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Senate File 2421, a bill for an act relating to human services and making appropriations to the department of human services and other properly related matters, providing for retroactive applicability of certain provisions, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 2, 1990.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 2, 1990, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 2522, a bill for an act relating to free hunting and fishing licenses for military personnel.

Also: That the Senate has on April 2, 1990, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 390, a bill for an act relating to the transfer of agricultural land, by restricting the time land can be held by financial and insurance institutions, providing for valuation of land, the opportunity to repurchase land, for redemption, and providing effective dates and dates of applicability.

Also: That the Senate has on April 2, 1990, insisted on its amendment to Senate File 2306, a bill for an act relating to open enrollment, including the general intent, notification dates, exceptions to notification dates, board action on requests, counting of pupils for state foundation aid purposes, student expulsion or suspension, qualification for transportation, and participation of laboratory schools, and providing an effective date, and the members of the Conference Committee on the part of the Senate are: The Senator from Fayette, Senator Murphy, Chair; the Senator from Linn, Senator Horn; the Senator from Webster, Senator Coleman; the Senator from Clayton, Senator Tieden; the Senator from Hardin, Senator Taylor.

Also: That the Senate has on April 2, 1990, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2379, a bill for an act relating to anaerobic lagoons, making penalties applicable, and providing for applicability of the Act.

Also: That the Senate has on April 2, 1990, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2410, a bill for an act relating to higher education, including coordination, administration, standards, and funding, making appropriations, and providing effective dates.

Also: That the Senate has on April 2, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2422, a bill for an act relating to the compensation and benefits for faculty, public officials, employees, and certain legislators by providing adjustments for salaries, by specifying properly related matters, and by making appropriations and providing an effective date.

JOHN F. DWYER, Secretary

The House stood at ease at 4:58 p.m., until the fall of the gavel.

The House resumed session at 5:42 p.m., Speaker Avenson in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Branstad of Winnebago, until his return, on request of Maulsby of Calhoun.

CONSIDERATION OF BILLS Appropriations Calendar

Senate File 2421, a bill for an act relating to human services and making appropriations to the department of human services and other properly related matters, providing for retroactive applicability of certain provisions, and providing an effective date, with report of committee recommending passage was taken up for consideration.

Halvorson of Clayton offered the following amendment H—6036 filed by him and Hester of Pottawattamie from the floor and moved its adoption:

H—6036

- 1 Amend Senate File 2421, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 3, line 10, by striking the figure
- 4 "224,050,000" and inserting the following:
- 5 "223,622,270".
- 6 2. Page 6, line 31, by striking the figure
- 7 "18,160,000" and inserting the following:
- 8 "17,952,669".
- 9 3. Page 7, line 20, by striking the figure
- 10 "6,833,000" and inserting the following: "6,748,280".

- 11 4. Page 7, line 22, by striking the figure
 12 "2,587,000" and inserting the following: "2,557,598".
 13 5. Page 7, line 25, by striking the figure
 14 "4,246,000" and inserting the following: "4,190,682".
 15 6. Page 12, line 19, by striking the figure
 16 "48,787,000" and inserting the following:
 17 "47,917,347".
 18 7. Page 19, line 23, by striking the figure
 19 "11,290,000" and inserting the following:
 20 "11,190,112".
 21 8. Page 20, line 33, by striking the figure
 22 "3,324,000" and inserting the following: "3,307,492".
 23 9. Page 23, line 17, by striking the figure
 24 "4,733,000" and inserting the following: "4,598,645".
 25 10. Page 23, line 35, by striking the figure
 26 "5,385,000" and inserting the following: "5,331,542".
 27 11. Page 42, line 18, by striking the figure
 28 "95,000" and inserting the following: "93,836".
 29 12. Page 42, line 24, by striking the figure "4"
 30 and inserting the following: "5".
 31 13. Page 43, line 20, by striking the figure "4"
 32 and inserting the following: "5".
 33 14. Page 45, line 16, by striking the figure
 34 "1.48" and inserting the following: ".93".
 35 15. Page 45, line 19, by striking the figure
 36 "1.06" and inserting the following: ".66".
 37 16. Page 45, line 23, by striking the figure "8"
 38 and inserting the following: "5".
 39 17. Page 45, by striking lines 24 through 26 and
 40 inserting the following: "over the rates in effect on
 41 June 30, 1990."
 42 18. Page 45, line 29, by striking the figure "8"
 43 and inserting the following: "5".
 44 19. Page 45, line 32, by striking the figure "12"
 45 and inserting the following: "5".
 46 20. Page 45, line 33, by striking the figure
 47 "5.67" and inserting the following: "3.54".
 48 21. Page 46, by striking lines 4 through 6.

Roll call was requested by Jochum of Dubuque and Hansen of Woodbury.

On the question "Shall amendment H—6036 be adopted?"
 (S.F. 2421)

The ayes were, 36:

Banks	Beaman	Bennett	Carpenter
Clark	Corbett	De Groot	Diemer
Eddie	Garman	Halvorson, R. A.	Hanson, D. R.
Harbor	Hermann	Hester	Iverson
Kistler	Kremer	Lageschulte	Lundby

Maulsby	McKean	Metcalf	Miller
Pellett	Petersen, D. F.	Renken	Royer
Schnekloth	Shoning	Siegrist	Spenner
Stueland	Trent	Tyrrell	Van Maanen

The nays were, 57:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Chapman	Cohoon
Connors	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Holveck	Jay	Jesse	Jochum
Johnson	Knapp	Koenigs	Lykam
May	McKinney	Mertz	Muhlbauer
Murphy	Neuhauser	Nielsen	Osterberg
Pavich	Peters	Peterson, M. K.	Plasier
Poncy	Renaud	Rosenberg	Schrader
Shearer	Sherzan	Spear	Svoboda
Swartz	Tabor	Teaford	Wise
Mr. Speaker			
Avenson			

Absent or not voting, 7:

Branstad	Daggett	Hatch	Haverland
Hibbard	Ollie	Shoultz	

Amendment H — 6036 lost.

Hammond of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2421)

The ayes were, 70:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Buhr	Carpenter
Chapman	Clark	Cohoon	Connors
De Groot	Doderer	Dvorsky	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Harper	Haverland	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Knapp	Koenigs	Lykam	May
McKinney	Mertz	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peters	Peterson, M. K.	Plasier
Poncy	Renaud	Rosenberg	Schrader
Shearer	Sherzan	Shoning	Shoultz

Spear	Spenner	Stueland	Svoboda
Swartz	Tabor	Teaford	Tyrrell
Wise	Mr. Speaker		
	Avenson		

The nays were, 27:

Banks	Bennett	Corbett	Diemer
Eddie	Halvorson, R. A.	Hanson, D. R.	Harbor
Hermann	Hester	Iverson	Kistler
Kremer	Lageschulte	Lundby	Maulsby
McKean	Metcalf	Miller	Pellett
Petersen, D. F.	Renken	Royer	Schnekloth
Siegrist	Trent	Van Maanen	

Absent or not voting, 3:

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

CONFERENCE COMMITTEE APPOINTED (Senate File 2306)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 2306: Ollie of Clinton, Chair; Adams of Hamilton, Maulsby of Calhoun, Wise of Lee and Daggett of Adams.

IMMEDIATE MESSAGE (Senate File 2421)

Arnould of Scott asked and received unanimous consent that Senate File 2421 be immediately messaged to the Senate.

Unfinished Business Calendar

The House resumed consideration of **Senate File 2329**, a bill for an act relating to implied consent to test persons operating commercial motor vehicles, to motor vehicle registration fees by allowing semi-annual installment payments of registration fees for certain commercial vehicles, and to the use and issuance of motor vehicle licenses including provisions authorizing the issuance of commercial driver's licenses, setting fees for issuance of motor vehicle licenses, providing penalties, and making penalties applicable, reconsidered and deferred on the unfinished business calendar.

McKean of Jones offered the following amendment H—5794 filed by him:

H-5794

1 Amend Senate File 2329, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 23, by striking line 16 and inserting the
 4 following:
 5 "7. CLASS "M" LICENSE SPECIAL REQUIREMENTS.
 6 a. EDUCATION REQUIREMENT. A person".
 7 2. Page 23, by inserting after line 25 the
 8 following:
 9 "b. PUBLIC SAFETY REQUIREMENT. A person issued a
 10 class "M" driver's license shall not operate a
 11 motorcycle on a highway while the person has an
 12 alcohol concentration as defined in section 321J.1 of
 13 0.08 or more. A person who violates this paragraph
 14 for the first offense is subject to the penalty
 15 provided under section 321J.2, subsection 2, paragraph
 16 "a"; for the second offense is subject to the penalty
 17 provided under section 321J.2, subsection 2, paragraph
 18 "b"; and for third and each subsequent offense is
 19 subject to the penalty provided under section 321J.2,
 20 subsection 2, paragraph "c". Section 321J.2,
 21 subsections 3, 4, 5, 7, 8, and 9 apply to violations
 22 of this paragraph."

Koenigs of Mitchell rose on a point of order that amendment H-5794 was not germane.

The Speaker ruled the point well taken and amendment H-5794 not germane.

McKean of Jones moved that the rules be suspended to consider amendment H-5794.

Roll call was requested by McKean of Jones and Spenner of Henry.

On the question "Shall the rules be suspended to consider amendment H-5794?" (S.F. 2329)

The ayes were, 38:

Banks	Beaman	Bennett	Carpenter
Clark	Corbett	De Groot	Diemer
Eddie	Garman	Halvorson, R. A.	Halvorson, R. N.
Hanson, D. R.	Harbor	Hermann	Hester
Iverson	Kistler	Kremer	Lageschulte
Lundby	Maulsby	McKean	Metcalf
Miller	Pellett	Petersen, D. F.	Plasier
Renken	Royer	Schnekloth	Shoning
Siegrist	Spenner	Stueland	Trent
Tyrrell	Van Maanen		

The nays were, 56:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Chapman	Cohoon
Connors	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Hammond	Hansen, S. D.	Harper	Haverland
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Knapp	Koenigs
May	McKinney	Mertz	Muhlbauer
Murphy	Neuhauser	Nielsen	Osterberg
Pavich	Peters	Peterson, M. K.	Poncy
Renaud	Rosenberg	Schrader	Shearer
Shoultz	Spear	Svoboda	Swartz
Tabor	Teaford	Wise	Mr. Speaker Avenson

Absent or not voting, 6:

Branstad	Daggett	Hatch	Lykam
Ollie	Sherzan		

The motion to suspend the rules lost.

Koenigs of Mitchell offered the following amendment H—6042 filed by him from the floor and moved its adoption:

H—6042

- 1 Amend Senate File 2329, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 21, by striking lines 6 and 7 and insert-
- 4 ing the following: "provided the towing vehicle has a
- 5 gross vehicle weight rating of twenty-six thousand one
- 6 or more pounds and each towed vehicle has a gross
- 7 vehicle weight rating of less than".

Amendment H—6042 was adopted.

Jay of Appanoose offered the following amendment H—5804 filed by him:

H—5804

- 1 Amend Senate File 2329, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 45, line 34, by inserting after the word
- 4 "vehicle" the following: "and the person is
- 5 disqualified to operate a commercial motor vehicle
- 6 under section 321.208, subsections 1, 2, 3, or 4".
- 7 2. Page 52, by striking lines 31 through 35 and
- 8 inserting the following:
- 9 "The driver of every a school bus shall have a
- 10 regular or special chauffeur's hold a school bus

11 driver's permit issued by the department of education
 12 and a driver's license issued by the department, and
 13 in addition thereto, must hold a school bus driver's
 14 permit issued by the department of education valid for
 15 the operation of the school bus."

16 3. Page 59, line 12, by inserting after the word
 17 "vehicle." the following: "However, this subsection
 18 does not apply if the temporary restricted license was
 19 issued as a result of a violation of this chapter
 20 while the person was operating a vehicle other than a
 21 commercial motor vehicle."

Hanson of Delaware asked and received unanimous consent to withdraw amendment H—5807, to amendment H—5804, filed by him and Black of Jasper on March 22, 1990.

Hanson of Delaware offered the following amendment H—5848, to amendment H—5804, filed by him and Black of Jasper and moved its adoption:

H—5848

1 Amend the amendment, H—5804, to Senate File 2329,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 1, line 15, by inserting after the word
 5 "bus." the following: "A person holding a temporary
 6 restricted license issued under chapter 321J shall be
 7 prohibited from operating a school bus."

8 2. Page 1, by inserting after line 21 the
 9 following:

10 "_____. Page 59, by inserting after line 12 the
 11 following:

12 "Sec. _____. Section 321J.20, Code 1989, is amended
 13 by adding the following new subsection:

14 NEW SUBSECTION. 5. A person holding a temporary
 15 license issued by the department under this chapter
 16 shall be prohibited from operating a school bus."

17 3. By renumbering as necessary.

Amendment H—5848 was adopted.

Jay of Appanoose moved the adoption of amendment H—5804, as amended.

A non-record roll call was requested.

The ayes were 47, nays 27.

Amendment H—5804, as amended, was adopted, placing out of order amendment H—5679, previously adopted, found on page 1252 of the House Journal.

Koenigs of Mitchell moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2329)

The ayes were, 92:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Brown
Buhr	Carpenter	Chapman	Cohoon
Connors	Corbett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Harbor	Harper	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKinney	Mertz
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Shultz
Siegrist	Spear	Spenner	Stueland
Svoboda	Swartz	Tabor	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, 3:

Hanson, D. R.	McKean	Metcalf
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Absent or not voting, 5:

Branstad	Clark	Daggett	Hatch
Teaford			

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

IMMEDIATE MESSAGE

(Senate File 2329)

Arnould of Scott asked and received unanimous consent that Senate File 2329 be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 2, 1990, insisted on its amendment to House File 156, a bill for an act relating to the separation of workers' compensation insurance premiums into two parts, and the members of the Conference Committee on the part of the Senate are: The Senator from Linn, Senator Running, Chair; the Senator from Wapello, Senator Gettings; the Senator from Polk, Senator Palmer; the Senator from Buena Vista, Senator Fuhrman; the Senator from Osceola, Senator Vande Hoef.

Also: That the Senate has on April 2, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2488, a bill for an act relating to the characterization of certain corporate shares as issued, but not outstanding, shares, and making conforming amendments to reflect adoption of chapter 490, the new Iowa model business corporation Act.

Also: That the Senate has on April 2, 1990, insisted on its amendment to House File 2543, a bill for an act relating to the administration and benefits for certain public retirement systems, and providing effective dates and for the applicability of the Act, and the members of the Conference Committee on the part of the Senate are: The Senator from Palo Alto, Senator Kibbie, Chair; the Senator from Audubon, Senator Hutchins; the Senator from Linn, Senator Horn; the Senator from Boone, Senator Nystrom; the Senator from Muscatine, Senator Rife.

Also: That the Senate has on April 2, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2551, a bill for an act relating to taxes administered and fees collected by the department of revenue and finance including technical corrections, payment and liability for certain sales and use taxes, special fuel taxes, income tax, franchise tax, inheritance tax, and providing for certain retroactive applicability and effective dates.

Also: That the Senate has on April 2, 1990, appointed the conference committee to Senate File 2057, a bill for an act relating to the conduct of pari-mutuel racing by simultaneous telecast, and the members of the Senate are: The Senator from Polk, Senator Kinley, Chair; the Senator from Lee, Senator Fraise; the Senator from Linn, Senator Running; the Senator from Black Hawk, Senator Lind; the Senator from Polk, Senator Gentleman.

JOHN F. DWYER, Secretary

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Friday morning, March 30, 1990. Had I been present, I would have voted "aye" on House File 2450.

BROWN of Lucas

I was necessarily absent from the House chamber on the morning of April 2, 1990. Had I been present, I would have voted "aye" on House File 2562; Senate Files 2304, 2327 and 2407.

FULLER of Hardin

I was necessarily absent from the House chamber on Friday, March 30, 1990. Had I been present, I would have voted "aye" on House File 2554; Senate Files 2328 and 2410; and amendment H-6021 to Senate File 2410.

PONCY of Wapello

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 2nd day of April, 1990: House Files 705, 2271, 2321, 2355, 2404, 2512 and 2516.

JOSEPH O'HERN
Chief Clerk of the House

Report adopted.

PRESENTATION OF VISITORS

Brown of Lucas presented to the House the Honorable Jim Cooper, former member of the House representing Lucas County.

The Speaker announced that the following visitors were present in the House chamber:

Eighteen sixth grade students from Meservey-Thornton Elementary School, Thornton, accompanied by Alice Hertland. By May of Worth.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

JOSEPH O'HERN
Chief Clerk of the House

- | | |
|---------|---|
| 1990-94 | Varsity Boys Basketball Team, Washington Community High School — For winning 3rd place in Class 2A in the 1990 Iowa State Boys Basketball Tournament. |
| 1990-95 | Bruce De Groot, Doon — For being named STAR GREENHAND of the Central Lyon FFA chapter, and for his outstanding performance in all projects. |
| 1990-96 | Dr. William P. Johnson, Council Bluffs — For being inducted into the Abraham Lincoln High School Alumni Hall of Fame. |

- 1990-97 Girls Basketball Team, English Valley High School — For becoming South Iowa Cedar League Champions for 1990 and for outstanding sportsmanlike conduct on and off the court.
- 1990-98 The Waukee Warriors, Waukee — For their outstanding seasons and for participation in the 1990 Boys State High School Basketball Tournament.
- 1990-99 Mount Mercy College, Cedar Rapids — For receiving the Small Employer Award from the Commission of Persons with Disabilities and the Iowa Department of Human Rights.
- 1990-100 Alice Noffsinger, Kingsley — For celebrating her 104th birthday.
- 1990-101 Joe Malecek, Osage — For earning All-American Honors at the 1990 NCAA Wrestling Tournament in the heavyweight class.
- 1990-102 Jason Kelber, Albion — For being the 1990 NCAA Wrestling Runner-up in the 126 lb. weight class.
- 1990-103 Wapello High School Band, Wapello — For their excellent performance at the Capitol on March 29, 1990, commemorating the band's 40th consecutive division I rating in state competition.
- 1990-104 Esther Carter, Sioux City — For receiving her American citizenship on March 30, 1990.
- 1990-105 Brian Buelow, Highland Community High School — For being the first graduate in the history of Highland Community High School to be honored as a National Merit Scholarship Finalist.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 828 Ways and Means

Relating to the payments of employee contributions under certain public retirement systems for federal and state tax purposes.

H.S.B. 829 Ways and Means

Relating to the taxation of certain pensions, annuities, and retirement allowances received for purposes of state income tax and providing a retroactive applicability date.

SUBCOMMITTEE ASSIGNMENT

Senate File 2406

Ways and Means: Metcalf, Chair; Chapman and Groninga.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 828

Ways and Means: Brand, Chair; Hanson of Delaware, May, Schnekloth and Wise.

House Study Bill 829

Ways and Means: Tabor, Chair; Schneklloth and Wise.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON WAYS AND MEANS

Senate File 2411, a bill for an act providing a seed capital income tax credit, authorizing expedited registration by filing for small issues under the state securities law, and providing effective and applicability dates.

Fiscal Note is not required.

Recommended **Do Pass** April 2, 1990.

AMENDMENTS FILED

H-6029	S.F.	2412	Murphy of Dubuque
H-6030	S.F.	2093	Halvorson of Webster
H-6031	S.F.	2423	Spear of Lee
H-6032	S.F.	2093	Halvorson of Webster
H-6033	S.F.	2413	McKean of Jones
H-6034	S.F.	2423	Swartz of Marshall
H-6035	S.F.	2413	Diemer of Black Hawk
			Kremer of Buchanan
			Corbett of Linn
			Royer of Page
H-6037	S.F.	2423	Iverson of Wright
H-6038	S.F.	2423	Iverson of Wright
H-6039	S.F.	2413	Trent of Muscatine
H-6040	S.F.	2413	Jay of Appanoose
			Sherzan of Polk
H-6041	S.F.	2412	Murphy of Dubuque
H-6043	S.F.	2413	Trent of Muscatine
			Rosenberg of Story
H-6044	S.F.	2413	Svoboda of Tama
H-6045	H.F.	2488	Senate Amendment
H-6046	H.F.	2551	Senate Amendment

On motion by Arnould of Scott, the House adjourned at 7:06 p.m., until 9:00 a.m., Tuesday, April 3, 1990.

JOURNAL OF THE HOUSE

Eighty-sixth Calendar Day — Fifty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 3, 1990

The House met pursuant to adjournment, Connors of Polk in the chair.

Prayer was offered by the Honorable Linda Beatty, state representative from Warren County.

The Journal of Monday, April 2, 1990 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Daggett of Adams, until his arrival, on request of Van Maanen of Mahaska.

SENATE MESSAGE CONSIDERED

Senate File 2422, by committee on appropriations, a bill for an act relating to the compensation and benefits for faculty, public officials, employees, and certain legislators by providing adjustments for salaries, by specifying properly related matters, and by making appropriations and providing an effective date.

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

CONSIDERATION OF BILLS

Unfinished Business Calendar

The House resumed consideration of **Senate File 205**, a bill for an act relating to the credentialing and regulation of respiratory care practitioners, previously deferred and placed on the unfinished business calendar.

Hanson of Delaware offered the following amendment H—3851 filed by the committee on state government:

H—3851

- 1 Amend Senate File 205, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by striking lines 8 and 9 and
- 4 inserting the following:
- 5 "Persons who are not certified under this chapter
- 6 but who perform respiratory care as defined by
- 7 sections 135F.2 and 135F.3 shall comply with the".

- 8 2. Page 3, by inserting after line 12 the
 9 following:
 10 "This section does not apply to persons who are
 11 licensed to practice a health profession covered by
 12 chapter 147 or to any person who performs respiratory
 13 care procedures as a first responder, emergency rescue
 14 technician, emergency medical technician-ambulance,
 15 advanced emergency medical care provider, or other
 16 person functioning as part of a rescue unit or in a
 17 hospital as authorized by chapter 147A."
 18 3. Page 3, by striking lines 13 through 32.
 19 4. By renumbering as necessary.

Beatty of Warren asked and received unanimous consent to withdraw amendment H-3888, to the committee amendment H-3851, filed by her on April 6, 1989.

Hanson of Delaware offered the following amendment H-5760, to the committee amendment H-3851, filed by him and Beatty of Warren and moved its adoption:

H-5760

- 1 Amend the amendment, H-3851, to Senate File 205, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, by inserting before line 3, the
 5 following:
 6 "_____. Page 1, line 14, by striking the word
 7 "certification" and inserting the following:
 8 "~~certification~~ licensure".
 9 _____. Page 1, line 24, by striking the word
 10 "certification" and inserting the following:
 11 "~~certification~~ licensure".
 12 _____. By striking page 1, line 30, through page 2,
 13 line 3.
 14 _____. Page 2, by inserting before line 4 the
 15 following:
 16 "Sec. _____. Section 135F.2, Code 1989, is amended
 17 by adding the following new unnumbered paragraph after
 18 subsection 5:
 19 **NEW UNNUMBERED PARAGRAPH.** "Respiratory care as a
 20 practice" does not include the delivery, assembly,
 21 setup, testing, or demonstration of respiratory care
 22 equipment in the home upon the order of a licensed
 23 physician. As used in this paragraph, "demonstration"
 24 does not include the actual teaching, administration,
 25 or performance of the respiratory care procedures.
 26 Sec. _____. Section 135F.5, unnumbered paragraph 3,
 27 Code 1989, is amended to read as follows:

28 A graduate of an approved respiratory care training
 29 program employed in an organized health care system
 30 may render services as defined in sections 135F.2 and
 31 135F.3 under the direct and immediate supervision of a
 32 respiratory care practitioner for one year. The
 33 graduate shall be identified as a "respiratory care
 34 practitioner ~~certification~~ licensure applicant".

35 _____. Page 2, by striking line 4, and inserting
 36 the following:

37 "Sec. _____. Section 135F.6, subsections 2 and 3,
 38 Code 1989, are".

39 _____. Page 2, line 7, by striking the word
 40 "certification" and inserting the following:

41 "licensure".

42 _____. Page 2, line 9, by striking the word
 43 "certification" and inserting the following:

44 "licensure".

45 _____. Page 2, by inserting after line 12 the
 46 following:

47 "3. The designation of ~~certification~~ licensure
 48 examinations for respiratory care practitioners."

49 _____. Page 2, line 17, by striking the word
 50 "certified" and inserting the following: "licensed".

Page 2

1 _____. Page 2, line 21, by striking the word
 2 "certified" and inserting the following: "licensed".

3 _____. Page 2, line 26, by striking the word
 4 "certified" and inserting the following: "licensed".

5 _____. Page 3, line 1, by striking the figure
 6 "1990" and inserting the following: "1991".

7 _____. Page 3, line 3, by striking the word
 8 "certification" and inserting the following:

9 "certification licensure".

10 _____. Page 3, line 7, by striking the word
 11 "certification" and inserting the following:

12 "certification licensure".

13 2. Page 1, line 5, by striking the word
 14 "certified" and inserting the following: "licensed".

15 3. Page 1, line 17, by inserting after the figure
 16 "147A" the following: ", or to persons whose function
 17 with respect to respiratory care is limited to the
 18 home delivery and connection of oxygen tanks".

19 4. Page 1, by inserting after line 17, the
 20 following:

21 "Sec. _____. Section 135F.12, Code 1989, is amended
 22 to read as follows:

23 135F.12 SUSPENSION AND REVOCATION OF CERTIFICATES
 24 LICENSES.

25 The department may suspend, revoke or impose
 26 probationary conditions upon a certificate license

27 issued pursuant to rules adopted in accordance with
28 section 135F.6."

29 5. Page 1, by inserting after line 18, the
30 following:

31 "_____. Page 3, line 33, by striking the words
32 "subsection 1, Code" and inserting the following:
33 "subsection 6, Code Supplement".

34 _____. Page 4, line 1, by striking the word
35 "certifying" and inserting the following:
36 "licensing".

Amendment H—5760 was adopted.

On motion by Hanson of Delaware, the committee amendment
H—3851, as amended, was adopted.

Hammond of Story offered the following amendment H—5759
filed by her and moved its adoption:

H—5759

1 Amend Senate File 205, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "Section 1. Section 135F.1, subsections 1, 3, and
6 4, Code 1989, are amended to read as follows:

7 1. "Respiratory care practitioner" or
8 "practitioner" means a person who has qualified
9 qualifies as a respiratory therapist or respiratory
10 therapy technician. Neither term refers to a person
11 currently working in the field of respiratory care who
12 does not become certified under this chapter.

13 3. "Respiratory therapist" means a respiratory
14 care practitioner person who has successfully
15 completed a respiratory therapy training program; and
16 has passed the registry examination for respiratory
17 therapists administered by the national board for
18 respiratory care and passed or a respiratory therapy
19 certification examination approved by the department.
20 Two years of supervised clinical experience in an
21 acceptable location for the practice of respiratory
22 care, as described in section 135F.4, may be
23 substituted for the completion of a respiratory
24 therapy training program.

25 4. "Respiratory therapy technician" means a
26 respiratory care practitioner person who has
27 successfully completed a respiratory therapy training
28 program; and has passed the certification examination
29 for respiratory therapy technicians administered by
30 the national board for respiratory care and passed or
31 a respiratory therapy technicians' certification

32 examination approved by the department. Two years of
33 supervised clinical experience in an acceptable
34 location for the practice of respiratory care, as
35 described in section 135F.4, may be substituted for
36 the completion of a respiratory therapy training
37 program.

38 Sec. 2. Section 135F.2, unnumbered paragraph 1,
39 Code 1989, is amended to read as follows:

40 "Respiratory care as a practice" means a health
41 care profession, under ~~medical direction~~ a medical
42 director, employed in the therapy, management,
43 rehabilitation, diagnostic evaluation, and care of
44 patients with deficiencies and abnormalities which
45 affect the pulmonary system and associated aspects of
46 cardiopulmonary and other systems' functions, and
47 includes all of the following:

48 Sec. 3. Section 135F.2, Code 1989, is amended by
49 adding the following new unnumbered paragraph after
50 subsection 5:

Page 2

1 NEW UNNUMBERED PARAGRAPH. "Respiratory care as a
2 practice" does not include the delivery, assembly,
3 setup, testing, or demonstration of respiratory care
4 equipment in the home upon the order of a licensed
5 physician. As used in this paragraph, "demonstration"
6 does not include the actual teaching, administration,
7 or performance of the respiratory care procedures.

8 Sec. 4. Section 135F.6, subsection 2, Code 1989,
9 is amended to read as follows:

10 2. The establishment and collection of fees of a
11 system for the registration certification of
12 respiratory care practitioners and the establishment
13 and collection of certification fees. The fees
14 charged shall be sufficient to defray the costs of
15 administration of this chapter and all fees collected
16 shall be deposited with the treasurer of state who
17 shall deposit them in the general fund of the state.

18 Sec. 5. Section 135F.7, Code 1989, is amended to
19 read as follows:

20 135F.7 REPRESENTATION.

21 A person who is qualified as a respiratory care
22 practitioner and is ~~registered with~~ certified by the
23 department may use the title "respiratory care
24 practitioner" or the letters R.C.P. after the person's
25 name to indicate that the person is a qualified
26 respiratory care practitioner ~~registered with~~
27 certified by the department. No other person is
28 entitled to use the title or letters or any other
29 title or letters that indicate or imply that the
30 person is a respiratory care practitioner, nor may a

31 person make any representation, orally or in writing,
32 expressly or by implication, that the person is a
33 registered certified respiratory care practitioner. A
34 person working in the field of respiratory care on
35 July 1, 1985 shall be permitted to continue to do so
36 except that the person shall not be entitled to
37 designate or refer to themselves as a "respiratory
38 care practitioner" or use the letters R.C.P. after the
39 person's name.

40 Sec. 6. Section 135F.11, Code 1989, is amended to
41 read as follows:

42 135F.11 CONTINUING EDUCATION.

43 After July 1, 1988 1991, a respiratory care
44 practitioner shall submit evidence satisfactory to the
45 department that during the year preceding renewal of
46 certification the practitioner has completed
47 continuing education courses as prescribed by the
48 department. In lieu of the continuing education, a
49 person may successfully complete the most current
50 version of the certification examination.

Page 3

1 Persons who are not certified under this chapter
2 but who perform respiratory care as defined by
3 sections 135F.2 and 135F.3 shall comply with the
4 continuing education requirements of this section.
5 The department shall adopt rules for the
6 administration of this requirement.

7 This section does not apply to persons who are
8 licensed to practice a health profession covered by
9 chapter 147 or to any person who performs respiratory
10 care procedures as a first responder, emergency rescue
11 technician, emergency medical technician-ambulance,
12 advanced emergency medical care provider, or other
13 person functioning as part of a rescue unit or in a
14 hospital as authorized by chapter 147A.

15 Sec. 7. NEW SECTION. 135F.14 CERTIFICATION
16 REQUIRED - EXCEPTIONS.

17 1. Except as otherwise provided in this section
18 and section 135F.5, a person shall not engage in the
19 practice of respiratory care unless the person has
20 obtained a certificate from the department.

21 2. This chapter does not prohibit the performance
22 of respiratory care procedures by a person who is
23 licensed to practice a health profession covered by
24 chapter 147.

25 3. This chapter does not prohibit the performance
26 of respiratory care procedures by a first responder,
27 emergency rescue technician, emergency medical
28 technician-ambulance, advanced emergency medical care
29 provider, or other person functioning as part of an

30 ambulance, rescue, or first response service or in a
31 hospital as authorized by chapter 147A.

32 4. A person working in the field of respiratory
33 care on July 1, 1990, may continue to do so without
34 meeting the certification requirements of this
35 chapter, but the person shall not claim to be a
36 "respiratory care practitioner" or use the letters
37 R.C.P. after the person's name.

38 Sec. 8. Section 258A.1, subsection 6, Code
39 Supplement 1989, is amended by adding the following
40 new paragraph:

41 NEW PARAGRAPH. aa. The Iowa department of public
42 health in certifying respiratory care practitioners
43 pursuant to chapter 135F."

Amendment H—5759 lost.

Beatty of Warren asked and received unanimous consent to with-
draw the following amendments:

H—3954 filed by Beatty of Warren on April 10, 1989.

H—3966 filed by Beatty of Warren and Hanson of Delaware on
April 11, 1989, placing out of order amendment H—3973 (to amend-
ment H—3966) filed by Hanson of Delaware on April 12, 1989.

Hanson of Delaware asked and received unanimous consent to
withdraw amendment H—5002 filed by him on January 15, 1990.

Hanson of Delaware moved that the bill be read a last time now
and placed upon its passage which motion prevailed and the bill was
read a last time.

On the question "Shall the bill pass?" (S.F. 205)

The ayes were, 97:

- | | | | |
|----------|---------------|------------------|------------------|
| Adams | Arnould | Banks | Beaman |
| Beatty | Bennett | Bisignano | Black |
| Blanshan | Brammer | Brand | Branstad |
| Brown | Buhr | Carpenter | Chapman |
| Clark | Cohoon | Corbett | De Groot |
| Diemer | Doderer | Dvorsky | Eddie |
| Fey | Fogarty | Fuller | Garman |
| Groninga | Gruhn | Halvorson, R. A. | Halvorson, R. N. |
| Hammond | Hansen, S. D. | Hanson, D. R. | Harbor |
| Harper | Hatch | Haverland | Hermann |
| Hester | Holveck | Iverson | Jay |
| Jesse | Jochum | Johnson | Kistler |
| Knapp | Koenigs | Kremer | Lageschulte |
| Lundby | Lykam | Maulsby | May |
| McKean | McKinney | Mertz | Metcalf |
| Miller | Muhlbauer | Murphy | Neuhauser |

Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schneklath	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Connors			
Presiding			

The nays were, none.

Absent or not voting, 3:

Avenson, Spkr. Daggett Hibbard

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

The House resumed consideration of **Senate File 2011**, a bill for an act providing for a minimum number of toilets for women and men in public buildings and private buildings intended for use by the general public, previously deferred and placed on the unfinished business calendar.

Teaford of Black Hawk offered the following amendment H—6023 filed by her and moved its adoption:

H—6023

- 1 Amend Senate File 2011, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting the following:
- 5 "Section 1. NEW SECTION. 104B.1 MINIMUM TOILET
- 6 FACILITY STANDARD.
- 7 1. Places of assembly for public use including but
- 8 not limited to theaters, auditoriums, and convention
- 9 halls, constructed on or after January 1, 1991, shall
- 10 conform to the standards for minimum plumbing
- 11 facilities as provided in the uniform plumbing code.
- 12 2. Restaurants, pubs, and lounges constructed on
- 13 or after January 1, 1991, shall conform to the
- 14 standards for minimum plumbing facilities as provided
- 15 in the uniform plumbing code, except that if the
- 16 restaurant, pub, or lounge has a capacity of one
- 17 hundred fifty-one or more, there shall be twice the

18 number of women's toilets as the minimum number of
 19 men's toilets required by the uniform plumbing code.
 20 3. All toilets installed pursuant to this section
 21 shall be water efficient toilets which use three
 22 gallons or less of water per flush.
 23 4. The state building code commissioner, with the
 24 approval of the state building code advisory council
 25 established pursuant to section 103A.14, shall adopt
 26 rules to enforce this chapter. Any ruling of the
 27 building code commissioner made pursuant to this
 28 chapter is subject to administrative review and appeal
 29 as provided in chapter 17A."

Amendment H—6023 was adopted, placing out of order the following amendments:

H—5709 filed by Garman of Story on March 15, 1990.

H—5711 filed by Corbett of Linn on March 15, 1990.

H—5748 (to amendment H—5711) filed by Bisignano of Polk on March 19, 1990.

H—5708 filed by Banks of Plymouth on March 15, 1990.

H—5747 filed by Bisignano of Polk on March 19, 1990.

Teaford of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2011)

The ayes were, 61:

- | | | | |
|-----------|-----------------|----------------|-----------|
| Adams | Arnould | Avenson, Spkr. | Beaman |
| Beatty | Bisignano | Blanshan | Brammer |
| Branstad | Brown | Carpenter | Chapman |
| Clark | Cohoon | De Groot | Diemer |
| Doderer | Dvorsky | Fey | Fogarty |
| Fuller | Groninga | Gruhn | Hammond |
| Harper | Hatch | Hester | Holveck |
| Jesse | Johnson | Kistler | Koenigs |
| Kremer | Lageschulte | Lykam | May |
| McKinney | Mertz | Murphy | Neuhauser |
| Nielsen | Osterberg | Pavich | Pellett |
| Peters | Peterson, M. K. | Plasier | Poncy |
| Renaud | Rosenberg | Schrader | Shearer |
| Shoning | Shultz | Spear | Stueland |
| Swartz | Tabor | Teaford | Wise |
| Connors | | | |
| Presiding | | | |

The nays were, 32:

Banks	Bennett	Black	Brand
Buhr	Corbett	Eddie	Garman
Halvorson, R. A.	Halvorson, R. N.	Hansen, S. D.	Hanson, D. R.
Harbor	Hermann	Iverson	Jay
Knapp	Lundby	Maulsby	McKean
Metcalf	Miller	Petersen, D. F.	Renken
Royer	Schneklloth	Siegrist	Spenner
Svoboda	Trent	Tyrrell	Van Maanen

Absent or not voting, 7:

Daggett	Haverland	Hibbard	Jochum
Muhlbauer	Ollie	Sherzan	

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

CONFERENCE COMMITTEES APPOINTED (Senate File 2402)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 2402: Cohoon of Des Moines, Chair; Muhlbauer of Crawford, Beaman of Clarke, Shoning of Woodbury and Koenigs of Mitchell.

(Senate File 2280)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 2280: Renaud of Polk, Chair; Kremer of Buchanan, McKean of Jones, Adams of Hamilton and Fuller of Hardin.

Speaker Avenson in the chair at 10:23 a.m.

SENATE AMENDMENT CONSIDERED

Trent of Muscatine called up for consideration **House File 2488**, a bill for an act relating to the characterization of certain corporate shares as issued, but not outstanding, shares, and making conforming amendments to reflect adoption of chapter 490, the new Iowa model business corporation Act, amended by the Senate, and moved that the House concur in the following Senate amendment H-6045:

H-6045

1 Amend House File 2488, as amended, passed, and
2 reprinted by the House, as follows:

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

5 "Section 1. Section 15.262, subsections 2 and 6,
6 Code 1989, are amended to read as follows:

7 2. "Corporation" or "development corporation"
8 means a private sector small business economic
9 development corporation organized under chapter 504A
10 or organized for pecuniary profit under chapter ~~496A~~
11 490 and includes development corporations organized
12 under chapter 496B.

13 6. "Investor" means a private entity which invests
14 money in a corporation organized for pecuniary profit
15 under chapter ~~496A~~ 490.

16 Sec. _____. Section 28.107, unnumbered paragraph 1,
17 Code 1989, is amended to read as follows:

18 There may be incorporated under chapter ~~496A~~ 490 a
19 corporation which shall be known as the Iowa export
20 trading company. If incorporated, this corporation
21 shall be established by the director of the Iowa
22 department of economic development. The initial board
23 of directors shall consist of the director and six
24 additional members appointed by the director. The six
25 members appointed by the director shall be
26 knowledgeable in the area of farming, exporting, or
27 marketing finance. The department may expend an
28 amount not to exceed one hundred thousand dollars
29 necessary to establish and operate the export trading
30 company until the completion of the public offering of
31 stock. The funds used shall be repaid to the
32 department upon completion of its public offering of
33 stock. Financing for the export trading company shall
34 initially come from its public offering of stock to
35 residents of this state. In preparation for this
36 sale, a detailed marketing study shall be conducted
37 which will serve as the basis for the company work
38 plan and the company prospectus. After the sale of
39 stock, provision shall be made for the election of a
40 board of directors by the stockholders to replace the
41 initial board of directors. However, the director of
42 the department shall be an ex officio member of the
43 board representing the state of Iowa. The director of
44 the department shall also serve as an agent for the
45 company.

46 Sec. _____. Section 28.108, subsection 2, Code 1989,
47 is amended to read as follows:

48 2. The Iowa export trading company has the powers
49 necessary to fulfill the purposes of this division and
50 those provided in chapter ~~496A~~ 490 and the Export

Page 2

1 Trading Company Act of 1982, Pub. L. No. 97-290 which
2 are not inconsistent with or limited by this
3 division.”

4 2. Page 1, by inserting before line 1, the
5 following:

6 “Sec. 100. **NEW SECTION. 77A.10A NOTARIAL ACTS IN**
7 **OTHER JURISDICTIONS OF THE UNITED STATES.**

8 1. A notarial act has the same effect under the
9 law of this state as if performed by a notarial
10 officer of this state, if the notarial act is
11 performed in another state, commonwealth, territory,
12 district, or possession of the United States by any of
13 the following persons:

14 a. A notary public of that jurisdiction.
15 b. A judge, clerk, or deputy clerk of a court of
16 that jurisdiction.
17 c. Any other person authorized by the law of that
18 jurisdiction to perform notarial acts.

19 2. Notarial acts performed in other jurisdictions
20 of the United States under federal authority as
21 provided in section 77A.10B have the same effect as if
22 performed by a notarial officer of this state.

23 3. The signature and title of a person performing
24 a notarial act are prima facie evidence that the
25 signature is genuine and that the person holds the
26 designated title.

27 4. The signature and indicated title of an officer
28 listed in subsection 1, paragraph “a” or “b”
29 conclusively establish the authority of a holder of
30 that title to perform a notarial act.

31 **Sec. 101. **NEW SECTION. 77A.10B NOTARIAL ACTS****
32 **UNDER FEDERAL AUTHORITY.**

33 1. A notarial act has the same effect under the
34 law of this state as if performed by a notarial
35 officer of this state, if the notarial act is
36 performed anywhere by any of the following persons
37 under authority granted by the law of the United
38 States:

39 a. A judge, clerk, or deputy clerk of a court.
40 b. A commissioned officer on active duty in the
41 military service of the United States.
42 c. An officer of the foreign service or consular
43 officer of the United States.

44 d. Any other person authorized by federal law to
45 perform notarial acts.

46 2. The signature and title of a person performing
47 a notarial act are prima facie evidence that the
48 signature is genuine and that the person holds the
49 designated title.

50 3. The signature and indicated title of an officer

Page 3

1 listed in subsection 1, paragraph "a", "b", or "c",
2 conclusively establish the authority of a holder of
3 that title to perform a notarial act.

4 4. A certificate of a notarial act on an
5 instrument to be recorded must also comply with the
6 requirements of section 331.602, subsection 1.

7 Sec. 102. NEW SECTION. 77A.10C FOREIGN NOTARIAL
8 ACTS.

9 1. A notarial act has the same effect under the
10 law of this state as if performed by a notarial
11 officer of this state, if the notarial act is
12 performed within the jurisdiction of and under
13 authority of a foreign nation or its constituent units
14 or a multinational or international organization by
15 any of the following persons:

- 16 a. A notary public or notary.
- 17 b. A judge, clerk, or deputy clerk of a court of
18 record.
- 19 c. Any other person authorized by the law of that
20 jurisdiction to perform notarial acts.

21 2. An "apostille" in the form prescribed by the
22 Hague convention of October 5, 1961, conclusively
23 establishes that the signature of the notarial officer
24 is genuine and that the officer holds the indicated
25 office.

26 3. A certificate by a foreign service or consular
27 officer of the United States stationed in the nation
28 under the jurisdiction of which the notarial act was
29 performed, or a certificate by a foreign service or
30 consular officer of that nation stationed in the
31 United States, conclusively establishes any matter
32 relating to the authenticity or validity of the
33 notarial act set forth in the certificate.

34 4. An official stamp or seal of the person
35 performing the notarial act is prima facie evidence
36 that the signature is genuine and that the person
37 holds the indicated title.

38 5. An official stamp or seal of an officer listed
39 in subsection 1, paragraph "a" or "b", is prima facie
40 evidence that a person with the indicated title has
41 authority to perform notarial acts.

42 6. If the title of office and indication of
43 authority to perform notarial acts appears either in a
44 digest of foreign law or in a list customarily used as
45 a source for that information, the authority of an
46 officer with that title to perform notarial acts is
47 conclusively established.

48 Sec. 103. NEW SECTION. 77A.10D CERTIFICATE OF
49 NOTARIAL ACTS.

50 1. A notarial act must be evidenced by a

Page 4

1 certificate signed and dated by a notarial officer.
 2 The certificate must include identification of the
 3 jurisdiction in which the notarial act is performed
 4 and the title of the office of the notarial officer
 5 and may include the official stamp or seal of the
 6 office. If the officer is a notary public, the
 7 certificate may, but need not indicate the date of
 8 expiration, if any, of the commission of office. If
 9 the notarial officer is a commissioned officer on
 10 active duty in the military service of the United
 11 States, it must also include the officer's rank.

12 2. A certificate of a notarial act is sufficient
 13 if it meets the requirements of subsection 1, and is
 14 in any of the following forms:

- 15 a. The short form set forth in section 77A.10E.
- 16 b. A form otherwise prescribed by the law of this
 17 state, including those forms set out in chapter 558.
- 18 c. A form prescribed by the laws or regulations
 19 applicable in the place in which the notarial act was
 20 performed.
- 21 d. A form which sets forth the actions of the
 22 notarial officer and those are sufficient to meet the
 23 requirements of the designated notarial act.

24 3. By executing a certificate of a notarial act,
 25 the notarial officer certifies that the officer has
 26 made the determinations required by section 77A.9.

27 Sec. 104. NEW SECTION. 77A.10E SHORT FORMS.

28 The following short form certificates of notarial
 29 acts are sufficient for the purposes indicated, if
 30 completed with the information required by section
 31 77A.10D, subsection 1.

32 1. For an acknowledgment in an individual
 33 capacity:

34 State of _____
 35 (County) of _____

36 This instrument was acknowledged before me on
 37 _____ by _____
 38 (date) (name(s) of person(s))

39 _____
 40 (signature of notarial
 41 officer)

42 (Seal, if any)

43 _____
 44 Title (and Rank)
 45 [My commission expires: ____]

46 2. For an acknowledgment in a representative
 47 capacity:

48 State of _____
 49 (County) of _____

50 This instrument was acknowledged before me on (date) by

Page 5

1 (name(s) of person(s)) as (type of authority, e.g., officer,
2 trustee, etc.) of (name of party on behalf of whom instrument
3 was executed).

4 _____
5 (signature of notarial
6 officer)

7 (Seal, if any)

8 _____
9 Title (and Rank)
10 [My commission expires: ____]

11 3. For a verification upon oath or affirmation:

12 State of _____

13 (County) of _____

14 Signed and sworn to (or affirmed) before me on

15 _____ by _____

16 (date) (name(s) of person(s) making statement)

17 _____
18 (signature of notarial
19 officer)

20 (Seal, if any)

21 _____
22 Title (and Rank)
23 [My commission expires: ____]

24 4. For witnessing or attesting a signature:

25 State of _____

26 (County) of _____

27 Signed or attested before me on _____ by

28 (date)

29 _____

30 (name(s) of person(s))

31 _____
32 (signature of notarial
33 officer)

34 (Seal, if any)

35 _____
36 Title (and Rank)
37 [My commission expires: ____]

38 5. For attestation of a copy of a document:

39 State of _____

40 (County) of _____

41 I certify that this is a true and correct copy of a
42 document in the possession of _____

43 Dated _____

44 _____
45 (signature of notarial
46 officer)

47 (Seal, if any)

48 _____
49 Title (and Rank)
50 [My commission expires: ____].

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1 3. Page 1, by inserting before line 1, the
2 following:

3 "Sec. _____. Section 86.36, subsection 5, Code 1989,
4 is amended to read as follows:

5 5. The term nonresident employer "Nonresident
6 employer", as used in section 85.3 and this section
7 shall not be construed to does not mean foreign
8 corporations lawfully qualified to transact business
9 within the state of Iowa under chapter 494 or chapter
10 496A 490."

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

13 "Sec. _____. Section 331.602, subsection 27, Code
14 1989, is amended to read as follows:

15 27. Carry out duties relating to the recordation
16 of articles of incorporation and other instruments for
17 business corporations as provided in section 496A.53
18 490.130.

19 Sec. _____. Section 455B.397, Code 1989, is amended
20 to read as follows:

21 455B.397 FINANCIAL DISCLOSURE.

22 Immediately upon the incurrence of any liability to
23 the state under this part, the debtor shall submit to
24 the director a report consisting of documentation of
25 the debtor's liabilities and assets, including if
26 filed, a copy of the annual report submitted to the
27 secretary of state pursuant to chapter 496 490. A
28 subsequent report pursuant to this section shall be
29 submitted annually on April 15 for the life of the
30 debt. These reports shall be kept confidential and
31 shall not be available to the public.

32 Sec. _____. Section 455B.430, subsection 5, Code
33 1989, is amended to read as follows:

34 5. Immediately upon the listing of real property
35 in the registry of abandoned or uncontrolled disposal
36 sites, a person liable for cleanup costs shall submit
37 to the director a report consisting of documentation
38 of the responsible person's liabilities and assets,
39 including if filed, a copy of the annual report
40 submitted to the secretary of state pursuant to
41 chapter 496 490. A subsequent report pursuant to this
42 section shall be submitted annually on April 15 for
43 the period the site remains on the registry.

44 Sec. _____. Section 468.327, Code Supplement 1989,
45 is amended to read as follows:

46 468.327 TRUSTEE CONTROL.

47 A district formed pursuant to this part, under the
48 control of a city council, may be placed under the
49 control and management of a board of trustees as
50 provided in subchapter III of this chapter. Each

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1 trustee shall be a citizen of the United States not
2 less than eighteen years of age and a bona fide owner
3 of benefited land in the district for which the
4 trustee is elected. If the owner is a family farm
5 corporation as defined by section 172C.1, subsection
6 8, a business corporation organized and existing under
7 chapter 490, 491, or 494, or 496A, or a partnership, a
8 stockholder or officer authorized by the corporation
9 or a general partner may be elected as a trustee of
10 the district.

11 Sec. _____. Section 468.506, subsection 4, Code
12 Supplement 1989, is amended to read as follows:

13 4. In a district which is a levee and drainage
14 district which has eighty-five percent of its acreage
15 within the corporate limits of a city and has been
16 under the control of a city under subchapter II, part
17 3, a bona fide owner of benefited land in the
18 district. If the owner is a family farm corporation
19 as defined by section 172C.1, subsection 8, a business
20 corporation organized and existing under chapter 490,
21 491, or 494, or 496A, or a partnership, a stockholder
22 or officer authorized by the corporation or a general
23 partner may be elected as a trustee of the district.

24 Sec. _____. Section 490.120, Code Supplement 1989,
25 is amended by adding the following new subsection:

26 NEW SUBSECTION. 10. The secretary of state may
27 adopt rules for the electronic filing of documents and
28 the certification of electronically filed documents.

29 Sec. _____. Section 490.122, subsection 3, paragraph
30 a, Code Supplement 1989, is amended to read as
31 follows:

32 a. \$ ~~.50~~ 1.00 a page for copying.

33 Sec. _____. Section 490.127, Code Supplement 1989,
34 is amended to read as follows:

35 **490.127 EVIDENTIARY EFFECT OF COPY OF FILED**
36 **DOCUMENT.**

37 A certificate attached to a copy of a document
38 filed by the secretary of state, bearing the secretary
39 of state's signature, which may be in facsimile, and
40 the seal of ~~this~~ the secretary of state, is conclusive
41 evidence that the original document is on file with
42 the secretary of state.

43 Sec. _____. Section 490.128, subsection 2, paragraph
44 e, Code Supplement 1989, is amended to read as
45 follows:

46 e. That If it is a domestic corporation, that
47 articles of dissolution have not been filed.

48 Sec. _____. Section 490.401, subsection 2, paragraph
49 b, Code Supplement 1989, is amended to read as
50 follows:

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1 b. A corporate name reserved or registered under
2 section 490.402, or 490.403, or 504A.7.

3 Sec. _____. Section 490.401, subsection 2, paragraph
4 c, Code Supplement 1989, is amended to read as
5 follows:

6 c. The fictitious name adopted by a foreign
7 corporation or a not-for-profit foreign corporation
8 authorized to transact business in this state because
9 its real name is unavailable.

10 Sec. _____. Section 490.401, subsection 5, Code
11 Supplement 1989, is amended to read as follows:

12 5. This chapter does not control the use of
13 fictitious names; however, if a corporation or a
14 foreign corporation uses a fictitious name in this
15 state it shall deliver to the secretary of state for
16 filing a copy of the resolution of its board of
17 directors, certified by its secretary, adopting the
18 fictitious name."

19 5. By striking page 1, line 31, through page 2,
20 line 22, and inserting the following:

21 "1. A corporation which, as of December 30, 1989,
22 treated any of its shares which it had reacquired as
23 issued but not outstanding shares may continue to
24 treat those shares as issued but not outstanding
25 shares.

26 2. When a corporation reacquires its own shares
27 after December 30, 1989, but prior to January 1, 1991,
28 those shares shall constitute issued but not
29 outstanding shares as of and after their reacquisition
30 if either of the following is applicable:

31 a. If the shares are reacquired, the articles of
32 incorporation contain a provision specifying that
33 reacquired shares constitute issued but not
34 outstanding shares.

35 b. Prior to January 1, 1991, the board of
36 directors adopts a resolution specifying that shares
37 reacquired after December 30, 1989, and prior to
38 January 1, 1991, constitute issued but not outstanding
39 shares.

40 3. If a corporation reacquires its own shares
41 after December 31, 1990, those shares constitute
42 issued but not outstanding shares if, at the time they
43 are reacquired by the corporation, either of the
44 following is applicable:

45 a. The articles of incorporation contain a
46 provision specifying that reacquired shares constitute
47 issued but not outstanding shares.

48 b. The board of directors has adopted a resolution
49 specifying that reacquired shares constitute issued
50 but not outstanding shares.

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1 4. Unless otherwise provided in its articles of
2 incorporation, a corporation may at any time, by
3 resolution adopted by its board of directors, cancel
4 or otherwise restore to the status of authorized but
5 unissued shares any of its shares which it has
6 previously reacquired and treated as issued but not
7 outstanding shares."

8 6. Page 2, by inserting before line 23, the
9 following:

10 "Sec. _____. Section 490.728, subsection 1, Code
11 Supplement 1989, is amended to read as follows:

12 1. Unless otherwise provided in the articles of
13 incorporation, directors are elected by a plurality
14 majority of the votes cast by the shares entitled to
15 vote in the election at a meeting at which a quorum is
16 present.

17 Sec. _____. Section 490.832, Code Supplement 1989,
18 is amended to read as follows:

19 490.832 INDEMNIFICATION OF PERSONAL LIABILITY -
20 DIRECTORS.

21 The articles of incorporation may contain a
22 provision eliminating or limiting the personal
23 liability of a director to the corporation or its
24 shareholders for monetary damages for breach of
25 fiduciary duty as a director, provided that the
26 provision does not eliminate or limit the liability of
27 a director for a breach of the director's duty of
28 loyalty to the corporation or its shareholders, for
29 acts or omissions not in good faith or which involve
30 intentional misconduct or a knowing violation of law,
31 for a transaction from which the director derives an
32 improper personal benefit, or under section 490.833.
33 A provision shall not eliminate or limit the liability
34 of a director for an act or omission occurring prior
35 to the date when the provision in the articles of
36 incorporation becomes effective.

37 Sec. _____. Section 490.1530, subsection 1, Code
38 Supplement 1989, is amended to read as follows:

39 1. The foreign corporation does not deliver its
40 annual report to the secretary of state in a form that
41 meets the requirements of section 490.1622 within
42 sixty days after it is due.

43 Sec. _____. NEW SECTION. 490.1705 REINSTATEMENT OF
44 CORPORATIONS EXISTING PRIOR TO DECEMBER 31, 1989.

45 1. A corporation subject to this chapter, whose
46 certificate of incorporation was canceled pursuant to
47 former section 496A.130 after December 30, 1981, and
48 before December 31, 1989, may apply to the secretary
49 of state for reinstatement pursuant to section
50 490.1422 on or before December 31, 1991.

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1 2. A corporation whose certificate of
2 incorporation was canceled pursuant to former section
3 496A.130 after December 30, 1979, and before December
4 31, 1981, may apply to the secretary of state for
5 reinstatement pursuant to section 490.1422 at any time
6 within ten years of the date of the issuance of the
7 certificate of cancellation.

8 3. A corporation whose corporate rights have been
9 canceled and forfeited in the manner provided in
10 section 496.9 prior to December 31, 1989, or which has
11 a right to renew pursuant to sections 491.25 through
12 491.28, may apply to the secretary of state for
13 reinstatement pursuant to section 490.1422 on or
14 before December 31, 1991.

15 4. This section applies to all reinstatements
16 delivered to the office of the secretary of state for
17 filing on or after December 31, 1989.

18 Sec. _____. Section 491.3, subsection 8, Code 1989,
19 is amended to read as follows:

20 8. A corporation organized under or subject to
21 this chapter may make indemnification as provided in
22 section ~~496A.4A~~ sections 490.850 through 490.858.

23 Sec. _____. Section 491.16, Code 1989, is amended to
24 read as follows:

25 491.16 INDEMNIFICATION OF OFFICERS, DIRECTORS,
26 EMPLOYEES, AND AGENTS — INSURANCE.

27 ~~The provisions of section 496A.4A shall Sections~~
28 490.850 through 490.858 apply to corporations
29 organized under or subject to this chapter.

30 Sec. _____. Section 496C.2, unnumbered paragraph 1,
31 Code 1989, is amended to read as follows:

32 As For words used in this chapter, unless the
33 context otherwise requires, the definitions contained
34 in the Iowa business corporation Act [~~chapter 496A~~],
35 chapter 490, apply, and:

36 Sec. _____. Section 496C.5, Code 1989, is amended to
37 read as follows:

38 496C.5 CORPORATE NAME.

39 The corporate name of a professional corporation,
40 the corporate name of a foreign professional
41 corporation or its name as modified for use in this
42 state, and any assumed fictitious name or trade name
43 adopted by a professional corporation or foreign
44 professional corporation shall contain the words
45 "professional corporation" or the abbreviation "P.C.",
46 and except for the addition of such words or
47 abbreviation, shall be a name which could lawfully be
48 used by a licensed individual or by a partnership of
49 licensed individuals in the practice in this state of
50 a profession which the corporation is authorized to

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1 practice. Each regulating board may by rule or
2 regulation adopt additional requirements as to the
3 corporate names and assumed fictitious or trade names
4 of professional corporations and foreign professional
5 corporations which are authorized to practice a
6 profession which is within the jurisdiction of the
7 regulating board.

8 Sec. _____. Section 504A.4, subsection 14, Code
9 1989, is amended to read as follows:

10 14. A corporation operating under this chapter may
11 indemnify any present or former director, officer,
12 employee, member, or volunteer in the manner and in
13 the instances authorized in section 496A.4A sections
14 490.850 through 490.858.

15 Sec. _____. Section 504A.6, subsection 5, Code
16 Supplement 1989, is amended to read as follows:

17 5. This chapter does not control the use of
18 fictitious names; however, if a corporation or a
19 foreign corporation uses a fictitious name in this
20 state it shall deliver to the secretary of state for
21 filing a copy of the resolution of its board of
22 directors, certified by its secretary, adopting the
23 fictitious name.

24 Sec. _____. Section 508B.2, unnumbered paragraph 2,
25 Code 1989, is amended to read as follows:

26 A plan of conversion may provide that a mutual
27 company may convert into a domestic stock company,
28 convert and merge, or convert and consolidate with a
29 domestic stock company, as provided in chapter 490 or
30 491 or 496A, whichever is applicable. However, the
31 mutual company is not required to comply with sections
32 491.102 through 491.105 or sections 496A.68 through
33 496A.70 490.1101 and 490.1103 relating to approval of
34 merger or consolidation plans by boards of directors
35 and shareholders, if at the time of approval of the
36 plan of conversion the board of directors approves the
37 merger or consolidation and if at the time of approval
38 of the plan by policyholders as provided in section
39 508B.6, the policyholders approve the merger or
40 consolidation. This chapter supersedes any
41 conflicting provisions of chapters 521 and 521A. A
42 mutual company may convert, merge, or consolidate as
43 part of a plan of conversion in which a majority or
44 all of the common shares of the stock company are
45 acquired by another corporation, which may be a
46 corporation organized for that purpose, or in which
47 the new stock company consolidates with a stock
48 company to form another stock company.

49 Sec. _____. Section 514.23, subsection 1, unnumbered
50 paragraph 1, Code 1989, is amended to read as follows:

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1 A corporation organized and governed by this
2 chapter may become a mutual insurer under a plan which
3 is approved by the commissioner of insurance. The
4 plan shall state whether the insurer will be organized
5 as a for-profit corporation pursuant to chapter 490 or
6 491 or 496A or a nonprofit corporation pursuant to
7 chapter 504A. Upon consummation of the plan, the
8 corporation shall thereafter fully comply with the
9 requirements of the law that apply to a mutual
10 insurance company. If the insurer is to be organized
11 under chapter 504A, then at least seventy-five percent
12 of the initial board of directors of the mutual
13 insurer so formed shall be policyholders who are also
14 nonproviders of health care. All directors comprising
15 this initial board of directors shall be selected by
16 an independent committee appointed by the state
17 commissioner of insurance. This independent committee
18 shall consist of seven to eleven persons who are
19 current policyholders, who are nonproviders of health
20 care, and who are not directors of any a corporation
21 subject to this chapter. For purposes of this
22 subsection, a "nonprovider of health care" is an
23 individual who is not any of the following:

24 Sec. _____. Section 524.303, subsection 2, Code
25 1989, is amended to read as follows:

26 2. Applicable fees, payable to the secretary of
27 state as specified in section ~~496A.124~~ 490.122, for
28 the filing and recording of the articles of
29 incorporation.

30 Sec. _____. Section 524.306, Code 1989, is amended
31 to read as follows:

32 524.306 ISSUANCE OF CERTIFICATE OF INCORPORATION.

33 The receipt of the approved articles of
34 incorporation of a state bank by the secretary of
35 state shall ~~constitute~~ constitutes filing thereof with
36 that office. The secretary of state shall record the
37 articles of incorporation and forward a copy thereof
38 of them to the county recorder of the county in which
39 the state bank is to have its principal place of
40 business ~~who~~. The county recorder shall record same
41 the articles, all as required provided by section
42 ~~496A.53~~ section 490.130. The secretary of state upon
43 the filing of ~~such~~ the articles of incorporation shall
44 issue a certificate of incorporation and send the ~~same~~
45 certificate to the incorporators.

46 Sec. _____. Section 524.801, subsection 8, Code
47 1989, is amended to read as follows:

48 8. To indemnify any a director, officer, or
49 employee, or a former director, officer, or employee
50 of the state bank in the manner and in the instances

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1 authorized by section ~~496A.4A~~ sections 490.850 through
2 490.858.

3 Sec. _____. Section 524.1301, subsection 1, Code
4 1989, is amended to read as follows:

5 1. Subsequent to the issuance of the certificate
6 of incorporation and prior to the issuance of the
7 authorization to do business, a state bank which has
8 not issued any shares may be voluntarily dissolved by
9 its incorporators. In such case the articles of
10 dissolution shall be prepared and filed in the manner
11 provided in section ~~496A.79~~ 490.1401. The articles of
12 dissolution shall be delivered to the superintendent,
13 together with the applicable filing and recording
14 fees, who shall deliver the same to the secretary of
15 state for filing and recording in the office of the
16 county recorder.

17 Sec. _____. Section 524.1305, subsections 5 and 6,
18 Code 1989, are amended to read as follows:

19 5. Safe-deposit boxes, the contents of which have
20 not been removed by the owners after the date
21 specified in the notice given under paragraph "b" of
22 subsection 2 of this section, shall be opened under
23 the supervision of the superintendent and the contents
24 placed in sealed packages which, together with
25 unclaimed property held by the state bank in
26 safekeeping, shall be transmitted to the treasurer of
27 state. Amounts due to depositors who are unknown, or
28 who are under a disability and there is no person
29 legally competent to receive such the amount, or who
30 cannot be found after the exercise of reasonable
31 diligence, shall be transmitted to the treasurer of
32 state, together with a statement giving the name of
33 the person, if known, entitled to such the amount, the
34 person's last known address, the amount due such the
35 person, and such other information about such the
36 person as the treasurer of state may reasonably
37 require. All property transmitted to the treasurer of
38 state pursuant to this subsection shall be treated as
39 abandoned, retained by the treasurer of state, and
40 subject to claim, in the manner provided for in
41 sections 556.14 to 556.21. All amounts due creditors
42 described in section ~~496A.101~~ 490.1440 shall be
43 deposited with the treasurer of state in accordance
44 with the provisions of that section. Such amounts
45 shall be retained by the treasurer of state and are
46 subject to claim in the manner provided for in said
47 section ~~496A.101~~ 490.1440.

48 6. Upon approval by the superintendent, assets
49 remaining after the performance of all obligations of
50 the state bank under subsections 3, 4, and 5 of this

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1 section shall be distributed to its shareholders
2 according to their respective rights and preferences.
3 Partial distributions to shareholders may be made
4 prior to such time only if, and to the extent,
5 approved by the superintendent. All amounts due
6 shareholders described in section ~~496A.101~~ 490.1440
7 shall be deposited with the treasurer of state in
8 accordance with the provisions of that section. Such
9 amounts shall be retained by the treasurer of state
10 and are subject to claim in the manner provided for in
11 said section ~~496A.101~~ 490.1440.

12 Sec. _____. Section 524.1306, subsection 1, Code
13 1989, is amended to read as follows:

14 1. A state bank may, at any time prior to the
15 issuance of the approved copy of the statement of
16 intent to dissolve by the secretary of state, revoke
17 voluntary dissolution proceedings by consent of the
18 shareholders in the manner as provided for in section
19 ~~496A.85~~ or by act of the state bank as provided for in
20 section ~~496A.86~~, except that the vote taken on the
21 resolution referred to in subsection 3 of section
22 ~~496A.86~~ shall be adopted only upon the affirmative
23 vote of the holders of at least three-fourths of the
24 shares entitled to vote thereon 490.1404.

25 Sec. _____. Section 524.1309, Code 1989, is amended
26 to read as follows:

27 524.1309 BECOMING SUBJECT TO CHAPTER ~~496A~~ 490.

28 In lieu of the dissolution procedure prescribed in
29 sections 524.1303 to 524.1308, a state bank may cease
30 to carry on the business of banking and, after
31 compliance with the provisions of this section,
32 continue as a corporation subject to the provisions of
33 chapter ~~496A~~ 490.

34 1. A state bank which has commenced business may
35 propose to voluntarily cease to carry on the business
36 of banking and become a corporation subject to the
37 provisions of chapter ~~496A~~ 490 upon the affirmative
38 vote of the holders of at least three-fourths of the
39 shares entitled to vote thereon, adopting a plan
40 involving both a provision for acquisition of its
41 assets and assumption of its liabilities by another
42 state bank or national bank and a provision for
43 continuance of its business if acquisition of its
44 assets and assumption of its liabilities is not
45 effected, or any other plan providing for the
46 cessation of banking business and the payment of its
47 liabilities.

48 2. The application to the superintendent for
49 approval of a plan described in subsection 1 of this
50 section shall be treated by the superintendent in the

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1 same manner as an application for approval of a plan
2 of dissolution under subsection 2 of section 524.1303,
3 and shall be subject to the provisions of subsection 3
4 of section 524.1303.

5 3. Immediately upon adoption and approval of a
6 plan to voluntarily cease to carry on the business of
7 banking and become a corporation subject to the
8 provisions of chapter ~~496A~~ 490, the state bank shall
9 deliver to the superintendent a statement of its
10 intent to cease to carry on the business of banking
11 and become a corporation subject to the provisions of
12 said chapter 490, which shall be signed by two of its
13 duly authorized officers and shall contain the name of
14 the state bank, the post-office address of its
15 principal place of business, the name and address of
16 its officers and directors, the number of shares
17 entitled to vote on the plan and the number of shares
18 voted for or against the plan, respectively, the
19 nature of the business to be conducted by the
20 corporation under the provisions of said chapter 490,
21 and the general nature of the assets to be held by
22 such the corporation.

23 4. If the statement of intent to cease to carry on
24 the business of banking and become a corporation
25 subject to the provisions of chapter ~~496A~~ 490
26 satisfies the requirements of this section, the
27 superintendent shall deliver the statement with
28 written approval to the secretary of state who shall
29 issue to the state bank an approved copy of such the
30 statement. Upon the issuance of an approved copy of
31 the statement of intent, the state bank shall
32 immediately surrender to the superintendent its
33 authorization to do business as a bank and shall cease
34 to accept deposits or carry on the banking business
35 except insofar as may be necessary for it to complete
36 the settlement of its affairs as a state bank in
37 accordance with subsection 5.

38 5. The board of directors shall have full power to
39 complete the settlement of the affairs of the state
40 bank. Within thirty days after the issuance of an
41 approved copy of the statement of intent to cease to
42 carry on the business of banking and become a
43 corporation subject to the provisions of chapter ~~496A~~
44 490, the state bank shall give notice of its intent to
45 persons described in subsection 2 of section 524.1305
46 and in the manner provided for in that subsection. In
47 completing the settlement of its affairs as a state
48 bank the state bank shall also follow the procedure
49 prescribed in subsections 3, 4 and 5 of section
50 524.1305.

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1 6. Upon approval by the superintendent, assets
2 remaining after the performance of all obligations
3 described in this section, except those which the
4 state bank wishes to retain when it becomes a
5 corporation subject to the provisions of chapter 496A
6 490, shall be distributed to its shareholders
7 according to their respective rights and preferences.

8 7. Upon completion of all the requirements of this
9 section, the state bank shall deliver to the
10 superintendent articles of intent to be subject to
11 chapter 496A 490, together with the applicable filing
12 and recording fees, which shall set forth that the
13 state bank has complied with the provisions of this
14 section, that it has ceased to carry on the business
15 of banking, and the information required by section
16 496A.49 490.202 relative to the contents of articles
17 of incorporation under chapter 496A 490. If the
18 superintendent finds that the state bank has complied
19 with the provisions of this section and that the
20 articles of intent to be subject to said chapter 490
21 satisfy the requirements of this section, the
22 superintendent shall deliver them to the secretary of
23 state for filing and recording in the secretary of
24 state's office, and the same they shall be filed and
25 recorded in the office of the county recorder.

26 8. Upon the filing of the articles of intent to be
27 subject to chapter 496A 490, the state bank shall
28 cease to be a state bank subject to the provisions of
29 this chapter, and shall cease to have the powers of a
30 state bank subject to this chapter and shall become a
31 corporation subject to the provisions of chapter 496A
32 490. The secretary of state shall issue a certificate
33 as to the filing of the articles of intent to be
34 subject to the provisions of chapter 496A 490, and
35 send the same certificate to the corporation or its
36 representative. The articles of intent to be subject
37 to chapter 496A 490 shall be the articles of
38 incorporation of the corporation. The provisions of
39 chapter 496A 490 becoming applicable to a corporation
40 formerly doing business as a state bank shall not
41 affect any right accrued or established, or liability
42 or penalty incurred under the provisions of this
43 chapter prior to the filing with the secretary of
44 state of the articles of intent to be subject to
45 chapter 496A 490.

46 9. A shareholder of a state bank who objects, in
47 the manner prescribed by section 496A.78, to adoption
48 by the state bank of a plan to cease to carry on the
49 business of banking and to continue as a corporation
50 subject to the provisions of chapter 496A 490, shall

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1 be is entitled to the rights and remedies of a
2 dissenting shareholder provided for in that section
3 chapter 490, division XIII.

4 10. A state bank may, at any time prior to the
5 issuance of the approved copy of the statement of
6 intent to cease to carry on the business of banking
7 and become a corporation subject to the provisions of
8 chapter ~~496A~~ 490, revoke ~~such~~ the proceedings in the
9 manner prescribed by section 524.1306.

10 Sec. _____. Section 524.1310, Code 1989, is amended
11 to read as follows:

12 524.1310 INVOLUNTARY DISSOLUTION AFTER
13 COMMENCEMENT OF BUSINESS – SUPERINTENDENT AS
14 RECEIVER.

15 In a situation in which the superintendent has
16 required, in accordance with the provisions of section
17 524.226, that the state bank cease to carry on its
18 business, the superintendent shall apply to the
19 district court for the county in which the state bank
20 is located for appointment as receiver for the state
21 bank. The district court shall appoint the
22 superintendent as receiver unless the superintendent
23 has tendered ~~such~~ the appointment to the federal
24 deposit insurance corporation as provided for in
25 section 524.1313, in which case the district court
26 shall appoint the federal deposit insurance
27 corporation as receiver. The affairs of the state
28 bank shall thereafter be under the direction of the
29 district court, and the assets thereof of the state
30 bank shall be distributed in accordance with the
31 provisions of section 524.1312. All amounts due
32 creditors and shareholders described in section
33 ~~496A.101~~ 490.1440 shall be deposited with the
34 treasurer of state in accordance with the provisions
35 of that section. Such amounts shall be retained by
36 the treasurer of state and subject to claim in the
37 manner provided for in section ~~496A.101~~ 490.1440.
38 Amounts due to depositors who are unknown, or who are
39 under a disability and there is no person legally
40 competent to receive ~~such~~ the amount, or who cannot be
41 found after the exercise of reasonable diligence,
42 shall be transmitted to the treasurer of state in the
43 manner required by section 524.1305, subsection 5.
44 Such property shall be treated as abandoned, retained
45 by the treasurer of state, and is subject to claim, in
46 the manner provided for in sections 556.14 to 556.21.
47 The attorney general, or ~~such~~ assistants as shall be
48 appointed by the court, shall represent the
49 superintendent in all proceedings connected with ~~such~~
50 the receivership.

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1 Sec. _____. Section 524.1402, subsection 2, Code
2 1989, is amended to read as follows:

3 2. In the case of a state bank which is a party to
4 the plan, if the proposed merger or consolidation will
5 result in a state bank subject to this chapter,
6 adoption of the plan by such state bank shall require
7 the affirmative vote of at least a majority of the
8 directors and approval by the shareholders, in the
9 manner and according to the procedures prescribed in
10 section ~~496A.70~~ 490.1103, at a meeting called in
11 accordance with the terms of that section. In the
12 case of a national bank, or if the proposed merger or
13 consolidation will result in a national bank, adoption
14 of the plan by each party thereto shall require the
15 affirmative vote of at least such directors and
16 shareholders whose affirmative vote thereon is
17 required under the laws of the United States. Subject
18 to applicable requirements of the laws of the United
19 States in a case in which a national bank is a party
20 to a plan, any modification of a plan which has been
21 adopted shall be made by any method provided therein,
22 or in the absence of such provision, by the same vote
23 as required for adoption.

24 Sec. _____. Section 524.1402, subsection 3,
25 paragraph b, Code 1989, is amended to read as follows:

26 b. Applicable fees payable to the secretary of
27 state, as specified in section ~~496A.124~~ 490.122, for
28 the filing and recording of the articles of merger or
29 consolidation.

30 Sec. _____. Section 524.1406, subsection 1, Code
31 1989, is amended to read as follows:

32 1. A shareholder of a state bank, which is a party
33 to a proposed merger or consolidation plan which will
34 result in a state bank subject to this chapter, who
35 objects to the plan in the manner prescribed by
36 section ~~496A.78~~, shall be is entitled to the rights
37 and remedies of a dissenting shareholder as provided
38 in ~~that section~~ chapter 490, division XIII. Shares
39 acquired by a state bank pursuant to payment of the
40 their agreed value ~~therefor~~ or to payment of the
41 judgment entered therefor, pursuant to section ~~496A.78~~
42 chapter 490, division XIII, shall be sold at public or
43 private sale, within one year from the time of their
44 purchase or acquisition, unless the time is extended
45 by the superintendent.

46 Sec. _____. Section 524.1408, Code 1989, is amended
47 to read as follows:

48 524.1408 MERGER OF CORPORATION SUBSTANTIALLY OWNED
49 BY A STATE BANK.

50 Any A state bank owning at least ninety-five

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1 percent of the outstanding shares, of each class, of
2 another corporation which it is authorized to own
3 under the provisions of this chapter, may merge such
4 the other corporation into itself without approval by
5 a vote of the shareholders of either the state bank or
6 the subsidiary corporation. The board of directors of
7 the state bank shall approve a plan of merger, mail to
8 shareholders of record of the subsidiary corporation,
9 and prepare and execute articles of merger in the
10 manner provided for in section ~~496A.72~~ 490.1104. The
11 articles of merger, together with the applicable
12 filing and recording fees, shall be delivered to the
13 superintendent who shall, if the superintendent
14 approves of the proposed merger and if the
15 superintendent finds the articles of merger satisfy
16 the requirements of this section, deliver them to the
17 secretary of state for filing and recording in the
18 secretary of state's office, and ~~the same they shall~~
19 be filed in the office of the county recorder. The
20 secretary of state upon filing the articles of merger
21 shall issue a certificate of merger and send the ~~same~~
22 certificate to the state bank and a copy thereof of it
23 to the superintendent.

24 Sec. _____. Section 524.1410, subsection 3, Code
25 1989, is amended to read as follows:

26 3. The applicable fee payable to the secretary of
27 state, by reason of ~~subsection 17 of under section~~
28 ~~496A.124~~ 490.122, for the filing and recording of the
29 articles of conversion.

30 Sec. _____. Section 524.1902, Code 1989, is amended
31 to read as follows:

32 524.1902 APPLICABILITY OF OTHER CHAPTERS.

33 The provisions of chapters ~~Chapters~~ 490, 491, 492,
34 and 493, and 496A shall do not apply to banks except
35 insofar as is provided by this chapter.

36 Sec. _____. Section 533.4, subsection 27, Code 1989,
37 is amended to read as follows:

38 27. To provide indemnity for the director,
39 officer, or employee in the same fashion that a
40 corporation organized under chapter ~~496A~~ 490 could
41 under section ~~496A.4A~~, provided that sections 490.850
42 through 490.858; however, where section ~~496A.4A~~
43 provides those sections provide for action by
44 shareholders the ~~section~~ provision is applicable to
45 action by members of the credit union and where the
46 section has sections have reference to the corporation
47 organized under chapter ~~496A~~ 490, it the provision is
48 applicable to the association organized under this
49 chapter.

50 Sec. _____. Section 533.22, subsection 2, Code 1989,

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1 is amended to read as follows:

2 2. All amounts due to members who are unknown, or
3 who are under a disability and there is no person
4 legally competent to receive ~~such~~ the amounts, or who
5 cannot be found after the exercise of reasonable
6 diligence, shall be transmitted to the treasurer of
7 state who shall hold ~~such~~ the amounts in the manner
8 prescribed by chapter 556. All amounts due to
9 creditors as described in section ~~496A.101~~ 490.1440
10 shall be transmitted to the treasurer of state in
11 accordance with the provisions of that section and
12 shall be retained by the treasurer of state and
13 subject to claim as provided for in that section.

14 Sec. _____. Section 534.102, subsection 26, Code
15 1989, is amended to read as follows:

16 26. "Service corporation" means a corporation
17 which is organized under chapter ~~496A.490~~ 490 and which is
18 owned in any part by one or more state associations or
19 federal associations or a combination of these.

20 Sec. _____. Section 534.501, subsection 1, paragraph
21 g, and subsection 4, Code 1989, is amended to read as
22 follows:

23 g. If a stock association, the information
24 specified in section ~~496A.49~~, ~~subsections 4, 5, 6,~~ and
25 ~~7~~ 490.202 and sections 490.601 through 490.602.

26 4. AMENDMENT PROCEDURE. The procedure for
27 amending articles of incorporation or adopting
28 restated articles for mutual associations is that
29 specified in section 504A.35, and for stock
30 associations it is that specified in section 490.726
31 and sections ~~496A.56~~ and ~~496A.57~~ 490.1002 through
32 490.1005.

33 Sec. _____. Section 534.504, Code 1989, is amended
34 to read as follows:

35 534.504 MEETINGS OF STOCKHOLDERS.

36 Sections ~~496A.27, 496A.28, 496A.29, 496A.30,~~
37 ~~496A.31, 496A.32,~~ and ~~496A.33~~ 490.701 through 490.731
38 apply to stock associations.

39 Sec. _____. Section 534.508, subsection 1, Code
40 1989, is amended to read as follows:

41 1. IN GENERAL. Sections ~~496A.14, 496A.15,~~
42 ~~496A.16, 496A.17, 496A.18, 496A.19, 496A.21, 496A.22,~~
43 ~~496A.23, 496A.24,~~ and ~~496A.25~~ 490.601 through 490.604,
44 490.620 through 490.628, 490.630, and 490.1704 apply
45 to stock associations.

46 Sec. _____. Section 534.605, subsection 4, Code
47 1989, is amended to read as follows:

48 4. Any ~~An~~ association operating under this chapter
49 shall have the power to may indemnify any present or
50 former director, officer, or employee in the manner

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1 and in the instances authorized in section ~~496A.4A~~
2 sections 490.850 through 490.858. If the association
3 is a mutual association, the references in section
4 ~~496A.4A~~ those sections to stockholder shall be deemed
5 to be references to members.

6 Sec. _____. Section 534.607, Code 1989, is amended
7 to read as follows:

8 534.607 INDEMNIFICATION.

9 Except as otherwise provided in section 534.602,
10 section ~~496A.4A~~ applies sections 490.850 through
11 490.858 apply to associations incorporated under this
12 chapter.

13 Sec. _____. Section 556.6, Code 1989, is amended to
14 read as follows:

15 556.6 PROPERTY OF BUSINESS ASSOCIATIONS AND
16 BANKING OR FINANCIAL ORGANIZATIONS HELD IN COURSE OF
17 DISSOLUTION.

18 Except as provided in section ~~496A.101~~ 490.1440,
19 all intangible personal property distributable in the
20 course of a voluntary dissolution of a business
21 association, banking organization, or financial
22 organization organized under the laws of or created in
23 this state, that is unclaimed by the owner within one
24 year after the date for final distribution, is
25 presumed abandoned."

26 7. Page 2, line 28, by inserting after the word
27 "chapter" the following: "or chapter 77A".

28 8. Page 2, by inserting after line 34, the
29 following:

30 "Sec. _____. Section 602.8102, subsection 68, Code
31 Supplement 1989, is amended to read as follows:

32 68. Certify a copy of a decree of dissolution of a
33 business corporation to the secretary of state and the
34 recorder of the county in which the corporation is
35 located as provided in section ~~496A.100~~ 490.1433.

36 Sec. _____. Chapter 496, Code 1989, is repealed."

37 9. Page 2, by inserting after line 34, the
38 following:

39 "Sec. _____.

40 Sections 3 and 4, and sections 100 through 104 of
41 this Act, being deemed of immediate importance, take
42 effect upon enactment, and apply to notarial acts
43 performed on or after the effective date of this Act."

44 10. Title page, line 1, by inserting after the
45 word "to" the following: "corporate law and
46 procedures, including".

47 11. Title page, line 4, by inserting after the
48 word "Act" the following: ", and including an
49 effective date".

50 12. By renumbering, relettering, and

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1 redesignating as necessary.

The motion prevailed and the House concurred in the Senate amendment H—6045.

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

On the question "Shall the bill pass?" (H.F. 2488)

The ayes were, 98:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schnekloth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 2:

Daggett Hibbard

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

CONSIDERATION OF BILLS
Regular Calendar

Senate File 2413, a bill for an act relating to certain specific crimes and the disposition of offenders by providing for payment of sexual abuse medical examinations, providing for workers' compensation coverage and the liability of certain persons performing community service, providing for notification of the parents of persons under age eighteen discovered to be in possession of alcohol or drugs, providing for a term of confinement for distribution of illegal drugs within one thousand feet of a public park, providing for the reporting and identification of certain precursor drugs, providing for the disposition of certain juvenile offenders, establishing institutional reading room requirements, providing for the diversion of certain offenders to treatment facilities, providing that certain persons serving mandatory minimum sentences serve a portion of their sentence on work release, establishing a penalty for certain persons who cause a serious injury to another while operating a motor vehicle, providing for certain offenders to serve their sentence on consecutive days, providing for posttreatment services as a condition of probation, establishing a tax on marijuana and controlled substances, providing an expansion of the business deduction for businesses employing individuals on parole, probation, work release, or convicted of a felony, establishing penalties for participation in criminal gang activity, providing for the non-bailability of certain offenders, providing requirements for presentence investigations, providing for early release of offenders participating in certain treatment or for certain property offenders, making certain changes relating to conditions of parole and work release, authorizing parole and probation officers to discharge certain offenders, making certain changes relating to the victim reparation program, establishing a pilot project for the chemical testing of persons arrested for felony offenses, and providing penalties, with report of committee recommending amendment and passage was taken up for consideration.

The House stood at ease at 10:40 a.m., until the fall of the gavel.

The House resumed session and consideration of Senate File 2413 at 11:59 a.m., Speaker Avenson in the chair.

Arnould of Scott asked and received unanimous consent that Senate File 2413 be deferred and that the bill retain its place on the unfinished business calendar.

CONFERENCE COMMITTEES APPOINTED
(House File 156)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 156: Ollie of Clinton, Chair; Sherzan of Polk, Chapman of Linn, Hermann of Scott and Hester of Pottawattamie.

(House File 2543)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2543: Blanshan of Greene, Chair; Hanson of Delaware, Connors of Polk, Hansen of Woodbury and Carpenter of Polk.

On motion by Arnould of Scott, the House was recessed at 12:01 p.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Connors of Polk in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-nine members present, twenty-one absent.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 3, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 724, a bill for an act relating to the survey of land including the practice of land surveying and the preparation, recording, and vacation of plats, and subjecting violators to civil penalties.

Also: That the Senate has on April 3, 1990, receded from the Senate amendment and passed the following bill in which the concurrence of the Senate was asked:

House File 2068, a bill for an act providing technical changes to the financing of education programs of school districts and providing a retroactive effective date.

Also: That the Senate has on April 3, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2486, a bill for an act relating to the regulation of tanning facilities, providing penalties, and providing for the establishment of fees.

JOHN F. DWYER, Secretary

IMMEDIATE MESSAGE
(House File 2562)

Arnould of Scott asked and received unanimous consent that House File 2562 be immediately messaged to the Senate.

CONSIDERATION OF BILLS
Unfinished Business Calendar

The House resumed consideration of **Senate File 2413**, a bill for an act relating to certain specific crimes and the disposition of offenders by providing for payment of sexual abuse medical examinations, providing for workers' compensation coverage and the liability of certain persons performing community service, providing for notification of the parents of persons under age eighteen discovered to be in possession of alcohol or drugs, providing for a term of confinement for distribution of illegal drugs within one thousand feet of a public park, providing for the reporting and identification of certain precursor drugs, providing for the disposition of certain juvenile offenders, establishing institutional reading room requirements, providing for the diversion of certain offenders to treatment facilities, providing that certain persons serving mandatory minimum sentences serve a portion of their sentence on work release, establishing a penalty for certain persons who cause a serious injury to another while operating a motor vehicle, providing for certain offenders to serve their sentence on consecutive days, providing for posttreatment services as a condition of probation, establishing a tax on marijuana and controlled substances, providing an expansion of the business deduction for businesses employing individuals on parole, probation, work release, or convicted of a felony, establishing penalties for participation in criminal gang activity, providing for the nonbailability of certain offenders, providing requirements for presentence investigations, providing for early release of offenders participating in certain treatment or for certain property offenders, making certain changes relating to conditions of parole and work release, authorizing parole and probation officers to discharge certain offenders, making certain changes relating to the victim reparation program, establishing a pilot project for the chemical testing of persons arrested for felony offenses, and providing penalties, previously deferred and retained on the unfinished business calendar.

Jay of Appanoose offered the following amendment H—5936 filed by the committee on judiciary and law enforcement:

H-5936

1 Amend Senate File 2413, as amended, passed, and
2 reprinted by the Senate, as follows:

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

5 "Sec. _____. Section 22.7, subsection 18, paragraph
6 c, Code Supplement 1989, is amended to read as
7 follows:

8 c. Information contained in the communication is a
9 public record to the extent that it indicates the
10 date, time, specific location, and immediate facts and
11 circumstances surrounding the occurrence of a crime or
12 other illegal act, except to the extent that its
13 disclosure would plainly and seriously jeopardize a
14 continuing investigation, ~~or would~~ pose a clear and
15 present danger to the safety of any person, ~~or would~~
16 reveal, prior to the filing of an information or
17 indictment as provided in section 802.8, the residence
18 or business address or telephone number of any victim
19 or witness to a violent crime against a person or a
20 crime using a dangerous weapon, as defined in section
21 702.7. In any action challenging the failure of the
22 lawful custodian to disclose any particular
23 information of the kind enumerated in this paragraph,
24 the burden of proof is on the lawful custodian to
25 demonstrate that the disclosure of that information
26 would jeopardize such an investigation, or would pose
27 such a clear and present danger, or would reveal such
28 identifying information prior to the filing of an
29 information or indictment. The communication shall be
30 disclosed after removal of the information which is
31 not to be disclosed pursuant to this paragraph."

32 2. By striking page 2, line 29 through page 3,
33 line 8.

34 3. Page 4, by striking lines 11 through 24.

35 4. Page 10, by inserting after line 28, the
36 following:

37 "Sec. _____. Section 232.2, subsection 6, paragraph
38 d, Code Supplement 1989, is amended to read as
39 follows:

40 d. Who has been, or is imminently likely to be,
41 sexually abused by the child's parent, guardian,
42 custodian or other member of the household in which
43 the child resides.

44 Sec. _____. Section 232.8, subsection 1, unnumbered
45 paragraph 2, Code 1989, is amended to read as follows:

46 Violations by a child of provisions of chapter 106,
47 106A, 109, 109A, 110, 110A, 110B, 111, 321, or 321G
48 which would be simple misdemeanors if committed by an
49 adult, and violations by a child of county or
50 municipal curfew or traffic ordinances, and violations

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1 by a child of section 123.47, are excluded from the
2 jurisdiction of the juvenile court and shall be
3 prosecuted as simple misdemeanors as provided by law.
4 The court may advise appropriate juvenile authorities
5 and may refer violations of section 123.47 to the
6 juvenile court when there is reason to believe the
7 child regularly abuses alcohol and may be in need of
8 treatment. The court shall notify the parents or
9 legal guardians of a child who appears before it for a
10 violation of section 123.47. A child convicted of a
11 violation excluded from the jurisdiction of the
12 juvenile court under this unnumbered paragraph shall
13 be sentenced pursuant to section 805.8, where
14 applicable, and pursuant to section 903.1, subsection
15 3, for all other violations."

16 5. Page 11, by inserting after line 19, the
17 following:

18 "Sec. _____. Section 232.82, Code 1989, is amended
19 to read as follows:

20 232.82 REMOVAL OF SEXUAL OFFENDERS AND PHYSICAL
21 ABUSERS FROM THE RESIDENCE PURSUANT TO COURT ORDER.

22 1. Notwithstanding section 561.15, if it is
23 alleged by a person authorized to file a petition
24 under section 232.87, subsection 2, or by the court on
25 its own motion, that a parent, guardian, custodian, or
26 an adult member of the household in which a child
27 resides has committed a sexual offense with or against
28 the child, pursuant to chapter 709 or section 726.2,
29 or a physical abuse as defined by section 232.2,
30 subsection 38, the juvenile court may enter an ex
31 parte order requiring the alleged sexual offender or
32 physical abuser to vacate the child's residence upon a
33 showing that probable cause exists to believe that the
34 sexual offense or physical abuse has occurred and that
35 substantial evidence exists to believe that the
36 presence of the alleged sexual offender or physical
37 abuser in the child's residence presents a danger to
38 the child's life or physical, emotional, or mental
39 health.

40 2. If an order is entered under subsection 1 and a
41 petition has not yet been filed under this chapter,
42 the petition shall be filed under section 232.87 by
43 the county attorney, the department of human services,
44 or a juvenile court officer within three days of the
45 entering of the order.

46 3. The juvenile court may order on its own motion,
47 or shall order upon the request of the alleged sexual
48 offender or physical abuser, a hearing to determine
49 whether the order to vacate the residence should be
50 upheld, modified, or vacated. The juvenile court may

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1 in any later child in need of assistance proceeding
2 uphold, modify, or vacate the order to vacate the
3 residence.

4 Sec. _____. Section 232.116, subsection 1, Code
5 Supplement 1989, is amended by adding a new paragraph:

6 NEW PARAGRAPH. 1. The court finds that both of
7 the following have occurred:

8 (1) The child has been adjudicated a child in need
9 of assistance pursuant to section 232.96 after finding
10 that the child has been physically or sexually abused
11 as a result of the acts or omissions of a parent.

12 (2) The parent found to have physically or
13 sexually abused the child has been imprisoned for such
14 abuse against the child, the child's sibling, or any
15 other child in the household and the court finds it is
16 unlikely that the parent will be released within five
17 years."

18 6. Page 11, line 23, by striking the word "and"
19 and inserting the following: "for".

20 7. Page 12, line 3, by striking the word
21 "paragraph" and inserting the following: "paragraphs
22 "b" and".

23 8. Page 12, by inserting after line 20, the
24 following:

25 "Sec. 101. Section 321.85, Code 1989, is amended
26 to read as follows:

27 321.85 STOLEN VEHICLES OR COMPONENT PARTS.

28 1. When a vehicle or component part is seized
29 under section 321.84 or is stolen or embezzled, and is
30 not claimed by the owner before the date on which the
31 person charged with its stealing or embezzling is
32 convicted, the officer having the vehicle or component
33 part in the officer's custody shall, on that date by
34 certified regular mail, notify the department that the
35 officer has the vehicle or component part in the
36 officer's possession, giving a full and complete
37 description of it, including all vehicle
38 identification numbers and component part numbers. If
39 there is a dispute regarding a claim for the vehicle
40 or component part, the agency holding the vehicle or
41 component part shall conduct an evidentiary hearing to
42 adjudicate the claim.

43 2. If a person claims to be the owner, and there
44 is a dispute as to the claim, the department shall
45 hold an evidentiary hearing within thirty days of
46 receiving the claim. If it is shown that the vehicle
47 or component part is needed as evidence in a criminal
48 prosecution or that further investigation is needed to
49 identify the vehicle or part or its owner, the hearing
50 shall be continued a reasonable amount of time for the

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1 completion of the prosecution or investigation. If
2 the person from whom the vehicle or part was seized
3 establishes ownership of a vehicle or part, the
4 vehicle or part shall be returned to the person
5 without imposition of towing or storage fees.

6 3. A claimant may establish ownership of a motor
7 vehicle by demonstrating any of the following:

8 a. That the claimant is the holder of a valid
9 certificate of title, including rebuilt vehicle title,
10 or junking certificate which in fact corresponds to
11 all component parts of the vehicle, or by other
12 competent evidence. Ownership shall not be denied if
13 the only parts bearing numbers not corresponding to
14 the title are those found on the engine, door, or
15 fender of the vehicle unless the numbers are the
16 public vehicle identification number. However, if the
17 claimant cannot establish ownership of the engine,
18 door, or fender pursuant to subsection 4, the part
19 shall not be returned to the claimant. Numbers on
20 motorcycle engine cases are not engine numbers for
21 purposes of this paragraph.

22 b. That the claimant is the owner of all component
23 parts of the vehicle as set forth in subsection 4.

24 c. That the claimant is the legal owner of the
25 vehicle under the laws of another state if the vehicle
26 is registered or titled in that other state.

27 4. A claimant may establish ownership of a
28 component part by demonstrating that the claimant
29 holds a valid certificate of title or junking
30 certificate for the vehicle on which the part was
31 initially installed by the manufacturer, or was placed
32 in accordance with a valid rebuilt vehicle title, or
33 by evidence of a legitimate unbroken chain of
34 ownership of the part back to the holder of such title
35 or certificate, or by other competent evidence.
36 Ownership of component parts on which the numbers have
37 been altered, defaced, switched, removed, or otherwise
38 disguised shall not be established unless there is
39 sufficient competent or physical evidence identifying
40 it as part of a vehicle owned by the claimant.

41 5. If a claimant establishes ownership of a
42 vehicle, the entire vehicle shall be awarded to the
43 claimant, unless ownership of a door or fender or of
44 the engine is established in another person, in which
45 case that part shall be awarded to that person. If
46 ownership of a vehicle is not established, the
47 component parts shall be awarded to the claimants
48 establishing title to the parts.

49 6. The final decision shall be served by certified
50 mail upon the persons found to be owners of vehicles

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1 or parts, and shall notify such persons that the
2 vehicle or part is no longer needed for prosecution or
3 investigation and that they have forty-five days to
4 retrieve the vehicle or part from the agency having
5 custody of the vehicle or part. Failure to do so
6 shall result in the vehicle or part being deemed
7 abandoned for purposes of section 321.89.

8 7. If the ownership of a vehicle or part cannot be
9 established, the agency having custody of the vehicle
10 or part shall proceed as directed in sections 321.86
11 through 321.89.

12 Sec. 102. Section 321.88, Code 1989, is amended to
13 read as follows:

14 **321.88 FAILURE OF OWNER TO CLAIM.**

15 If the owner does not appear within ~~forty~~ forty-
16 five days, the motor vehicle or component part shall
17 be deemed abandoned and the officer having possession
18 of the motor vehicle or component part shall proceed
19 as provided in section 321.89, subsections 3 and 4.

20 Sec. 103. Section 321.89, Code 1989, is amended by
21 adding the following new subsection:

22 **NEW SUBSECTION. 5. Component parts not claimed by**
23 **an owner as provided in section 321.88 shall be**
24 **disposed of as provided in subsections 3 and 4."**

25 9. Page 22, by inserting after line 34, the
26 following:

27 "Sec. 104. Section 602.6405, subsection 1, Code
28 1989, is amended to read as follows:

29 1. Magistrates have jurisdiction of simple
30 misdemeanors, including traffic and ordinance
31 violations, and preliminary hearings, search warrant
32 proceedings, county and municipal infractions, and
33 small claims. They also Magistrates have jurisdiction
34 to exercise the powers specified in sections 644.2 and
35 644.12, and to hear complaints or preliminary
36 informations, issue warrants, order arrests, make
37 commitments, and take bail. They also Magistrates
38 have jurisdiction over violations of section 123.47
39 involving persons eighteen years of age, and section
40 123.49, subsection 2, paragraph "h". Magistrates have
41 jurisdiction to conduct hearings authorized under
42 section 809.4 and section 809.10, subsection 2."

43 10. By striking page 22, line 35 through page 23,
44 line 6, and inserting the following:

45 "Sec. _____. Section 707.6A, Code Supplement 1989,
46 is amended to read as follows:

47 **707.6A HOMICIDE OR SERIOUS INJURY BY VEHICLE.**

48 1. A person commits a class "D" "C" felony when
49 the person unintentionally causes the death of another
50 by either of the following means:

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1 a. Operating a motor vehicle while under the
2 influence of alcohol or a other drug or a combination
3 of such substances or while having an alcohol
4 concentration, as defined in section 321J.1,
5 subsection 1, of .10 or more, in violation of section
6 ~~321J.2~~. Upon a plea or verdict of guilty of a
7 violation of this paragraph, the court shall order the
8 state department of transportation to revoke the
9 defendant's motor vehicle license or nonresident
10 operating privileges for a period of six years. The
11 defendant shall surrender to the court any Iowa
12 license or permit and the court shall forward it to
13 the department with a copy of the revocation order.

14 b. Driving a motor vehicle in a reckless manner
15 with willful or wanton disregard for the safety of
16 persons or property, in violation of section 321.277.

17 2. A person commits an aggravated misdemeanor a
18 class "D" felony when the person unintentionally
19 causes the death of another by operating a motor
20 vehicle in any of the following manners:

21 a. Drag racing, in violation of section 321.278.

22 b. Eluding or attempting to elude a pursuing law
23 enforcement vehicle, in violation of section 321.279.

24 3. A person commits an aggravated misdemeanor when
25 the person unintentionally causes a serious injury, as
26 defined in section 321J.1, subsection 8, by either of
27 the means described in subsection 1 of this section.

28 3 4. As used in this section, "motor vehicle"
29 includes any vehicle defined as a motor vehicle in
30 section 321.1.

31 5. Except for the purpose of sentencing under
32 section 321J.2, subsection 2, a conviction or deferral
33 of judgment for a violation of this section, where a
34 violation of section 321J.2 is admitted or proved,
35 shall be treated as a conviction or deferral of
36 judgment for a violation of section 321J.2 for the
37 purposes of chapters 321, 321A, and 321J, and section
38 907.3, subsection 1."

39 11. Page 24, by inserting after line 15, the
40 following:

41 "Sec. 105. Section 809.3, subsection 2, Code 1989,
42 is amended to read as follows:

43 2. The application for the return of seized
44 property shall state the specific item or items
45 sought, the nature of the claimant's interest in the
46 property, and the grounds upon which the claimant
47 seeks to have the property immediately returned. Mere
48 ownership is insufficient as grounds for immediate
49 return. The written application shall be specific and
50 the claimant shall be limited at the judicial hearing

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1 to proof of the grounds set out in the application for
2 immediate return. The fact that the property is
3 inadmissible as evidence or that it may be suppressed
4 is not grounds for its return. If no specific grounds
5 are set out in the application for return, or the
6 grounds set out are insufficient as a matter of law,
7 the court may enter judgment on the pleadings without
8 further hearing.

9 Sec. 106. Section 809.11, subsections 1 and 2,
10 Code 1989, are amended to read as follows:

11 1. Forfeiture is a civil proceeding. At the
12 hearing the burden is on the state to prove by a
13 preponderance of the clear and convincing evidence
14 that the property is forfeitable. However, forfeiture
15 is not dependent upon a prosecution for, or conviction
16 of, a criminal offense and forfeiture proceedings are
17 separate and distinct from any related criminal
18 action.

19 2. ~~Court appointed counsel, Counsel shall be~~
20 ~~appointed at the state's expense, is not available in~~
21 ~~forfeiture proceedings for indigent persons having an~~
22 ~~ownership interest exceeding a value of five hundred~~
23 ~~dollars in the property that is subject to the~~
24 ~~forfeiture proceeding.~~ The attorney general or county
25 attorney may represent the state in all forfeiture
26 proceedings.

27 Sec. 107. Section 809.11, Code 1989, is amended by
28 adding the following new subsections:

29 **NEW SUBSECTION. 5.** At a hearing to determine
30 whether real property should be forfeited, any of the
31 following may be established as affirmative defenses,
32 by the person seeking return of the property:

33 a. That the person, who is not a party to the
34 alleged criminal activity, before becoming aware of
35 the investigation, reported the alleged criminal
36 activity to the appropriate law enforcement agency
37 prior to the seizure of the property.

38 b. That the person acted reasonably in attempting
39 to prevent or terminate the unlawful use of the
40 property.

41 c. That the person seeking return of the property
42 had no prior knowledge of the criminal activity.

43 **NEW SUBSECTION. 6.** Cash found in close proximity
44 to controlled substances is presumed to be forfeitable
45 property."

46 12. Page 26, by striking lines 4 through 7, and
47 inserting the following:

48 "1. A brief personal and social history of the
49 defendant.

50 2. The defendant's criminal record."

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- 1 13. Page 26, by inserting after line 33, the
2 following:
3 "Sec. _____. Section 903.1, subsection 3, unnumbered
4 paragraph 1, Code 1989, is amended to read as follows:
5 3. A person under eighteen years of age convicted
6 of a simple misdemeanor under chapter 106, 106A, 109,
7 109A, 110, 110A, 110B, 111, 321, or 321G, section
8 ~~123.47~~, or a violation of a county or municipal curfew
9 or traffic ordinance, except for an offense subject to
10 section 805.8, may be required to pay a fine, not to
11 exceed one hundred dollars, as fixed by the court, or
12 may be required to perform community service as
13 ordered by the court."
14 14. Page 27, by striking lines 16 through 21.
15 15. By striking page 35, line 15, through page
16 36, line 11.
17 16. Page 36, by inserting after line 20, the
18 following:
19 "Sec. _____.
20 Sections 101 through 107 of this Act apply to any
21 seizure or forfeiture proceeding or action commenced
22 on or after the effective date of this Act."
23 17. By renumbering, relettering, or redesignating
24 and correcting internal references as necessary.

Peters of Woodbury in the chair at 2:03 p.m.

Kremer of Buchanan offered the following amendment H-6011, to the committee amendment H-5936, filed by him and moved its adoption:

H-6011

- 1 Amend amendment, H-5936, to Senate File 2413, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by inserting after line 43, the
5 following:
6 "For purposes of this paragraph, "imminently
7 likely" includes an immediate threat based on serious
8 threats made, or actions taken, against the child,
9 other members of the household in which the child
10 resides, or other children."

Amendment H-6011 lost.

McKean of Jones offered the following amendment H-6033, to the committee amendment H-5936, filed by him and moved its adoption:

H-6033

- 1 Amend the amendment H-5936 to Senate File 2413, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 6, line 5, by striking the figure ".10"
- 5 and inserting the following: ".10 .08".

A non-record roll call was requested.

The ayes were 42, nays 40.

Amendment H-6033 was adopted.

Division of the committee amendment H-5936, as amended, was requested as follows:

H-5936A - Page 1, lines 3 through 31 and lines 35 through 50; all of pages 2, 3, and 4; Page 5, lines 1 through 24 and lines 43 through 50; Page 6, lines 1 through 38; Page 7, lines 46 through 50; all of page 8.

H-5936B - Page 1, lines 32 through 34.

H-5936C - Page 5, lines 25 through 42; Page 6, lines 39 through 50; Page 7, lines 1 through 45.

On motion by Jay of Appanoose, the committee amendment H-5936A, as amended, was adopted.

Connors of Polk in the chair at 2:36 p.m.

Jay of Appanoose moved the adoption of the committee amendment H-5936B.

Roll call was requested by Van Maanen of Mahaska and Hansen of Woodbury.

On the question "Shall the committee amendment H-5936B be adopted?" (S.F. 2413)

The ayes were, 52:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Black	Brammer	Brand
Brown	Buhr	Chapman	Cohoon
Doderer	Dvorsky	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Haverland
Hibbard	Holveck	Jay	Jesse
Jochum	Knapp	Koenigs	Lykam
May	McKinney	Mertz	Metcalf
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Rosenberg	Schrader

Sherzan	Shoultz	Svoboda	Swartz
Tabor	Teaford	Wise	Connors
			Presiding

The nays were, 38:

Banks	Beaman	Bennett	Branstad
Clark	Corbett	Daggett	De Groot
Diemer	Eddie	Garman	Halvorson, R. A.
Hanson, D. R.	Harbor	Hermann	Hester
Iverson	Kistler	Kremer	Lageschulte
Lundby	Maulsby	McKean	Miller
Pellett	Petersen, D. F.	Plasier	Renken
Royer	Schnekloth	Shoning	Siegrist
Spear	Spenner	Stueland	Trent
Tyrrell	Van Maanen		

Absent or not voting, 10:

Blanshan	Carpenter	Fey	Fogarty
Fuller	Groninga	Hatch	Johnson
Murphy	Shearer		

The committee amendment H—5936B was adopted.

Trent of Muscatine rose on a point of order that the committee amendment H—5936C was not germane.

The Speaker ruled the point well taken and the committee amendment H—5936C not germane.

Arnould of Scott moved that the rules be suspended to consider the committee amendment H—5936C.

A non-record roll call was requested.

The ayes were 52, nays 39.

The motion prevailed and the rules were suspended.

Peterson of Carroll moved the adoption of the committee amendment H—5936C.

Roll call was requested by Lundby of Linn and Metcalf of Polk.

Rule 75 was invoked.

On the question "Shall the committee amendment H—5936C be adopted?" (S.F. 2413)

The ayes were, 49:

Adams	Arnould	Beatty	Black
Blanshan	Brammer	Brand	Brown
Cohoon	Doderer	Dvorsky	Fey

Fogarty	Gruhn	Hammond	Hansen, S. D.
Harper	Hatch	Haverland	Hibbard
Holveck	Jay	Jesse	Jochum
Koenigs	Kremer	Lageschulte	Lykam
May	McKinney	Mertz	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Rosenberg	Schrader	Shoultz	Spenner
Svoboda	Swartz	Teaford	Wise
Connors			
Presiding			

The nays were, 43:

Banks	Beaman	Bennett	Bisignano
Branstad	Buhr	Carpenter	Chapman
Clark	Corbett	De Groot	Diemer
Eddie	Garman	Halvorson, R. A.	Halvorson, R. N.
Hanson, D. R.	Harbor	Hermann	Hester
Iverson	Kistler	Lundby	Maulsby
McKean	Metcalf	Miller	Pellett
Petersen, D. F.	Poncy	Renaud	Renken
Royer	Schneklath	Shearer	Sherzan
Shoning	Siegrist	Spear	Stueland
Trent	Tyrrell	Van Maanen	

Absent or not voting, 8:

Avenson, Spkr.	Daggett	Fuller	Groninga
Johnson	Knapp	Plasier	Tabor

The committee amendment H—5936C was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Fuller of Hardin, for the remainder of the day, on request of Wise of Lee.

The Speaker announced that amendment H—5988 filed by Bennett, et al., on March 30, 1990, was out of order with the adoption of the committee amendment H—5936B.

Siegrist of Pottawattamie offered the following amendment H—5997 filed by Siegrist, et al.:

H—5997

- 1 Amend Senate File 2413, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by inserting after line 8, the
- 4 following:
- 5 "Sec. _____. Section 123.50, subsection 4, Code
- 6 Supplement 1989, is amended to read as follows:
- 7 4. A person, other than a licensee or permittee or

8 a minor, who violates section 123.47 is guilty of a
 9 serious misdemeanor punishable by a minimum fine of
 10 one hundred dollars for a first offense, two hundred
 11 and fifty dollars for a second offense, and five
 12 hundred dollars for a third and subsequent offense,
 13 and a maximum fine for any offense of not more than
 14 one thousand dollars.

15 A person age eighteen or under who is guilty of
 16 possessing any alcoholic liquor, wine, or beer in
 17 violation of section 123.47, in addition to the
 18 penalty provided in section 123.90, shall surrender
 19 all motor vehicle licenses or permits which the court
 20 shall forward to the state department of
 21 transportation. The license or permit shall be
 22 suspended by the department for a three-month period."

23 2. Page 12, by inserting after line 20, the
 24 following:

25 "Sec. _____. NEW SECTION. 321.210B SUSPENSION FOR
 26 POSSESSION OF ALCOHOL BY PERSON UNDER LEGAL AGE.

27 The department shall suspend the motor vehicle
 28 license of a person age eighteen or under who is
 29 guilty of a violation of section 123.47, as provided
 30 in section 123.50, subsection 4."

31 3. Renumber as necessary.

Speaker Avenson in the chair at 3:46 p.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Stueland of Clinton, for the remainder of the afternoon and week, on request of Van Maanen of Mahaska.

Siegrist of Pottawattamie moved the adoption of amendment H-5997.

Roll call was requested by Lundby of Linn and Metcalf of Polk.

Rule 75 was invoked.

On the question "Shall amendment H-5997 be adopted?"
 (S.F. 2413)

The ayes were, 47:

- | | | | |
|---------|---------------|------------------|------------------|
| Banks | Beaman | Bennett | Branstad |
| Brown | Carpenter | Clark | Connors |
| Corbett | Daggett | De Groot | Diemer |
| Eddie | Garman | Halvorson, R. A. | Halvorson, R. N. |
| Hammond | Hanson, D. R. | Harbor | Haverland |
| Hermann | Hester | Iverson | Jesse |
| Kistler | Kremer | Lageschulte | Lundby |
| Maulsby | McKean | Metcalf | Miller |

Osterberg	Pellett	Petersen, D. F.	Plasier
Poncy	Renken	Royer	Schnekloth
Shoning	Siegrist	Spenner	Svoboda
Trent	Tyrrell	Van Maanen	

The nays were, 48:

Adams	Arnould	Beatty	Bisignano
Black	Brammer	Brand	Buhr
Chapman	Cohoon	Doderer	Dvorsky
Fey	Fogarty	Groninga	Gruhn
Hansen, S. D.	Harper	Hatch	Hibbard
Holveck	Jay	Jochum	Knapp
Koenigs	Lykam	May	McKinney
Mertz	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Peters	Peterson, M. K.
Renaud	Rosenberg	Schrader	Shearer
Sherzan	Shoultz	Spear	Swartz
Tabor	Teaford	Wise	Mr. Speaker Avenson

Absent or not voting, 5:

Blanshan	Fuller	Johnson	Pavich
Stueland			

Amendment H—5997 lost.

Jay of Appanoose offered the following amendment H—5983 filed by him and moved its adoption:

H—5983

- 1 Amend Senate File 2413 as follows:
- 2 1. Page 3, line 13, by striking the word
- 3 "counterfiet" and inserting the following:
- 4 "counterfeit".
- 5 2. Page 9, line 17, by striking the word "
- 6 PENALTY" and inserting the following: "— PENALTY".
- 7 3. Page 20, line 6, by striking the word "
- 8 REFUNDS" and inserting the following: "— REFUNDS".
- 9 4. Page 36, line 20, by inserting after the word
- 10 "as" the following: "they".

Amendment H—5983 was adopted.

Kistler of Jefferson offered the following amendment H—6005 filed by him and Garman of Story and moved its adoption:

H—6005

- 1 Amend Senate File 2413, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by striking lines 19 through 21, and
- 4 inserting the following: "private elementary,

5 vocational, or secondary school, or a public or
 6 private college, junior college, or university, or
 7 within one hundred feet of a public park, playground,
 8 public or private youth center, public swimming pool,
 9 or video arcade facility, may, at the judge's
 10 discretion, be sentenced up to an additional term of
 11 confinement".

12 2. Page 3, by striking lines 31 and 32, and
 13 inserting the following: "private elementary,
 14 vocational, or secondary school, or a public or
 15 private college, junior college, or university, or
 16 within one hundred feet of a public park, playground,
 17 public or private youth center, public swimming pool,
 18 or video arcade facility, the person shall serve a".

19 3. Page 4, by striking lines 8 and 9 and
 20 inserting the following: "elementary, vocational, or
 21 secondary school, or a public or private college,
 22 junior college, or university, or within one hundred
 23 feet of a public park, playground, public or private
 24 youth center, public swimming pool, or video arcade
 25 facility, the person shall serve a minimum".

Amendment H-6005 was adopted.

Black of Jasper offered the following amendment H-6012 filed by him and moved its adoption:

H-6012

1 Amend Senate File 2413, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 4, by inserting after line 32 the
 4 following:

5 "Sec. _____. NEW SECTION. 204.701 DRUG-RELATED
 6 OBJECTS USED IN VIOLATION OF CHAPTER.

7 1. As used in this section, "drug-related object"
 8 means a raw material, instrument, device, article,
 9 contrivance, or other object commonly used to plant,
 10 propagate, cultivate, grow, harvest, manufacture,
 11 compound, convert, produce, process, prepare, test,
 12 analyze, pack, repack, store, contain, conceal,
 13 inject, ingest, inhale, or otherwise introduce into
 14 the human body a controlled substance. Drug-related
 15 object includes but is not limited to:

16 a. Kits commonly used in planting, propagating,
 17 cultivating, growing, or harvesting a species of plant
 18 which is a controlled substance or from which a
 19 controlled substance can be derived.

20 b. Kits commonly used in manufacturing,
 21 compounding, converting, producing, processing, or
 22 preparing controlled substances.

23 c. Isomerization devices commonly used in

- 24 increasing the potency of a species of plant which is
25 a controlled substance.
- 26 d. Testing equipment commonly used in identifying,
27 or in analyzing the strength, effectiveness, or purity
28 of a controlled substance.
- 29 e. Scales and balances commonly used in weighing
30 or measuring a controlled substance.
- 31 f. Diluents and adulterants, such as quinine
32 hydrochloride, mannitol, mannite, dextrose, and
33 lactose, commonly used in cutting a controlled
34 substance.
- 35 g. Separation gins and sifters commonly used in
36 removing twigs and seeds from, or in otherwise
37 cleaning or refining, marijuana.
- 38 h. Blenders, bowls, containers, spoons, and mixing
39 devices commonly used in compounding a controlled
40 substance.
- 41 i. Capsules, balloons, envelopes, and other
42 containers commonly used in packaging small quantities
43 of a controlled substance.
- 44 j. Containers and other objects commonly used in
45 storing or concealing a controlled substance.
- 46 k. Hypodermic syringes, needles, and other objects
47 commonly used in parenterally injecting a controlled
48 substance into the human body.
- 49 l. Objects commonly used in ingesting, inhaling,
50 or otherwise introducing marijuana, cocaine, hashish,

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- 1 or hashish oil into the human body, such as:
- 2 (1) Metal, wooden, acrylic, glass, stone, plastic,
3 or ceramic pipes with or without screens, permanent
4 screens, hashish heads, or punctured metal bowls.
- 5 (2) Water pipes.
- 6 (3) Carburetion tubes and devices.
- 7 (4) Smoking and carburetion masks.
- 8 (5) Roach clips, meaning objects commonly used to
9 hold burning material, such as a marijuana cigarette,
10 that has become too small or too short to be held in
11 the hand.
- 12 (6) Miniature cocaine spoons, and cocaine vials.
- 13 (7) Chamber pipes.
- 14 (8) Carburetor pipes.
- 15 (9) Electric pipes.
- 16 (10) Air-driven pipes.
- 17 (11) Chillums.
- 18 (12) Bongs.
- 19 (13) Ice pipes or chillers.
- 20 2. In determining whether an object is commonly
21 used in connection with a controlled substance, a
22 court or other authority may consider, in addition to

- 23 all other logically relevant factors, the following:
- 24 a. Statements by an owner or by anyone in control
25 of the object concerning its use.
- 26 b. A prior conviction of an owner or of anyone in
27 control of the object under a state or federal law
28 relating to a controlled substance.
- 29 c. The proximity of the object, in time and space,
30 to a direct violation of this chapter.
- 31 d. The proximity of the object to a controlled
32 substance.
- 33 e. The existence of a residue of a controlled
34 substance on the object.
- 35 f. Instructions, oral or written, provided with
36 the object concerning its use.
- 37 g. Descriptive materials accompanying the object
38 which explain or depict its use.
- 39 h. National and local advertising concerning its
40 use.
- 41 i. The manner in which the object is displayed for
42 sale.
- 43 j. Whether the owner, or anyone in control of the
44 object, is a legitimate supplier of similar or related
45 items to the community, such as a licensed distributor
46 or dealer of tobacco products.
- 47 k. Direct or circumstantial evidence of the ratio
48 of sales of the object to the total sales of the
49 business enterprise.
- 50 l. The existence and scope of legitimate uses for

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- 1 the object in the community.
- 2 m. Expert testimony concerning its use.
- 3 3. a. A person shall not use or possess with
4 intent to use a drug-related object to plant,
5 propagate, cultivate, grow, harvest, manufacture,
6 compound, convert, produce, process, prepare, test,
7 analyze, pack, repack, store, contain, conceal,
8 inject, ingest, inhale, or otherwise introduce into
9 the human body a controlled substance in violation of
10 this chapter. A person who violates this paragraph is
11 guilty of a simple misdemeanor.
- 12 b. A person shall not deliver, possess with intent
13 to deliver, or manufacture with intent to deliver, a
14 drug-related object intending that the object will be
15 used, and knowing, or under circumstances where one
16 reasonably should know, that the object will be used
17 to plant, propagate, cultivate, grow, harvest,
18 manufacture, compound, convert, produce, process,
19 prepare, test, analyze, pack, repack, store, contain,
20 conceal, inject, ingest, inhale, or otherwise
21 introduce into the human body a controlled substance

22 in violation of this chapter. A person eighteen years
23 of age or older who violates this paragraph by
24 delivering a drug-related object to a person under
25 eighteen years of age who is at least three years
26 younger than the person delivering the drug-related
27 object is guilty of an aggravated misdemeanor. Any
28 other person who violates this paragraph is guilty of
29 a serious misdemeanor.

30 c. A person shall not deliver, possess with intent
31 to deliver, or manufacture with intent to deliver, a
32 drug-related object which has no common use other than
33 its use in connection with the use of a controlled
34 substance in violation of this chapter, knowing, or
35 under circumstances where one reasonably should know,
36 that the object will be used to plant, propagate,
37 cultivate, grow, harvest, manufacture, compound,
38 convert, produce, process, prepare, test, analyze,
39 pack, repack, store, contain, conceal, inject, ingest,
40 inhale, or otherwise introduce into the human body a
41 controlled substance in violation of this chapter. A
42 person eighteen years of age or older who violates
43 this paragraph by delivering a drug-related object,
44 which has no common use other than its use in
45 connection with the use of a controlled substance in
46 violation of this chapter, to a person under eighteen
47 years of age who is at least three years younger than
48 the person delivering the drug-related object is
49 guilty of an aggravated misdemeanor. Any other person
50 who violates this paragraph is guilty of a serious

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1 misdemeanor.

2 d. A person shall not place an advertisement in a
3 newspaper, magazine, handbill, or other publication,
4 intending, and knowing, or under circumstances where
5 one reasonably should know, that the purpose of the
6 advertisement, taken as a whole, is to promote the
7 sale in this state of a drug-related object that will
8 be used to plant, propagate, cultivate, grow, harvest,
9 manufacture, compound, convert, produce, process,
10 prepare, test, analyze, pack, repack, store, contain,
11 conceal, inject, ingest, inhale, or otherwise
12 introduce into the human body a controlled substance
13 in violation of this chapter. A person who violates
14 this paragraph is guilty of a serious misdemeanor.”
15 2. Renumber as necessary.

Amendment H—6012 was adopted.

Rosenberg of Story offered the following amendment H—6025
filed by him and moved its adoption:

H-6025

- 1 Amend Senate File 2413, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 11, by inserting after line 5, the
- 4 following:
- 5 "Sec. _____. Section 232.19, Code 1989, is amended
- 6 by adding the following new subsection:
- 7 NEW SUBSECTION. 3. Notwithstanding any other
- 8 provision of this chapter, a child shall not be placed
- 9 in detention as a result of a violation by that child
- 10 of section 123.47."
- 11 2. Renumber as necessary.

Amendment H-6025 was adopted.

Trent of Muscatine offered the following amendment H-6024 filed by him and moved its adoption:

H-6024

- 1 Amend Senate File 2413, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 11, line 11, by inserting after the word
- 4 "alcohol" the following: "or controlled substance".

Amendment H-6024 was adopted.

Maulsby of Calhoun offered the following amendment H-6008 filed by him and moved its adoption:

H-6008

- 1 Amend Senate File 2413, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 11, line 22, by striking the word "shall"
- 4 and inserting the following: "may".

Amendment H-6008 was adopted.

Tyrrell of Iowa offered the following amendment H-6051 filed from the floor by Tyrrell, McKean, Branstad, Renken, Banks, Corbett, Garman, Hermann and Iverson and moved its adoption:

H-6051

- 1 Amend Senate File 2413, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 11, by striking line 23, and inserting
- 4 the following: "of suitable space and reading
- 5 material for inmates. For purposes of this section,
- 6 "suitable reading materials" does not include material
- 7 depicting or describing the genitals, sex acts,
- 8 masturbation, excretory functions, or sadomasochistic
- 9 abuse which the average person, taking the material as

10 a whole and applying contemporary community standards
 11 with respect to what is suitable material for inmates,
 12 would find appeals to the prurient interest and is
 13 patently offensive; and the material, taken as a
 14 whole, lacks serious literary, scientific, political,
 15 or artistic value. The director shall consider if the
 16 availability or possession of the material represents
 17 a potential danger to inmates, the community, or to
 18 personnel of the department of corrections. The”.

Amendment H—6051 was adopted, placing out of order lines 18 and 19, page 3, of the committee amendment H—5936A, previously adopted.

Spenner of Henry offered the following amendment H—6052 filed from the floor by Spenner, Hermann, Trent and Halvorson of Clayton and moved its adoption:

H—6052

- 1 Amend Senate File 2413, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking page 11, line 27, through page 12,
- 4 line 14.
- 5 2. By renumbering as necessary.

Amendment H—6052 was adopted, placing out of order lines 20 through 22, page 3, of the committee amendment H—5936A, previously adopted.

Halvorson of Clayton offered the following amendment H—5989 filed by Halvorson of Clayton, et al., and moved its adoption:

H—5989

- 1 Amend Senate File 2413 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 12, by inserting after line 14, the
- 4 following:
- 5 “Sec. _____. Section 246.703, Code 1989, is amended
- 6 by adding the following new unnumbered paragraph:
- 7 NEW UNNUMBERED PARAGRAPH. The director may enter
- 8 into a chapter 28E agreement with a county board of
- 9 supervisors or county conservation board to provide
- 10 inmate services for environmental maintenance
- 11 including but not limited to brush and weed cutting,
- 12 tree planting, and erosion control. The board of
- 13 supervisors or conservation board shall reimburse the
- 14 department of corrections for the allowance paid the
- 15 inmates by the director. The supervision, security,
- 16 and transportation of inmates used pursuant to the

- 17 chapter 28E agreement shall be provided by the
18 department of corrections."
19 2. Renumber as necessary.

Amendment H—5989 was adopted.

McKean of Jones offered the following amendment H—6048 filed by him from the floor and moved its adoption:

H—6048

- 1 Amend Senate File 2413, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 12, by inserting after line 14, the
4 following:
5 "Sec. _____. Section 246.514, unnumbered paragraph
6 2, Code 1989, is amended to read as follows:
7 "Failure to comply with an order issued pursuant to
8 this section may result in the forfeiture of good
9 conduct time, not to exceed one year, earned up to the
10 time of the failure to comply. If good conduct time
11 has not been earned, the person may be determined to
12 be ineligible by the department to earn good conduct
13 time for a period of up to three months."
14 2. Renumber as necessary.

Amendment H—6048 was adopted.

Trent of Muscatine offered the following amendment H—6063 filed by him from the floor and moved its adoption:

H—6063

- 1 Amend Senate File 2413, as amended, passed, and *
2 reprinted by the Senate, as follows:
3 1. Page 12, by striking line 20, and inserting
4 the following: "sentence performing labor in the
5 program. Duties, if possible, shall consist of
6 physical labor outside in plain view of the public.
7 However, an inmate shall not be required to perform
8 work which is beyond an inmate's physical ability,
9 which constitutes a physical hardship, or which is
10 dangerous or threatening to the inmate's life or
11 health, medically prohibited, or unduly painful."

Amendment H—6063 was adopted.

Hansen of Woodbury in the chair at 4:44 p.m.

Trent of Muscatine offered the following amendment H—5995 filed by Trent, et al., and moved its adoption:

H—5995

- 1 Amend Senate File 2413, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 12, by striking lines 15 through 20.
- 4 2. Renumber as necessary.

Roll call was requested by Van Maanen of Mahaska and Bennett of Ida.

On the question "Shall amendment H—5995 be adopted?"
(S.F. 2413)

The ayes were, 36:

Banks	Beaman	Bennett	Branstad
Clark	Corbett	De Groot	Diemer
Eddie	Garman	Halvorson, R. A.	Hanson, D. R.
Harbor	Hermann	Hester	Iverson
Kistler	Kremer	Lageschulte	Lundby
Maulsby	McKean	Metcalf	Miller
Pellett	Petersen, D. F.	Plasier	Renken
Royer	Schnekloth	Shoning	Siegrist
Spenner	Trent	Tyrrell	Van Maanen

The nays were, 50:

Beatty	Bisignano	Black	Brammer
Brand	Brown	Buhr	Chapman
Cohoon	Doderer	Dvorsky	Fey
Fogarty	Groninga	Gruhn	Hammond
Harper	Hatch	Haverland	Hibbard
Jay	Jesse	Jochum	Knapp
Koenigs	Lykam	May	McKinney
Mertz	Muhlbauer	Murphy	Neuhauser
Nielsen	Osterberg	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Shoultz
Spear	Svoboda	Swartz	Tabor
Wise	Hansen, S. D.		
	Presiding		

Absent or not voting, 14:

Adams	Arnould	Avenson, Spkr.	Blanshan
Carpenter	Connors	Daggett	Fuller
Halvorson, R. N.	Holveck	Johnson	Ollie
Stueland	Teaford		

Amendment H—5995 lost.

Trent of Muscatine offered the following amendment H-6001 filed by Trent, et al., and moved its adoption:

H-6001

1 Amend Senate File 2413 as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 12, by inserting after line 20, the
4 following:

5 "Sec. _____. Section 321J.4, subsection 8, Code
6 1989, is amended by striking the subsection.

7 Sec. _____. Section 321J.13, subsection 5, Code
8 Supplement 1989, is amended by striking the
9 subsection.

10 Sec. _____. Section 321J.20, subsection 1, Code
11 1989, is amended by striking the subsection."

12 2. Page 12, by striking line 22, and inserting
13 the following:

14 "The sections of this Act creating a new chapter".

15 3. Page 13, by inserting after line 28, the
16 following:

17 "Sec. _____. NEW SECTION. 321L.3 TEMPORARY
18 RESTRICTED LICENSE.

19 A person whose motor vehicle license has been
20 revoked under chapter 321J and who is not eligible for
21 a temporary restricted license under this chapter may
22 petition the court for an order to the department to
23 require the department to issue a temporary restricted
24 license to the person following the expiration of any
25 minimum revocation period provided for under section
26 321J.20. Notice of and an opportunity to request a
27 hearing on the petition shall be provided to the
28 department and to the prosecuting attorney by the
29 clerk of the district court in the county where the
30 violation resulting in the revocation was committed.
31 If the court determines that any minimum revocation
32 period provided for under section 321J.20 has expired
33 and the temporary restricted license is necessary for
34 the person to maintain the person's employment, the
35 court may order the department to issue to the person
36 a temporary restricted license conditioned upon the
37 person's certification to the court of the
38 installation of approved ignition interlock devices in
39 all motor vehicles that it is necessary for the person
40 to operate to maintain the person's employment. If
41 the person operates a motor vehicle which does not
42 have an approved ignition interlock device or if the
43 person tampers with or circumvents an ignition
44 interlock device, in addition to other penalties
45 provided, the person's temporary restricted license
46 shall be revoked.

47 Sec. _____. NEW SECTION. 321L.4 STATEMENT OF
48 OFFICER.

49 A person who has been requested to submit to a
50 chemical test shall be advised by a peace officer of

Page 2

1 the following:

2 1. If the person refuses to submit to the test,
3 the person's motor vehicle license or operating
4 privilege will be revoked by the department for the
5 applicable period under section 321J.9 and the person
6 will not be eligible for a temporary restricted
7 license until at least the first ninety days of the
8 revocation period have expired.

9 2. If the person submits to the test and the
10 results indicate an alcohol concentration as defined
11 in section 321J.1 of .10 or more, the person's motor
12 vehicle license or operating privilege will be revoked
13 by the department for the applicable period under
14 section 321J.12 and the person will not be eligible
15 for a temporary restricted license until at least the
16 first thirty days of the revocation period have
17 expired.

18 This section does not apply in any case involving a
19 person described in section 321J.7.

20 Sec. _____. **NEW SECTION. 321L.5 STAY OF LICENSE**
21 **REVOCAION BY DEPARTMENT.**

22 Notwithstanding the Iowa administrative procedure
23 Act, chapter 17A, the department shall not stay the
24 revocation of a person's motor vehicle license or
25 operating privilege for the period that the person is
26 contesting the revocation under this section or
27 section 321J.14 unless the first ninety days of the
28 revocation period under section 321J.9 or the first
29 thirty days of a revocation period under 321J.12 have
30 expired.

31 Sec. _____. **NEW SECTION. 321L.6 TEMPORARY**
32 **RESTRICTED LICENSE.**

33 The department may, on application, issue a
34 temporary restricted license to a person whose motor
35 vehicle license is revoked under chapter 321J allowing
36 the person to drive to and from the person's home and
37 specified places at specified times which can be
38 verified by the department and which are required by
39 the person's full-time or part-time employment,
40 continuing health care or the continuing health care
41 of another who is dependent upon the person,
42 continuing education while enrolled in an educational
43 institution on a part-time or full-time basis and
44 while pursuing a course of study leading to a diploma,
45 degree, or other certification of successful
46 educational completion, substance abuse treatment, and
47 court-ordered community service responsibilities if
48 the person's motor vehicle license has not been
49 revoked under section 321J.4, 321J.9, or 321J.12
50 within the previous six years and if any of the

Page 3

1 following apply:

2 a. The person's motor vehicle license is revoked
3 under section 321J.4, subsection 1, 2, 4, or 6.

4 b. The person's motor vehicle license is revoked
5 under section 321J.9, the person has entered a plea of
6 guilty on a charge of a violation of section 321J.2
7 which arose from the same set of circumstances which
8 resulted in the person's motor vehicle license
9 revocation under section 321J.9, the guilty plea is
10 not withdrawn at the time of or after application for
11 the temporary restricted license, and the first ninety
12 days of the revocation period have expired.

13 c. The person's motor vehicle license is revoked
14 under section 321J.12 and the first thirty days of the
15 revocation period have expired.

16 However, a temporary restricted license may be
17 issued if the person's motor vehicle license is
18 revoked under section 321J.9, and the revocation is a
19 second revocation under this chapter, and the first
20 three hundred sixty-five days of the revocation have
21 expired."

22 4. Page 36, by inserting after line 11 the
23 following:

24 "Sec. _____. REPEAL.
25 Section 321J.8, Code 1989, is repealed."

26 5. Page 36, by striking lines 16 through 20, and
27 inserting the following:

28 "The Code editor shall redesignate chapter 321L, as
29 enacted by this Act, in a new and different chapter so
30 that these sections do not conflict with chapter 321L
31 as enacted during the 1989 Session of the General
32 Assembly and as it appears in the 1989 Code
33 Supplement."

34 6. Renumber as necessary.

Roll call was requested by Trent of Muscatine and Harbor of Mills.

On the question "Shall amendment H—6001 be adopted?"
(S.F. 2413)

The ayes were, 42:

- | | | | |
|---------|------------------|------------------|---------------|
| Banks | Beaman | Bennett | Black |
| Brand | Branstad | Carpenter | Clark |
| Corbett | De Groot | Diemer | Eddie |
| Garman | Halvorson, R. A. | Halvorson, R. N. | Hanson, D. R. |
| Harbor | Hermann | Hester | Holveck |
| Iverson | Kistler | Kremer | Lageschulte |
| Lundby | Maulsby | McKean | Metcalf |
| Miller | Pellett | Petersen, D. F. | Plasier |

Renken	Royer	Schnekloth	Shoning
Siegrist	Spenner	Svoboda	Trent
Tyrrell	Van Maanen		

The nays were, 49:

Adams	Arnould	Beatty	Bisignano
Brammer	Brown	Buhr	Chapman
Cohoon	Dvorsky	Fey	Fogarty
Groninga	Gruhn	Hammond	Harper
Hatch	Haverland	Hibbard	Jay
Jesse	Jochum	Knapp	Koenigs
Lykam	May	McKinney	Mertz
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Shultz
Spear	Tabor	Teaford	Wise
Hansen, S. D.			
Presiding			

Absent or not voting, 9:

Avenson, Spkr.	Blanshan	Connors	Daggett
Doderer	Fuller	Johnson	Stueland
Swartz			

Amendment H—6001 lost.

Garman of Story offered amendment H—6013 filed by Garman, et al., and requested division as follows:

H—6013

- 1 Amend Senate File 2413, as amended, passed, and
- 2 reprinted by the Senate, as follows:

H—6013A

- 3 1. Page 12, by inserting after line 20 the
- 4 following:
- 5 "Sec. _____. NEW SECTION. 321J.23 PERSONS UNDER
- 6 AGE TWENTY-ONE.
- 7 If a person under the age of twenty-one consents to
- 8 a chemical test under this chapter and the test
- 9 results indicate an alcohol concentration of more than
- 10 .02 but less than the level established in section
- 11 321J.2, subsection 1, the person's motor vehicle
- 12 license or nonresident operating privilege shall be
- 13 revoked for a period of one year or until the person
- 14 reaches eighteen years of age, whichever is longer, if
- 15 the person is less than eighteen years of age, or for
- 16 thirty days as provided in section 321L.10 if the
- 17 person is at least eighteen years of age but less than
- 18 twenty-one years of age, and sections 321L.10 through

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19 321L.19 apply."

20 2. Page 12, by striking line 22, and inserting
21 the following: "The sections in this Act creating a
22 new chapter".

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23 3. Page 13, by inserting after line 28, the
24 following:

25 "Sec. _____. NEW SECTION. 321L.3 DEFINITIONS.

26 As used in this chapter unless the context
27 otherwise requires:

28 1. "Alcohol concentration" means the number of
29 grams of alcohol per any of the following:

30 a. One hundred milliliters of blood.

31 b. Two hundred ten liters of breath.

32 c. Sixty-seven milliliters of urine.

33 2. "Alcoholic beverage" includes alcohol, wine,
34 spirits, beer, or any other beverage which contains
35 ethyl alcohol and is fit for human consumption.

36 3. "Arrest" includes but is not limited to taking
37 into custody pursuant to section 232.19.

38 4. "Department" means the state department of
39 transportation.

40 5. "Director" means the director of transportation
41 or the director's designee.

42 6. "Motor vehicle license" means any license or
43 permit issued to a person to operate a motor vehicle
44 in this state.

45 7. "Peace officer" means:

46 a. A member of the highway patrol.

47 b. A police officer under civil service as
48 provided in chapter 400.

49 c. A sheriff.

50 d. A regular deputy sheriff who has had formal

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1 police training.

2 e. Any other law enforcement officer who has
3 satisfactorily completed an approved course relating
4 to motor vehicle operators under the influence of
5 alcoholic beverages at the Iowa law enforcement
6 academy or a law enforcement training program approved
7 by the department of public safety.

8 Sec. _____. NEW SECTION. 321L.4 PRELIMINARY
9 SCREENING TEST.

10 When a peace officer has reasonable grounds to
11 believe that a motor vehicle operator under the age of
12 twenty-one may be or has been operating a motor
13 vehicle while having an alcohol concentration as

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14 defined in section 321L.3 of more than .02, the peace
15 officer may request the operator to provide a sample
16 of the operator's breath for a preliminary screening
17 test using a device approved by the commissioner of
18 public safety for that purpose. The results of this
19 preliminary screening test may be used for the purpose
20 of deciding whether an arrest should be made and
21 whether to request a chemical test authorized in this
22 chapter or chapter 321J, as evidence of the presence
23 of alcohol in the operator, and to prove that a
24 chemical test was properly requested of a person
25 pursuant to this chapter or chapter 321J.

26 Sec. _____. NEW SECTION. 321L.5 IMPLIED CONSENT TO
27 TEST.

28 1. A person under the age of twenty-one who
29 operates a motor vehicle in this state under
30 circumstances which give reasonable grounds to believe
31 that the person has been operating a motor vehicle
32 while having an alcohol concentration of more than .02
33 is deemed to have given consent to the withdrawal of
34 specimens of the person's blood, breath, or urine and
35 to a chemical test or tests of the specimens for the
36 purpose of determining the alcohol concentration,
37 subject to this section. The withdrawal of the body
38 substances and the test or tests shall be administered
39 at the written request of a peace officer having
40 reasonable grounds to believe that the person was
41 operating a motor vehicle while having an alcohol
42 concentration of more than .02.

43 2. The peace officer shall determine which of the
44 three substances, breath, blood, or urine, shall be
45 tested. Refusal to submit to a chemical test of urine
46 or breath is deemed a refusal to submit, and section
47 321L.6 applies. A refusal to submit to a chemical
48 test of blood is not deemed a refusal to submit, but
49 in that case, the peace officer shall then determine
50 which one of the other two substances shall be tested

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1 and shall offer the test. If the peace officer fails
2 to offer a test within two hours after the preliminary
3 screening test is administered or refused or the
4 arrest is made, whichever occurs first, a test is not
5 required, and there shall be no revocation under
6 section 321L.8.

7 Sec. _____. NEW SECTION. 321L.6 DEAD OR
8 UNCONSCIOUS PERSONS.

9 A person who is dead, unconscious, or otherwise in
10 a condition rendering the person incapable of consent
11 or refusal is deemed not to have withdrawn the consent

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12 provided by section 321L.5, and the test may be given
13 if a licensed physician certifies in advance of the
14 test that the person is dead, unconscious, or
15 otherwise in a condition rendering that person
16 incapable of consent or refusal.

17 Sec. _____. NEW SECTION. 321L.7 STATEMENT OF
18 OFFICER:

19 A person who has been requested to submit to a
20 chemical test shall be advised by a peace officer of
21 the following:

22 1. If the person refuses to submit to the test and
23 is less than eighteen years of age, the person's
24 license or operating privilege will be revoked by the
25 department for one year or until the person's
26 eighteenth birthday, whichever is longer, without
27 eligibility for a temporary restricted license. If
28 the person refuses to submit to the test and is at
29 least eighteen years of age but less than twenty-one
30 years of age, the person's motor vehicle license or
31 operating privilege will be revoked by the department
32 for ninety days without eligibility for a temporary
33 restricted license.

34 2. If the person submits to the test and the
35 results indicate an alcohol concentration as defined
36 in section 321L.3 of more than .02, and the person is
37 under eighteen years of age, the person's license or
38 operating privilege will be revoked by the department
39 for a period of two hundred seventy days, without
40 eligibility for a temporary restricted license.

41 If the person submits to the test and the results
42 indicate an alcohol concentration as defined in
43 section 321L.3 of more than .02, and the person is at
44 least eighteen years of age but less than twenty-one
45 years of age, the person's motor vehicle license or
46 operating privilege will be revoked by the department
47 for thirty days without eligibility for a temporary
48 restricted license.

49 This section does not apply in any case involving a
50 person described in section 321L.6.

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1 Sec. _____. NEW SECTION. 321L.8 REFUSAL TO SUBMIT
2 - REVOCATION.

3 If a person who is under eighteen years of age
4 refuses to submit to the chemical testing, a test
5 shall not be given, but the department, upon the
6 receipt of the peace officer's certification, subject
7 to penalty for perjury, that the officer had
8 reasonable grounds to believe the person to have been
9 operating a motor vehicle while having an alcohol

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10 concentration of more than .02, and that the person
11 refused to submit to the chemical testing, shall
12 revoke the person's motor vehicle license and any
13 nonresident operating privilege for a period of one
14 year or until the person's eighteenth birthday,
15 whichever is longer.

16 If a person who is at least eighteen years of age
17 but less than twenty-one years of age refuses to
18 submit to the chemical testing, a test shall not be
19 given, but the department, upon the receipt of the
20 peace officer's certification, subject to penalty for
21 perjury, that the officer had reasonable grounds to
22 believe the person to have been operating a motor
23 vehicle while having an alcohol concentration of more
24 than .02, and that the person refused to submit to the
25 chemical testing, shall revoke the person's motor
26 vehicle license and any nonresident operating
27 privilege for a period of ninety days.

28 The effective date of revocation shall be twenty
29 days after receipt of notice of revocation to the
30 person by certified mail or, on behalf of the
31 department, a peace officer offering or directing the
32 administration of a chemical test may serve immediate
33 notice of intention to revoke and of revocation on a
34 person who refuses to permit chemical testing. If the
35 peace officer serves that immediate notice, the peace
36 officer shall take the Iowa license or permit of the
37 driver, if any, and issue a temporary license
38 effective for only twenty days. The peace officer
39 shall immediately send the person's license to the
40 department along with the officer's certificate
41 indicating the person's refusal to submit to chemical
42 testing.

43 Sec. _____. NEW SECTION. 321L.9 TAKING SAMPLE FOR
44 TEST.

45 Only a licensed physician, licensed physician
46 assistant as defined in section 148C.1, medical
47 technologist, or registered nurse, acting at the
48 request of a peace officer, may withdraw a specimen of
49 blood for the purpose of determining the alcohol
50 concentration. However, any peace officer, using

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1 devices and methods approved by the commissioner of
2 public safety, may take a specimen of a person's
3 breath or urine for the purpose of determining the
4 alcohol concentration. Only new equipment kept under
5 strictly sanitary and sterile conditions shall be used
6 for drawing blood.

7 The person may have an independent chemical test or

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8 tests administered at the person's own expense in
9 addition to any administered at the direction of a
10 peace officer. The failure or inability of the person
11 to obtain an independent chemical test or tests does
12 not preclude the admission of evidence of the results
13 of the test or tests administered at the direction of
14 the peace officer. Upon the request of the person who
15 is tested, the results of the test or tests
16 administered at the direction of the peace officer
17 shall be made available to the person.

18 Sec. _____. NEW SECTION. 321L.10 REVOCATION BASED
19 ON TEST RESULTS.

20 Upon certification, subject to penalty for perjury,
21 by the peace officer that there existed reasonable
22 grounds to believe that the person had been operating
23 a motor vehicle while having an alcohol concentration
24 of more than .02, and that the person submitted to
25 chemical testing and the test results indicated an
26 alcohol concentration of more than .02, the department
27 shall revoke the person's motor vehicle license or
28 nonresident operating privilege for a period of two
29 hundred seventy days if the person is less than
30 eighteen years of age, or for a period of thirty days
31 if the person is at least eighteen years of age but
32 less than twenty-one years of age.

33 The effective date of the revocation shall be
34 twenty days after the receipt of notice of revocation
35 to the person by certified mail. The peace officer
36 who requested or directed the administration of the
37 chemical test may, on behalf of the department, serve
38 immediate notice of revocation on a person whose test
39 results indicated an alcohol concentration of more
40 than .02. If the peace officer serves that immediate
41 notice, the peace officer shall take the person's Iowa
42 license or permit, if any, and issue a temporary
43 license valid only for twenty days. The peace officer
44 shall immediately send the person's motor vehicle
45 license to the department along with the officer's
46 certificate indicating that the test results indicated
47 an alcohol concentration of more than .02.

48 The results of a chemical test shall not be used as
49 the basis for a revocation of a person's motor vehicle
50 license or nonresident operating privilege if the

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1 alcohol concentration indicated by the chemical test
2 minus the established margin of error inherent in the
3 device or method used to conduct the chemical test.
4 does not equal an alcohol concentration of more than
5 .02.

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6 Sec. _____. NEW SECTION. 321L.11 HEARING ON
 7 REVOCAION - APPEAL.

8 1. Notice of revocation of a person's motor
 9 vehicle license or operating privilege served pursuant
 10 to section 321L.8 or 321L.10 shall include a form
 11 accompanied by a preaddressed envelope on which the
 12 person served may indicate by a checkmark if the
 13 person wishes to contest the revocation. The form
 14 shall clearly state on its face that the form must be
 15 completed and returned within thirty days of receipt
 16 or the person's right to a hearing to contest the
 17 revocation is foreclosed. The form shall also be
 18 accompanied by a statement of the operation of and the
 19 person's rights under this chapter.

20 2. The department shall grant the person an
 21 opportunity to be heard within forty-five days of
 22 receipt of a request for a hearing if the request is
 23 made not later than thirty days after receipt of
 24 notice of revocation served pursuant to section 321L.8
 25 or 321L.10. The hearing shall be before the
 26 department in the county where the alleged events
 27 occurred, unless the director and the person agree
 28 that the hearing may be held in some other county, or
 29 the hearing may be held by telephone conference at the
 30 discretion of the agency conducting the hearing. The
 31 hearing may be recorded and its scope shall be limited
 32 to the issues of whether a peace officer had
 33 reasonable grounds to believe that the person was
 34 operating a motor vehicle while having an alcohol
 35 concentration of more than .02 and either of the
 36 following:

37 a. Whether the person refused to submit to the
 38 test or tests.

39 b. Whether a test was administered and the test
 40 results indicated an alcohol concentration of more
 41 than .02.

42 3. After the hearing the department shall order
 43 that the revocation be either rescinded or sustained.
 44 Upon receipt of the decision of the department to
 45 sustain a revocation, the person contesting the
 46 revocation has ten days to file a request for review
 47 of the decision by the director. The director or the
 48 director's designee shall review the decision within
 49 fifteen days and shall either rescind or sustain the
 50 revocation or order a new hearing. If the director

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1 orders a new hearing, the department shall grant the
 2 person a new hearing within thirty days of the
 3 director's order.

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4 Sec. _____. NEW SECTION. 321L.12 JUDICIAL REVIEW.

5 Judicial review of an action of the department may
6 be sought in accordance with chapter 17A.

7 Notwithstanding the terms of the Iowa administrative
8 procedure Act, chapter 17A, a petition for judicial
9 review may be filed in the district court in the
10 county where the alleged events occurred or in the
11 county in which the administrative hearing was held.

12 Sec. _____. NEW SECTION. 321L.13 EVIDENCE IN ANY
13 ACTION.

14 Upon the trial of a civil or criminal action or
15 proceeding arising out of acts alleged to have been
16 committed by a person while operating a motor vehicle
17 while having an alcohol concentration of more than
18 .02, evidence of the alcohol concentration in the
19 person's body substances at the time of the act
20 alleged as shown by a chemical analysis of the
21 person's blood, breath, or urine is admissible. If it
22 is established at trial that an analysis of a breath
23 specimen was performed by a certified operator using a
24 device and methods approved by the commissioner of
25 public safety, no further foundation is necessary for
26 introduction of the evidence.

27 Sec. _____. NEW SECTION. 321L.14 PROOF OF REFUSAL
28 ADMISSIBLE.

29 If a person refuses to submit to a chemical test,
30 proof of refusal is admissible in any civil or
31 criminal action or proceeding arising out of acts
32 alleged to have been committed while the person was
33 operating a motor vehicle while having an alcohol
34 concentration of more than .02.

35 Sec. _____. NEW SECTION. 321L.15 CIVIL PENALTY --
36 SEPARATE FUND - REINSTATEMENT.

37 When the department revokes a person's motor
38 vehicle license or nonresident operating privilege
39 under this chapter, the department shall assess the
40 person a civil penalty of one hundred dollars. The
41 money collected by the department under this section
42 shall be transmitted to the treasurer of state who
43 shall deposit the money in a separate fund dedicated
44 to and used for the purposes of chapter 912 and
45 section 709.10. A motor vehicle license or
46 nonresident operating privilege shall not be
47 reinstated until the civil penalty has been paid.

48 Sec. _____. NEW SECTION. 321L.16 OTHER EVIDENCE.

49 This chapter does not limit the introduction of any
50 competent evidence bearing on the question of whether

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1 a person was under the influence of an alcoholic
2 beverage, including the results of chemical tests of

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3 specimens of blood, breath or urine obtained more than
4 two hours after the person was operating a motor
5 vehicle.

6 Sec. _____. NEW SECTION. 321L.17 INFORMATION
7 RELAYED TO OTHER STATES.

8 When it has been finally determined under this
9 chapter that a nonresident's privilege to operate a
10 motor vehicle in this state has been revoked or
11 denied, the department shall give information in
12 writing of the action taken to the official in charge
13 of traffic control or public safety of the state of
14 the person's residence and of any state in which the
15 person has a license.

16 Sec. _____. NEW SECTION. 321L.18 TEMPORARY
17 RESTRICTED LICENSE PROHIBITED.

18 A person whose motor vehicle license has been
19 revoked under this chapter is not eligible for a
20 temporary restricted license during the period of
21 revocation.

22 Sec. _____. NEW SECTION. 321L.19 DRIVING WHILE
23 LICENSE DENIED OR REVOKED.

24 A person whose motor vehicle license or nonresident
25 operating privilege has been denied or revoked as
26 provided in this chapter and who drives a motor
27 vehicle upon the highways of this state while the
28 license or privilege is denied or revoked commits a
29 serious misdemeanor. The department, upon receiving
30 the record of the conviction of a person under this
31 section upon a charge of driving a motor vehicle while
32 the license of the person was revoked or denied, shall
33 extend the period of revocation or denial for an
34 additional like period, and the department shall not
35 issue a new license during the additional period."

36 4. Page 36, by striking lines 16 through 20 and
37 inserting the following:

38 "The Code editor shall redesignate chapter 321L, as
39 enacted in this Act, in a new or different chapter so
40 that this chapter does not conflict with chapter 321L,
41 as enacted during the 1989 Session of the General
42 Assembly and as it appears in the 1989 Code
43 Supplement."

44 5. By renumbering as necessary.

Garman of Story asked and received unanimous consent to with-
draw amendment H-6013A.

Diemer of Black Hawk offered the following amendment H-6035
filed by Diemer, et al.:

H-6035

1 Amend Senate File 2413, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 12, by inserting after line 20, the
4 following:

5 "Sec. _____. Section 260.6, Code Supplement 1989, is
6 amended by adding the following new unnumbered
7 paragraph:

8 **NEW UNNUMBERED PARAGRAPH.** A practitioner's license
9 shall be revoked upon the conviction of the
10 practitioner for the crime or crimes of possession,
11 manufacture, or sale of a controlled substance under
12 sections 204.401 through 204.413."

13 2. By renumbering as necessary.

Wise of Lee rose on a point of order that amendment H-6035 was not germane.

The Speaker ruled the point well taken and amendment H-6035 not germane.

McKean of Jones offered the following amendment H-6009 filed by him and Hermann of Scott and moved its adoption:

H-6009

1 Amend Senate File 2413, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 12, by striking lines 21 through 26 and
4 inserting the following:

5 "Sec. _____. **NEW SECTION. 321L.1 DEFINITIONS.**

6 As used in this chapter unless the context
7 otherwise requires:

8 1. "Alcohol concentration" means the number of
9 grams of alcohol per any of the following:

- 10 a. One hundred milliliters of blood.
11 b. Two hundred ten liters of breath.
12 c. Sixty-seven milliliters of urine.

13 2. "Alcoholic beverage" includes alcohol, wine,
14 spirits, beer, or any other beverage which contains
15 ethyl alcohol and is fit for human consumption.

16 3. "Arrest" includes but is not limited to taking
17 into custody pursuant to section 232.19.

18 4. "Department" means the state department of
19 transportation.

20 5. "Director" means the director of transportation
21 or the director's designee.

22 6. "Motor vehicle license" means any license or
23 permit issued to a person to operate a motor vehicle
24 in this state, including but not limited to an
25 operator, chauffeur, or motorized bicycle license and
26 an instruction or temporary permit.

- 27 7. "Peace officer" means:
 28 a. A member of the highway patrol.
 29 b. A police officer under civil service as
 30 provided in chapter 400.
 31 c. A sheriff.
 32 d. A regular deputy sheriff who has had formal
 33 police training.
 34 e. Any other law enforcement officer who has
 35 satisfactorily completed an approved course relating
 36 to motor vehicle operators under the influence of
 37 alcoholic beverages at the Iowa law enforcement
 38 academy or a law enforcement training program approved
 39 by the department of public safety.
- 40 8. "Serious injury" means a bodily injury which
 41 creates a substantial risk of death, or which causes
 42 serious permanent disfigurement, or which causes
 43 protracted loss or impairment of the function of any
 44 bodily organ or major bodily member, or which causes
 45 the loss of any bodily member."
- 46 2. Page 12, line 27, by striking the figure
 47 "321L.1" and inserting the following: "321L.1A".
- 48 3. Page 12, line 32, by striking the figure
 49 "321J.2" and inserting the following: "321L.2A".
- 50 4. Page 13, by inserting after line 28 the

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- 1 following:
- 2 "Sec. _____. NEW SECTION. 321L.2A OPERATING WHILE
 3 UNDER THE INFLUENCE OF ALCOHOL OR A DRUG OR WHILE
 4 HAVING AN ALCOHOL CONCENTRATION OF .08 OR MORE. (OWI)
- 5 1. A person commits the offense of operating while
 6 intoxicated if the person operates a motor vehicle in
 7 this state in either of the following conditions:
 8 a. While under the influence of an alcoholic
 9 beverage or other drug or a combination of such
 10 substances.
- 11 b. While having an alcohol concentration as
 12 defined in section 321L.2 of .08 or more.
- 13 2. A person who violates this section commits:
 14 a. A serious misdemeanor for the first offense and
 15 shall be imprisoned in the county jail for not less
 16 than forty-eight hours to be served as ordered by the
 17 court, less credit for any time the person was
 18 confined in a jail or detention facility following
 19 arrest, and assessed a fine of not less than five
 20 hundred dollars nor more than one thousand dollars.
 21 As an alternative to a portion or all of the fine, the
 22 court may order the person to perform not more than
 23 two hundred hours of unpaid community service. The
 24 court may accommodate the sentence to the work
 25 schedule of the defendant.

26 b. An aggravated misdemeanor for a second offense
27 and shall be imprisoned in the county jail or
28 community-based correctional facility not less than
29 seven days, which minimum term cannot be suspended
30 notwithstanding section 901.5, subsection 3 and
31 section 907.3, subsection 3, and assessed a fine of
32 not less than seven hundred fifty dollars.

33 c. A class "D" felony for a third offense and each
34 subsequent offense and shall be imprisoned in the
35 county jail for a determinate sentence of not more
36 than one year but not less than thirty days, or
37 committed to the custody of the director of the
38 department of corrections, and assessed a fine of not
39 less than seven hundred fifty dollars. The minimum
40 jail term of thirty days cannot be suspended
41 notwithstanding section 901.5, subsection 3, and
42 section 907.3, subsection 3, however, the person
43 sentenced shall receive credit for any time the person
44 was confined in a jail or detention facility following
45 arrest. If a person is committed to the custody of
46 the director of the department of corrections pursuant
47 to this paragraph and the sentence is suspended, the
48 sentencing court shall order that the offender serve
49 the thirty-day minimum term in the county jail. If
50 the sentence which commits the person to the custody

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1 of the director of the department of corrections is
2 later imposed by the court, all time served in a
3 county jail toward the thirty-day minimum term shall
4 count as time served toward the sentence which
5 committed the person to the custody of the director of
6 the department of corrections. A person convicted of
7 a second or subsequent offense shall be ordered to
8 undergo a substance abuse evaluation prior to
9 sentencing. If a person is convicted of a third or
10 subsequent offense or if the evaluation recommends
11 treatment, the offender may be committed to the
12 custody of the director of the department of
13 corrections, who, if the sentence is not suspended,
14 shall assign the person to a facility pursuant to
15 section 246.513 or the offender may be committed to
16 treatment in the community under the provisions of
17 section 907.6.

18 3. No conviction for, deferred judgment for, or
19 plea of guilty to, a violation of this section which
20 occurred more than six years prior to the date of the
21 violation charged shall be considered in determining
22 that the violation charged is a second, third, or
23 subsequent offense. For the purpose of determining if
24 a violation charged is a second, third, or subsequent

25 offense, deferred judgments pursuant to section 907.3
26 for violations of this section and convictions or the
27 equivalent of deferred judgments for violations in any
28 other states under statutes substantially
29 corresponding to this section shall be counted as
30 previous offenses. The courts shall judicially notice
31 the statutes of other states which define offenses
32 substantially equivalent to the one defined in this
33 section and can therefore be considered corresponding
34 statutes. Each previous violation shall be considered
35 a separate previous offense without regard to whether
36 each was complete as to commission and conviction or
37 deferral of judgment following or prior to any other
38 previous violation.

39 4. A person shall not be convicted and sentenced
40 for more than one violation of this section if the
41 violation is shown to have been committed by either or
42 both of the means described in subsection 1 in the
43 same occurrence.

44 5. The clerk of court shall immediately certify to
45 the department a true copy of each order entered with
46 respect to deferral of judgment, deferral of sentence
47 or pronouncement of judgment and sentence for a
48 defendant under this section.

49 6. This section does not apply to a person
50 operating a motor vehicle while under the influence of

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1 a drug if the substance was prescribed for the person
2 and was taken under the prescription and in accordance
3 with the directions of a medical practitioner as
4 defined in chapter 155A, if there is no evidence of
5 the consumption of alcohol and the medical
6 practitioner had not directed the person to refrain
7 from operating a motor vehicle.

8 7. In any prosecution under this section, evidence
9 of the results of analysis of a specimen of the
10 defendant's blood, breath, or urine is admissible upon
11 proof of a proper foundation. The alcohol
12 concentration established by the results of an
13 analysis of a specimen of the defendant's blood,
14 breath, or urine withdrawn within two hours after the
15 defendant was driving or in physical control of a
16 motor vehicle is presumed to be the alcohol
17 concentration at the time of driving or being in
18 physical control of the motor vehicle.

19 8. The court shall order a defendant convicted of
20 or receiving a deferred judgment for a violation of
21 this section to make restitution, in an amount not to
22 exceed two thousand dollars, for damages resulting
23 directly from the violation. An amount paid pursuant

24 to this restitution order shall be credited toward any
25 adverse judgment in a subsequent civil proceeding
26 arising from the same occurrence. However, other than
27 establishing a credit, a restitution proceeding
28 pursuant to this section shall not be given
29 evidentiary or preclusive effect in a subsequent civil
30 proceeding arising from the same occurrence.

31 9. In any prosecution under this section, the
32 results of a chemical test may not be used to prove a
33 violation of paragraph "b" of subsection 1 if the
34 alcohol concentration indicated by the chemical test
35 minus the established margin of error inherent in the
36 device or method used to conduct the chemical test
37 does not equal an alcohol concentration of .08 or
38 more.

39 Sec. _____. NEW SECTION. 321L.3 COURT ORDERED
40 SUBSTANCE ABUSE EVALUATION OR TREATMENT.

41 1. On a conviction for a violation of section
42 321L.2A, the court may order the defendant to attend a
43 course for drinking drivers under section 321L.22. If
44 the defendant submitted to a chemical test on arrest
45 for the violation of section 321L.2A and the test
46 indicated an alcohol concentration of .20 or higher,
47 or if the defendant is charged with a second or
48 subsequent offense, the court shall order the
49 defendant, on conviction, to undergo a substance abuse
50 evaluation and the court may order the defendant to

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1 follow the recommendations proposed in the substance
2 abuse evaluation for appropriate substance abuse
3 treatment for the defendant. Court-ordered substance
4 abuse treatment is subject to the periodic reporting
5 requirements of section 125.86. If a defendant is
6 committed by the court to a substance abuse treatment
7 facility, the administrator of the facility shall
8 report to the court when it is determined that the
9 defendant has received the maximum benefit of
10 treatment at the facility and the defendant shall be
11 released from the facility. The time for which the
12 defendant is committed for treatment shall be credited
13 against the defendant's sentence. The court may
14 prescribe the length of time for the evaluation and
15 treatment or it may request that the area school
16 conducting the course for drinking drivers which the
17 person is ordered to attend or the treatment program
18 to which the person is committed immediately report to
19 the court when the person has received maximum benefit
20 from the course for drinking drivers or treatment
21 program or has recovered from the person's addiction,
22 dependency, or tendency to chronically abuse alcohol

23 or drugs. A person committed under this section who
 24 does not possess sufficient income or estate to make
 25 payment of the costs of the treatment in whole or in
 26 part shall be considered a state patient and the costs
 27 of treatment shall be paid as provided in section
 28 125.44. A defendant who fails to carry out the order
 29 of the court or who fails to successfully complete or
 30 attend a course for drinking drivers or an ordered
 31 substance abuse treatment program shall be confined in
 32 the county jail for twenty days in addition to any
 33 other imprisonment ordered by the court or may be
 34 ordered to perform unpaid community service work, and
 35 shall be placed on probation for one year with a
 36 violation of this probation punishable as contempt of
 37 court.

38 2. As a condition of a suspended sentence or
 39 portion of sentence for a second, third, or subsequent
 40 offense in violation of section 321L.2A, the court
 41 upon hearing may commit the defendant for inpatient
 42 treatment of alcoholism or drug addiction or
 43 dependency to any hospital, institution, or community
 44 correctional facility in Iowa providing such
 45 treatment. The time for which the defendant is
 46 committed for treatment shall be credited against the
 47 defendant's sentence. The court may prescribe the
 48 length of time for the evaluation and treatment or it
 49 may request that the hospital to which the person is
 50 committed immediately report to the court when the

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1 person has received maximum benefit from the program
 2 of the hospital or institution or has recovered from
 3 the person's addiction, dependency, or tendency to
 4 chronically abuse alcohol or drugs. A person
 5 committed under this section who does not possess
 6 sufficient income or estate to make payment of the
 7 costs of the treatment in whole or in part shall be
 8 considered a state patient and the costs of treatment
 9 shall be paid as provided in section 125.44.

10 Sec. _____. **NEW SECTION. 321L.4 REVOCATION OF**
 11 **LICENSE – IGNITION INTERLOCK DEVICES – CONDITIONAL**
 12 **TEMPORARY RESTRICTED LICENSE.**

13 1. If a defendant is convicted of a violation of
 14 section 321L.2A and the defendant's motor vehicle
 15 license or nonresident operating privilege has not
 16 been revoked under section 321L.9 or 321L.12 for the
 17 occurrence from which the arrest arose, the department
 18 shall revoke the defendant's motor vehicle license or
 19 nonresident operating privilege for one hundred eighty
 20 days if the defendant has had no previous conviction
 21 under section 321L.2A or revocation under section

22 321L.9 or 321L.12 within the previous six years and
23 for one year if the defendant has had one or more
24 previous convictions or revocations under those
25 sections within the previous six years.

26 2. If the court defers judgment pursuant to
27 section 907.3 for a violation of section 321L.2A, the
28 court shall order the department to revoke the
29 defendant's motor vehicle license or nonresident
30 operating privilege for a period of not less than
31 thirty days nor more than ninety days if the
32 defendant's motor vehicle license or nonresident
33 operating privilege has not been revoked under section
34 321L.9 or 321L.12 for the occurrence from which the
35 arrest arose. The court shall immediately require the
36 defendant to surrender to it all Iowa licenses or
37 permits held by the defendant, which the court shall
38 forward to the department with a copy of the order
39 deferring judgment.

40 3. a. Upon a plea or verdict of guilty of a third
41 or subsequent violation of section 321L.2A, the court
42 shall order the department to revoke the defendant's
43 motor vehicle license or nonresident operating
44 privilege for a period of six years. The court shall
45 require the defendant to surrender to it all Iowa
46 licenses or permits held by the defendant, which the
47 court shall forward to the department with a copy of
48 the order for revocation.

49 b. After two years from the date of the order for
50 revocation, the defendant may apply to the court for

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1 restoration of the defendant's eligibility for a motor
2 vehicle license. The application may be granted only
3 if all of the following are shown by the defendant by
4 a preponderance of the evidence:

5 (1) The defendant has completed an evaluation and,
6 if recommended by the evaluation, a program of
7 treatment for chemical dependency and is recovering,
8 or has substantially recovered, from that dependency
9 on or tendency to abuse alcohol or drugs.

10 (2) The defendant has not been convicted, since
11 the date of the revocation order, of any subsequent
12 violations of section 321L.2A or 123.46, or any
13 comparable city or county ordinance, and the defendant
14 has not, since the date of the revocation order,
15 submitted to a chemical test under this chapter that
16 indicated an alcohol concentration as defined in
17 section 321L.1 of .08 or more, or refused to submit to
18 chemical testing under this chapter.

19 (3) The defendant has abstained from the excessive
20 consumption of alcoholic beverages and the consumption

21 of controlled substances, except at the direction of a
22 licensed physician or pursuant to a valid
23 prescription.

24 (4) The defendant's motor vehicle license is not
25 currently subject to suspension or revocation for any
26 other reason.

27 c. The court shall forward to the department a
28 record of any application submitted under paragraph
29 "b" and the results of the court's disposition of the
30 application.

31 4. Upon a plea or verdict of guilty of a violation
32 of section 321L.2A which involved a personal injury,
33 the court shall determine in open court, from
34 consideration of the information in the file and any
35 other evidence the parties may submit, whether a
36 serious injury was sustained by any person other than
37 the defendant and, if so, whether the defendant's
38 conduct in violation of section 321L.2A caused the
39 serious injury. If the court so determines, the court
40 shall order the department to revoke the defendant's
41 motor vehicle license or nonresident operating
42 privilege for a period of one year in addition to any
43 other period of suspension or revocation. The
44 defendant shall surrender to the court any Iowa
45 license or permit and the court shall forward it to
46 the department with a copy of the order for
47 revocation.

48 5. Upon a plea or verdict of guilty of a violation
49 of section 321L.2A which involved a death, the court
50 shall determine in open court, from consideration of

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1 the information in the file and any other evidence the
2 parties may submit, whether a death occurred and, if
3 so, whether the defendant's conduct in violation of
4 section 321L.2A caused the death. If the court so
5 determines, the court shall order the department to
6 revoke the defendant's motor vehicle license or
7 nonresident operating privilege for a period of six
8 years. The defendant shall surrender to the court any
9 Iowa license or permit and the court shall forward it
10 to the department with a copy of the order for
11 revocation.

12 6. If a license or permit to operate a motor
13 vehicle is revoked or denied under this section or
14 section 321L.9 or 321L.12, the period of revocation or
15 denial shall be the period provided for such a
16 revocation or until the defendant reaches the age of
17 eighteen whichever period is longer.

18 7. On a conviction for or as a condition of a
19 deferred judgment for a violation of section 321L.2A,

20 the court may order the defendant to install ignition
21 interlock devices of a type approved by the
22 commissioner of public safety on all motor vehicles
23 owned or operated by the defendant which, without
24 tampering or the intervention of another person, would
25 prevent the defendant from operating the motor vehicle
26 with an alcohol concentration greater than a level set
27 by rule of the commissioner of public safety. The
28 commissioner of public safety shall adopt rules to
29 approve certain ignition interlock devices and the
30 means of installation of the devices, and shall
31 establish the level of alcohol concentration beyond
32 which an ignition interlock device will not allow
33 operation of the motor vehicle in which it is
34 installed. The order shall remain in effect for a
35 period of time as determined by the court which shall
36 not exceed the maximum term of imprisonment which the
37 court could have imposed according to the nature of
38 the violation. While the order is in effect, the
39 defendant shall not operate a motor vehicle which does
40 not have an approved ignition interlock device
41 installed. If the defendant's motor vehicle license
42 or nonresident operating privilege has been revoked,
43 the department shall not issue a temporary permit or a
44 motor vehicle license to the person without
45 certification that approved ignition interlock devices
46 have been installed in all motor vehicles owned or
47 operated by the defendant while the order is in
48 effect. A defendant who fails within a reasonable
49 time to comply with an order to install an approved
50 ignition interlock device may be declared in contempt

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1 of court and punished accordingly. A person who
2 tampers with or circumvents an ignition interlock
3 device installed under a court order while an order is
4 in effect commits a serious misdemeanor.

5 8. A person whose motor vehicle license has been
6 revoked under this chapter and who is not eligible for
7 a temporary restricted license under this chapter may
8 petition the court for an order to the department to
9 require the department to issue a temporary restricted
10 license to the person. The court shall determine if
11 the temporary restricted license is necessary for the
12 person to maintain the person's present employment.
13 If the court determines that the temporary restricted
14 license is necessary for the person to maintain the
15 person's present employment, the court shall order the
16 department to issue to the person a temporary
17 restricted license conditioned upon the person's
18 certification to the court of the installation of

19 approved ignition interlock devices in all motor
20 vehicles that it is necessary for the person to
21 operate to maintain the person's present employment.
22 If the person operates a motor vehicle which does not
23 have an approved ignition interlock device or if the
24 person tampers with or circumvents an ignition
25 interlock device, in addition to other penalties
26 provided, the person's temporary restricted license
27 shall be revoked.

28 Sec. _____. NEW SECTION. 321L.5 PRELIMINARY
29 SCREENING TEST.

30 When a peace officer has reasonable grounds to
31 believe that a motor vehicle operator may be violating
32 or has violated section 321L.2A, or the operator has
33 been involved in a motor vehicle collision resulting
34 in injury or death, the peace officer may request the
35 operator to provide a sample of the operator's breath
36 for a preliminary screening test using a device
37 approved by the commissioner of public safety for that
38 purpose. The results of this preliminary screening
39 test may be used for the purpose of deciding whether
40 an arrest should be made and whether to request a
41 chemical test authorized in this chapter, but shall
42 not be used in any court action except to prove that a
43 chemical test was properly requested of a person
44 pursuant to this chapter.

45 Sec. _____. NEW SECTION. 321L.6 IMPLIED CONSENT TO
46 TEST.

47 1. A person who operates a motor vehicle in this
48 state under circumstances which give reasonable
49 grounds to believe that the person has been operating
50 a motor vehicle in violation of section 321L.2A is

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1 deemed to have given consent to the withdrawal of
2 specimens of the person's blood, breath, or urine and
3 to a chemical test or tests of the specimens for the
4 purpose of determining the alcohol concentration or
5 presence of drugs, subject to this section. The
6 withdrawal of the body substances and the test or
7 tests shall be administered at the written request of
8 a peace officer having reasonable grounds to believe
9 that the person was operating a motor vehicle in
10 violation of section 321L.2A, and if any of the
11 following conditions exist:

- 12 a. A peace officer has lawfully placed the person
13 under arrest for violation of section 321L.2A.
- 14 b. The person has been involved in a motor vehicle
15 accident or collision resulting in personal injury or
16 death.

17 c. The person has refused to take a preliminary
18 breath screening test provided by this chapter.

19 d. The preliminary breath screening test was
20 administered and it indicated an alcohol concentration
21 as defined in section 321L.1 of .08 or more.

22 e. The preliminary breath screening test was
23 administered and it indicated an alcohol concentration
24 of less than .08 and the peace officer has reasonable
25 grounds to believe that the person was under the
26 influence of a drug other than alcohol or a
27 combination of alcohol and another drug.

28 2. The peace officer shall determine which of the
29 three substances, breath, blood, or urine, shall be
30 tested. Refusal to submit to a chemical test of urine
31 or breath is deemed a refusal to submit, and section
32 321L.9 applies. A refusal to submit to a chemical
33 test of blood is not deemed a refusal to submit, but
34 in that case, the peace officer shall then determine
35 which one of the other two substances shall be tested
36 and shall offer the test. If the peace officer fails
37 to offer a test within two hours after the preliminary
38 screening test is administered or refused or the
39 arrest is made, whichever occurs first, a test is not
40 required, and there shall be no revocation under
41 section 321L.9.

42 3. Notwithstanding subsection 2, if the peace
43 officer has reasonable grounds to believe that the
44 person was under the influence of a drug other than
45 alcohol or a combination of alcohol and another drug,
46 a urine test may be required even after a blood or
47 breath test has been administered. Section 321L.9
48 applies to a refusal to submit to a chemical test of
49 urine requested under this subsection.

50 Sec. _____. NEW SECTION. 321L.7 DEAD OR

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1 UNCONSCIOUS PERSONS.

2 A person who is dead, unconscious, or otherwise in
3 a condition rendering the person incapable of consent
4 or refusal is deemed not to have withdrawn the consent
5 provided by section 321L.6, and the test may be given
6 if a licensed physician certifies in advance of the
7 test that the person is dead, unconscious, or
8 otherwise in a condition rendering that person
9 incapable of consent or refusal.

10 Sec. _____. NEW SECTION. 321L.8 STATEMENT OF
11 OFFICER.

12 A person who has been requested to submit to a
13 chemical test shall be advised by a peace officer of
14 the following:

15 1. If the person refuses to submit to the test,
16 the person's license or operating privilege will be
17 revoked by the department for the applicable period
18 under section 321L.9.

19 2. If the person submits to the test and the
20 results indicate an alcohol concentration as defined
21 in section 321L.1 of .08 or more, the person's license
22 or operating privilege will be revoked by the
23 department for the applicable period under section
24 321L.12.

25 This section does not apply in any case involving a
26 person described in section 321L.7.

27 Sec. _____. NEW SECTION. 321L.9 REFUSAL TO SUBMIT
28 — REVOCATION.

29 If a person refuses to submit to the chemical
30 testing, a test shall not be given, but the
31 department, upon the receipt of the peace officer's
32 certification, subject to penalty for perjury, that
33 the officer had reasonable grounds to believe the
34 person to have been operating a motor vehicle in
35 violation of section 321L.2A, that specified
36 conditions existed for chemical testing pursuant to
37 section 321L.6, and that the person refused to submit
38 to the chemical testing, shall revoke the person's
39 motor vehicle license and any nonresident operating
40 privilege for a period of two hundred forty days if
41 the person has no previous revocation within the
42 previous six years under this chapter; and five
43 hundred forty days if the person has one or more
44 previous revocations within the previous six years
45 under this chapter; or if the person is a resident
46 without a license or permit to operate a motor vehicle
47 in this state, the department shall deny to the person
48 the issuance of a license or permit for the same
49 period a license or permit would be revoked, subject
50 to review as provided in this chapter. The effective

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1 date of revocation shall be twenty days after the
2 department has mailed notice of revocation to the
3 person by certified mail or, on behalf of the
4 department, a peace officer offering or directing the
5 administration of a chemical test may serve immediate
6 notice of intention to revoke and of revocation on a
7 person who refuses to permit chemical testing. If the
8 peace officer serves that immediate notice, the peace
9 officer shall take the Iowa license or permit of the
10 driver, if any, and issue a temporary license
11 effective for only twenty days. The peace officer
12 shall immediately send the person's license to the
13 department along with the officer's certificate

14 indicating the person's refusal to submit to chemical
15 testing.
16 Sec. _____. NEW SECTION. 321L.10 TESTS PURSUANT TO
17 WARRANTS.

18 1. Refusal to consent to a test under section
19 321L.6 does not prohibit the withdrawal of a specimen
20 for chemical testing pursuant to a search warrant
21 issued in the investigation of a suspected violation
22 of section 707.5 if all of the following grounds
23 exist:

24 a. A traffic accident has resulted in a death or
25 personal injury reasonably likely to cause death.
26 b. There are reasonable grounds to believe that
27 one or more of the persons whose driving may have been
28 the proximate cause of the accident was violating
29 section 321L.2A at the time of the accident.

30 2. Search warrants may be issued under this
31 section in full compliance with chapter 808 or they
32 may be issued under subsection 3.

33 3. Notwithstanding section 808.3, the issuance of
34 a search warrant under this section may be based upon
35 sworn oral testimony communicated by telephone if the
36 magistrate who is asked to issue the warrant is
37 satisfied that the circumstances make it reasonable to
38 dispense with a written affidavit. The following
39 shall then apply:

40 a. When a caller applies for the issuance of a
41 warrant under this section and the magistrate becomes
42 aware of the purpose of the call, the magistrate shall
43 place under oath the person applying for the warrant.

44 b. The person applying for the warrant shall
45 prepare a duplicate warrant and read the duplicate
46 warrant, verbatim, to the magistrate who shall enter,
47 verbatim, what is read to the magistrate on a form
48 that will be considered the original warrant. The
49 magistrate may direct that the warrant be modified.

50 c. The oral application testimony shall set forth

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1 facts and information tending to establish the
2 existence of the grounds for the warrant and shall
3 describe with a reasonable degree of specificity the
4 person or persons whose driving is believed to have
5 been the proximate cause of the accident and from whom
6 a specimen is to be withdrawn and the location where
7 the withdrawal of the specimen or specimens is to take
8 place.

9 d. If a voice recording device is available, the
10 magistrate may record by means of that device all of
11 the call after the magistrate becomes aware of the
12 purpose of the call. Otherwise, the magistrate shall

13 cause a stenographic or longhand memorandum to be made
14 of the oral testimony of the person applying for the
15 warrant.

16 e. If the magistrate is satisfied from the oral
17 testimony that the grounds for the warrant exist or
18 that there is probable cause to believe that they
19 exist, the magistrate shall order the issuance of the
20 warrant by directing the person applying for the
21 warrant to sign the magistrate's name on the duplicate
22 warrant. The magistrate shall immediately sign the
23 original warrant and enter on its face the exact time
24 when the issuance was ordered.

25 f. The person who executes the warrant shall enter
26 the time of execution on the face of the duplicate
27 warrant.

28 g. The magistrate shall cause any record of the
29 call made by means of a voice recording device to be
30 transcribed, shall certify the accuracy of the
31 transcript, and shall file the transcript and the
32 original record with the clerk. If a stenographic or
33 longhand memorandum was made of the oral testimony of
34 the person who applied for the warrant, the magistrate
35 shall file a signed copy with the clerk.

36 h. The clerk of court shall maintain the original
37 and duplicate warrants along with the record of the
38 telephone call and any transcript or memorandum made
39 of the call in a confidential file until a charge, if
40 any, is filed.

41 4. Search warrants issued under this section shall
42 authorize and direct peace officers to secure the
43 withdrawal of blood specimens by medical personnel
44 under section 321L.11. Reasonable care shall be
45 exercised to ensure the health and safety of the
46 persons from whom specimens are withdrawn in execution
47 of the warrants. If a person from whom a specimen is
48 to be withdrawn objects to the withdrawal of blood,
49 and the person is capable of giving a specimen of
50 breath, and a direct breath testing instrument is

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1 readily available, the warrant may be executed by the
2 withdrawal of a specimen of breath for chemical
3 testing.

4 5. The act of any person knowingly resisting or
5 obstructing the withdrawal of a specimen pursuant to a
6 search warrant issued under this section constitutes a
7 contempt punishable by a fine not exceeding one
8 thousand dollars or imprisonment in a county jail not
9 exceeding one year or by both such fine and
10 imprisonment. Also, if the withdrawal of a specimen
11 is so resisted or obstructed, sections 321L.9 and
12 321L.16 apply.

13 6. Nonsubstantive variances between the contents
14 of the original and duplicate warrants shall not cause
15 a warrant issued under subsection 3 of this section to
16 be considered invalid.

17 7. Specimens obtained pursuant to warrants issued
18 under this section are not subject to disposition
19 under section 808.9 or chapter 809.

20 8. Subsections 1 to 7 of this section do not apply
21 where a test may be administered under section 321L.7.

22 9. Medical personnel who use reasonable care and
23 accepted medical practices in withdrawing blood
24 specimens are immune from liability for their actions
25 in complying with requests made of them pursuant to
26 search warrants or pursuant to section 321L.11.

27 Sec. _____. NEW SECTION. 321L.11 TAKING SAMPLE FOR
28 TEST.

29 Only a licensed physician, licensed physician
30 assistant as defined in section 148C.1, medical
31 technologist, or registered nurse, acting at the
32 request of a peace officer, may withdraw a specimen of
33 blood for the purpose of determining the alcohol
34 concentration or the presence of drugs. However, any
35 peace officer, using devices and methods approved by
36 the commissioner of public safety, may take a specimen
37 of a person's breath or urine for the purpose of
38 determining the alcohol concentration or the presence
39 of drugs. Only new equipment kept under strictly
40 sanitary and sterile conditions shall be used for
41 drawing blood.

42 The person may have an independent chemical test or
43 tests administered at the person's own expense in
44 addition to any administered at the direction of a
45 peace officer. The failure or inability of the person
46 to obtain an independent chemical test or tests does
47 not preclude the admission of evidence of the results
48 of the test or tests administered at the direction of
49 the peace officer. Upon the request of the person who
50 is tested, the results of the test or tests

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1 administered at the direction of the peace officer
2 shall be made available to the person.

3 Sec. _____. NEW SECTION. 321L.12 TEST RESULT
4 REVOCATION.

5 Upon certification, subject to penalty for perjury,
6 by the peace officer that there existed reasonable
7 grounds to believe that the person had been operating
8 a motor vehicle in violation of section 321L.2A, that
9 there existed one or more of the necessary conditions
10 for chemical testing described in section 321L.6,
11 subsection 1, and that the person submitted to

12 chemical testing and the test results indicated an
13 alcohol concentration as defined in section 321L.1 of
14 .08 or more, the department shall revoke the person's
15 motor vehicle license or nonresident operating
16 privilege for a period of one hundred eighty days if
17 the person has had no revocation within the previous
18 six years under this chapter, and one year if the
19 person has had one or more previous revocations within
20 the previous six years under this chapter.

21 The effective date of the revocation shall be
22 twenty days after the department has mailed notice of
23 revocation to the person by certified mail. The peace
24 officer who requested or directed the administration
25 of the chemical test may, on behalf of the department,
26 serve immediate notice of revocation on a person whose
27 test results indicated an alcohol concentration of .08
28 or more.

29 If the peace officer serves that immediate notice,
30 the peace officer shall take the person's Iowa license
31 or permit, if any, and issue a temporary license valid
32 only for twenty days. The peace officer shall
33 immediately send the person's driver's license to the
34 department along with the officer's certificate
35 indicating that the test results indicated an alcohol
36 concentration of .08 or more.

37 The results of a chemical test may not be used as
38 the basis for a revocation of a person's motor vehicle
39 license or nonresident operating privilege if the
40 alcohol concentration indicated by the chemical test
41 minus the established margin of error inherent in the
42 device or method used to conduct the chemical test
43 does not equal an alcohol concentration of .08 or
44 more.

45 Sec. _____. NEW SECTION. 321L.13 HEARING ON
46 REVOCATION - APPEAL.

47 1. Notice of revocation of a person's motor
48 vehicle license or operating privilege served pursuant
49 to section 321L.9 or 321L.12 shall include a form
50 accompanied by a preaddressed envelope on which the

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1 person served may indicate by a checkmark if the
2 person wishes to request a temporary restricted
3 license only or if the person wishes a hearing to
4 contest the revocation. The form shall clearly state
5 on its face that the form must be completed and
6 returned within thirty days of receipt or the person's
7 right to a hearing to contest the revocation is
8 foreclosed. The form shall also be accompanied by a
9 statement of the operation of and the person's rights
10 under this chapter.

11 2. The department shall grant the person an
12 opportunity to be heard within forty-five days of
13 receipt of a request for a hearing if the request is
14 made not later than thirty days after receipt of
15 notice of revocation served pursuant to section 321L.9
16 or 321L.12. The hearing shall be before the
17 department in the county where the alleged events
18 occurred, unless the director and the person agree
19 that the hearing may be held in some other county, or
20 the hearing may be held by telephone conference at the
21 discretion of the agency conducting the hearing. The
22 hearing may be recorded and its scope shall be limited
23 to the issues of whether a peace officer had
24 reasonable grounds to believe that the person was
25 operating a motor vehicle in violation of section
26 321L.2 and either of the following:

27 a. Whether the person refused to submit to the
28 test or tests.

29 b. Whether a test was administered and the test
30 results indicated an alcohol concentration as defined
31 in section 321L.1 of .08 or more.

32 3. After the hearing the department shall order
33 that the revocation be either rescinded or sustained.
34 If the revocation is sustained, the administrative law
35 judge who conducted the hearing may issue a temporary
36 restricted license to the person whose motor vehicle
37 license or operating privilege was revoked. Upon
38 receipt of the decision of the department to sustain a
39 revocation, the person contesting the revocation has
40 ten days to file a request for review of the decision
41 by the director. The director or the director's
42 designee shall review the decision within fifteen days
43 and shall either rescind or sustain the revocation or
44 order a new hearing. If the director orders a new
45 hearing, the department shall grant the person a new
46 hearing within thirty days of the director's order.

47 4. A person whose motor vehicle license or
48 operating privilege has been or is being revoked under
49 section 321L.9 or 321L.12 may reopen a department
50 hearing on the revocation if the person submits a

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1 petition stating that new evidence has been discovered
2 which provides grounds for rescission of the
3 revocation, or prevail at the hearing to rescind the
4 revocation, if the person submits a petition stating
5 that a criminal action on a charge of a violation of
6 section 321L.2A filed as a result of the same
7 circumstances which resulted in the revocation has
8 resulted in a decision in which the court has held
9 that the peace officer did not have reasonable grounds

10 to believe that a violation of section 321L.2A had
11 occurred to support a request for or to administer a
12 chemical test or which has held the chemical test to
13 be otherwise inadmissible or invalid. Such a decision
14 by the court is binding on the department and the
15 department shall rescind the revocation.

16 5. The department shall stay the revocation of a
17 person's motor vehicle license or operating privilege
18 for the period that the person is contesting the
19 revocation under this section or section 321L.14 if it
20 is shown to the satisfaction of the department that
21 the new evidence is material and that there were valid
22 reasons for failure to present it in the contested
23 case proceeding before the department.

24 6. If the department fails to comply with the time
25 limitations of this section regarding granting a
26 hearing, review by the director or the director's
27 designee, or granting a new hearing, and if the
28 request for a hearing or review by the director was
29 properly made under this section, the revocation of
30 the motor vehicle license or operating privilege of
31 the person who made the request for a hearing or
32 review shall be rescinded. This subsection shall not
33 apply in those cases in which a continuance to the
34 hearing has been granted at the request of either the
35 person who requested the hearing or the peace officer
36 who requested or administered the chemical test.

37 Sec. _____. NEW SECTION. 321L.14 JUDICIAL REVIEW.

38 Judicial review of an action of the department may
39 be sought in accordance with the terms of the Iowa
40 administrative procedure Act, chapter 17A.
41 Notwithstanding the terms of that chapter, a petition
42 for judicial review may be filed in the district court
43 in the county where the alleged events occurred or in
44 the county in which the administrative hearing was
45 held.

46 Sec. _____. NEW SECTION. 321L.15 EVIDENCE IN ANY
47 ACTION.

48 Upon the trial of a civil or criminal action or
49 proceeding arising out of acts alleged to have been
50 committed by a person while operating a motor vehicle

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1 in violation of section 321L.2A, evidence of the
2 alcohol concentration or the presence of drugs in the
3 person's body substances at the time of the act
4 alleged as shown by a chemical analysis of the
5 person's blood, breath, or urine is admissible. If it
6 is established at trial that an analysis of a breath
7 specimen was performed by a certified operator using a
8 device and methods approved by the commissioner of

9 public safety, no further foundation is necessary for
10 introduction of the evidence.

11 Sec. _____. NEW SECTION. 321L.16 PROOF OF REFUSAL
12 ADMISSIBLE.

13 If a person refuses to submit to a chemical test,
14 proof of refusal is admissible in any civil or
15 criminal action or proceeding arising out of acts
16 alleged to have been committed while the person was
17 operating a motor vehicle in violation of section
18 321L.2A.

19 Sec. _____. NEW SECTION. 321L.17 CIVIL PENALTY -
20 SEPARATE FUND - REINSTATEMENT.

21 When the department revokes a person's motor
22 vehicle license or nonresident operating privilege
23 under this chapter, the department shall assess the
24 person a civil penalty of one hundred dollars. The
25 money collected by the department under this section
26 shall be transmitted to the treasurer of state who
27 shall deposit the money in a separate fund dedicated
28 to and used for the purposes of chapter 912 and
29 section 709.10, and for the operation of a missing
30 person clearinghouse and domestic abuse registry by
31 the department of public safety. Notwithstanding
32 section 8.33, any balance in the fund on June 30 of
33 any fiscal year shall not revert to the general fund
34 of the state. A temporary restricted license shall
35 not be issued or a motor vehicle license or
36 nonresident operating privilege reinstated until the
37 civil penalty has been paid.

38 Sec. _____. NEW SECTION. 321L.18 OTHER EVIDENCE.

39 This chapter does not limit the introduction of any
40 competent evidence bearing on the question of whether
41 a person was under the influence of an alcoholic
42 beverage or a drug, including the results of chemical
43 tests of specimens of blood, breath or urine obtained
44 more than two hours after the person was operating a
45 motor vehicle.

46 Sec. _____. NEW SECTION. 321L.19 INFORMATION
47 RELAYED TO OTHER STATES.

48 When it has been finally determined under this
49 chapter that a nonresident's privilege to operate a
50 motor vehicle in this state has been revoked or

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1 denied, the department shall give information in
2 writing of the action taken to the official in charge
3 of traffic control or public safety of the state of
4 the person's residence and of any state in which the
5 person has a license.

6 Sec. _____. NEW SECTION. 321L.20 TEMPORARY
7 RESTRICTED LICENSE.

8 1. The department may, on application, issue a
9 temporary restricted license to a person whose motor
10 vehicle license is revoked under this chapter allowing
11 the person to drive to and from the person's home and
12 specified places at specified times which can be
13 verified by the department and which are required by
14 the person's full-time or part-time employment,
15 continuing health care or the continuing health care
16 of another who is dependent upon the person,
17 continuing education while enrolled in an educational
18 institution on a part-time or full-time basis and
19 while pursuing a course of study leading to a diploma,
20 degree, or other certification of successful
21 educational completion, substance abuse treatment, and
22 court-ordered community service responsibilities if
23 the person's motor vehicle license has not been
24 revoked under 321L.4, 321L.9, or 321L.12 within the
25 previous six years and if any of the following apply:

26 a. The person's motor vehicle license is revoked
27 under section 321L.4, subsection 1, 2, 4, or 6.

28 b. The person's motor vehicle license is revoked
29 under section 321L.9 and the person has entered a plea
30 of guilty on a charge of a violation of section
31 321L.2A which arose from the same set of circumstances
32 which resulted in the person's motor vehicle license
33 revocation under section 321L.9 and the guilty plea is
34 not withdrawn at the time of or after application for
35 the temporary restricted license.

36 c. The person's motor vehicle license is revoked
37 under section 321L.12.

38 However, a temporary restricted license may be
39 issued if the person's motor vehicle license is
40 revoked under section 321L.9, and the revocation is a
41 second revocation under this chapter, and the first
42 three hundred and sixty days of the revocation have
43 expired.

44 2. This section does not apply to a person whose
45 license was revoked under section 321L.4, subsection 3
46 or 5, or to a person whose license is suspended or
47 revoked for another reason.

48 3. A person holding a temporary restricted license
49 issued by the department under this section shall not
50 operate a motor vehicle for pleasure.

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1 Sec. _____. NEW SECTION. 321L.21 DRIVING WHILE
2 LICENSE DENIED OR REVOKED.
3 A person whose motor vehicle license or nonresident
4 operating privilege has been denied or revoked as
5 provided in this chapter and who drives a motor
6 vehicle upon the highways of this state while the

7 license or privilege is denied or revoked commits a
 8 serious misdemeanor. The department, upon receiving
 9 the record of the conviction of a person under this
 10 section upon a charge of driving a motor vehicle while
 11 the license of the person was revoked or denied, shall
 12 extend the period of revocation or denial for an
 13 additional like period, and the department shall not
 14 issue a new license during the additional period.

15 Sec. _____. **NEW SECTION. 321L.22 COURT-ORDERED**
 16 **DRINKING DRIVERS COURSE.**

17 1. As used in this section, unless the context
 18 otherwise requires:

19 a. "Course for drinking drivers" means an approved
 20 course designed to inform the offender about drinking
 21 and driving and encourage the offender to assess the
 22 offender's own drinking and driving behavior in order
 23 to select practical alternatives.

24 b. "Satisfactory completion of a course" means
 25 receiving at the completion of a course a grade from
 26 the course instructor of "C" or "2.0," or better.

27 2. After a conviction for, or a plea of guilty of,
 28 a violation of section 321L.2A, the court in addition
 29 to its power to commit the defendant for treatment of
 30 alcoholism under section 321L.3, may order the
 31 defendant, at the defendant's own expense, to enroll
 32 in, attend, and successfully complete a course for
 33 drinking drivers. The court may alternatively or
 34 additionally require the defendant to seek evaluation,
 35 treatment or rehabilitation services under section
 36 125.33 at the defendant's expense and to furnish
 37 evidence of successful completion. A copy of the
 38 order shall be forwarded to the department.

39 3. The course provided in this section shall be
 40 offered on a regular basis at each area school as
 41 defined in section 280A.2. Enrollment in the courses
 42 is not limited to persons ordered to enroll, attend
 43 and successfully complete the course under subsection
 44 2, and any person convicted of a violation of section
 45 321L.2A who was not ordered to enroll in a course may
 46 enroll in and attend a course for drinking drivers.
 47 The course required by this section shall be taught by
 48 the area schools under the department of education and
 49 approved by the department. The department of
 50 education shall establish reasonable fees to defray

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1 the expense of obtaining classroom space, instructor
 2 salaries, and class materials. A person shall not be
 3 denied enrollment in a course by reason of the
 4 person's indigency.

5 4. An employer shall not discharge a person from
6 employment solely for the reason of work absence to
7 attend a course required by this section. Any
8 employer who violates this section is liable for
9 damages which include but are not limited to actual
10 damages, court costs, and reasonable attorney fees.
11 The person may also petition the court for imposition
12 of a cease and desist order against the person's
13 employer and for reinstatement to the person's
14 previous position of employment.

15 5. The department of education shall prepare a
16 list of the locations of the courses taught under this
17 section, the dates and times taught, the procedure for
18 enrollment, and the schedule of course fees. The list
19 shall be kept current and a copy of the list shall be
20 sent to each court having jurisdiction over offenses
21 provided in this chapter.

22 6. The department of education shall maintain
23 enrollment, attendance, successful and unsuccessful
24 completion data on the persons ordered to enroll,
25 attend and successfully complete a course for drinking
26 drivers. This data shall be forwarded to the court."

27 5. Page 36, by striking lines 16 through 20 and
28 inserting the following:

29 "The Code editor shall redesignate chapter 321L as
30 enacted in this Act, in a new chapter or different
31 chapter so that these sections do not conflict with
32 chapter 321L as enacted during the 1989 Session of the
33 General Assembly and as it appears in the 1989 Code
34 Supplement.

35 Sec. _____. Chapter 321J is repealed."

36 6. Renumber as necessary.

Roll call was requested by McKean of Jones and Van Maanen of Mahaska.

Rule 75 was invoked.

On the question "Shall amendment H-6009 be adopted?"
(S.F. 2413)

The ayes were, 55:

Adams	Banks	Beaman	Bennett
Black	Brand	Branstad	Carpenter
Clark	Corbett	De Groot	Diemer
Doderer	Eddie	Fogarty	Garman
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Iverson
Kistler	Kremer	Lageschulte	Lundby
Maulsby	McKean	Mertz	Metcalf

Miller	Neuhauser	Ollie	Osterberg
Pellett	Petersen, D. F.	Plasier	Renken
Royer	Schnekloth	Shoning	Siegrist
Spear	Svoboda	Teaford	Trent
Tyrrell	Van Maanen	Hansen, S. D.	
		Presiding	

The nays were, 41:

Arnould	Avenson, Spkr.	Beatty	Bisignano
Blanshan	Brammer	Brown	Buhr
Chapman	Cohoon	Connors	Dvorsky
Fey	Groninga	Hammond	Hibbard
Jay	Jesse	Jochum	Knapp
Koenigs	Lykam	May	McKinney
Muhlbauer	Murphy	Nielsen	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Schrader	Shearer	Sherzan
Shoultz	Spenner	Swartz	Tabor
Wise			

Absent or not voting, 4:

Daggett	Fuller	Johnson	Stueland
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Amendment H—6009 was adopted, placing out of order lines 9 and 10 of amendment H—5983, previously adopted, found on page 1778 of the House Journal.

Beaman of Clarke offered the following amendment H—5992 filed by him and moved its adoption:

H—5992

- 1 Amend Senate File 2413, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking page 12, line 33, through page 13,
- 4 line 7, and inserting the following: "consecutive
- 5 days."

A non-record roll call was requested.

The ayes were 41, nays 47.

Amendment H—5992 lost.

Rosenberg of Story offered the following amendment H—5998 filed by him:

H—5998

- 1 Amend Senate File 2413, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 13, by striking lines 10 through 28, and
- 4 inserting the following:

- 5 "Failure to attend or complete a course for
6 drinking drivers, or a substance abuse treatment
7 program as ordered by the court is punishable as
8 contempt of court."
9 2. Page 24, by inserting after line 15 the
10 following:
11 "Sec. _____. NEW SECTION. 809.17 PROCEEDS APPLIED
12 TO TAXES AND SUBSTANCE ABUSE PROGRAMS.
13 Except as provided in section 809.21, proceeds from
14 the disposal of seized or forfeited property pursuant
15 to this chapter shall be transferred to the Iowa
16 department of public health for funding of youth
17 education, prevention, and treatment programs for
18 substance abusers."
19 3. Page 27, line 10, by striking the words
20 "substance abuse" and inserting the following:
21 "treatment".
22 4. Renumber as necessary.

Trent of Muscatine asked and received unanimous consent to withdraw amendment H—6039, to amendment H—5998, filed by him on April 2, 1990.

Trent of Muscatine offered the following amendment H—6043, to amendment H—5998, filed by him and Rosenberg of Story and moved its adoption:

H—6043

- 1 Amend the amendment, H—5998, to Senate File 2413,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, line 12, by striking the words "TAXES
5 AND SUBSTANCE ABUSE" and inserting the following:
6 "VARIOUS".
7 2. Page 1, line 15, by inserting after the word
8 "be" the following: "divided equally and".
9 3. Page 1, line 18, by inserting after the word
10 "abusers" the following: ", to the department of
11 public safety for funding for law enforcement of drug
12 offenses, and to the department of education for
13 funding of drunk driving prevention and education
14 programs".

Amendment H—6043 was adopted.

Rosenberg of Story moved the adoption of amendment H—5998, as amended.

Roll call was requested by Lundby of Linn and Spenner of Henry.

On the question "Shall amendment H—5998, as amended, be adopted?" (S.F. 2413)

The ayes were, 66:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cohoon	Connors
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Groninga	Gruhn
Hammond	Hanson, D. R.	Harper	Hatch
Haverland	Hibbard	Holveck	Jay
Jesse	Jochum	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lykam
Maulsby	May	McKinney	Mertz
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Shoning
Spear	Svoboda	Teaford	Trent
Wise	Hansen, S. D. Presiding		

The nays were, 23:

Banks	Bennett	Corbett	Fogarty
Garman	Halvorson, R. A.	Harbor	Hester
Iverson	Lundby	McKean	Metcalf
Pellett	Petersen, D. F.	Plasier	Poncy
Renken	Royer	Schneklath	Siegrist
Spenner	Tyrrell	Van Maanen	

Absent or not voting, 11:

Avenson, Spkr.	Blanshan	Daggett	Fuller
Halvorson, R. N.	Hermann	Johnson	Shoultz
Stueland	Swartz	Tabor	

Amendment H—5998, as amended, was adopted.

The House resumed consideration of amendment H—6013B.

Garman of Story moved the adoption of amendment H—6013B.

Roll call was requested by Garman of Story and Van Maanen of Mahaska.

Rule 75 was invoked.

On the question "Shall amendment H—6013B be adopted?" (S.F. 2413)

The ayes were, 38:

Banks	Beaman	Bennett	Branstad
Buhr	Clark	Corbett	De Groot
Garman	Halvorson, R. A.	Hanson, D. R.	Harbor
Hermann	Hester	Hibbard	Iverson
Jesse	Kistler	Kremer	Lageschulte
Maulsby	McKean	Metcalf	Miller
Pellett	Petersen, D. F.	Poncy	Renken
Royer	Schnekloth	Shoning	Siegrist
Spenner	Svoboda	Trent	Tyrrell
Van Maanen	Wise		

The nays were, 53:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Carpenter	Chapman
Cohoon	Connors	Dvorsky	Eddie
Fey	Fogarty	Groninga	Gruhn
Halvorson, R. N.	Hammond	Harper	Hatch
Haverland	Holveck	Jay	Jochum
Knapp	Koenigs	Lundby	Lykam
May	McKinney	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Pavich
Peters	Peterson, M. K.	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Shoultz
Spear	Swartz	Tabor	Teaford
Hansen, S. D.			
Presiding			

Absent or not voting, 9:

Daggett	Diemer	Doderer	Fuller
Johnson	Mertz	Osterberg	Plasier
Stueland			

Amendment H—6013B lost.

Speaker Avenson in the chair at 6:20 p.m.

Jesse of Jasper offered the following amendment H—6062 filed from the floor by Jesse, Brown and Osterberg and moved its adoption:

H—6062

- 1 Amend Senate File 2413, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 13, by inserting after line 28 the fol-
- 4 lowing:
- 5 "Sec. _____. NEW SECTION. 321L.3 SEIZURE OF
- 6 VEHICLE.
- 7 Upon a plea or verdict of guilty of a third or
- 8 subsequent violation of section 321J.2, which occurs
- 9 while the person's license is suspended or revoked

10 pursuant to chapter 321J, the court shall order the
11 defendant to surrender to the state department of
12 transportation, the motor vehicle operated by the
13 defendant at the time of the third or subsequent
14 violation.

15 However, the court shall stay such order upon proof
16 by the owner or co-owner of the vehicle, if other than
17 the defendant, that the owner or co-owner was not
18 aware that the defendant's motor vehicle license was
19 suspended or revoked pursuant to chapter 321J, or that
20 the defendant operated the motor vehicle without the
21 owner's or co-owner's knowledge or permission."

22 2. Renumber as necessary.

Amendment H-6062 was adopted.

The Speaker announced that amendment H-6044 filed by Svoboda of Tama on April 2, 1990 was out of order with the adoption of the committee amendment H-5936A.

Tyrrell of Iowa offered the following amendment H-6010 filed by him and moved its adoption:

H-6010

1 Amend Senate File 2413, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 23, by inserting after line 6, the
4 following:

5 "Sec. _____. NEW SECTION. 708.12 ASSAULT AGAINST A
6 PEACE OR CORRECTIONAL OFFICER.

7 A person who commits an assault, as defined in
8 section 708.1, against a peace officer or correctional
9 officer in the performance of the officer's duty, is
10 guilty of a class "D" felony."

11 2. Renumber as necessary.

Amendment H-6010 lost.

Iverson of Wright offered the following amendment H-5996 filed by Iverson, et al., and moved its adoption:

H-5996

1 Amend Senate File 2413, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 25, by striking lines 1 through 9.

Amendment H-5996 was adopted.

Bennett of Ida offered the following amendment H-5987 filed by him and Maulsby of Calhoun and moved its adoption:

H—5987

1 Amend Senate File 2413 as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 27, by inserting after line 15, the
4 following:

5 "Sec. _____. Section 903A.5, unnumbered paragraph 1,
6 Code 1989, is amended to read as follows:

7 An inmate shall not be discharged from the custody
8 of the director of the Iowa department of corrections
9 until the inmate has served the full term for which
10 the inmate was sentenced, less good conduct time
11 earned and not forfeited, unless the inmate is
12 pardoned or otherwise legally released. Good conduct
13 time earned and not forfeited shall apply to reduce a
14 mandatory minimum sentence being served pursuant to
15 section ~~204.406, 204.413, 902.7, 902.8, or 906.5~~. An
16 inmate shall be deemed to be serving the sentence from
17 the day on which the inmate is received into the
18 institution. However, if an inmate was confined to a
19 county jail or other correctional or mental facility
20 at any time prior to sentencing, or after sentencing
21 but prior to the case having been decided on appeal,
22 because of failure to furnish bail or because of being
23 charged with a nonbailable offense, the inmate shall
24 be given credit for the days already served upon the
25 term of the sentence. The clerk of the district court
26 of the county from which the inmate was sentenced,
27 shall certify to the warden the number of days so
28 served."

29 2. Renumber as necessary.

Amendment H—5987 was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Holveck of Polk, for the remainder of the evening, on request of Arnould of Scott.

Clark of Cerro Gordo offered the following amendment H—6006 filed by her and moved its adoption:

H—6006

1 Amend Senate File 2413 as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking page 27, line 22, through page 29,
4 line 11.

5 2. By renumbering as necessary.

Amendment H—6006 was adopted.

Trent of Muscatine offered the following amendment H—5993 filed by him and moved its adoption:

H—5993

- 1 Amend Senate File 2413, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking page 30, line 3, through page 32,
- 4 line 5.
- 5 2. Renumber as necessary.

Roll call was requested by Trent of Muscatine and Bennett of Ida.

On the question "Shall amendment H—5993 be adopted?"
(S.F. 2413)

The ayes were, 34:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	De Groot
Diemer	Garman	Halvorson, R. A.	Hanson, D. R.
Harbor	Hermann	Hester	Iverson
Kistler	Kremer	Lageschulte	Lundby
Maulsby	McKean	Miller	Pellett
Petersen, D. F.	Renken	Royer	Schnekloth
Shoning	Siegrist	Spenner	Trent
Tyrrell	Van Maanen		

The nays were, 56:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Chapman	Cphoon
Connors	Doderer	Dvorsky	Fey
Fogarty	Groninga	Gruhn	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hibbard	Jay	Jesse	Jochum
Knapp	Koenigs	May	McKinney
Mertz	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Schrader	Shearer	Sherzan
Shoultz	Spear	Svoboda	Swartz
Tabor	Teaford	Wise	Mr. Speaker
			Avenson

Absent or not voting, 10:

Daggett	Eddie	Fuller	Halvorson, R. N.
Holveck	Johnson	Lykam	Metcalf
Plasier	Stueland		

Amendment H—5993 lost.

Jay of Appanoose offered the following amendment H—6040 filed by him and Sherzan of Polk and moved its adoption:

H-6040

- 1 Amend Senate File 2413, as amended, passed, and
2 reprinted by the Senate as follows:
3 1. Page 36, by inserting after line 11 the
4 following:
5 "Sec. _____. ALTERNATIVE DRUG TESTING FOR OFFICERS.
6 The department of public safety shall develop a
7 plan for the implementation of alternative drug
8 testing programs for law enforcement, parole, and
9 probation officers. The plan shall be submitted to
10 the general assembly by January 15, 1991, in a form
11 which could be adopted and implemented by the
12 department of public safety or individual law
13 enforcement agencies throughout the state."
14 2. By renumbering as necessary.

Amendment H-6040 was adopted.

Halvorson of Clayton offered amendment H-6071 filed from the floor by Halvorson of Clayton, Sherzan and Knapp and requested division as follows:

H-6071

- 1 Amend Senate File 2413 as amended, passed, and
2 reprinted by the Senate, as follows:

H-6071A

- 3 1. Page 1, line 24, by inserting after the word
4 "services" the following: "or an inmate providing
5 services pursuant to a chapter 28E agreement entered
6 into pursuant to section 246.703."
7 2. Page 1, line 32, by inserting after the word
8 "services," the following: "or an inmate providing
9 services pursuant to a chapter 28E agreement entered
10 into pursuant to section 246.703."
11 3. Page 2, line 7, by inserting after the word
12 "services," the following: "or in connection with the
13 provision of services pursuant to a chapter 28E
14 agreement entered into pursuant to section 246.703."
15 4. Page 2, line 25, by inserting after the word
16 "services," the following: "or in connection with the
17 provision of services pursuant to a chapter 28E
18 agreement entered into pursuant to section 246.703."

H-6071B

- 19 5. Page 12, by inserting after line 14, the
20 following:
21 "Sec. _____. Section 246.703, Code 1989, is amended
22 by adding the following new unnumbered paragraph:

H-6071B

23 NEW UNNUMBERED PARAGRAPH. The director may enter
24 into a chapter 28E agreement with a county board of
25 supervisors or county conservation board to provide
26 inmate services for environmental maintenance
27 including but not limited to brush and weed cutting,
28 tree planting, and erosion control. The board of
29 supervisors or conservation board shall reimburse the
30 department of corrections for the allowance paid the
31 inmates by the director. The supervision, security,
32 and transportation of inmates used pursuant to the
33 chapter 28E agreement shall be provided by the
34 department of corrections."
35 6. Renumber as necessary.

On motion by Halvorson of Clayton, amendment H-6071A was adopted.

Svoboda of Tama offered the following amendment H-6077 filed by her from the floor and moved its adoption:

H-6077

1 Amend Senate File 2413, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 3, by inserting after line 8, the
4 following:
5 "Sec. _____. Section 123.50, subsection 4, Code
6 Supplement 1989, is amended to read as follows:
7 4. A person, other than a licensee or permittee or
8 a minor, who violates section 123.47 is guilty of a
9 serious misdemeanor punishable by a minimum fine of
10 one hundred dollars for a first offense, two hundred
11 and fifty dollars for a second offense, and five
12 hundred dollars for a third and subsequent offense,
13 and a maximum fine for any offense of not more than
14 one thousand dollars.
15 A person age eighteen or under who is guilty of
16 possessing any alcoholic liquor, wine, or beer in
17 violation of section 123.47, in addition to the
18 penalty provided in section 123.90, shall participate
19 in a substance abuse treatment program as ordered by
20 the court for at least three months."
21 2. Renumber as necessary.

Amendment H-6077 lost.

The House resumed consideration of amendment H-6071B.

Halvorson of Clayton asked and received unanimous consent to withdraw amendment H-6071B, found on pages 1828 and 1829 of the House Journal.

Jay of Appanoose offered the following amendment H—6058 filed by him from the floor and moved its adoption:

H—6058

- 1 Amend Senate File 2413 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Title page, by striking page 1, line 1 through
- 4 page 2, line 12, and inserting the following: "An Act
- 5 relating to certain criminal offenses, providing for
- 6 the disposition, confinement, detention, and treatment
- 7 of certain offenders, providing protections for
- 8 certain victims or potential victims, providing for
- 9 the identification of certain precursor drugs,
- 10 establishing a tax on certain substances, providing
- 11 certain tax incentives relating to employment of
- 12 certain offenders, providing for victim reparation,
- 13 and providing penalties and an effective date."

Amendment H—6058 was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Adams of Hamilton, until her return, on request of Arnould of Scott.

Jay of Appanoose moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2413)

The ayes were, 92:

Arnould	Banks	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Iverson	Jay	Jesse
Jochum	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer

Schnekloth	Schrader	Sherzan	Shoning
Siegrist	Spear	Spenner	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, 2:

Shearer	Shoultz
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Absent or not voting, 6:

Adams	Daggett	Fuller	Holveck
Johnson	Stueland		

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

IMMEDIATE MESSAGE
(Senate File 2413)

Arnould of Scott asked and received unanimous consent that Senate File 2413 be immediately messaged to the Senate.

RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules to immediately consider Senate File 2423, not eligible for debate today.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received is on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Senate File 2423, a bill for an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for educational and cultural programs of this state, providing effective dates, and providing retroactive applicability.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—6066 April 3, 1990.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 3, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2009, a bill for an act relating to elections, providing that an eligible elector residing in a precinct may register to vote at the polling place on election day, providing verification procedures, providing a durational residency requirement for voting, and increasing the penalty for improper voting.

Also: That the Senate has on April 3, 1990, amended and adopted the following resolution in which the concurrence of the House is asked:

House Concurrent Resolution 112, a concurrent resolution relating to the board of regents' ten-year building program and providing for the financing of fire and life safety and deferred maintenance projects.

Also: That the Senate has on April 3, 1990, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2114, a bill for an act relating to the updating of references to the federal Internal Revenue Code, relating to income tax and the computation of net income, increasing the tax credit allowed for certain research activities, providing an effective date, and providing certain retroactive applicability dates.

Also: That the Senate has on April 3, 1990, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2329, a bill for an act relating to implied consent to test persons operating commercial motor vehicles, to motor vehicle registration fees by allowing semi-annual installment payments of registration fees for certain commercial vehicles, and to the use and issuance of motor vehicle licenses including provisions authorizing the issuance of commercial driver's licenses, setting fees for issuance of motor vehicle licenses, providing penalties, and making penalties applicable.

Also: That the Senate has on April 3, 1990, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2408, a bill for an act relating to and making appropriations to the justice system.

JOHN F. DWYER, Secretary

CONSIDERATION OF BILLS Appropriations Calendar

Senate File 2423, a bill for an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for educational and cultural programs of this state, providing effective dates, and providing retroactive applicability, with report of committee recommending amendment and passage was taken up for consideration.

Hatch of Polk offered the following amendment H — 6066 filed by the committee on appropriations:

H-6066

1 Amend Senate File 2423, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 13, by striking the figure
4 "468,735" and inserting the following: "398,735".

5 2. Page 3, line 3, by striking the figure
6 "321,600" and inserting the following: "286,600".

7 3. Page 4, line 15, by striking the figure
8 "2,520,100" and inserting the following: "2,570,100".

9 4. Page 4, by striking lines 29 through 35.

10 5. Page 5, line 4, by striking the figure
11 "350,000" and inserting the following: "250,000".

12 6. Page 8, by inserting after line 17, the
13 following:

14 "_____. VOCATIONAL AGRICULTURE YOUTH ORGANIZATION

15 To assist a vocational agriculture youth
16 organization sponsored by the schools to support the
17 foundation established by that vocational agriculture
18 youth organization:

19 \$ 50,000".

20 7. Page 10, line 1, by striking the figure
21 "3,175,215" and inserting the following: "3,200,215".

22 8. Page 10, line 12, by striking the figure "20"
23 and inserting the following: "10".

24 9. Page 10, line 15, by striking the figure
25 "643,053" and inserting the following: "368,413".

26 10. Page 29, by striking lines 28 through 34, and
27 inserting the following:

28 "Sec. _____.

29 There is appropriated from the general fund of the
30 state to the Iowa department of public health for the
31 fiscal year beginning July 1, 1990, and ending June
32 30, 1991, the following amount, or so much thereof as
33 may be necessary, to be used for purposes of
34 administering a graduate nursing grant program at
35 accredited private colleges or universities:

36 \$ 225,000

37 As a condition, limitation, and qualification of
38 the funds appropriated in this paragraph, the moneys
39 appropriated shall be used specifically for instructor
40 salaries, equipment, student services, or rural
41 recruitment. At least 80 percent of the students
42 enrolled in the program shall be Iowa residents. All
43 program participants shall be licensed to practice
44 nursing in Iowa. The Iowa department of public health
45 shall be responsible for the oversight and
46 administration of the program.

47 As a condition, limitation, and qualification of
48 the funds appropriated in this section the Iowa
49 department of public health shall adopt rules for
50 administration of the graduate nursing grant program."

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1 11. Page 30, by inserting after line 15 the
2 following:

3 "Sec. _____.

4 Notwithstanding the allocation of phase III moneys
5 under sections 294A.14 and 294A.25, for the fiscal
6 year beginning July 1, 1990, prior to the allocation
7 to school districts and area education agencies,
8 \$250,000 of the moneys allocated for phase III shall
9 be retained by the department of education to contract
10 with the regional educational laboratory for this
11 state to establish and monitor an independent
12 evaluation of the operation of phase III of the
13 educational excellence program. The regional
14 educational laboratory shall determine the scope of
15 the evaluation, including a methodology for the
16 evaluation; the evaluation techniques; the sampling
17 size for numbers of different plans to evaluate; the
18 sampling size for numbers of interviews to be
19 conducted with teachers, school administrators, school
20 board members, members of the general public, and
21 others; and the process for oversight of the
22 evaluation. The laboratory, in consultation with the
23 department, shall select a consortium consisting of
24 Iowa teachers participating in phase III programs and
25 a public or private institution of higher education
26 offering a graduate program of teacher education to
27 work with the laboratory in the conduct of the
28 evaluation. The results of the evaluation shall be
29 reported to the department of education and to the
30 general assembly by January 1, 1992.

31 The evaluation shall be conducted using the
32 following timetable:

- 33 1. By July 15, 1990, an advisory committee shall
34 be selected by the department of education.
- 35 2. By August 31, 1990, the determination of the
36 evaluation methodology and oversight process must be
37 completed and members of the consortium selected.
- 38 3. By September 30, 1990, the advisory committee
39 shall review the evaluation methodology, the
40 laboratory shall finalize the evaluation methodology,
41 and the laboratory shall begin training the teacher
42 members of the consortium and consulting with the
43 faculty of the institution of higher education.
- 44 4. By December 15, 1990, the first phase of the
45 evaluation design must be implemented.
- 46 5. By January 15, 1991, the advisory committee
47 shall review progress and the next phase of the
48 evaluation design.
- 49 6. By May 31, 1991, the advisory committee shall
50 review a progress report of the evaluation.

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1 7. By September 30, 1991, the laboratory, with the
2 assistance of the consortium, shall write the
3 evaluation report.

4 8. By October 31, 1991, the advisory committee
5 shall review the evaluation report and may suggest
6 revisions.

7 9. By December 15, 1991, the evaluation report
8 must be completed and prepared for distribution.

9 Moneys allocated in this section may be paid to the
10 regional educational laboratory and to the consortium.
11 Boards of directors of school districts and area
12 education agencies shall allow their teachers to be
13 members of a consortium and shall be reimbursed under
14 the terms of the contract for the cost of salaries and
15 benefits of each participating teacher."

16 12. Page 30, by inserting after line 26, the
17 following:

18 "Sec. _____. MODIFICATION OF RULES.

19 By October 1, 1990, the state board of education
20 shall adopt rules which modify existing rules,
21 relating to extended year special education, to
22 specify that the determination of the need for
23 extended year special education for each pupil be made
24 by the multidisciplinary team based on empirical and
25 quantitative data collected by the multidisciplinary
26 team. Rules adopted shall also contain criteria which
27 include, but are not limited to, criteria which
28 require that extended special education be provided if
29 a special education pupil fails to maintain an
30 acquired critical skill, as a result of an
31 interruption of special education instruction or
32 support services in a critical skill area, to the
33 extent that a period of reteaching of four or more
34 weeks will be required."

35 13. Page 38, by striking lines 19 through 29.

36 14. Page 47, by inserting after line 12, the
37 following:

38 "Sec. _____. NEW SECTION. 261.92 DEFINITIONS.

39 When used in this division, unless the context
40 otherwise requires:

41 1. "Accredited higher education institution" means
42 a public institution of higher learning located in
43 Iowa which is accredited by the north central
44 association of colleges and secondary schools
45 accrediting agency based on their requirements as of
46 April 1, 1969, or an institution of higher learning
47 located in Iowa which is operated privately and not
48 controlled or administered by any state agency or any
49 subdivision of the state, and which meets the
50 following requirements:

Page 4

1 a. Is accredited by the north central association
2 of colleges and secondary schools accrediting agency
3 based on their requirements as of April 1, 1969, and,

4 b. Promotes equal opportunity and affirmative
5 action efforts in the recruitment, appointment,
6 assignment, and advancement of personnel at the
7 institution. In carrying out this responsibility the
8 institution shall do all of the following:

9 (1) Designate a position as the affirmative action
10 coordinator.

11 (2) Adopt affirmative action standards.

12 (3) Gather data necessary to maintain an ongoing
13 assessment of affirmative action efforts.

14 (4) Monitor accomplishments with respect to
15 affirmative action remedies identified in affirmative
16 action plans.

17 (5) Conduct studies of preemployment and
18 postemployment processes in order to evaluate
19 employment practices and develop improved methods of
20 dealing with all employment issues related to equal
21 employment opportunity and affirmative action.

22 (6) Establish an equal employment committee to
23 assist in addressing affirmative action needs,
24 including recruitment.

25 (7) Address equal opportunity and affirmative
26 action training needs by doing all of the following:

27 (a) Providing appropriate training for managers
28 and supervisors.

29 (b) Insuring that training is available for all
30 staff members whose duties relate to personnel
31 administration.

32 (c) Investigating means for training in the area
33 of career development.

34 (8) Require development of equal employment
35 opportunity reports, including the initiation of the
36 processes necessary for the completion of the annual
37 EEO-6 reports required by the federal equal employment
38 opportunity commission.

39 (9) Address equal opportunity and affirmative
40 action policies with respect to employee benefits and
41 leaves of absence.

42 (10) File annual reports with the college aid
43 commission of activities under this paragraph.

44 2. "Commission" means the college student aid
45 commission.

46 3. "Financial need" means the difference between
47 the student's financial resources available, including
48 those available from the student's parents as
49 determined by a completed parents' confidential
50 statement, and the student's anticipated expenses

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1 while attending the accredited higher education
2 institution. Financial need shall be redetermined at
3 least annually.

4 4. "Full-time resident student" means an
5 individual resident of Iowa who is enrolled at an
6 accredited higher education institution in a course of
7 study including at least twelve semester hours or the
8 trimester equivalent of twelve semester hours or the
9 quarter equivalent of twelve semester hours. "Course
10 of study" does not include correspondence courses.

11 5. "Grant" means an award by the state of Iowa to
12 a qualified resident student under the Iowa grant
13 program.

14 6. "Part-time resident student" means an
15 individual resident of Iowa who is enrolled at an
16 accredited higher education institution in a course of
17 study including at least three semester hours or the
18 trimester or the four quarter equivalent of three
19 semester hours. "Course of study" does not include
20 correspondence courses.

21 7. "Qualified student" means a resident student
22 who has established financial need and who is making
23 satisfactory progress toward graduation.

24 Sec. _____. NEW SECTION. 261.93 PROGRAM
25 ESTABLISHED - WHO QUALIFIED.

26 An Iowa grant program is established.

27 A grant may be awarded to a resident of Iowa who is
28 admitted and in attendance as a full-time or part-time
29 resident student at an accredited higher education
30 institution and who establishes financial need.

31 Sec. _____. NEW SECTION. 261.94 EXTENT OF GRANT.

32 A qualified full-time resident student may receive
33 grants for not more than eight semesters of
34 undergraduate study or the trimester or quarter
35 equivalent. A qualified part-time resident student
36 may receive grants for not more than sixteen semesters
37 of undergraduate study or the trimester or quarter
38 equivalent.

39 Sec. _____. NEW SECTION. 261.95 AMOUNT OF GRANT.

40 1. The amount of a grant to a qualified full-time
41 student for an academic year shall be the lesser of
42 the student's financial need for that period or up to
43 one thousand dollars.

44 2. The amount of a grant to a qualified part-time
45 student enrolled in a course of study shall be equal
46 to the average amount of a grant to a full-time
47 student times a number which represents twenty-four
48 semester hours, or the trimester or quarter
49 equivalent, divided by the number of hours in which
50 the part-time student is actually enrolled.

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1 3. A grant may be made annually for both the fall
2 and spring semesters or the trimester equivalent.
3 Payments under the grant shall be allocated equally
4 among the semesters or trimesters and shall be paid at
5 the beginning of each semester or trimester, upon
6 certification by the accredited higher education
7 institution that the student is admitted and in
8 attendance. If the student discontinues attendance
9 before the end of the semester or trimester after
10 receiving payment under the grant, the entire amount
11 of any refund due that student, up to the amount of
12 any payments made under the annual grant, shall be
13 paid by the accredited higher education institution to
14 the state.

15 4. If a student receives financial aid under any
16 other program, the full amount of the other financial
17 aid shall be considered part of the student's
18 financial resources available in determining the
19 amount of the student's financial need for that
20 period. In no case may the state's total financial
21 contribution to the student's education, including
22 financial aid under any other state program, exceed
23 the tuition and mandatory fees at the institution
24 which the student attends.

25 Sec. _____. NEW SECTION. 261.96 ADMINISTRATION BY
26 COMMISSION - RULES.

27 The commission shall administer this program and
28 shall:

29 1. Provide application forms and parents'
30 confidential statement forms.

31 2. Adopt rules and regulations for determining
32 financial need, defining tuition and mandatory fees,
33 defining residence for the purposes of the Iowa grant
34 program, determining grant award amounts on the basis
35 of student need, processing and approving applications
36 for grants, and determining priority of grants. The
37 commission may provide for proration of funds if the
38 available funds are insufficient to pay all approved
39 grants. The proration shall take primary account of
40 the financial need of the applicant. In determining
41 who is a resident of Iowa, the commission's rules
42 shall be at least as restrictive as those of the board
43 of regents.

44 3. Approve and award grants.

45 4. Make an annual report to the governor and
46 general assembly, and evaluate the Iowa grant program
47 for the period. The commission may require the
48 accredited higher education institution to promptly
49 furnish any information which the commission may
50 request in connection with the Iowa grant program.

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1 Sec. _____. NEW SECTION. 261.97 APPLICATION FOR
2 GRANTS.

3 Each applicant, in accordance with the rules of the
4 commission, shall:

5 1. Complete and file an application for a grant.

6 2. Be responsible for the submission of the
7 parents' confidential statement for processing, the
8 processed information to be returned both to the
9 commission and to the accredited higher education
10 institution in which the applicant is enrolling.

11 3. Report promptly to the commission any
12 information requested.

13 4. File a new application and parents'
14 confidential statement annually on the basis of which
15 the applicant's eligibility for a renewed grant will
16 be evaluated and determined.

17 Sec. _____. NEW SECTION. 261.98 ACCESS TO
18 EDUCATION PILOT PROJECT.

19 An access to education pilot project is established
20 for the fiscal year beginning July 1, 1990, and ending
21 June 30, 1991, for purposes of providing grants to
22 resident students who attend community colleges in
23 this state. Students whose financial resources are up
24 to twenty percent over the eligibility level for a
25 PELL grant are eligible to receive grants under this
26 program. Students meeting the eligibility level may
27 receive a grant of up to two hundred fifty dollars.

28 The pilot project shall be administered by the
29 college student aid commission. The commission shall
30 allocate, from the amount allocated for community
31 colleges under the Iowa grant program, five hundred
32 thousand dollars for purposes of awarding grants under
33 this pilot project. Community colleges which have
34 students receiving grants under the pilot project
35 shall provide the commission with information as to
36 the income levels and age of grant recipients and the
37 length of time since grant recipients have enrolled in
38 an educational program. The commission shall tabulate
39 and submit the information in a report to the general
40 assembly by January 1, 1991.

41 The commission shall adopt rules for the
42 administration of this program."

43 15. Page 49, by inserting after line 2, the
44 following:

45 "Sec. _____. Section 279.51, subsection 1, paragraph
46 d, Code Supplement 1989, is amended to read as
47 follows:

48 d. For the fiscal year beginning July 1, 1990,
49 three million dollars, and for each fiscal year
50 thereafter, four million dollars of the funds

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1 appropriated shall be allocated as grants to school
 2 districts that have elementary schools that
 3 demonstrate the greatest need for programs for at-risk
 4 students with preference given to innovative programs
 5 for the early elementary school years. Of the amount
 6 allocated under this paragraph for each fiscal year,
 7 seventy-five thousand dollars shall be allocated to
 8 school districts which have an actual student
 9 population of ten thousand or less and have an actual
 10 non-English speaking student population which
 11 represents greater than five percent of the total
 12 actual student population for grants to elementary
 13 schools in those districts."

14 16. Page 53, by inserting after line 19 the
 15 following:

16 "Sec. _____. Section 298.20, Code 1989, is amended
 17 to read as follows:

18 298.20 FUNDING OR REFUNDING BONDS.

19 For the purpose of providing for the payment of any
 20 indebtedness of any school corporation represented by
 21 judgments or bonds, the board of directors of such
 22 school corporation, at any time or times, may provide
 23 by resolution for the issuance of bonds of such school
 24 corporation, to be known as funding or refunding
 25 bonds. The proceeds derived from the negotiation
 26 public or private sale of such funding or refunding
 27 bonds shall be applied in payment of such
 28 indebtedness; or said the funding bonds or refunding
 29 bonds may be issued in exchange for the evidences of
 30 such indebtedness, par for par."

31 17. By striking page 53, line 20, through page
 32 54, line 5.

33 18. By numbering, renumbering, and changing
 34 internal references as necessary.

De Groot of Lyon in the chair at 7:20 p.m.

Lageschulte of Bremer offered the following amendment H—6086,
 to the committee amendment H—6066, filed by him from the floor
 and moved its adoption:

H—6086

1 Amend the amendment, H—6066, to Senate File 2423,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 1, line 6, by striking the figure
 5 "286,600" and inserting the following: "250,000".

Amendment H—6086 was adopted.

On motion by Hatch of Polk, the committee amendment H—6066, as amended, was adopted.

Hatch of Polk offered the following amendment H—6069 filed by him from the floor and moved its adoption:

H—6069

- 1 Amend Senate File 2423, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 10, by striking lines 6 and 7, and
- 4 inserting the following: "project, if a requirement
- 5 to develop guidelines for school lunch and breakfast
- 6 programs and to plan a nutrition pilot project is".
- 7 2. Page 24, line 4, by inserting after the word
- 8 "maintenance," the following: "equipment,".
- 9 3. Page 26, line 12, by inserting after the word
- 10 "maintenance," the following: "equipment,".

Amendment H—6069 was adopted.

Hatch of Polk offered the following amendment H—6078 filed by him from the floor and moved its adoption:

H—6078

- 1 Amend Senate File 2423 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 11, line 9, by striking the figure
- 4 "84,075,560" and inserting the following:
- 5 "86,316,796".
- 6 2. Page 11, by striking lines 10 through 24, and
- 7 inserting the following:
- 8 "a. Merged Area I \$ 3,936,168
- 9 b. Merged Area II \$ 4,909,784
- 10 c. Merged Area III \$ 4,646,625
- 11 d. Merged Area IV \$ 2,301,829
- 12 e. Merged Area V \$ 4,714,422
- 13 f. Merged Area VI \$ 4,731,678
- 14 g. Merged Area VII \$ 6,656,574
- 15 h. Merged Area IX \$ 7,339,996
- 16 i. Merged Area X \$ 11,444,016
- 17 j. Merged Area XI \$ 12,349,593
- 18 k. Merged Area XII \$ 5,144,554
- 19 l. Merged Area XIII \$ 5,081,695
- 20 m. Merged Area XIV \$ 2,252,941
- 21 n. Merged Area XV \$ 6,866,253
- 22 o. Merged Area XVI \$ 3,940,668

23 As a condition, limitation, and qualification of

24 the moneys appropriated in this subsection, the merged

25 area schools shall expend at least \$2,100,000 for

26 additional salary increases for full-time

27 nonadministrative licensed faculty members and at

28 least \$141,235 for additional salary increases for
 29 full-time salaried professional employees other than
 30 administrators, faculty, and hourly support staff at
 31 each merged area school. For purposes of this
 32 subsection, full-time licensed faculty includes
 33 instructors who teach at an area school on a half-time
 34 basis or more. Distribution of the moneys for salary
 35 increases shall be negotiated pursuant to chapter 20,
 36 if the licensed nonadministrative faculty members of
 37 the merged area school are organized for collective
 38 bargaining purposes. For purposes of this subsection,
 39 professional staff includes employees of an area
 40 school such as academic advisors, media specialists,
 41 student services staff, financial aid advisors, data
 42 processing staff, program coordinators, counselors,
 43 librarians who are not licensed faculty members, and
 44 other staff members who are funded pursuant to an
 45 existing area school foundation formula cost center
 46 under chapter 286A."

47 3. By striking page 12, line 23, through page 13,
 48 line 12.

49 4. Page 13, line 25, by striking the figure
 50 "14,809,864" and inserting the following:

Page 2

1 "15,205,373".

2 5. By striking page 13, line 29, through page 14,
 3 line 33, and inserting the following:

4	"a. Merged Area I	\$	704,974
5	b. Merged Area II	\$	879,444
6	c. Merged Area III	\$	832,391
7	d. Merged Area IV	\$	379,320
8	e. Merged Area V	\$	844,401
9	f. Merged Area VI	\$	847,516
10	g. Merged Area VII	\$	1,058,390
11	h. Merged Area IX	\$	1,314,655
12	i. Merged Area X	\$	1,961,430
13	j. Merged Area XI	\$	2,211,876
14	k. Merged Area XII	\$	921,500
15	l. Merged Area XIII	\$	910,137
16	m. Merged Area XIV	\$	403,567
17	n. Merged Area XV	\$	1,229,954
18	o. Merged Area XVI	\$	705,818

19 As a condition, limitation, and qualification of
 20 the moneys appropriated in this subsection, the merged
 21 area schools shall expend at least \$370,588 for
 22 additional salary increases for full-time
 23 nonadministrative licensed faculty members and at
 24 least \$24,922 for additional salary increases for
 25 full-time salaried professional employees other than
 26 administrators, faculty, and hourly support staff at

27 each merged area school. For purposes of this
28 subsection, full-time licensed faculty includes
29 instructors who teach at an area school on a half-time
30 basis or more. Distribution of the moneys for salary
31 increases shall be negotiated pursuant to chapter 20,
32 if the licensed nonadministrative faculty members of
33 the merged area school are organized for collective
34 bargaining purposes. For purposes of this subsection,
35 professional staff includes employees of an area
36 school such as academic advisors, media specialists,
37 student services staff, financial aid advisors, data
38 processing staff, program coordinators, counselors,
39 librarians who are not licensed faculty members, and
40 other staff members who are funded pursuant to an
41 existing area school foundation formula cost center
42 under chapter 286A. Payments for salary increases
43 under this subsection shall be accrued as income and
44 used for salary increases for the fiscal year
45 beginning July 1, 1990, and ending June 30, 1991.”
46 6. By renumbering as necessary.

Amendment H—6078 was adopted.

Hatch of Polk offered the following amendment H—6074 filed by him from the floor and moved its adoption:

H—6074

1 Amend Senate File 2423, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. By striking page 20, line 33, through page 21,
4 line 1.
5 2. Page 29, by striking lines 6 through 17, and
6 inserting the following:
7 “Sec. _____.
8 Reallocations of sums received under section 15,
9 subsections 2, 3, 4, 5, and 6, including sums received
10 for salaries, shall be reported on a quarterly basis
11 to the co-chairpersons and ranking members of both the
12 legislative fiscal committee and the education
13 appropriations joint subcommittee.”
14 3. By numbering, renumbering and changing
15 internal references as necessary.

Amendment H—6074 was adopted.

Spear of Lee offered the following amendment H—6031 filed by him:

H—6031

1 Amend Senate File 2423, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 29, by inserting after line 27, the
4 following:

5 "Sec. _____. QUICKENED FETUS — ABORTION PROHIBITED
6 AT CERTAIN HOSPITALS — EXCEPTIONS.

7 Except as otherwise provided in chapter 707, an
8 abortion of a quickened fetus shall not be performed
9 at any public hospital under the control of the state
10 board of regents except where the attending physician
11 certifies that one of the following conditions exists:

12 1. The fetus has not attained a gestational age
13 greater than twenty weeks.

14 2. Continuing the pregnancy will endanger the life
15 or the physical, mental, or emotional health of the
16 pregnant person.

17 3. The fetus is physically deformed, mentally
18 deficient, or afflicted with a congenital illness.

19 In making any of the determinations under this
20 section, the physician shall exercise that degree of
21 care, skill, and proficiency commonly exercised by the
22 ordinarily skillful, careful, and prudent physician
23 engaged in similar practice under the same or similar
24 conditions.

25 For purposes of this section, "quickened fetus" is
26 a fetus which is alive and which has developed so that
27 it moves within the pregnant person's womb."

28 2. By numbering, renumbering, and changing
29 internal references as necessary.

Spear of Lee offered the following amendment H—6061, to amend-
ment H—6031, filed by him from the floor and moved its adoption:

H—6061

1 Amend the amendment, H—6031, to Senate File 2423,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, line 5, by striking the word
5 "QUICKENED".

6 2. Page 1, line 8, by striking the word
7 "quickened".

8 3. Page 1, by striking lines 25 through 27.

Amendment H—6061 was adopted.

Speaker Avenson in the chair at 7:48 p.m.

Spear of Lee moved the adoption of amendment H—6031, as amended.

Roll call was requested by Sherzan of Polk and Ollie of Clinton.

On the question "Shall amendment H—6031, as amended, be adopted?" (S.F. 2423)

The ayes were, 29:

Banks	Beaman	Branstad	Corbett
De Groot	Eddie	Fogarty	Garman
Hanson, D. R.	Hermann	Iverson	Koenigs
Kremer	Lundby	Maulsby	McKean
Mertz	Muhlbauer	Murphy	Pavich
Petersen, D. F.	Plasier	Renken	Schneklloth
Shoning	Spear	Svoboda	Tyrrell
Van Maanen			

The nays were, 63:

Arnould	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Diemer
Doderer	Dvorsky	Fey	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Harbor	Harper	Hatch
Haverland	Hester	Hibbard	Jay
Jesse	Jochum	Kistler	Lageschulte
Lykam	May	McKinney	Metcalf
Miller	Neuhauser	Nielsen	Ollie
Osterberg	Pellett	Peters	Peterson, M. K.
Poncy	Renaud	Rosenberg	Royer
Schrader	Shearer	Sherzan	Shoultz
Siegrist	Spenner	Tabor	Teaford
Trent	Wise	Mr. Speaker	
		Avenson	

Absent or not voting, 8:

Adams	Daggett	Fuller	Holveck
Johnson	Knapp	Stueland	Swartz

Amendment H—6031, as amended, lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Johnson of Winneshiek, for the remainder of the day and until his arrival April 4, 1990, on request of Osterberg of Linn.

Plasier of Sioux offered the following amendment H—6050 filed by him from the floor and moved its adoption:

H—6050

- 1 Amend Senate File 2423, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 30, by inserting after line 34 the
- 4 following:
- 5 "Sec. _____.

6 Notwithstanding the procedure provided for the
 7 calculation of the state percent of growth under
 8 section 257.8, the state percent of growth for the
 9 budget year commencing July 1, 1991, shall not exceed
 10 four and seventy-five hundredths percent."

11 2. By numbering and renumbering sections as
 12 necessary.

Roll call was requested by Wise of Lee and Ollie of Clinton.

Rule 75 was invoked.

On the question "Shall amendment H-6050 be adopted?"
 (S.F. 2423)

The ayes were, 29:

Banks	Bennett	Branstad	Carpenter
Clark	De Groot	Diemer	Eddie
Garman	Halvorson, R. A.	Harbor	Hermann
Hester	Iverson	Kistler	Kremer
Lageschulte	Maulsby	Metcalf	Miller
Pellett	Petersen, D. F.	Plasier	Renken
Royer	Schnekloth	Spenner	Tyrrell
Van Maanen			

The nays were, 65:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Buhr	Chapman
Cohoon	Corbett	Doderer	Dvorsky
Fey	Fogarty	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harper	Hatch	Haverland	Hibbard
Jay	Jesse	Jochum	Knapp
Koenigs	Lundby	Lykam	May
McKean	McKinney	Mertz	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Rosenberg	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Svoboda	Swartz
Tabor	Teaford	Trent	Wise
Mr. Speaker			
Avenson			

Absent or not voting, 6:

Connors	Daggett	Fuller	Holveck
Johnson	Stueland		

Amendment H-6050 lost.

Maulsby of Calhoun offered the following amendment H-6081
 filed by him from the floor and moved its adoption:

H-6081

1 Amend Senate File 2423 as amended, passed, and
2 reprinted by the Senate, follows:

3 1. Page 33, by inserting after line 33, the
4 following:

5 "Sec. _____. NEW SECTION. 8.46 DEBT INSTRUMENTS
6 INCLUSION IN BUDGET FOR APPROVAL OF THE GENERAL
7 ASSEMBLY.

8 1. Notwithstanding any general authorization to
9 issue bonds or incur debt to the contrary, a
10 department or agency of the state, including the state
11 board of regents or a regents' institution, which
12 submits a budget proposal pursuant to this chapter,
13 shall not borrow money or otherwise commit the state
14 to expenditures beyond the fiscal year of the budget,
15 without first submitting the specific proposed
16 obligation to the general assembly for approval as
17 part of the budget for the fiscal year in which the
18 obligation would be incurred.

19 2. Debt instruments which shall not be utilized by
20 a department or agency without prior approval of the
21 specific issue by the general assembly pursuant to
22 subsection 1 include, but are not limited to, the
23 following:

24 a. Revenue bonds.
25 b. Academic or regents' bonds.
26 c. Master lease-purchase or long-term lease.
27 d. Tax anticipation notes.
28 e. Any debt instrument or contract which commits
29 the full faith and credit of the state to pay an
30 obligation beyond the fiscal year of the budget.

31 3. A department or agency, including the state
32 board of regents or a regents' institution, shall
33 submit as part of the annual budget proposal a debt
34 report, and the department of management shall prepare
35 an annual state public debt report as part of the
36 governor's proposed budget. A debt report shall
37 include at minimum the following information for a
38 department or agency, or for the state, the aggregate
39 of individual departmental and agency debt reports:

40 a. Total debt currently outstanding. For purposes
41 of this subsection "debt" includes any form of
42 obligation restricted by subsections 1 and 2.
43 b. Total debt currently outstanding by form of the
44 obligation.
45 c. Total debt service charges, and debt service
46 charges as a percentage of the proposed budget.
47 d. Proposed new debt obligations for the fiscal
48 year by specific issue, and form, including a
49 description of the purpose for which debt is proposed
50 to be incurred.

Page 2

- 1 e. Source of moneys for repaying each existing
- 2 obligation, and for payment of any proposed new debt.
- 3 The department of management may by rule establish
- 4 standard form and contents for debt reports."
- 5 2. By renumbering as necessary.

Amendment H—6081 was adopted.

Hatch of Polk offered the following amendment H—6068 filed by him from the floor and moved its adoption:

H—6068

- 1 Amend Senate File 2423, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. By striking page 34, line 11, through page 35,
- 4 line 29.
- 5 2. Page 36, line 27, by striking the word
- 6 "subsections" and inserting the following:
- 7 "subsection".
- 8 3. By striking page 36, line 28, through page 37,
- 9 line 34.
- 10 4. By renumbering and changing internal
- 11 references as necessary.

Amendment H—6068 was adopted.

Iverson of Wright offered the following amendment H—6038 filed by him and moved its adoption:

H—6038

- 1 Amend Senate File 2423, as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 38, line 30, by striking the words
- 4 "paragraph b,".
- 5 2. Page 38, by inserting after line 32, the
- 6 following:
- 7 "9. a. Effective July 1, 1989, through June 30,
- 8 ~~1990~~ 1992, to facilitate the implementation and
- 9 economical operation of the educational program
- 10 defined in subsections 4 and 5, each school offering
- 11 any of grades seven through twelve, except a school
- 12 which offers grades one through eight as an elementary
- 13 school, shall meet the media center requirements
- 14 specified in section 256.11, subsection 9, paragraph
- 15 "a", Code Supplement 1987."
- 16 3. Page 39, line 11, by striking the figure
- 17 "1991" and inserting the following: "~~1991~~ 1992".
- 18 4. Page 39, by inserting after line 18, the
- 19 following:
- 20 "Sec. _____. Section 256.11A, subsections 3 and 4,

21 Code Supplement 1989, are amended to read as follows:

22 3. Schools and school districts unable to meet the
23 standard adopted by the state board under section
24 256.17, Code Supplement 1987, and contained in section
25 256.11, subsection 9A, effective July 1, 1989,
26 requiring that on July 1, 1989, each board operating a
27 kindergarten through grade twelve program provide an
28 articulated sequential elementary-secondary guidance
29 program may, not later than January 1, 1989, for the
30 school year beginning July 1, 1989, file a written
31 request to the department of education that the
32 department waive the requirement for that school or
33 school district. The procedures specified in
34 subsection 5 apply to the request. Not later than
35 January 1, 1990, for the school year beginning July 1,
36 1990, the board or authorities may request a one-year
37 extension of the waiver. Not later than January 1,
38 1991, for the school year beginning July 1, 1991, the
39 board or authorities may request an additional one-
40 year extension of the waiver.

41 If a waiver is approved under subsection 5, the
42 school or school district shall meet the requirements
43 of section 256.11, subsection 9, paragraph "b", Code
44 Supplement 1987, for the period for which the waiver
45 is approved.

46 4. Schools and school districts are not required
47 to meet the standard adopted by the state board of
48 education under section 256.17, Code Supplement 1987,
49 and contained in section 256.11, subsection 9,
50 paragraph "b", effective July 1, 1990, that requires

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1 the board to establish and operate a media services
2 program to support the total curriculum until July 1,
3 1990, except as otherwise provided in this subsection.
4 Not later than January 1, 1990, for the school year
5 beginning July 1, 1990, the board of directors of a
6 school district, or authorities in charge of a
7 nonpublic school, may file a written request with the
8 department of education that the department waive the
9 requirement for that district or school. The
10 procedures specified in subsection 5 apply to the
11 request. Not later than January 1, 1991, for the
12 school year beginning July 1, 1991, the board of
13 directors of a school district, or authorities in
14 charge of a nonpublic school, may file a request for a
15 one-year extension of the waiver.

16 If a waiver is approved under subsection 5, the
17 school district or school shall meet the requirements
18 of section 256.11, subsection 9, paragraph "a", Code
19 Supplement 1987, for the period for which the waiver
20 is approved."

21 5. By numbering, renumbering, and changing
22 internal references as necessary.

Amendment H—6038 was adopted.

Iverson of Wright offered the following amendment H—6037 filed by him and moved its adoption:

H—6037

1 Amend Senate File 2423, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 39, by inserting after line 18, the
4 following:

5 "Sec. _____. Section 256.11A, subsection 2, Code
6 Supplement 1989, is amended to read as follows:

7 2. Schools and school districts are not required
8 to meet the requirement stated in the standards
9 adopted by the state board under section 256.17, Code
10 Supplement 1987, that prohibits an individual who is
11 employed or contracted as superintendent from also
12 serving as a principal in that school or school
13 district until July 1, 1990, except as otherwise
14 provided in this subsection. Not later than January
15 1, 1990, for the school year beginning July 1, 1990,
16 the board of directors of a school district or
17 authorities in charge of a nonpublic school, may file
18 a written request with the department of education
19 that the department waive the requirement for that
20 district or school. The procedures specified in
21 subsection 5 apply to the request."

22 2. By numbering, renumbering, and changing
23 internal references as necessary.

Amendment H—6037 lost.

Neuhauser of Johnson offered the following amendment H—6088 filed by her from the floor and moved its adoption:

H—6088

1 Amend Senate File 2423, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 47, by inserting after line 7, the
4 following:

5 "Sec. _____. Section 261.50, Code Supplement 1989,
6 is amended by adding the following new unnumbered
7 paragraph:

8 **NEW UNNUMBERED PARAGRAPH.** For purposes of this
9 section, an "eligible community" means a community
10 which agrees to provide an eligible physician with a
11 first year income guarantee, malpractice insurance
12 coverage for four years, family health insurance,
13 reimbursement for moving expenses, two weeks of
14 vacation for each of the first four years, and one
15 week of continuing medical education per year for four

16 years.”

17 2. By numbering, renumbering and changing
18 internal references as necessary.

Amendment H—6088 was adopted.

Corbett of Linn offered the following amendment H—6082 filed by him and Hammond of Story from the floor and moved its adoption:

H—6082

1 Amend Senate File 2423, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. By striking page 47, line 33, through page 48,
4 line 17.
5 2. By renumbering as necessary.

Amendment H—6082 was adopted.

Swartz of Marshall offered the following amendment H—6034 filed by him and moved its adoption:

H—6034

1 Amend Senate File 2423, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 49, line 33, by striking the word “The”
4 and inserting the following: “Beginning with the
5 fiscal year commencing July 1, 1990, and ending June
6 30, 1991, and in succeeding years, the”.
7 2. Page 51, line 16, by striking the word “The”
8 and inserting the following: “Beginning with the
9 fiscal year commencing July 1, 1990, and ending June
10 30, 1991, and in succeeding years, the”.

Amendment H—6034 was adopted.

Halvorson of Clayton offered the following amendment H—6076 filed from the floor by Halvorson of Clayton, Harbor and Royer:

H—6076

1 Amend Senate File 2423, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. By striking page 55, line 35, through page 56,
4 line 19.
5 2. By renumbering as necessary.

Wise of Lee in the chair at 8:42 p.m.

Speaker Avenson in the chair at 8:47 p.m.

Halvorson of Clayton moved the adoption of amendment H—6076.

A non-record roll call was requested.

The ayes were 31, nays 45.

Amendment H—6076 lost.

Jochum of Dubuque asked for unanimous consent to reconsider amendment H—6081.

Objection was raised.

Jochum of Dubuque moved to reconsider the vote by which amendment H—6081, found on pages 1847 and 1848 of the House Journal, was adopted by the House on April 3, 1990.

A non-record roll call was requested.

The ayes were 50, nays 29.

The motion prevailed and amendment H—6081 was reconsidered.

Maulsby of Calhoun moved the adoption of amendment H—6081.

Roll call was requested by Maulsby of Calhoun and Halvorson of Clayton.

On the question "Shall amendment H—6081 be adopted?"
(S.F. 2423)

The ayes were, 36:

Banks	Beaman	Bennett	Black
Branstad	Buhr	Carpenter	Clark
Corbett	De Groot	Eddie	Halvorson, R. A.
Halvorson, R. N.	Hanson, D. R.	Harbor	Hester
Iverson	Kistler	Kremer	Lageschulte
Lundby	Maulsby	McKean	Metcalf
Miller	Pellett	Petersen, D. F.	Plasier
Renken	Royer	Schneklath	Shoning
Spenner	Trent	Tyrrell	Van Maanen

The nays were, 52:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Brown	Cohoon
Connors	Diemer	Dvorsky	Fey
Fogarty	Groninga	Gruhn	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hibbard	Jay	Jesse	Jochum
Knapp	Koenigs	Lykam	May
McKinney	Mertz	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peters	Peterson, M. K.	Poncy
Rosenberg	Schrader	Shearer	Sherzan

Shoultz	Siegrist	Spear	Svoboda
Swartz	Tabor	Teaford	Mr. Speaker
			Avenson

Absent or not voting, 12:

Brand	Chapman	Daggett	Doderer
Fuller	Garman	Hermann	Holveck
Johnson	Renaud	Stueland	Wise

Amendment H — 6081 lost.

Hatch of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2423)

The ayes were, 61:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Buhr	Chapman
Cohoon	Connors	Doderer	Dvorsky
Fey	Fogarty	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Hibbard	Jay
Jesse	Jochum	Knapp	Koenigs
Lageschulte	Lykam	May	McKinney
Mertz	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Schrader	Shearer	Sherzan
Shoning	Shoultz	Spear	Svoboda
Swartz	Tabor	Teaford	Wise
Mr. Speaker			
Avenson			

The nays were, 33:

Banks	Bennett	Branstad	Carpenter
Clark	Corbett	De Groot	Diemer
Eddie	Halvorson, R. A.	Hanson, D. R.	Harbor
Hermann	Hester	Iverson	Kistler
Kremer	Lundby	Maulsby	McKean
Metcalf	Miller	Pellett	Petersen, D. F.
Plasier	Renken	Royer	Schneklath
Siegrist	Spanner	Trent	Tyrrell
Van Maanen			

Absent or not voting, 6:

Daggett	Fuller	Garman	Holveck
Johnson	Stueland		

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

IMMEDIATE MESSAGE
(Senate File 2423)

Arnould of Scott asked and received unanimous consent that Senate File 2423 be immediately messaged to the Senate.

MOTION TO RECONSIDER
(House File 2488)

I move to reconsider the vote by which House File 2488 passed the House on April 3, 1990.

KREMER of Buchanan

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 3, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2554, a bill for an act relating to county tax and services provisions by appropriating funds for state assistance to counties for certain services to the chronically mentally ill, by modifying the mobile home tax reduction for the elderly and disabled, the property tax credit and rent reimbursement for the elderly and disabled, by increasing the amount of credit and reimbursement, creating a family farm tax credit, and providing a penalty, and effective and applicability dates.

JOHN F. DWYER, Secretary

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Friday, March 30, 1990. Had I been present, I would have voted "aye" on House File 2450.

ADAMS of Hamilton

COMMUNICATION RECEIVED

The following communication was received and is on file in the office of the Chief Clerk:

CITIZENS' AIDE OMBUDSMAN

The annual report of the Citizens' Aide/Ombudsman for 1989, pursuant to Chapter 601G.18, Code of Iowa.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Forty fifth grade students from State Center Elementary School, West Marshall, accompanied by Carol Eddy. By Black of Jasper and Svoboda of Tama.

Fifty fifth grade students from Rex Mathes Elementary School, West Des Moines. By Carpenter of Polk.

Thirty-one sixth grade students from Ruthven Ayrshire Elementary School, Ruthven, accompanied by Connie Larson and Steve Ingvall. By Fogarty of Palo Alto.

Thirty fifth grade students from Lakeview Elementary School, Centerville, accompanied by Mrs. Murphy. By Jay of Appanoose.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2415

Ways and Means: Tabor, Chair; De Groot and Groninga.

Senate File 2416

Ways and Means: Teaford, Chair; Daggett and May.

Senate File 2420

Appropriations: Hammond, Chair; McKinney and Miller.

Senate File 2423

Appropriations: Hatch, Chair; Jochum and Maulsby.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN

Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Senate File 2324, a bill for an act repealing a requirement that area education agencies utilize federally funded health care programs for services provided to certain children requiring special education and providing effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-6059** April 3, 1990.

COMMITTEE ON ECONOMIC DEVELOPMENT

Senate File 2153, a bill for an act relating to and making a commitment to the environment, agriculture, and natural resources by making appropriations from Iowa lottery revenues and providing for an income tax credit for establishing permanent grass and buffer zones including erosion control structures, and providing effective and applicability dates.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H—6054** April 2, 1990.

COMMITTEE ON WAYS AND MEANS

Senate File 514, a bill for an act providing a state sales and use tax exemption for certain facilities.

Fiscal Note is not required.

Recommended **Do Pass** April 3, 1990.

Senate File 2406, a bill for an act relating to the sales and use tax on carbon dioxide and providing a retroactive applicability date.

Fiscal Note is not required.

Recommended **Do Pass** April 3, 1990.

AMENDMENTS FILED

H—6047	S.F.	2403	Schrader of Marion
H—6049	S.F.	2403	Schrader of Marion
H—6053	H.F.	2551	Corbett of Linn
			Clark of Cerro Gordo
			McKean of Jones
H—6054	S.F.	2153	Committee on
			Economic Development
H—6055	H.F.	2486	Senate Amendment
H—6056	H.F.	724	Senate Amendment
H—6057	H.F.	2551	Schnekloth of Scott
			Petersen of Muscatine
			Bennett of Ida
H—6059	S.F.	2324	Committee on
			Appropriations
H—6060	H.F.	2488	Kremer of Buchanan
H—6064	H.F.	2009	Senate Amendment
H—6065	S.F.	2319	Metcalf of Polk
H—6070	S.F.	2153	Groninga of Cerro Gordo
H—6072	H.F.	2557	Connors of Polk
H—6073	S.F.	514	Doderer of Johnson
H—6075	H.F.	2552	Hatch of Polk
H—6079	H.F.	2188	Shultz of Black Hawk
H—6080	S.F.	2329	Senate Amendment
H—6083	S.F.	2153	Dvorsky of Johnson
			Swartz of Marshall
H—6084	H.C.R.	112	Senate Amendment
H—6085	H.F.	2553	Iverson of Wright
H—6089	H.F.	2422	Haverland of Polk

H-6090	S.F.	2153	Shearer of Louisa Johnson of Winneshiek
H-6091	S.F.	2408	Senate Amendment
H-6092	H.F.	2554	Senate Amendment
H-6093	S.F.	2153	Halvorson of Webster
H-6094	S.F.	2153	Osterberg of Linn

On motion by Arnould of Scott, the House adjourned at 9:08 p.m., until 9:00 a.m., Wednesday, April 4, 1990.

JOURNAL OF THE HOUSE

Eighty-seventh Calendar Day — Sixtieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 4, 1990

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by Pastor Tom Jolivette, Waldorf College, Forest City.

The Journal of Tuesday, April 3, 1990 was approved.

PETITION FILED

The following petition was received and placed on file:

By Kistler of Jefferson, from four hundred ninety-four Eldon Area Citizens opposing the incineration of infectious medical wastes and the public hazards present in these operations in or near Eldon.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Daggett of Adams, until his return, on request of Van Maanen of Mahaska.

SPECIAL PRESENTATION TO HOUSE PAGES

Speaker Avenson invited the House Pages to the Speaker's station for a special presentation and thanked them for their service to the House of Representatives.

Certificates of excellence for serving with honor and distinction as a House Page during the Second Regular Session of the Seventy-third General Assembly were presented to the following Pages by Speaker Avenson and Assistant Minority Leader Siegrist of Pottawattamie:

Brooke Baysinger
Jennifer Brown
Heather Carter
Michael Clabaugh
Michelle Copple
Heather Creasman
Brenda Donaghy
Veronica Driscoll
Dawn Eckert
Brenda Ehr
Jeffrey Fuhrman
Matthew Gardner
Eugenia Hamilton

Scott Harrington
Chandra Heden
Heather Hobson
Angela Jones
Tracy McQuown
Carrie O'Connor
Emily Paulos
Jolene Pfund
Sarah Sherman
Heather Switzer
Sara Upmeyer
Mindy Vaughan
Darci Wade

The House rose and expressed its appreciation.

SENATE AMENDMENTS CONSIDERED

Haverland of Polk called up for consideration **House File 2422**, a bill for an act relating to retroactive modifications of support orders, amended by the Senate amendment H—5837 as follows:

H—5837

1 Amend House File 2422 as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, by inserting after line 9, the
4 following:

5 “Improved technology leading to better evidence of
6 nonpaternity is not barred by time limits on new
7 evidence and constitutes a substantial change in
8 circumstances authorizing the court to consider
9 modification of a previous determination of paternity.

10 The enactment of section 598.41 or the enactment of
11 any substantive amendment to section 598.41
12 constitutes a substantial change in circumstances
13 authorizing the court to consider modification of an
14 award of child custody.

15 Sec. _____. **NEW SECTION. 675.43 MODIFICATION.**

16 1. The court may subsequently modify orders made
17 under this chapter if a substantial change in
18 circumstances occurs. Modification of orders
19 pertaining to child custody shall be made pursuant to
20 section 598.41 or chapter 598A.

21 2. The enactment of section 598.41 or the
22 enactment of any substantive amendment to section
23 598.41 constitutes a substantial change in
24 circumstances authorizing the court to consider
25 modification of an award of child custody.

26 3. Improved technology leading to better evidence
27 of nonpaternity is not barred by time limits on new
28 evidence and constitutes a substantial change in
29 circumstances authorizing the court to consider
30 modification of a previous determination of paternity.

31 Sec. _____. **CHAPTER TITLE CHANGE.** The Code editor
32 shall change the title of chapter 675 to “Parentage of
33 Children and Obligation for Support.”

Arnould of Scott asked and received unanimous consent that House File 2422 be deferred and that the bill retain its place on the calendar.

(Senate amendment H—5837 pending.)

Jesse of Jasper called up for consideration **House File 2534**, a bill for an act relating to sanitary disposal projects, amended by the Senate amendment H—5745 as follows:

H—5745

1 Amend House File 2534 as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking page 1, line 1 through page 6,
4 line 10.

5 2. Page 6, by inserting before line 11, the
6 following:

7 "Sec. _____. NEW SECTION. 455B.305A LOCAL APPROVAL
8 OF CERTAIN SANITARY DISPOSAL PROJECTS.

9 If a city or county provides by ordinance for
10 zoning relative to sanitary landfills or waste
11 incineration facilities, prior to the siting of a
12 proposed sanitary landfill or waste incineration
13 facility, a city, county, or private agency shall
14 submit a request for local siting approval to the city
15 council or county board of supervisors which governs
16 the city or county in which the proposed site is
17 located. The city council or county board of
18 supervisors shall approve or disapprove each request
19 submitted within one hundred eighty days of the
20 submitting of the request. The requirements of this
21 section do not apply to a sanitary landfill or waste
22 incineration facility for which local approval has
23 been sought or obtained, or for which a departmental
24 permit has been issued prior to July 1, 1990."

25 3. Page 6, by striking line 15, and inserting the
26 following: "defined as of January 1, 1990, pursuant
27 to section 136C.1."

28 4. Page 6, by striking lines 18 through 20 and
29 inserting the following:

30 "The department of natural resources shall not
31 grant a permit prior to July 1, 1991, for the
32 construction or operation of a new infectious waste
33 incinerator that receives in excess of seventy-five
34 percent of its waste from other public or private
35 agencies for a fee.

36 Sec. _____. This Act, being deemed of immediate
37 importance, takes effect upon enactment."

38 5. Title page, by striking line 1, and inserting
39 the following: "An Act relating to certain sanitary
40 disposal projects, and providing an effective date."

Schneklath of Scott in the chair at 10:01 a.m.

Jesse of Jasper offered the following amendment H—6014, to the Senate amendment H—5745, filed by Jesse, et al., and moved its adoption:

H-6014

1 Amend the Senate amendment, H-5745, to House File
2 2534, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 1, by striking lines 3 through 40 and
5 inserting the following:

6 "_____. By striking everything after the enacting
7 clause and inserting the following:

8 "Section 1. NEW SECTION. 455B.305A LOCAL
9 APPROVAL OF SANITARY LANDFILL AND INCINERATOR
10 PROJECTS.

11 1. Prior to the siting of a proposed sanitary
12 landfill or incinerator, a city, county, or private
13 agency shall submit a request for local siting
14 approval to the city council or county board of
15 supervisors which governs the city or county in which
16 the proposed site is to be located. The city council
17 or county board of supervisors shall approve or
18 disapprove the site for each sanitary landfill or
19 incinerator.

20 2. An applicant for siting approval shall submit
21 information to the city council or county board of
22 supervisors to demonstrate compliance with the
23 requirements prescribed by this chapter regarding a
24 sanitary landfill or incinerator. Siting approval
25 shall be granted only if the proposed project meets
26 all of the following criteria:

27 a. The project is necessary to accommodate the
28 solid waste management needs of the area which the
29 project is intended to serve.

30 b. The project is designed, located, and proposed
31 to be operated so that the public health, safety, and
32 welfare will be protected.

33 c. The project is located so as to minimize
34 incompatibility with the character of the surrounding
35 area and to minimize the effect on the value of the
36 surrounding property.

37 d. The plan of operations for the project is
38 designed to minimize the danger to the surrounding
39 area from fire, spills, or other operational
40 accidents.

41 e. The traffic patterns to or from the project are
42 designed in order to minimize the impact on existing
43 traffic flows.

44 f. Information regarding the previous operating
45 experience of a private agency applicant and its
46 subsidiaries or parent corporation in the area of
47 solid waste management or related activities are made
48 available to the city council or county board of
49 supervisors.

50 3. No later than fourteen days prior to a request

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1 for siting approval, the applicant shall cause written
2 notice of the request to be served either in person or
3 by restricted certified mail on the owners of all
4 property within the proposed local site area not
5 solely owned by the applicant, and on the owners of
6 all property within one thousand feet in each
7 direction of the lot line of the proposed local site
8 property if the proposed local site is within the city
9 limits, or within two miles in each direction of the
10 lot line of the proposed local site property if the
11 proposed local site is outside of the city limits.
12 The owners shall be identified based upon the
13 authentic tax records of the county in which the
14 project is to be located.

15 Written notice shall be published in the official
16 newspaper of the county in which the site is located.
17 The notice shall state the name and address of the
18 applicant, the location of the proposed site, the
19 nature and size of the development, the nature of the
20 activity proposed, the probable life of the proposed
21 activity, the date when the request for site approval
22 will be submitted, and a description of the right of
23 persons to comment on the request.

24 4. An applicant shall file a copy of its request
25 with the department and with the city council or the
26 county board of supervisors in which the proposed site
27 is located. The request shall include the substance
28 of the applicant's proposal and all documents, if any,
29 submitted as of that date to the department pertaining
30 to the proposed project. All documents or other
31 materials pertaining to the proposed project on file
32 with the city council or county board of supervisors
33 shall be made available for public inspection at the
34 office of the city council or county board of
35 supervisors and may be copied upon payment of the
36 actual cost of reproduction.

37 Any person may file written comment with the city
38 council or county board of supervisors concerning the
39 appropriateness of the proposed site for its intended
40 purpose. The city council or county board of
41 supervisors shall consider any comment received or
42 postmarked not later than thirty days after the date
43 of the last public hearing.

44 5. At least one public hearing shall be held by
45 the city council or county board of supervisors no
46 sooner than ninety days but no later than one hundred
47 twenty days from receipt of the request for siting
48 approval. A hearing shall be preceded by published
49 notice in an official newspaper of the county of the
50 proposed site, including in any official newspaper

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1 located in the city of the proposed site. The public
2 hearing shall develop a record sufficient to form the
3 basis of an appeal of the decision.

4 6. Decisions of the city council or the county
5 board of supervisors shall be in writing, specifying
6 the reasons for the decision. The written decision of
7 the city council or the county board of supervisors
8 shall be available for public inspection at the office
9 of the city council or county board of supervisors and
10 may be copied upon payment of the actual cost of
11 reproduction. Final action shall be taken by the city
12 council or the county board of supervisors within one
13 hundred eighty days after the filing of the request
14 for site approval.

15 At any time prior to completion by the applicant of
16 the presentation of the applicant's factual evidence
17 and an opportunity for questioning by the city council
18 or the county board of supervisors and members of the
19 public, the applicant may file not more than one
20 amended application upon payment of additional fees
21 pursuant to subsection 9. The time limitation for
22 final action on an amended application shall be
23 extended for an additional ninety days.

24 7. Construction of a project which is granted
25 local siting approval under this section shall
26 commence within one calendar year from the date upon
27 which it was granted or the permit shall be nullified.
28 If the local siting decision is appealed, the one-year
29 period shall begin on the date upon which the appeal
30 process is concluded.

31 8. The local siting approval, criteria, and appeal
32 procedures provided for in this section and in section
33 455B.305B are the exclusive local siting procedures
34 and appeal procedures. Local zoning or other local
35 land use requirements shall not be applicable to such
36 siting decisions.

37 9. A city council or a county board of supervisors
38 shall charge an applicant for siting approval, under
39 this section, a fee to cover the reasonable and
40 necessary costs incurred by the city or county in the
41 siting approval process.

42 10. An applicant shall not file a request for
43 local siting approval which is substantially the same
44 as a request which was denied within the preceding two
45 years pursuant to a finding against the applicant
46 under the established criteria.

47 **Sec. 2. NEW SECTION. 455B.305B APPEAL FROM**
48 **DECISION.**

49 1. If the city council or the county board of
50 supervisors does not approve a siting request under

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1 section 455B.305A, the applicant, within sixty days of
2 notice of the decision, may petition for a hearing
3 before the commission to contest the decision. The
4 commission shall publish notice of the hearing on the
5 appeal thirty days prior to the hearing in an official
6 newspaper of the county of the proposed site,
7 including in any official newspaper located in the
8 city of the proposed site. The city council or the
9 county board of supervisors shall appear as respondent
10 in the hearing, and the hearing shall be based
11 exclusively on the record before the city council or
12 the county board of supervisors. At the hearing, the
13 burden of proof shall be on the petitioner. In making
14 its orders and determinations under this section, the
15 commission shall consider the written decision and
16 reasons for the decision of the city council or the
17 county board of supervisors and the transcribed record
18 of the hearing held pursuant to section 455B.305A.

19 The commission shall transmit a copy of its decision
20 to the office of the city council or the county board
21 of supervisors where it shall be available for public
22 inspection and copied upon payment of the actual cost
23 of reproduction. Final action by the commission shall
24 be taken within one hundred twenty days.

25 2. If the city council or the county board of
26 supervisors grants approval under section 455B.305A, a
27 third party other than the applicant who participated
28 in the public hearing conducted by the city council or
29 the county board of supervisors, may petition the
30 commission within sixty days of filing of the written
31 decision at the office of the city council or county
32 board of supervisors for a hearing to contest the
33 approval. Unless the commission determines that the
34 petition is duplicitous or frivolous, the commission
35 shall hear the petition in accordance with the
36 procedures of subsection 1. The burden of proof shall
37 be on the petitioner, and the city council or the
38 county board of supervisors and the applicant shall be
39 named as correspondents.

40 The commission shall transmit a copy of its
41 decision to the office of the city council or the
42 county board of supervisors where it shall be
43 available for public inspection and may be copied upon
44 payment of the actual cost of reproduction.

45 3. Any person who files a petition to contest a
46 decision of the city council or the county board of
47 supervisors shall pay a reasonable filing fee.

48 4. Judicial review may be sought of actions of the
49 commission in accordance with chapter 17A.

50 Sec. 3. NEW SECTION. 455B.315 RADIOACTIVE

Page 5

1 MATERIALS -- PROHIBITED DEPOSIT IN SANITARY LANDFILLS.

2 A person shall not dispose of, and a sanitary
3 landfill shall not accept for final disposal,
4 radioactive materials, as defined as of January 1,
5 1990, pursuant to section 136C.1.

6 Sec. 4. Section 455D.9, subsection 2, Code
7 Supplement 1989, is amended to read as follows:

8 2. The department shall assist local communities
9 in the development of collection systems for yard
10 waste generated from residences and shall assist in
11 the establishment of local composting facilities. ~~By~~
12 ~~July 1, 1990, Within one hundred twenty days of the~~
13 adoption of rules by the department regarding yard
14 waste, each city and county shall, by ordinance,
15 require persons within the city or county to separate
16 yard waste from other solid waste generated.
17 Municipalities which provide a collection system for
18 solid waste shall provide for a collection system for
19 yard waste which is not composted.

20 Sec. 5. MORATORIUM -- COMMERCIAL INFECTIOUS WASTE
21 INCINERATORS.

22 The department of natural resources shall not grant
23 a permit for the construction or operation of a
24 commercial for-profit infectious waste incinerator
25 prior to July 1, 1991. The moratorium does not apply
26 to a hospital licensed pursuant to chapter 135B which
27 accepts waste from other infectious waste generators
28 if the total amount of infectious waste accepted from
29 other generators is less than sixty-six percent of the
30 infectious waste incinerated.

31 Sec. 6. COAL MINED LAND -- COAL COMBUSTION WASTE -
32 - STUDY.

33 The department of natural resources shall conduct a
34 study of the reclamation of coal mined land with coal
35 combustion waste. The study shall be conducted in
36 cooperation with the department of agriculture and
37 land stewardship and with Iowa state university of
38 science and technology. The department of natural
39 resources shall submit the results of the study and
40 the recommendations of the department, based upon the
41 results of the study, to the general assembly by
42 January 15, 1991.

43 Sec. 7.

44 Section 5 of this Act is retroactively applicable
45 to January 1, 1990.

46 Sec. 8.

47 This Act, being deemed of immediate importance,
48 takes effect upon enactment.""

49 2. Title page, line 1, by striking the words
50 "sanitary disposal projects" and inserting the

Page 6

- 1 following: "sanitary landfill and incineration
- 2 projects, providing a retroactive applicability date,
- 3 and providing an effective date".

Amendment H—6014 was adopted.

On motion by Jesse of Jasper, the House concurred in the Senate amendment H—5745, as amended.

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

On the question "Shall the bill pass?" (H.F. 2534)

The ayes were, 89:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Rosenberg	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Swartz
Teaford	Trent	Tyrrell	Wise
Schneklath			
Presiding			

The nays were, 5:

Iverson	Maulsby	Renken	Royer
Van Maanen			

Absent or not voting, 6:

Branstad	Daggett	Johnson	Renaud
Stueland	Tabor		

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

IMMEDIATE MESSAGE
(Senate File 205)

Arnould of Scott asked and received unanimous consent that Senate File 205 be immediately messaged to the Senate.

Regular Calendar

House File 2557, a bill for an act relating to the filing of liens against property for nonpayment of city utility or enterprise charges, with report of committee recommending amendment and passage was taken up for consideration.

Connors of Polk offered the following amendment H—5945 filed by the committee on local government:

H—5945

- 1 Amend House File 2557 as follows:
- 2 1. Page 1, line 32, by striking the word “if” and
- 3 inserting the following: “incurred after”.
- 4 2. Page 1, line 35, by inserting after the word
- 5 “notice” the following: “and may require a deposit
- 6 from the person liable for the charges. A written
- 7 notice shall contain the name of the tenant
- 8 responsible for charges, address tenant is to occupy,
- 9 and date that occupancy begins. A change in tenant
- 10 shall require a new written notice”.
- 11 3. Page 2, line 5, by striking the words “to the
- 12 property owner” and inserting the words “by first
- 13 class mail to a property owner of record”.

Speaker Avenson in the chair at 10:16 a.m.

Spear of Lee offered the following amendment H—6017, to the committee amendment H—5945, filed by him and Connors of Polk and moved its adoption:

H—6017

- 1 Amend the Committee amendment, H—5945, to House
- 2 File 2557 as follows:
- 3 1. Page 1, line 8, by inserting after the word
- 4 “address” the following: “that the”.
- 5 2. Page 1, line 9, by inserting after the word
- 6 “that” the following: “the”.
- 7 3. Page 1, line 13, by striking the word “a” and
- 8 inserting the following: “the”.

Amendment H—6017 was adopted.

On motion by Connors of Polk, the committee amendment H—5945, as amended, was adopted.

Connors of Polk offered the following amendment H—6072 filed by him and moved its adoption:

H—6072

- 1 Amend House File 2557 as follows:
- 2 1. Page 1, line 29, by inserting before the word
- 3 "rental" the following: "residential".

Amendment H—6072 was adopted.

Pavich of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2557)

The ayes were, 91:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Brown
Buhr	Carpenter	Clark	Cohoon
Connors	Corbett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Iverson	Jay
Jochum	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schneklath
Schrader	Sherzan	Shoning	Shultz
Siegrist	Spear	Spenner	Svoboda
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, 1:

Shearer

Absent or not voting, 8:

Branstad	Chapman	Daggett	Jesse
Johnson	McKinney	Stueland	Swartz

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

SENATE AMENDMENTS CONSIDERED

Koenigs of Mitchell called up for consideration **Senate File 2329**, a bill for an act relating to implied consent to test persons operating commercial motor vehicles, to motor vehicle registration fees by allowing semiannual installment payments of registration fees for certain commercial vehicles, and to the use and issuance of motor vehicle licenses including provisions authorizing the issuance of commercial driver's licenses, setting fees for issuance of motor vehicle licenses, providing penalties, and making penalties applicable, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-6080 to the House amendment:

H-6080

- 1 Amend the House amendment, S-5851, to Senate File
- 2 2329, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by striking lines 3 through 6.
- 5 2. Page 3, line 18, by inserting after the figure
- 6 "321.186A" the following: "which shows that the
- 7 applicant's visual acuity level meets or exceeds those
- 8 required by the department".
- 9 3. Page 4, by inserting after line 17, the
- 10 following:
- 11 "_____. Page 20, by striking lines 34 and 35, and
- 12 inserting the following: "more pounds if one of the
- 13 towed vehicles has a gross vehicle weight rating"."
- 14 4. Page 4, by striking lines 36 through 38, and
- 15 inserting the following: "less than twenty-six
- 16 thousand one pounds and each towed vehicle has a gross
- 17 vehicle weight rating of less than ten".
- 18 5. Page 4, line 50, by striking the words "test
- 19 as" and inserting the following: "report as".
- 20 6. Page 5, line 1, by inserting after the figure
- 21 "321.186A" the following: "which shows that the
- 22 applicant's visual acuity level meets or exceeds those
- 23 required by the department".
- 24 7. Page 5, line 49, by inserting after the figure
- 25 "321.186A" the following: "which shows that the
- 26 applicant's visual acuity level meets or exceeds those
- 27 required by the department".

The motion prevailed and the House concurred in the Senate amendment H-6080.

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

On the question "Shall the bill pass?" (S.F. 2329)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Iverson	Jay
Jesse	Jochum	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schnekloth	Schrader	Shearer
Sherzan	Shoning	Siegrist	Spear
Spenner	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 6:

Branstad	Daggett	Hibbard	Johnson
Shoultz	Stueland		

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

Hatch of Polk called up for consideration **House File 2552**, a bill for an act relating to storage tanks, including the conditions and funding mechanisms of the Iowa comprehensive petroleum underground storage tank fund, amended by the Senate amendment H—6028 as follows:

H-6028

1 Amend House File 2552, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 10 through 12, and
4 inserting the following: "with jurisdiction over the
5 site of the outlet."

6 2. Page 7, by inserting after line 25, the
7 following:

8 "Sec. _____. Section 424.6, subsection 1, Code
9 Supplement 1989, is amended by adding the following
10 new unnumbered paragraph:

11 "NEW UNNUMBERED PARAGRAPH. The department shall
12 permit a credit against the charge due from a person
13 equal to the total volume of petroleum transferred or
14 sold from a tank in bulk quantities and delivered to a
15 person for deposit in a tank which is exempt,
16 deferred, or excluded pursuant to this subsection,
17 multiplied by the diminution rate multiplied by the
18 cost factor, subject to rules adopted by the board.
19 "Bulk quantities" as used in this paragraph means at
20 least a portion of a standard tanker truck load."

21 3. Page 9, by inserting after line 3, the
22 following:

23 "Sec. _____. Section 455B.304, Code Supplement 1989,
24 is amended by adding the following new unnumbered
25 paragraphs:

26 NEW UNNUMBERED PARAGRAPH. The commission shall
27 adopt rules providing for the land application of
28 soils resulting from the remediation of underground
29 storage tank releases in the state.

30 NEW UNNUMBERED PARAGRAPH. The commission shall
31 adopt rules providing for the issuance of a
32 certificate to the owner of an underground petroleum
33 storage tank evidencing completion of a remediation
34 action by cleaning the site to the then current action
35 standards. The certificate shall be issued upon
36 request of the owner if the department does not order
37 further remediation work to be performed within ninety
38 days of the department's letter acknowledging
39 compliance with current action standards. The
40 certificate may be recorded with the county recorder
41 to evidence completion of a remediation in the chain
42 of title. A person issued a certificate shall not be
43 required to perform further remediation solely because
44 action standards are changed at a later date. The
45 certificate shall not prevent the department from
46 ordering remediation of a new release."

47 4. Page 9, by striking lines 4 through 19.

48 5. By striking page 9, line 20, through page 10,
49 line 1.

50 6. Page 12, by inserting after line 1, the

Page 2

1 following:

2 "Sec. _____. Section 455G.9, subsection 1, paragraph
3 a, subparagraph (1), unnumbered paragraph 2, Code
4 Supplement 1989, is amended to read as follows:

5 Total payments for claims pursuant to this
6 subparagraph and subparagraph (3) are limited to no
7 more than six million dollars. Claims for eligible
8 retroactive releases shall be prorated if claims filed
9 in a permitted application period or for a particular
10 priority class of applicants exceed six million
11 dollars or the then remaining balance of six million
12 dollars. If claims remain partially or totally unpaid
13 after total payments equal six million dollars, all
14 remaining claims are void, and no entitlement exists
15 for further payment.

16 Sec. _____. Section 455G.9, subsection 1, paragraph
17 a, Code Supplement 1989, is amended by adding the
18 following new subparagraph:

19 **NEW SUBPARAGRAPH.** (3) Corrective action for an
20 eligible release reported to the department of natural
21 resources on or after January 1, 1985, but prior to
22 July 1, 1987. Third-party liability is specifically
23 excluded from remedial account coverage. For a claim
24 for a release under this subparagraph, the remedial
25 program shall pay no more than the lesser of twenty-
26 five thousand dollars or one-third of the total costs
27 of corrective action for that release, subsection 4
28 notwithstanding. For a release to be eligible for
29 coverage under this subparagraph the following
30 conditions must be satisfied:

31 (a) The owner or operator applying for coverage
32 must be currently engaged in the business for which
33 the tank connected with the release was used prior to
34 the report of the release.

35 (b) The owner or operator applying for coverage
36 shall not be a person who is maintaining, or has
37 maintained, proof of financial responsibility for
38 federal regulations through self-insurance.

39 (c) The owner or operator applying for coverage
40 shall not have claimed bankruptcy any time on or after
41 January 1, 1985.

42 (d) The claim for coverage pursuant to this
43 subparagraph must have been filed with the board prior
44 to September 1, 1990.

45 (e) The owner or operator at the time the release
46 was reported to the department of natural resources
47 must have been in compliance with then current
48 monitoring requirements, if any, or must have been in
49 the process of compliance efforts with anticipated
50 requirements, including installation of monitoring

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1 devices, a new tank, tank improvements or retrofit, or
2 any combination."

3 7. Page 19, by striking lines 2 through 18, and
4 inserting the following:

5 "NEW SUBSECTION. 8. A person engaged in the
6 wholesale or retail sale of petroleum shall receive a
7 discount of eight percent on that person's annual
8 insurance premium for all tanks located at a site
9 which meets all of the following conditions:

10 a. The person maintains a tank for the purpose of
11 storing waste oil.

12 b. The person accepts waste oil from the general
13 public.

14 c. The person posts a notice at the site in a form
15 and manner approved by the administrator advertising
16 that the person will accept waste oil from the general
17 public."

18 8. Page 21, by inserting after line 9, the
19 following:

20 "Sec. _____. Section 558.69, unnumbered paragraph 1,
21 Code 1989, is amended to read as follows:

22 With each declaration of value submitted to the
23 county recorder under chapter 428A, there shall also
24 be submitted a statement that no known wells are
25 situated on the property, or if known wells are
26 situated on the property, the statement must state the
27 approximate location of each known well and its status
28 with respect to section 159.29 or 455B.190. The
29 statement shall also state that no known disposal site
30 for solid waste, as defined in section 455B.301, which
31 has been deemed to be potentially hazardous by the
32 department of natural resources, exists on the
33 property, or if such a known disposal site does exist,
34 the location of the site on the property. The
35 statement shall additionally state that no known
36 underground storage tank, as defined in section
37 455B.471, subsection 6, exists on the property, or if
38 a known underground storage tank does exist, the type
39 and size of the tank, and any known substance in the
40 tank. The statement shall also state that no known
41 hazardous waste as defined in section 455B.411,
42 subsection 4, or listed by the department pursuant to
43 section 455B.412, subsection 2, or section 455B.464,
44 exists on the property, or if known hazardous waste
45 does exist, that the waste is being managed in
46 accordance with rules adopted by the department of
47 natural resources. The statement shall be signed by
48 at least one of the sellers or their agents. The
49 county recorder shall refuse to record any deed,
50 instrument, or writing for which a declaration of

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1 value is required under chapter 428A unless the
2 statement required by this section has been submitted
3 to the county recorder. A buyer of property shall be
4 provided with a copy of the statement submitted, and,
5 following the fulfillment of this provision, if the
6 statement submitted reveals no well, disposal site,
7 underground storage tank, or hazardous waste on the
8 property, the county recorder may destroy the
9 statement. The land application of sludges or soils
10 resulting from the remediation of underground storage
11 tank releases accomplished in compliance with
12 department of natural resources rules without a permit
13 is not required to be reported as the disposal of
14 solid waste or hazardous waste. For a property for
15 which a certificate evidencing completion of a
16 remediation action has been issued pursuant to section
17 455B.304, the past presence of an underground storage
18 tank closed pursuant to department rules or the
19 presence of any hazardous waste or contamination
20 related solely to the prior underground storage tank
21 which was the subject of the remediation need not be
22 disclosed, provided that no new underground storage
23 tank has been installed on the property."

24 9. Page 21, lines 14 and 15, by striking the
25 words and figures "July 1, 1990" and inserting the
26 following: "the effective date of this Act".

27 10. Page 21, line 20, by striking the words "for
28 that two-month" and inserting the following: "under
29 section 455G.9, subsection 1, paragraph "a",
30 subparagraphs (1) and (3) for that".

31 11. By striking page 21, line 23, through page
32 22, line 1, and inserting the following: "balance
33 shall be distributed according to the following
34 priority:

35 1. Claims submitted pursuant to section 455G.9,
36 subsection 1, paragraph "a", subparagraph (3), first.

37 2. Claims reopened or submitted pursuant to
38 section 455G.9, subsection 1, paragraph "a",
39 subparagraph (1), second.

40 3. Claims submitted pursuant to section 455G.9,
41 subsection 1, paragraph "a", subparagraph (3), not
42 previously accepted for payment or paid because the
43 claim was ineligible solely on the basis of section
44 455G.9, subsection 1, paragraph "a", subparagraph (3),
45 subparagraph subdivision (a), third.

46 4. If claims paid pursuant to subsections 1, 2,
47 and 3 do not exceed the remaining balance of
48 unobligated or unreserved funds of the six million
49 dollars, the remaining balance shall be distributed
50 among the claims accepted for payment which were

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1 submitted on or before January 31, 1990, by increasing
2 the allowable percentage of payment contained in
3 section 455G.9, subsection 1, paragraph "a",
4 subparagraph (1) by an amount necessary to reduce the
5 remaining balance of the six million dollars allocated
6 for retroactive claims to zero.

7 If claims remain partially or totally unpaid after
8 total payments under the retroactive portion of the
9 remedial account equal six million dollars, all
10 remaining claims are void, and no entitlement exists
11 for further payment."

12 12. Page 22, by striking lines 2 and 3, and
13 inserting the following:

14 "Sec. _____.

15 This Act, being deemed of immediate importance,
16 takes effect upon enactment."

17 13. Title page, line 3, by inserting after the
18 word "fund" the following: ", and providing an
19 effective date".

20 14. By renumbering, relettering, or redesignating
21 and correcting internal references as necessary.

Hatch of Polk offered amendment H-6075, to the Senate amend-
ment H-6028, filed by him. Division was requested as follows:

H-6075

1 Amend the Senate amendment, H-6028, to House File
2 2552, as amended, passed, and reprinted by the House,
3 as follows:

H-6075A

4 1. Page 1, line 12, by inserting after the word
5 "person" the following: "operating an eligible
6 underground bulk storage facility".

7 2. Page 1, line 20, by inserting after the word
8 "load." the following: " "Eligible underground bulk
9 storage facility" means an underground bulk storage
10 facility in operation on or before January 1, 1990."

11 3. Page 1, line 25, by striking the word
12 "paragraphs" and inserting the following:
13 "paragraph".

14 4. Page 1, line 29, by striking the word "state."
15 and inserting the following: "state." "

H-6075C

16 5. Page 1, by striking lines 30 through 46.

H-6075A

17 6. Page 2, line 6, by striking the words "and
18 subparagraph (3)".

H-6075A

- 19 7. Page 2, line 15, by striking the word
20 "payment." and inserting the following: "payment." "
- 21 8. By striking page 2, line 16, through page 3,
22 line 2.

H-6075B

- 23 9. Page 3, by striking lines 3 through 17, and
24 inserting the following:
25 "_____. Page 19, line 5, by inserting after the
26 word "recycling" the following: "or proper disposal".
27 _____. Page 19, by striking lines 7 through 11, and
28 inserting the following: "oil for recycling or proper
29 disposal. A person required to install a waste oil
30 tank at a site to satisfy this condition shall receive
31 a discount of five percent on that person's annual
32 insurance premium for all tanks located at that site.
33 A person subject to this subsection shall post".

H-6075A

- 34 10. Page 4, by striking lines 14 through 23, and
35 inserting the following: "solid waste or hazardous
36 waste." "
- 37 11. Page 4, line 30, by striking the words and
38 figures "subparagraphs (1) and (3)" and inserting the
39 following: "subparagraph (1)".
- 40 12. By striking page 4, line 31, through page 5,
41 line 11.
- 42 13. Page 5, by inserting after line 13, the
43 following:
44 "Sec. _____.
45 In response to concerns over the cost of recurring
46 liability due to regulatory uncertainty and the threat
47 of continued liability in connection with prior
48 contamination after conducting a remediation action or
49 tank closure consistent with current action standards,
50 the petroleum underground storage tank board, in

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- 1 consultation with the state attorney general and the
2 department of natural resources, shall assess state
3 and federal laws regarding liability for site
4 remediation and third-party liability in connection
5 with underground storage tanks. Based on this
6 assessment, the board shall identify whether it is
7 desirable and appropriate to define limits to
8 liability among parties involved in the purchase or
9 transfer of property which has been subject to a
10 remediation action or tank closure consistent with
11 action standards at the time of the action or tank
12 closure. Any recommendations of the board shall be
13 incorporated into a written report and the written

H-6075A

14 report shall be submitted to the general assembly on
 15 or before January 15, 1991. The report shall include
 16 a discussion of the financial implications of any
 17 proposals, including, but not limited to, any risk
 18 that the state would incur if the state would assume
 19 some portion of the liability to pay for future
 20 remedial action due to a change in regulatory action
 21 standards."

22 14. By renumbering, relettering, and
 23 redesignating as necessary.

Hatch of Polk moved the adoption of amendment H-6075A, to the Senate amendment H-6028.

Roll call was requested by De Groot of Lyon and Spenner of Henry.

On the question "Shall amendment H-6075A, to the Senate amendment H-6028, be adopted?" (H.F. 2552)

The ayes were, 51:

Adams	Arnould	Beatty	Bisignano
Brammer	Brand	Brown	Buhr
Chapman	Cohoon	Connors	Doderer
Dvorsky	Fey	Fogarty	Fuller
Groninga	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harper	Hatch	Haverland
Hermann	Hibbard	Holveck	Jesse
Jochum	Knapp	Lykam	May
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Schrader	Sherzan	Swartz	Tabor
Teaford	Wise	Mr. Speaker	
		Avenson	

The nays were, 38:

Banks	Beaman	Bennett	Carpenter
Clark	Corbett	Daggett	De Groot
Diemer	Eddie	Garman	Gruhn
Halvorson, R. A.	Harbor	Hester	Iverson
Kistler	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	McKean	Metcalf
Pellett	Petersen, D. F.	Renken	Royer
Schnekloth	Shearer	Shoning	Siegrist
Spear	Spenner	Svoboda	Trent
Tyrrell	Van Maanen		

Absent or not voting, 11:

Black	Blanshan	Branstad	Jay
Johnson	McKinney	Mertz	Miller
Plasier	Shoultz	Stueland	

Amendment H—6075A was adopted.

Swartz of Marshall in the chair at 11:13 a.m.

Hatch of Polk moved the adoption of amendment H—6075B, to the Senate amendment H—6028.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 42, nays 52.

Amendment H—6075B lost.

On motion by Hatch of Polk, amendment H—6075C, to the Senate amendment H—6028, lost.

On motion by Hatch of Polk, the House concurred in the Senate amendment H—6028, as amended.

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

On the question "Shall the bill pass?" (H.F. 2552)

The ayes were, 90:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Iverson
Jay	Jesse	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Peterson, M. K.	Poncy	Renaud

Renken	Rosenberg	Royer	Schneklath
Schrader	Shearer	Sherzan	Shoning
Siegrist	Spear	Spenner	Svoboda
Tabor	Trent	Tyrrell	Van Maanen
Wise	Swartz		
	Presiding		

The nays were, none.

Absent or not voting, 10:

Avenson, Spkr.	Branstad	Hibbard	Jochum
Johnson	Petersen, D. F.	Plasier	Shoultz
Stueland	Teaford		

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

IMMEDIATE MESSAGE (House File 2552)

Arnould of Scott asked and received unanimous consent that House File 2552 be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

McKinney of Dallas called up for consideration House Concurrent Resolution 112, a concurrent resolution relating to the board of regents' ten-year building program and providing for the financing of fire and life safety and deferred maintenance projects, amended by the Senate amendment H-6084 as follows:

H-6084

- 1 Amend House Concurrent Resolution 112, as passed by
- 2 the House, as follows:
- 3 1. Page 3, line 21, by striking the word
- 4 "related".
- 5 2. Page 3, line 21, by inserting after the word
- 6 "maintenance" the following: ", including projects".
- 7 3. Page 3, line 23, by inserting after the figure
- 8 "1990" the following: ", and projects that will
- 9 correct conditions where there is risk to loss of life
- 10 or injury or conditions hazardous to the health of
- 11 persons or where the project, if delayed, will result
- 12 in substantially greater additional costs in the
- 13 future".
- 14 4. Page 3, line 28, by striking the word
- 15 "related".
- 16 5. Page 3, line 28, by inserting after the word
- 17 "maintenance" the following: ", including projects".
- 18 6. Page 3, line 30, by inserting after the figure
- 19 "1990" the following: ", and projects that will

20 correct conditions where there is risk to loss of life
 21 or injury or conditions hazardous to the health of
 22 persons or where the project, if delayed, will result
 23 in substantially greater additional costs in the
 24 future”.

25 7. Page 4, line 5, by striking the word
 26 “related”.

27 8. Page 4, line 5, by inserting after the word
 28 “maintenance” the following: “, including projects”.

29 9. Page 4, by striking lines 7 through 9, and
 30 inserting the following: “council on March 27, 1990,
 31 and projects that will correct conditions where there
 32 is risk to loss of life or injury or conditions
 33 hazardous to the health of persons or where the
 34 project, if delayed, will result in substantially
 35 greater additional costs in the future”.

McKinney of Dallas offered the following amendment H—6104,
 to the Senate amendment H—6084, filed by him from the floor and
 moved its adoption:

H—6104

1 Amend the Senate amendment, H—6084, to House
 2 Concurrent Resolution 112, as passed by the House, as
 3 follows:

4 1. Page 1, by striking lines 11 through 13, and
 5 inserting the following: “persons”.

6 2. Page 1, by striking lines 22 through 24, and
 7 inserting the following: “persons”.

8 3. Page 1, by striking lines 33 through 35, and
 9 inserting the following: “hazardous to the health of
 10 persons”.

Amendment H—6104 was adopted.

On motion by McKinney of Dallas, the House concurred in the
 Senate amendment H—6084, as amended.

McKinney of Dallas moved the adoption of the resolution, as
 amended.

A non-record roll call was requested.

The ayes were 65, nays 18.

The motion prevailed and House Concurrent Resolution 112, as
 amended, was adopted.

IMMEDIATE MESSAGES

(House File 2557 and House Concurrent Resolution 112)

Arnould of Scott asked and received unanimous consent that
 House File 2557 and House Concurrent Resolution 112 be immediately
 messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Knapp of Dubuque called up for consideration Senate File 2408, a bill for an act relating to and making appropriations to the justice system, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-6091 to the House amendment:

H-6091

1 Amend the House amendment, S-5838, to Senate File
2 2408, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, by inserting after line 45, the
5 following:

6 "_____. Page 8, line 27, by inserting after the
7 word "institutions." the following: "The department
8 is authorized to implement the condition contained in
9 this paragraph immediately upon enactment." "

10 2. Page 1, line 46, by striking the figure "35"
11 and inserting the following: "5".

12 3. Page 2, by striking lines 5 through 23, and
13 inserting the following: "much thereof as is
14 necessary:

15 _____ Page 10, line 8, by striking the figure
16 "4,345,072" and inserting the following: "4,320,847".

17 _____ Page 10, by striking lines 14 through 18.

18 _____ Page 10, by striking lines 24 through 28 and
19 inserting the following:

20 "_____. For contracting for aptitude and job-related
21 interest assessment, career exploration, the
22 individualized employability development plan, and job
23 placement with a private entity which is not
24 controlled or administered by any state agency or any
25 political subdivision of the state, and which has a
26 minimum of fifteen years of service experience with
27 offender and ex-offender populations:

28 \$ 90,000".

29 4. Page 2, by striking lines 24 and 25, and
30 inserting the following:

31 "_____. Page 11, by striking lines 18 through 22
32 and inserting the following:".

33 5. Page 2, by striking lines 28 through 39, and
34 inserting the following: "much thereof as is
35 necessary:

36 _____ Page 11, line 25, by striking the figure
37 "3,343,904" and inserting the following: "3,208,365".

38 _____ Page 11, by striking lines 34 and 35, and
39 inserting the following:

40 "..... \$ 242,696

41 FTEs 8.53".

- 42 _____ Page 12, by striking lines 23 through 27,
- 43 and inserting the following:"
- 44 6. By striking page 2, line 42 through page 3,
- 45 line 4, and inserting the following: "much thereof as
- 46 is necessary:
- 47 _____ Page 12, line 30, by striking the figure
- 48 "1,941,214" and inserting the following: "1,932,014".
- 49 _____ Page 12, by striking lines 34 and 35, and
- 50 inserting the following:

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- 1 " \$ 18,278
- 2 FTEs .50".
- 3 _____ Page 13, by striking lines 3 and 4, and
- 4 inserting the following:
- 5 " \$ 76,303
- 6 FTEs 2.07".
- 7 _____ Page 13, by striking lines 27 through 31,
- 8 and inserting the following:"
- 9 7. Page 3, by striking lines 7 through 14, and
- 10 inserting the following: "much thereof as is
- 11 necessary:
- 12 _____ Page 13, line 34, by striking the figure
- 13 "1,853,870" and inserting the following: "1,816,247".
- 14 _____ Page 14, by striking lines 17 through 21,
- 15 and inserting the following:"
- 16 8. Page 3, by striking lines 17 through 26, and
- 17 inserting the following: "much thereof as is
- 18 necessary:
- 19 _____ Page 14, line 24, by striking figure
- 20 "5,563,123" and inserting the following: "5,468,203".
- 21 _____ Page 14, by striking lines 25 through 33.
- 22 _____ Page 15, by striking lines 4 through 12.
- 23 _____ Page 16, by striking lines 1 through 5, and
- 24 inserting the following:"
- 25 9. Page 3, by striking lines 29 through 46, and
- 26 inserting the following: "much thereof as is
- 27 necessary:
- 28 _____ Page 16, line 8, by striking the figure
- 29 "4,008,274" and inserting the following: "3,982,335".
- 30 _____ Page 16, by striking lines 17 through 30,
- 31 and inserting the following:
- 32 " \$ 179,814
- 33 FTEs 3.49".
- 34 _____ By striking page 16, line 35 through page
- 35 17, line 1, and inserting the following:
- 36 " \$ 337,733
- 37 FTEs 7.70".
- 38 _____ Page 17, by striking lines 31 through 35,
- 39 and inserting the following:"
- 40 10. By striking page 3, line 49 through page 4,

41 line 14, and inserting the following: "much thereof
42 as is necessary:

43 _____ Page 18, by striking lines 9 through 13.

44 _____ Page 18, by striking lines 17 and 18, and
45 inserting the following:

46 "..... \$ 57,131
47 FTEs 1.00".

48 _____ Page 19, by striking lines 12 through 16,
49 and inserting the following:".

50 11. Page 4, by striking lines 17 through 46, and

Page 3

1 inserting the following: "much thereof as is
2 necessary:

3 _____ Page 19, line 19, by striking the figure
4 "1,772,601" and inserting the following: "1,699,249".

5 _____ Page 19, by striking lines 28 and 29, and
6 inserting the following:

7 "..... \$ 43,384
8 FTEs 1.23".

9 _____ Page 19, by striking lines 34 and 35, and
10 inserting the following:

11 "..... \$ 570,035
12 FTEs 13.28".

13 _____ Page 21, line 16, by striking the figure
14 "584,632" and inserting the following: "200,000".

15 12. Page 5, by striking lines 9 through 15, and
16 inserting the following:

17 "As a condition, limitation, and qualification of
18 this appropriation, the judicial department, except
19 for purposes of internal processing, shall use the
20 current state budget system, the state payroll system,
21 and the Iowa finance and accounting system in
22 administration of programs and payments for services,
23 and shall not duplicate the state payroll, accounting,
24 and budgeting systems."

25 13. Page 5, by striking lines 31 through 36 and
26 inserting the following: "this appropriation, the
27 judicial department, except for purposes of internal
28 processing, shall use the current state budget system,
29 the state payroll system, and the Iowa finance and
30 accounting system in administration of programs and
31 payments for services, and shall not duplicate the
32 state payroll, accounting, and budgeting systems."

33 14. Page 6, by striking lines 8 through 32.

34 15. By striking page 6, line 43, through page 7,
35 line 30.

36 16. Page 7, by inserting after line 33, the
37 following:

38 "_____ Page 29, by inserting before line 15, the
39 following:

40 "Sec. _____. 1990 Iowa Acts, Senate File 2212,
 41 section 23, is amended by adding the following new
 42 unnumbered paragraph:
 43 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
 44 8.33, the moneys appropriated in this section that
 45 remain unencumbered and unobligated on June 30, 1990,
 46 shall not revert to the general fund but shall remain
 47 available for expenditure for the purposes designated
 48 during the fiscal year beginning July 1, 1990." "
 49 17. Page 7, by inserting after line 33 the
 50 following:

Page 4

1 "_____. Page 29, by inserting after line 17 the
 2 following:
 3 "Sec. _____.
 4 Section 5, subsection 1, unnumbered paragraph 2, of
 5 this Act, which relates to the employment of a
 6 correctional education administrator, being deemed of
 7 immediate importance, takes effect upon enactment and
 8 the department shall immediately commence the process
 9 for employing the administrator and the department of
 10 management shall authorize expenditures to be incurred
 11 in commencing this process." "
 12 18. Page 7, by striking lines 34 through 36.
 13 19. By renumbering, relettering, or redesignating
 14 and correcting internal references as necessary.

A non-record roll call was requested.

The ayes were 57, nays 30.

The motion prevailed and the House concurred in the Senate amendment H—6091.

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

On the question "Shall the bill pass?" (S.F. 2408)

The ayes were, 58:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Black	Blanshan	Brammer
Brown	Buhr	Chapman	Cphoon
Doderer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Hibbard	Holveck	Jay
Jesse	Jochum	Knapp	Koenigs

Lykam	Maulsby	May	McKean
McKinney	Mertz	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peters	Peterson, M. K.	Plasier
Renaud	Rosenberg	Schrader	Shearer
Sherzan	Shoning	Spear	Tabor
Wise	Swartz		
	Presiding		

The nays were, 33:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Eddie	Garman	Halvorson, R. A.
Hanson, D. R.	Harbor	Hermann	Hester
Iverson	Kistler	Kremer	Lageschulte
Lundby	Metcalf	Miller	Pellett
Petersen, D. F.	Renken	Royer	Schnekloth
Siegrist	Spenner	Trent	Tyrrell
Van Maanen			

Absent or not voting, 9:

Brand	Connors	Diemer	Johnson
Poney	Shoultz	Stueland	Svoboda
Teaford			

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

IMMEDIATE MESSAGE

(Senate File 2408)

Arnould of Scott asked and received unanimous consent that Senate File 2408 be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 4, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2548, a bill for an act relating to agricultural health and safety.

Also: That the Senate has on April 4, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2425, a bill for an act relating to the care of children when a legally responsible adult is unavailable to provide the care.

JOHN F. DWYER, Secretary

On motion by Arnould of Scott, the House was recessed at 12:16 p.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

SENATE AMENDMENTS CONSIDERED

Muhlbauer of Crawford called up for consideration **House File 724**, a bill for an act relating to the survey of land including the practice of land surveying and the preparation, recording, and vacation of plats, and subjecting violators to civil penalties, amended by the Senate, and moved that the House concur in the following Senate amendment H—6056:

H—6056

- 1 Amend House File 724, 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. 114A.1 DEFINITIONS.
- 6 As used in this chapter unless the context
- 7 otherwise requires:
- 8 1. "Corner" means a point at which two or more
- 9 lines meet.
- 10 2. "Division" means dividing a tract or parcel of
- 11 land into two parcels of land by conveyance or for tax
- 12 purposes. The conveyance of an easement, other than a
- 13 public highway easement, shall not be considered a
- 14 division for the purpose of this chapter.
- 15 3. "Government lot" means a tract, within a
- 16 section, which is normally described by a lot number
- 17 as represented and identified on the township plat of
- 18 the United States public land survey system.
- 19 4. "Land surveying" means surveying of land
- 20 pursuant to chapter 114.
- 21 5. "Lot" means a tract of land, generally a
- 22 subdivision of a city or town block, represented and
- 23 identified as a lot on a recorded plat.
- 24 6. "Meander line" means a traverse approximately
- 25 along the margin of a body of water. A meander line
- 26 provides data for computing areas and approximately
- 27 locates the margin of the body of water. A meander
- 28 line does not ordinarily determine or fix boundaries.
- 29 7. "Monument" means a physical structure which
- 30 marks the location of a corner or other survey point.
- 31 8. "Offset line" means a supplementary traverse
- 32 close to and approximately parallel with an irregular
- 33 boundary line. An offset line provides data for
- 34 computing areas and locates salient points on the
- 35 irregular boundary line by measured distances
- 36 referenced to the offset line.

- 37 9. "Plat of survey" means a graphical
38 representation of a survey of one or more parcels of
39 land, including a complete and accurate description of
40 each parcel within the plat, prepared by a registered
41 land surveyor.
- 42 10. "Subdivision" means a tract of land divided
43 into three or more lots.
- 44 11. "Subdivision plat" means a graphical
45 representation of the subdivision of land, prepared by
46 a registered land surveyor, having a number or letter
47 designation for each lot within the plat and a
48 succinct name or title that is unique for the county
49 where the land is located.
- 50 12. "Surveyor" means a registered land surveyor

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1 who engages in the practice of land surveying pursuant
2 to chapter 114.

3 **Sec. 2. NEW SECTION. 114A.2 APPLICABILITY.**

4 This chapter applies to all agencies of the United
5 States government, this state, or a political
6 subdivision of this state and to all persons engaged
7 in the practice of land surveying.

8 **Sec. 3. NEW SECTION. 114A.3 RULES.**

9 Pursuant to chapter 114, the engineering and land
10 surveying examining board may adopt rules consistent
11 with the rules prescribed by the Acts of Congress and
12 the Instructions of the United States Secretary of the
13 Interior.

14 **Sec. 4. NEW SECTION. 114A.4 BOUNDARY LOCATION.**

15 The surveyor shall acquire data necessary to
16 retrace record title boundaries, center lines, and
17 other boundary line locations in accordance with the
18 legal descriptions including applicable provisions of
19 chapter 650. The surveyor shall analyze the data and
20 make a careful determination of the position of the
21 boundaries of the parcel or tract of land being
22 surveyed. The surveyor shall make a field survey,
23 locating and connecting monuments necessary for
24 location of the parcel or tract and coordinate the
25 facts of the survey with the analysis and legal
26 description. The surveyor shall place monuments
27 marking the corners of the parcel or tract unless
28 monuments already exist at the corners.

29 **Sec. 5. NEW SECTION. 114A.5 MEASUREMENTS.**

30 1. Measurements shall be made with instruments and
31 methods capable of attaining the required accuracy for
32 the particular problem involved.

33 2. Measurements as placed on plats shall be in
34 conformance with the capabilities of the instruments
35 used.

36 3. In a closed traverse the sum of the measured
37 angles shall agree with the theoretical sum by a
38 difference not greater than thirty seconds times the

39 square root of the number of angles.

40 4. Distances shall be shown in decimal feet in
41 accordance with the definition of the international
42 foot. Distance measurements shall refer to the
43 horizontal plane.

44 Sec. 6. NEW SECTION. 114A.6 MONUMENTATION.

45 1. The surveyor shall confirm the prior
46 establishment of control monuments at each controlling
47 corner on the boundaries of the parcel or tract of
48 land being surveyed. If no control monuments exist,
49 the surveyor shall place the monuments. Control
50 monuments shall be constructed of reasonably permanent

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1 material solidly embedded in the ground and capable of
2 being detected by commonly used magnetic or electronic
3 equipment. The surveyor shall affix a cap of
4 reasonably inert material bearing an embossed or
5 stencil cut marking of the Iowa registration number of
6 the surveyor to the top of each monument which the
7 surveyor places.

8 2. Control monuments shall be placed at the
9 following locations:

10 a. Each corner and angle point of each lot, block,
11 or parcel of land surveyed.

12 b. Each point of intersection of the outer
13 boundary of the survey with an existing or created
14 right-of-way line of a street, railroad, or other way.

15 c. Each point of curve, tangency, reversed curve,
16 or compounded curve on each right-of-way line
17 established.

18 3. If the placement of a monument required by this
19 chapter at the prescribed location is impractical, a
20 reference monument shall be established near the
21 prescribed location. If a point requiring
22 monumentation has been previously monumented, the
23 existence of the monument shall be confirmed by the
24 surveyor.

25 4. At least a minimum number of two survey control
26 monuments are required to be placed before the
27 recording of a subdivision provided the surveyor
28 includes in the surveyor's statement a declaration
29 that additional monuments shall be placed before a
30 date specified in the statement or within one year
31 from the date the subdivision is recorded, whichever
32 is earlier.

33 Sec. 7. NEW SECTION. 114A.7 PLATS OF SURVEY.

34 A plat of survey shall be made, showing information
35 developed by the survey, for each land survey
36 performed for the purpose of correcting boundaries,
37 correcting descriptions of surveyed land, or for the
38 division of land. Each plat of survey shall conform
39 to the following provisions:

40 1. The original plat drawing shall remain the

- 41 property of the surveyor.
42 2. The size of each plat sheet shall not be less
43 than eight and one-half inches by eleven inches.
44 3. The scale of the plat drawing shall be clearly
45 stated and graphically illustrated by a bar scale on
46 every plat sheet.
47 4. An arrow indicating the northern direction
48 shall be shown on each plat sheet.
49 5. The plat shall show that the survey is tied to
50 a physically monumented land line which is identified

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- 1 by two United States public land survey system
2 corners, or by two physically monumented corners of a
3 recorded subdivision.
4 6. The plat shall show the lengths and bearings of
5 the boundaries of the parcels surveyed. The course of
6 each boundary line shown on the plat may be indicated
7 by a direct bearing reference or by an angle between
8 the boundary line and an intersecting line having a
9 shown bearing, except when the boundary line has an
10 irregular or constantly changing course, as along a
11 body of water, or when a description of the boundary
12 line is better achieved by measurements shown at
13 points or intervals along a meander line or an offset
14 line having a shown course. The bearings shall be
15 referenced to a United States public land survey
16 system land line, or recorded subdivision line. If
17 the boundary lines show bearings, lengths, or
18 locations which vary from those recorded in deeds,
19 abutting plats, or other instruments of record, the
20 following note shall be placed along the lines,
21 "recorded as (show recorded bearing, length, or
22 location)". Bearings and angles shown shall be given
23 to at least the nearest minute of arc.
24 7. The plat shall show and identify all monuments
25 necessary for the location of the parcel and shall
26 indicate whether the monuments were found or placed.
27 8. If United States public land survey system
28 corners control the land description, the corners
29 shall be clearly identified on the plat including a
30 description of the monumentation and shall indicate
31 whether the monuments were found or placed.
32 9. Control monuments shall be adequately described
33 and clearly identified on the plat and noted as found
34 or placed. If additional monuments are to be placed
35 subsequent to the recording of a subdivision as
36 provided in section 114A.6, the location of the
37 additional monuments shall be shown on the plat.
38 10. Distance shall be shown in decimal feet in
39 accordance with the definition of the international
40 foot. Distance measurements shall refer to the
41 horizontal plane.
42 11. Curve data shall be stated in terms of radius,

43 central angle, and length of curve, and as otherwise
 44 specified by local ordinance. In all cases, the curve
 45 data must be shown for the line affected.

46 12. The unadjusted error of closure shall not be
 47 greater than one in five thousand for an individual
 48 parcel.

49 13. If any part of the surveyed land is bounded by
 50 an irregular line, that part shall be enclosed by a

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1 meander line or an offset line showing complete data
 2 with distances along all lines extending beyond the
 3 enclosure to the irregular boundary, and shown with as
 4 much certainty as can be determined or as "more or
 5 less", if variable. In all cases, the true boundary
 6 shall be clearly indicated on the plat.

7 14. The plat shall be captioned to show the date
 8 of the survey, and shall be accompanied by a
 9 description of the parcel.

10 15. The plat shall contain a statement by a
 11 surveyor that the work was done and the plat was
 12 prepared by the surveyor or under the surveyor's
 13 direct personal supervision, shall be signed and dated
 14 by the surveyor, and shall bear the surveyor's Iowa
 15 registration number and legible seal.

16 **Sec. 8. NEW SECTION. 114A.8 PLATS FOR**
 17 **SUBDIVISIONS.**

18 Subdivision plats shall conform to the following
 19 provisions where applicable:

20 1. The original plat drawing shall remain the
 21 property of the surveyor.

22 2. The size of each plat sheet shall not be less
 23 than eight and one-half inches by eleven inches.

24 3. If more than one sheet is used, each sheet
 25 shall display both the number of the sheet and the
 26 total number of sheets included in the plat, and
 27 clearly labeled match lines indicating where the other
 28 sheets adjoin. An index shall be provided to show the
 29 relationship between the sheets.

30 4. The scale of the plat drawing shall be clearly
 31 stated and graphically illustrated by a bar scale on
 32 every plat sheet.

33 5. Each subdivision plat shall be designated, by
 34 name or as otherwise prescribed, in bold letters
 35 inside the margin at the top of each plat sheet.

36 6. An arrow indicating the northern direction
 37 shall be shown on each plat sheet.

38 7. The plat shall show that the subdivision is
 39 tied to a physically monumented land line which is
 40 identified by two United States public land survey
 41 system corners, or by two physically monumented
 42 corners of a recorded subdivision.

43 8. The plat shall show the lengths and bearings of
 44 the boundaries of the tracts surveyed. The course of

45 each boundary line shown on the plat may be indicated
46 by a direct bearing reference or by an angle between
47 the boundary line and an intersecting line having a
48 shown bearing, except when the boundary line has an
49 irregular or constantly changing course, as along a
50 body of water, or when a description of the boundary

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1 line is better achieved by measurements shown at
2 points or intervals along a meander line or an offset
3 line having a shown course. The bearing shall be
4 referenced to a United States public land survey
5 system land line, or recorded subdivision line. If
6 the boundary lines show bearings, lengths, or
7 locations which vary from those recorded in deeds,
8 abutting plats, or other instruments of record, the
9 following note shall be placed along the lines,
10 "recorded as (show recorded bearing, length, or
11 location)". Bearings and angles shown shall be given
12 to at least the nearest minute of arc.

13 9. The plat shall show and identify all monuments
14 necessary for the location of the tracts and shall
15 indicate whether the monuments were found or placed.

16 10. If United States public land survey system
17 corners control the land description, the corners
18 shall be clearly identified on the plat including a
19 description of the monumentation and shall indicate
20 whether the monuments were found or placed.

21 11. Control monuments shall be adequately
22 described and clearly identified on the plat and noted
23 as found or placed. If additional monuments are to be
24 placed subsequent to the recording of a subdivision as
25 provided in section 114A.6, the location of the
26 additional monuments shall be shown on the plat.

27 12. Survey data shall be shown to positively
28 describe the bounds of every lot, block, street,
29 easement, or other areas shown on the plat, and the
30 boundaries of the surveyed lands.

31 13. Distances shall be shown in feet to at least
32 the nearest one-tenth of a foot in accordance with the
33 definition of the international foot. Distance
34 measurements shall refer to the horizontal plane.

35 14. Curve data shall be stated in terms of radius,
36 central angle, and length of curve. Unless otherwise
37 specified by local ordinance, curve data for streets
38 of uniform width need only be shown with reference to
39 the center line and lots fronting on such curves need
40 only show the chord bearing and distance of the part
41 of the curve included in the lot boundary. Otherwise,
42 the curve data shall be shown for the line affected.

43 15. The unadjusted error of closure shall not be
44 greater than one in ten thousand for subdivision
45 boundaries and shall not be greater than one in five
46 thousand for an individual lot.

47 16. If part of the surveyed land is bounded by an
48 irregular line, that part shall be enclosed by a
49 meander line or an offset line showing complete data
50 with distances along all lines extending beyond the

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1 enclosure to the irregular boundary, and shown with as
2 much certainty as can be determined or as "more or
3 less", if variable. In all cases, the true boundary
4 shall be clearly indicated on the plat.

5 17. Interior excepted parcels, shall be clearly
6 indicated and labeled, "not a part of this survey (or
7 subdivision)".

8 18. Adjoining properties shall be identified, and
9 if the adjoining properties are a part of a recorded
10 subdivision, the name of that subdivision shall be
11 shown. If the survey is a subdivision of a portion of
12 a previously recorded subdivision plat, sufficient
13 ties shall be shown to controlling lines appearing on
14 such plat to permit a comparison to be made.

15 19. The purpose of any easement shown on the plat
16 shall be clearly stated.

17 20. The purpose of areas dedicated to the public
18 shall be clearly indicated on the plat.

19 21. The plat shall be accompanied by a description
20 of the land included in the subdivision and shall
21 contain a statement by the surveyor that the work was
22 done and the plat was prepared by the surveyor or
23 under the surveyor's direct personal supervision and
24 shall be signed and dated by the surveyor and bear the
25 surveyor's Iowa registration number and legible seal.

26 Sec. 9. NEW SECTION. 114A.9 DESCRIPTIONS.

27 A description defining land boundaries written for
28 conveyance or other purposes shall be complete,
29 providing definite and unequivocal identification of
30 the property lines or boundaries. The description
31 shall be sufficient to enable the description to be
32 platted and retraced. The description shall commence
33 at or relate to a physically monumented corner or
34 boundary line of record.

35 a. If the land is located in a recorded
36 subdivision, the description shall contain the number
37 or other description of the lot, block, or other part
38 of the subdivision, or shall describe the land by
39 reference to a known corner of the lot, block, or
40 other part.

41 b. If the land is not located in a recorded
42 subdivision, the description shall identify the
43 section, township, range, and county, and shall
44 describe the land by reference to government lot, by
45 quarter-quarter section, by quarter section, or by
46 metes and bounds commencing with a corner marked and
47 established in the United States public land survey
48 system.

49 Sec. 10. NEW SECTION. 114A.10 RECORD.

50 1. The surveyor shall record a plat and

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1 description with the county recorder no later than
2 thirty days after signature on the plat by the
3 surveyor if the survey was made for one of the
4 following purposes:
5 a. To correct boundaries and descriptions of land.
6 b. For the division of land.
7 2. The plat and description shall show distinctly
8 what piece of land was surveyed, the surveyor, and the
9 date of the survey.
10 3. The thirty-day requirement shall not apply to
11 subdivision plats.

12 Sec. 11. NEW SECTION. 114A.11 UNITED STATES
13 PUBLIC LAND SURVEY CORNER CERTIFICATE.

14 1. A United States public land survey corner
15 certificate shall be prepared as part of any land
16 surveying which includes the use of a United States
17 public land survey system corner, having the status of
18 a corner of a quarter-quarter section or larger
19 aliquot part of a section, if one or more of the
20 following conditions exist:

21 a. There is no certificate for the corner on file
22 with the recorder of the county in which the corner is
23 located.

24 b. The surveyor in responsible charge of the land
25 surveying accepts a corner position which differs from
26 that shown in the public records of the county in
27 which the corner is located.

28 c. The corner monument is replaced or modified in
29 any way.

30 d. The reference ties referred to in an existing
31 public record are not correct.

32 2. The surveyor shall record the required
33 certificate with the recorder and forward a copy to
34 the county engineer of the county in which the corner
35 is located within thirty days after completion of the
36 surveying. The certificate shall comply with the
37 following requirements:

38 a. The size of the sheet or sheets making up the
39 certificate shall not be less than eight and one-half
40 inches by eleven inches.

41 b. The identity of the corner, with reference to
42 the United States public land survey system, shall be
43 clearly indicated.

44 c. The certificate shall contain a narrative
45 explaining the reason for preparing the certificate,
46 the evidence and detailed procedures used in
47 establishing the corner position, and the
48 monumentation found or placed perpetuating the corner
49 position including reference monumentation.

50 d. The certificate shall contain a plan-view site

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1 drawing depicting the relevant monuments, physical
2 surroundings, and reference ties in sufficient detail
3 to enable recovery of the corner.

4 e. The certificate shall contain at least three
5 reference ties, measured to the nearest one-hundredth
6 of a foot from the corner to durable physical objects
7 near the corner, which are located so that the
8 intersection of any two of the ties will yield a
9 strong corner position recovery.

10 f. The certificate shall contain a statement by
11 the surveyor that the work was done and the
12 certificate was prepared by the surveyor or under the
13 surveyor's direct personal supervision and shall be
14 signed and dated by the surveyor and bear the
15 surveyor's Iowa registration number and seal.

16 **Sec. 12. NEW SECTION. 114A.12 INDEXING OF SURVEY**
17 **DOCUMENTS BY RECORDER.**

18 The recorder shall index survey documents and
19 United States public land corner certificates by
20 township, range, and section number. If the survey is
21 in a recorded subdivision, the recorder shall also
22 index the document alphabetically by subdivision name.

23 **Sec. 13. NEW SECTION. 114A.13 SURVEYS AUTHORIZED**
24 **BY THE UNITED STATES GOVERNMENT.**

25 1. A person employed in the execution of a survey
26 authorized by the United States government may enter
27 upon lands within this state for the purpose of
28 exploring, triangulating, leveling, surveying, and
29 doing any other work necessary to carry out the
30 objects of laws relative to surveys, and may establish
31 permanent station marks, and erect the necessary
32 signals and temporary observatories, doing no
33 unnecessary injury thereby.

34 2. If the parties interested cannot agree upon the
35 amount to be paid for damages caused by entry upon
36 lands pursuant to subsection 1, either of them may
37 petition the district court in the county in which the
38 land is situated and the district court shall appoint
39 a time for a hearing. The district court shall order
40 at least twenty days' notice to be given to all
41 interested parties, and, with or without a view of the
42 premises as the court may determine, hear the parties
43 and their witnesses and assess damages.

44 3. The person entering upon land, pursuant to
45 subsection 1, may tender to the injured party damages
46 caused thereby, and if, in case of petition or
47 complaint to the district court, the damages finally
48 assessed do not exceed the amount tendered, the person
49 entering shall recover costs. Otherwise, the
50 prevailing party shall recover costs.

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1 4. The costs to be allowed in cases taken pursuant
2 to this section shall be the same as allowed according
3 to the rules of the court and provisions of law
4 relating to costs.

5 Sec. 14. NEW SECTION. 114A.14 FEDERAL SURVEYS --
6 DEFACEMENT.

7 If a person willfully defaces, injures, or removes
8 a signal, monument, building, or other property of the
9 United States national geodetic survey, or the United
10 States geological survey, constructed or used under
11 the federal law, the person is subject to a civil
12 penalty not exceeding fifty dollars for each offense,
13 and is liable for damages sustained by the United
14 States in consequence of the defacing, injury, or
15 removal, to be recovered in a civil action in any
16 court of competent jurisdiction.

17 Sec. 15. NEW SECTION. 409A.1 STATEMENT OF
18 PURPOSE.

19 It is the purpose of this chapter to provide for a
20 balance between the review and regulation authority of
21 governmental agencies concerning the division and
22 subdivision of land and the rights of land owners. It
23 is therefore determined to be in the public interest:

24 1. To provide for accurate, clear, and concise
25 legal descriptions of real estate in order to prevent,
26 wherever possible, land boundary disputes or real
27 estate title problems.

28 2. To provide for a balance between the land use
29 rights of individual landowners and the economic,
30 social, and environmental concerns of the public when
31 a city or county is developing or enforcing land use
32 regulations.

33 3. To provide for statewide, uniform procedures
34 and standards for the platting of land while allowing
35 the widest possible latitude for cities and counties
36 to establish and enforce ordinances regulating the
37 division and use of land, within the scope of, but not
38 limited to, chapters 331, 358A, 364, 409A, and 414.

39 4. To encourage orderly community development and
40 provide for the regulation and control of the
41 extension of public improvements, public services, and
42 utilities, the improvement of land, and the design of
43 subdivisions, consistent with an approved
44 comprehensive plan or other specific community plans,
45 if any.

46 Sec. 16. NEW SECTION. 409A.2 DEFINITIONS.

47 As used by this chapter, unless the context clearly
48 indicates otherwise:

49 1. "Acquisition plat" means the graphical
50 representation of the division of land or rights in

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- 1 land, created as the result of a conveyance or
2 condemnation for right-of-way purposes by an agency of
3 the government or other persons having the power of
4 eminent domain.
- 5 2. "Aliquot part" means a fractional part of a
6 section within the United States public land survey
7 system. Only the fractional parts one-half, one-
8 quarter, one-half of one-quarter, or one-quarter of
9 one-quarter shall be considered an aliquot part of a
10 section.
- 11 3. "Auditor's plat" means a subdivision plat
12 required by either the auditor or the assessor,
13 prepared by a surveyor under the direction of the
14 auditor.
- 15 4. "Conveyance" means an instrument filed with a
16 recorder as evidence of the transfer of title to land,
17 including any form of deed or contract.
- 18 5. "Division" means dividing a tract or parcel of
19 land into two parcels of land by conveyance or for tax
20 purposes. The conveyance of an easement, other than a
21 public highway easement, shall not be considered a
22 division for the purpose of this chapter.
- 23 6. "Forty-acre aliquot part" means one-quarter of
24 one-quarter of a section.
- 25 7. "Governing body" means a city council or the
26 board of supervisors, within whose jurisdiction the
27 land is located, which has adopted ordinances
28 regulating the division of land.
- 29 8. "Government lot" means a tract, within a
30 section, which is normally described by a lot number
31 as represented and identified on the township plat of
32 the United States public land survey system.
- 33 9. "Lot" means a tract of land represented and
34 identified by number or letter designation on an
35 official plat.
- 36 10. "Metes and bounds description" means a
37 description of land that uses distances and angles,
38 uses distances and bearings, or describes the
39 boundaries of the parcel by reference to physical
40 features of the land.
- 41 11. "Official plat" means either an auditor's plat
42 or a subdivision plat that meets the requirements of
43 this chapter and has been filed for record in the
44 offices of the recorder, auditor, and assessor.
- 45 12. "Parcel" means a part of a tract of land.
- 46 13. "Permanent real estate index number" means a
47 unique number or combination of numbers assigned to a
48 parcel of land pursuant to section 441.29.
- 49 14. "Plat of survey" means the graphical
50 representation of a survey of one or more parcels of

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1 land, including a complete and accurate description of
2 each parcel within the plat, prepared by a registered
3 land surveyor.

4 15. "Proprietor" means a person who has a recorded
5 interest in land, including a person selling or buying
6 land pursuant to a contract, but excluding persons
7 holding a mortgage, easement, or lien interest.

8 16. "Subdivision" means a tract of land divided
9 into three or more lots.

10 17. "Subdivision plat" means the graphical
11 representation of the subdivision of land, prepared by
12 a registered land surveyor, having a number or letter
13 designation for each lot within the plat and a
14 succinct name or title that is unique for the county
15 where the land is located.

16 18. "Surveyor" means a registered land surveyor
17 who engages in the practice of land surveying pursuant
18 to chapter 114.

19 19. "Tract" means an aliquot part of a section, a
20 lot within an official plat, or a government lot.

21 Sec. 17. NEW SECTION. 409A.3 COVENANT OF
22 WARRANTY.

23 The duty to file for record a plat as provided in
24 sections 409A.4 and 409A.6 attaches as a covenant of
25 warranty in all conveyances by a grantor who divides
26 land against all assessments, costs, and damages paid,
27 lost, or incurred by a grantee or person claiming
28 under a grantee, in consequence of the omission on the
29 part of the grantor to file the plat. A conveyance of
30 land is deemed to be a warranty that the description
31 contained in the conveyance is sufficiently certain
32 and accurate for the purposes of assessment, taxation,
33 and entry on the transfer books and plat books
34 required to be kept by the auditor. The description
35 contained in a conveyance shall be sufficiently
36 certain and accurate for assessment and taxation
37 purposes if it provides sufficient information to
38 allow all the boundaries to be accurately determined
39 and does not overlap with or create a gap between
40 adjoining land descriptions.

41 A recorded conveyance in violation of this chapter
42 may be entered on the transfer books of the auditor's
43 office. The auditor shall notify the grantor and the
44 grantee that the conveyance is in violation of this
45 chapter and demand compliance as provided for in
46 section 409A.13.

47 Sec. 18. NEW SECTION. 409A.4 DIVISIONS REQUIRING
48 A PLAT OF SURVEY OR ACQUISITION PLAT.

49 1. The grantor of land which has been divided
50 using a metes and bounds description shall have a plat

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1 of survey made of the division, except as provided for
2 in subsection 3. The grantor or the surveyor shall
3 contact the county auditor who, for the purpose of
4 assessment and taxation, shall review the division to
5 determine whether the survey shall include only the
6 parcel being conveyed or both the parcel being
7 conveyed and the remaining parcel. The plat of survey
8 shall be prepared in compliance with chapter 114A and
9 shall be recorded. The plat shall be clearly marked
10 by the surveyor as a plat of survey and shall include
11 the following information for each parcel included in
12 the survey:

13 a. A parcel letter designation approved by the
14 auditor.

15 b. The names of the proprietors.

16 c. An accurate description of each parcel.

17 d. The total acreage of each parcel.

18 e. The acreage of any portion lying within a
19 public right-of-way.

20 2. The auditor may note a permanent real estate
21 index number upon each parcel shown on a plat of
22 survey according to section 441.29 for real estate tax
23 administration purposes. The surveyor shall not
24 assign parcel letters or prepare a metes and bounds
25 description for any parcel shown on a plat of survey
26 unless the parcel was surveyed by the surveyor in
27 compliance with chapter 114A. Parcels within a plat
28 of survey prepared pursuant to this section are
29 subject to the regulations and ordinances of the
30 governing body.

31 3. When land or rights in land are divided for
32 right-of-way purposes by an agency of the government
33 or other persons having the power of eminent domain
34 and the description of the land or rights acquired is
35 a metes and bounds description then an acquisition
36 plat shall be made and attached to the description
37 when the acquisition instrument is recorded.

38 Acquisition plats shall be clearly marked as an
39 acquisition plat and shall conform to the following:

40 a. Acquisition plats shall not be required to
41 conform to the provisions of chapter 114A.

42 b. The information shown on the plat shall be
43 developed from instruments of record together with
44 information developed by field measurements. The
45 unadjusted error of field measurements shall not be
46 greater than one in five thousand.

47 c. The plat shall be signed and dated by a
48 surveyor, bear the surveyor's Iowa registration number
49 and legible seal, and shall show a north arrow and bar
50 scale.

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1 d. The original drawing shall remain the property
2 of the surveyor or the surveyor's agency and shall not
3 be less than eight and one-half by eleven inches in
4 size.

5 e. If the right-of-way on an acquisition plat is a
6 portion of lots within an official plat, reference
7 shall be made to both the lots and plat name. If the
8 right-of-way acquisition plat is not within an
9 official plat, reference shall be made to the
10 government lot or quarter-quarter section and to the
11 section, township, range, and county.

12 f. The plat shall indicate whether the monuments
13 shown are existing monuments or monuments to be
14 established. Monuments shall be established as
15 necessary to construct or maintain the right-of-way
16 project.

17 g. The acquisition plat shall identify the project
18 for which the right-of-way was acquired and a parcel
19 designation shall be assigned to each right-of-way
20 parcel.

21 4. The acreage shown for each parcel included in a
22 plat of survey or acquisition plat shall be to the
23 nearest one-hundredth acre. If a parcel described as
24 part of the United States public land survey system
25 and not entirely within an official plat, lies within
26 more than one forty-acre aliquot part of a section,
27 the acreage shall be shown only for assessment and
28 taxation purposes for each portion of the parcel that
29 lies within each forty-acre aliquot part. The
30 surveyor shall not be required to establish the
31 location of the forty-acre aliquot line by survey but
32 is required to use reasonable assumptions in
33 determining its approximate location for assessment
34 and taxation purposes.

35 5. Governmental agencies shall not be required to
36 survey a remaining parcel when land is divided for
37 right-of-way purposes and shall not be required to
38 contact the auditor for approval of parcel
39 designations shown on an acquisition plat.

40 **Sec. 19. NEW SECTION. 409A.5 DESCRIPTIONS AND**
41 **CONVEYANCE ACCORDING TO PLAT OF SURVEY OR ACQUISITION**
42 **PLAT.**

43 1. A conveyance of a parcel shown on a recorded
44 plat of survey shall describe the parcel by using the
45 description provided on the plat of survey or by
46 reference to the plat of survey, which reference shall
47 include all of the following:

48 a. The parcel letter or designation.

49 b. The book and page number of the recorded plat
50 of survey.

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1 c. The lot number or letter and name of the
2 official plat, if the parcel lies within an official
3 plat.

4 d. The section, township, and range number and
5 reference to the aliquot part of the section, if the
6 parcel lies outside of an official plat.

7 2. A conveyance of a parcel shown on a recorded
8 acquisition plat shall describe the parcel by using
9 the description provided on the acquisition instrument
10 or by reference to the acquisition plat, which
11 reference shall include all of the following:

12 a. The parcel designation and reference to the
13 project for which the right-of-way was acquired.

14 b. The book and page number of the recorded
15 acquisition plat.

16 c. The lot number or letter and name of the
17 official plat, if the parcel lies within an official
18 plat.

19 d. The section, township, and range number and
20 reference to the aliquot part of the section, if the
21 parcel lies outside of an official plat.

22 3. A description by reference to the recorded plat
23 of survey, in compliance with subsection 1, is valid.

24 4. A description by reference to the recorded
25 acquisition plat, in compliance with subsection 2, is
26 valid.

27 5. A description by reference to a permanent real
28 estate index number is valid for the purpose of
29 assessment and taxation when a county has established
30 a permanent real estate index number system pursuant
31 to section 441.29.

32 **Sec. 20. NEW SECTION. 409A.6 SUBDIVISION PLATS.**

33 1. A subdivision plat shall be made when a tract
34 of land is subdivided by repeated divisions or
35 simultaneous division into three or more parcels, any
36 of which are described by metes and bounds description
37 for which no plat of survey is recorded. A
38 subdivision plat is not required when land is divided
39 by conveyance to a governmental agency for public
40 improvements.

41 2. A subdivision plat shall have a succinct name
42 or title that is unique, as approved by the auditor,
43 for the county in which the plat lies. The plat shall
44 include an accurate description of the land included
45 in the subdivision and shall give reference to two
46 section corners within the United States public land
47 survey system in which the plat lies or, if the plat
48 is a subdivision of any portion of an official plat,
49 two established monuments within the official plat.
50 Each lot within the plat shall be assigned a

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1 progressive number. Streets, alleys, parks, open
2 areas, school property, other areas of public use, or
3 areas within the plat that are set aside for future
4 development shall be assigned a progressive letter and
5 shall have the proposed use clearly designated. A
6 strip of land shall not be reserved by the subdivider
7 unless the land is of sufficient size and shape to be
8 of practical use or service as determined by the
9 governing body. Progressive block numbers or letters
10 may be assigned to groups of lots separated from other
11 lots by streets or other physical features of the
12 land. The surveyor shall not assign lot numbers or
13 letters to a lot shown within a subdivision plat
14 unless the lot has been surveyed by the surveyor in
15 compliance with chapter 114A. The auditor may note a
16 permanent real estate index number upon each lot
17 within a subdivision plat. Sufficient information,
18 including dimensions and angles or bearings, shall be
19 shown on the plat to accurately establish the
20 boundaries of each lot, street, and easement.
21 Easements necessary for the orderly development of the
22 land within the plat shall be shown and the purpose of
23 the easement shall be clearly stated.

24 3. If a subdivision plat, described as part of the
25 United States public land survey system and not
26 entirely within an official plat, lies within more
27 than one forty-acre aliquot part of a section, the
28 acreage shall be shown only for assessment and
29 taxation purposes for the portion of the subdivision
30 that lies within each forty-acre aliquot part of the
31 section. The area of the irregular lots within the
32 plat shall be shown and may be expressed in either
33 acres, to the nearest one-hundredth acre, or square
34 feet, to the nearest ten square feet. The surveyor
35 shall not be required to establish the location of a
36 forty-acre aliquot line by survey but is required to
37 use reasonable assumptions in determining its
38 approximate location for assessment and taxation
39 purposes.

40 **Sec. 21. NEW SECTION. 409A.7 CONVEYANCES BY**
41 **REFERENCE TO OFFICIAL PLAT.**

42 A description of land by reference to lot number or
43 letter designation and block, if block designations
44 are shown on the plat, and the title or name of the
45 official plat, is valid.

46 **Sec. 22. NEW SECTION. 409A.8 REVIEW AND APPROVAL**
47 **BY GOVERNING BODIES.**

48 A proposed subdivision plat lying within the
49 jurisdiction of a governing body shall be submitted to
50 that governing body for review and approval prior to

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1 recording. A city may establish jurisdiction to
2 review subdivisions outside its boundaries pursuant to
3 the provisions of section 409A.9. Governing bodies
4 shall apply reasonable standards and conditions in
5 accordance with applicable statutes and ordinances for
6 the review and approval of subdivisions. The
7 governing body, within sixty days of application for
8 final approval of the subdivision plat, shall
9 determine whether the subdivision conforms to its
10 comprehensive plan and shall give consideration to the
11 possible burden on public improvements and to a
12 balance of interests between the proprietor, future
13 purchasers, and the public interest in the subdivision
14 when reviewing the proposed subdivision and when
15 requiring the installation of public improvements in
16 conjunction with approval of a subdivision. The
17 governing body shall not issue final approval of a
18 subdivision plat unless the subdivision plat conforms
19 to sections 114A.8, 409A.6, and 409A.11.

20 If the subdivision plat and all matters related to
21 final approval of the subdivision plat conform to the
22 standards and conditions established by the governing
23 body, and conforms to this chapter and chapter 114A,
24 the governing body, by resolution, shall approve the
25 plat and certify the resolution which shall be
26 recorded with the plat. The recorder shall refuse to
27 accept a subdivision plat presented for recording
28 without a resolution from each applicable governing
29 body approving the subdivision plat or waiving the
30 right to review.

31 **Sec. 23. NEW SECTION. 409A.9 REVIEW OF**
32 **SUBDIVISION PLATS WITHIN TWO MILES OF A CITY.**

33 1. If a city, which has adopted ordinances
34 regulating the division of land, desires to review
35 subdivisions outside the city's boundaries, then the
36 city shall establish by ordinance specifically
37 referring to the authority of this section, the area
38 subject to the city's review and approval. The area
39 of review may be identified by individual tracts, by
40 describing the boundaries of the area, or by including
41 all land within a certain distance of the city's
42 boundaries, which shall not extend more than two miles
43 distance from the city's boundaries. The ordinance
44 establishing the area of review or modifying the area
45 of review by a city, shall be recorded in the office
46 of the recorder and filed with the county auditor.

47 2. If a subdivision lies in a county, which has
48 adopted ordinances regulating the division of land,
49 and also lies within the area of review established by
50 a city pursuant to this section, then the subdivision

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1 shall be submitted to both the city and county for
2 approval. The standards and conditions applied by a
3 city for review and approval of the subdivision shall
4 be the same standards and conditions used for review
5 and approval of subdivisions within the city limits or
6 shall be the standards and conditions for review and
7 approval established by agreement of the city and
8 county pursuant to chapter 28E. Either the city or
9 county may, by resolution, waive its right to review
10 the subdivision or waive the requirements of any of
11 its standards or conditions for approval of
12 subdivisions, and certify the resolution which shall
13 be recorded with the plat.

14 3. If cities establish overlapping areas of review
15 outside their boundaries, then the cities shall
16 establish by agreement pursuant to chapter 28E
17 reasonable standards and conditions for review of
18 subdivisions within the overlapping area. If no
19 agreement is recorded pursuant to chapter 28E then the
20 city which is closest to the boundary of the
21 subdivision shall have authority to review of the
22 subdivision.

23 Sec. 24. NEW SECTION. 409A.10 APPEAL OF REVIEW
24 OR DISAPPROVAL.

25 When application is made to a governing body for
26 approval of a subdivision plat, the applicant or a
27 second governing body, which also has jurisdiction for
28 review, may be aggrieved by any of the following:

29 1. The requirements imposed by a governing body as
30 a condition of approval.

31 2. The governing body exceeding the time for
32 review established by ordinance.

33 3. The denial of the application.

34 4. Failure of the governing body to approve or
35 reject a subdivision plat within sixty days from the
36 date of application for final approval.

37 If the plat is disapproved by the governing body,
38 such disapproval shall state how the proposed plat is
39 objectionable. The applicant has the right to appeal,
40 within twenty days, the failure of the governing body
41 to issue final approval of the plat as provided in
42 this section.

43 The applicant or the aggrieved governing body has
44 the right to appeal to the district court within
45 twenty days after the date of the denial of the
46 application or the date of the receipt by the
47 applicant of the requirements for approval of the
48 subdivision. Notice of appeal shall be served on the
49 governing body in the manner provided for the service
50 of original notice pursuant to the rules of civil

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1 procedure. The appeal shall be tried de novo as an
2 equitable proceeding and accorded a preference in
3 assignment so as to assure its prompt disposition.

4 Sec. 25. NEW SECTION. 409A.11 ATTACHMENTS TO
5 SUBDIVISION PLATS.

6 A subdivision plat, other than an auditor's plat,
7 that is presented to the recorder for recording shall
8 conform to section 409A.6 and shall not be accepted
9 for recording unless accompanied by the following
10 documents:

11 1. A statement by the proprietors and their
12 spouses, if any, that the plat is prepared with their
13 free consent and in accordance with their desire,
14 signed and acknowledged before an officer authorized
15 to take the acknowledgment of deeds. The statement by
16 the proprietors may also include a dedication to the
17 public of all lands within the plat that are
18 designated for streets, alleys, parks, open areas,
19 school property, or other public use, if the
20 dedication is approved by the governing body.

21 2. A statement from the mortgage holders or
22 lienholders, if any, that the plat is prepared with
23 their free consent and in accordance with their
24 desire, signed and acknowledged before an officer
25 authorized to take the acknowledgment of deeds. An
26 affidavit and bond as provided for in section 409A.12,
27 may be recorded in lieu of the consent of the mortgage
28 or lienholder. When a mortgage or lienholder consents
29 to the subdivision, a release of mortgage or lien
30 shall be recorded for any areas conveyed to the
31 governing body or dedicated to the public.

32 3. An opinion by an attorney-at-law who has
33 examined the abstract of title of the land being
34 platted. The opinion shall state the names of the
35 proprietors and holders of mortgages, liens, or other
36 encumbrances on the land being platted and shall note
37 the encumbrances, along with any bonds securing the
38 encumbrances. Utility easements shall not be
39 construed to be encumbrances for the purpose of this
40 section.

41 4. A certified resolution by each governing body
42 as required by section 409A.8 either approving the
43 subdivision or waiving the right to review.

44 5. A certificate of the treasurer that the land is
45 free from certified taxes and certified special
46 assessments or that the land is free from certified
47 taxes and that the certified special assessments are
48 secured by bond in compliance with section 409A.12.

49 A subdivision plat which includes no land set apart
50 for streets, alleys, parks, open areas, school

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1 property, or public use other than utility easements,
2 shall be accompanied by the documents listed in
3 subsections 1, 2, 3, and 4 and a certificate of the
4 treasurer that the land is free from certified taxes
5 other than certified special assessments.

6 Sec. 26. NEW SECTION. 409A.12 BONDS TO SECURE
7 LIENS.

8 A bond in double the amount of the lien, shall be
9 secured and recorded if a lien exists on the land
10 included in a subdivision plat and the required
11 consent of the lienholder is not attached for one of
12 the following reasons:

13 1. The lienholder cannot be found, in which case
14 an affidavit by the proprietor stating that the lien
15 holder could not be found shall be recorded with the
16 bond.

17 2. The lienholder will not accept payment or
18 cannot, because of the nature of the lien, accept
19 payment in full of the lien, in which case an
20 affidavit by the lienholder stating that payment of
21 the lien was offered but refused shall be recorded
22 with the bond.

23 The bond shall run to the county and be for the
24 benefit of purchasers of lots within the plat and
25 shall be conditioned for the payment and cancellation
26 of the debt as soon as practicable and to hold
27 harmless purchasers or their assigns and the governing
28 body from the lien.

29 Sec. 27. NEW SECTION. 409A.13 AUDITOR'S PLATS
30 AND PLATS OF SURVEY.

31 If a tract is divided or subdivided in violation of
32 section 409A.4 or 409A.6 or the descriptions of one or
33 more parcels within a tract are not sufficiently
34 certain and accurate for the purpose of assessment and
35 taxation under the guidelines of section 409A.3, the
36 auditor shall notify the proprietors of the parcels
37 within the tract for which no plat has been recorded
38 as required by this chapter, and demand that a plat of
39 survey or a subdivision plat be recorded as required
40 by this chapter. Notice shall be served by mail and a
41 certified copy of the notice shall be recorded. The
42 auditor shall mail a copy of the notice to the
43 applicable governing bodies. If the proprietors fail,
44 within thirty days of the notice, to comply with the
45 notice or file with the auditor a statement of intent
46 to comply, the auditor shall contract with a surveyor
47 to have a survey made of the property and have a plat
48 of survey or an auditor's plat recorded as necessary
49 to comply with this chapter. Upon receipt of a
50 statement of intent to comply, the auditor may extend

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1 the time period for compliance.

2 Sec. 28. NEW SECTION. 409A.14 APPEAL OF NOTICE.

3 A proprietor aggrieved by a notice to plat by the
4 auditor may appeal to the district court within twenty
5 days after service of notice. Upon appeal, the
6 auditor shall take no further action pending a
7 decision of the district court. The appeal shall be
8 tried de novo as an equitable proceeding.

9 Sec. 29. NEW SECTION. 409A.15 REVIEW OF
10 AUDITOR'S PLATS.

11 A proposed auditor's plat shall be filed with the
12 applicable governing body which shall review the plat
13 within the time specified by ordinance, and if it
14 conforms to chapter 114A, the governing body shall by
15 resolution approve the plat and certify the resolution
16 to be recorded with the plat. The governing body may
17 state in the resolution whether the lots within the
18 auditor's plat meet the standards and conditions
19 established by ordinance for subdivision lots. The
20 lots within a recorded auditor's plat and parcels
21 within a recorded plat of survey prepared under
22 section 409A.13 are individually subject to local
23 regulations and ordinances. Approval of an auditor's
24 plat shall not impose any liability on a governing
25 body to install or maintain public improvements or
26 utilities within the plat. Approval of an auditor's
27 plat by a governing body shall not constitute a waiver
28 of ordinances requiring a subdivision plat.

29 Sec. 30. NEW SECTION. 409A.16 ATTACHMENTS TO
30 AUDITOR'S PLATS AND PLATS OF SURVEY.

31 1. A plat of survey prepared pursuant to section
32 409A.13 shall be accompanied by a certificate of the
33 auditor that the plat of survey was prepared at the
34 direction of the auditor because the proprietors
35 failed to file a plat.

36 2. An auditor's plat shall conform to section
37 409A.6, but is exempt from section 409A.11. An
38 auditor's plat presented to the recorder for recording
39 shall be accompanied by the following documents:

40 a. A certificate of the auditor that the auditor's
41 plat was prepared at the direction of the auditor
42 because the proprietors failed to file a plat, that
43 the plat was prepared for assessment and taxation
44 purposes, and that the recording of the plat does not
45 constitute a dedication or impose any liability upon
46 the state or governmental agency.

47 b. A certified resolution by the governing body,
48 approving the plat or waiving the right to review.

49 c. A list for each lot within the plat of the
50 proprietor's names, the area, expressed in acreage or

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1 square feet, the book and page number of the recorded
2 conveyance to the proprietors and the permanent real
3 estate index number, where established.

4 d. A certificate of the auditor that no search was
5 made at the time of the recording of the plat to
6 determine the existence of any liens, mortgages,
7 delinquent taxes, or special assessments, that no
8 search was made, other than the records of the
9 auditor's office, to establish title to the property
10 within the plat, and that the lots within the plat are
11 subject individually to the regulations and ordinances
12 of the applicable governing body.

13 Sec. 31. NEW SECTION. 409A.17 COSTS AND
14 COLLECTION OF COSTS.

15 The surveyor shall present to the auditor a
16 statement of the total cost of the surveying,
17 platting, and recording of a plat prepared pursuant to
18 section 409A.13. The surveyor shall also present a
19 statement of the part of the total cost to be assessed
20 to each parcel included in the plat based on the time
21 involved in establishing the boundaries of each
22 parcel. The auditor shall certify to the treasurer an
23 assessment for the platting costs against the lots
24 within the plat which shall be collected in the same
25 manner as general taxes, except that the board of
26 supervisors, by resolution, may establish not more
27 than ten equal annual installments and provide for
28 interest on unpaid installments at a rate not to
29 exceed that permitted by chapter 74A.

30 Sec. 32. NEW SECTION. 409A.18 RECORDING OF
31 PLATS.

32 A plat of survey prepared pursuant to this chapter
33 and a subdivision plat, with attachments, shall be
34 recorded in the office of the county recorder, and an
35 exact copy of the plat shall be filed in the offices
36 of the county auditor and assessor. A replat of any
37 part of an official plat pursuant to section 409A.25,
38 or a recorded subdivision plat of any part of an
39 existing official plat shall supersede that part of
40 the original official plat, including unused public
41 utility easements.

42 The recorder shall examine each plat of survey and
43 subdivision plat to determine whether the plat is
44 clearly legible and whether the approval by the
45 applicable governing body and the other attachments
46 required by this chapter are presented with the plat.
47 The recorder shall also keep a reproducible copy of
48 the plat from which legible copies can be made. The
49 recorder may specify the material and the size of the
50 plat, not less than eight and one-half inches by

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1 eleven inches, that will be accepted for recording in
2 order to comply with this section. The recorder shall
3 not record a subdivision plat that violates this
4 chapter.

5 Sec. 33. NEW SECTION. 409A.19 DEDICATION OF
6 LAND.

7 An official plat which conforms to this chapter and
8 has attached to the plat a dedication by the
9 proprietors to the public and approval of the
10 dedication by the governing body is equivalent to a
11 deed in fee simple from the proprietors to the public
12 of any land within the plat that is dedicated for
13 street, alley, walkway, park, open area, school
14 property, or other public use. An approved dedication
15 of land for street purposes by the proprietors
16 establishes an easement for public access, whether or
17 not a deed has been recorded or the improvement of the
18 street is complete, except when the resolution
19 approving the plat specifically sets aside portions of
20 the dedicated land as not being open for public access
21 at the time of recording for public safety reasons.
22 The recording of a subdivision plat shall dedicate to
23 the public any utility, sewer, drainage, access,
24 walkway, or other public easement shown on the plat.

25 The recording of an auditor's plat shall not serve
26 to dedicate streets, alleys, parks, open areas, school
27 property, public improvements, or utilities. The
28 failure to show the existence of an easement or any
29 public interest on the auditor's plat shall not remove
30 or otherwise affect the interest.

31 Sec. 34. NEW SECTION. 409A.20 ACTION TO ANNUL
32 PLATS.

33 If a plat is filed and recorded in violation of
34 this chapter, a governing body or a proprietor
35 aggrieved by the violation, after filing written
36 notice with the proprietors who joined in the
37 acknowledgement of the plat or their successors in
38 interest, may institute a suit in equity in the
39 district court. The court may order the plat annulled
40 except as provided in section 409A.21.

41 Sec. 35. NEW SECTION. 409A.21 LIMITATION OF
42 ACTIONS ON OFFICIAL PLATS.

43 An action shall not be maintained, at law or in
44 equity, in any court, against a proprietor, based upon
45 an omission of data shown on an official plat or upon
46 an omission, error, or inconsistency in any of the
47 documents required by this chapter unless the action
48 is commenced within ten years after the date of
49 recording of the official plat. Limitation of actions
50 based on claims other than those provided for in this

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1 section shall be consistent with chapter 614.

2 Sec. 36. NEW SECTION. 409A.22 VACATION OF
3 OFFICIAL PLATS.

4 The proprietors of lots within an official plat who
5 wish to vacate any portion of the official plat shall
6 file a petition for vacation with the governing body
7 which would have jurisdiction to approve the plat at
8 the time the petition is filed. After the petition
9 has been filed, the governing body shall fix the time
10 and place for public hearing on the petition. Written
11 notice of the proposed vacation shall be served in the
12 manner of original notices as provided in Iowa rules
13 of civil procedure and be served upon proprietors and
14 mortgagees within the official plat that are within
15 three hundred feet of the area to be vacated. If a
16 portion of the official plat adjoins a river or state-
17 owned lake, the Iowa department of natural resources
18 shall be served written notice of the proposed
19 vacation. Notice of the proposed vacation shall be
20 published twice, with ten days between publications
21 stating the date, time, and place of the hearing.

22 The official plat or portion of the official plat
23 shall be vacated upon recording of all of the
24 following documents:

25 1. An instrument signed, executed, and
26 acknowledged by all the proprietors and mortgagees
27 within the area of the official plat to be vacated,
28 declaring the plat to be vacated. The instrument
29 shall state the existing lot description for each
30 proprietor along with an accurate description to be
31 used to describe the land after the lots are vacated.

32 2. A resolution by the governing body approving
33 the vacation and providing for the conveyance of those
34 areas included in the vacation which were previously
35 set aside or dedicated for public use.

36 3. A certificate of the auditor that the vacated
37 part of the plat can be adequately described for
38 assessment and taxation purposes without reference to
39 the vacated lots.

40 No part of this section authorizes the closing or
41 obstructing of public highways.

42 The vacation of a portion of an official plat shall
43 not remove or otherwise affect a recorded restrictive
44 covenant, protective covenant, building restriction,
45 or use restriction. Recorded restrictions on the use
46 of property within an official plat shall be modified
47 or revoked by recording a consent to the modification
48 or removal, signed and acknowledged by the proprietors
49 and mortgagees within the official plat.

50 Sec. 37. NEW SECTION. 409A.23 VACATION OF

Page 25**1 STREETS OR OTHER PUBLIC LANDS.**

2 A city or a county may vacate part of an official
3 plat that had been conveyed to the city or county or
4 dedicated to the public which is deemed by the
5 governing body to be of no benefit to the public.
6 The city or county shall vacate by resolution
7 following a public hearing or by ordinance and the
8 vacating instrument shall be recorded. The city or
9 county may convey the vacated property by deed or may
10 convey the property to adjoining proprietors through
11 the vacation instrument. If the vacating instrument
12 is used to convey property then the instrument shall
13 include a list of adjoining proprietors to whom the
14 vacated property is being conveyed along with the
15 corresponding description of each parcel being
16 conveyed. A recorded vacation instrument which
17 conforms to this section is equivalent to a deed of
18 conveyance and the instrument shall be filed and
19 indexed as a conveyance by the recorder and auditor.

20 A vacation instrument recorded pursuant to this
21 section shall not operate to annul any part of an
22 official plat except as provided for in section
23 409A.22.

**24 Sec. 38. NEW SECTION. 409A.24 ERRORS ON RECORDED
25 PLATS.**

26 If an error or omission in the data shown on a
27 recorded plat is detected by subsequent examinations
28 or revealed by retracing the lines shown on the plat,
29 the original surveyor or two surveyors confirming the
30 error through independent surveys shall record an
31 affidavit confirming that the error or omission was
32 made. The affidavit shall describe the nature and
33 extent of the error or omission and also describe the
34 corrections or additions to be made to the plat and
35 note the book and page number of the recorded plat.
36 The recorder shall write across that part of the plat
37 so corrected the word "corrected", and note the book
38 and page number of the recorded affidavit. A copy of
39 the recorded affidavit shall be filed with the auditor
40 and assessor. The affidavit shall raise a presumption
41 from the date of recording that the purported facts
42 stated in the affidavit are true, and after the lapse
43 of three years from the date of recording the
44 presumption shall be conclusive.

**45 Sec. 39. NEW SECTION. 409A.25 SURVEY AND REPLAT
46 OF OFFICIAL PLATS.**

47 A survey of an official plat shall conform as
48 nearly as possible to the original lot lines shown on
49 the official plat. The surveyor may summon witnesses,
50 administer oaths, and prepare affidavits and boundary

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1 line agreements as necessary in order to establish the
2 location of property lines or lot lines. If a
3 substantial error is discovered in an official plat or
4 if it is found to be materially defective, a
5 proprietor may petition the governing body which would
6 have jurisdiction to approve the plat at the time the
7 petition is filed for a replat of any part of the
8 official plat. Notice of the proposed replat shall be
9 served, in the manner of original notice as provided
10 in Iowa rules of civil procedure, to the proprietors
11 of record and holders of easements specifically
12 recorded within the area to be replatted. The
13 governing body has jurisdiction of the matter upon
14 proof of publication of notice of the petition once
15 each week for two weeks in a newspaper of general
16 circulation within the area of the replat.

17 A replat of an official plat ordered by the
18 governing body:

- 19 1. Shall be prepared by a surveyor pursuant to
20 chapter 114A and recorded; and
- 21 2. Shall be exempt from the provisions of section
22 409A.11; and
- 23 3. Shall have attached to the plat a statement by
24 the surveyor that the replat is prepared at the
25 direction of the governing body. The costs of the
26 replat shall be presented to the auditor and assessed
27 against the property included in the replat as
28 provided for in section 409A.17.

29 Sec. 40. NEW SECTION. 409A.26 CORRECTIONS OR
30 CHANGES TO PLATS.

31 A vacation, correction, or replatting as provided
32 for in this chapter, shall be recorded and an exact
33 copy shall be filed with the auditor and assessor. If
34 a governing body changes the addresses or street names
35 shown on an official plat, notice of the change shall
36 note the name or other designation of each official
37 plat affected and shall be filed with the recorder,
38 auditor, and assessor. The recorder shall note the
39 vacation, correction, or replatting on the margin of
40 the official plat or upon an attachment to the
41 official plat for that purpose. The auditor shall
42 make the proper changes on the plats required to be
43 kept by the auditor.

44 Sec. 41. NEW SECTION. 409A.27 NOTING THE
45 PERMANENT REAL ESTATE INDEX NUMBER.

46 When a permanent real estate index number system
47 has been established by a county pursuant to section
48 441.29, the auditor may note the permanent real estate
49 index number on every conveyance.

50 Sec. 42. Section 117A.1, subsection 1, Code 1989,

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1 is amended to read as follows:

2 1. "Subdivided land" means improved or unimproved
3 land divided or proposed to be divided for the purpose
4 of sale or lease into five or more lots or parcels, or
5 additions thereto, or parts thereof of lots or
6 parcels; however, subdivided land does not apply to
7 include a subdivision subject to section 306.21 or
8 chapter 409 409A nor to the leasing of apartments,
9 offices, stores, or similar space within an apartment
10 building, industrial building, or commercial building
11 unless an undivided interest in the land is granted as
12 a condition precedent to occupying space in the
13 structure. Subdivided land does not include
14 subdivisions of land located within the state of Iowa
15 or time-share intervals as defined in section 557A.2.

16 Sec. 43. Section 306.21, Code 1989, is amended to
17 read as follows:

18 306.21 PLANS, PLATS AND FIELD NOTES FILED.

19 All road plans, plats and field notes and true and
20 accurate diagrams of water, sewage and electric power
21 lines for rural subdivisions shall be filed with and
22 recorded by the county auditor and approved by the
23 board of supervisors and the county engineer before
24 the subdivision is laid out and platted, and if any
25 proposed rural subdivision is within one mile of the
26 corporate limits of any city such road plans shall
27 also be approved by the city engineer or council of
28 the adjoining municipality or recorded. Such plans
29 shall be clearly designated as "completed", "partially
30 completed" or "proposed" with a statement of the
31 portion completed and the expected date of full
32 completion. In the event if such road plans are not
33 approved as herein provided in this section such roads
34 shall not become the part of any road system as
35 defined in this chapter.

36 Sec. 44. Section 306.42, subsection 5, Code 1989,
37 is amended to read as follows:

38 5. Notwithstanding requirements of chapter 114 and
39 sections 306.22, 364.7, ~~409.12~~ 409A.13, ~~409.14~~ 409A.15
40 and 471.20, legal descriptions, plats, maps, or
41 engineering drawings used to describe transfers of
42 right of way shall, where available, be descriptions,
43 plats, maps, or engineering drawings of record and
44 shall be incorporated by reference to such the title
45 instrument or proceedings. ~~Where~~ If a part but not
46 all of the land acquired by a single conveyance or
47 condemnation is being transferred, the description of
48 that part to be transferred shall be abstracted from
49 the present legal description, plat, map, or
50 engineering drawing of record.

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1 Sec. 45. Section 331.321, subsection 2, Code 1989,
2 is amended to read as follows:

3 2. If the board proposes to appoint a county
4 surveyor, it shall appoint a person qualified in
5 accordance with ~~section 355.1~~ chapter 114 and provide
6 the surveyor with a suitable book in which to record
7 field notes and plats.

8 Sec. 46. Section 331.401, subsection 1, paragraph
9 j, Code 1989, is amended to read as follows:

10 j. Serve on the conference board as provided in
11 section 441.2 and carry out duties relating to
12 platting for assessment and taxation as provided in
13 sections 441.67 and 441.70.

14 Sec. 47. Section 331.427, subsection 1, unnumbered
15 paragraph 1, Code 1989, is amended to read as follows:

16 Except as otherwise provided by state law, county
17 revenues from taxes and other sources for general
18 county services shall be credited to the general fund
19 of the county, including revenues received under
20 sections 84.21, 98.35, 98A.6, 101A.3, 101A.7, 110.12,
21 123.36, 123.143, 176A.8, 246.908, 321.105, 321.152,
22 321.192, 321G.7, 331.554, subsection 6, 341A.20,
23 364.3, 368.21, 422.65, 422.100, 422A.2, 428A.8,
24 430A.3, 433.15, 434.19, ~~441.68~~, 445.52, 445.57,
25 533.24, 556B.1, 567.10, 583.6, 906.17, and 911.3, and
26 the following:

27 Sec. 48. Section 331.511, subsections 1 through 5,
28 Code 1989, are amended to read as follows:

29 1. Record each plat as provided in ~~sections 400.12~~
30 ~~to 400.16~~ section 409A.18.

31 2. Record changes in names of platted streets as
32 provided in ~~section 400.17~~ 409A.26.

33 3. Record notations of errors or omissions on
34 recorded plats as provided in ~~section 400.32~~ 409A.24.

35 4. Record resurveyed plats as provided in ~~section~~
36 ~~400.43~~ 409A.25.

37 5. Provide for the platting of real estate which
38 cannot otherwise be accurately assessed for taxation
39 as provided in ~~sections 441.65 to 441.71~~ section
40 409A.13.

41 Sec. 49. Section 331.602, subsection 19, Code
42 1989, is amended to read as follows:

43 19. Carry out duties relating to the platting of
44 land as provided in ~~chapter 400~~ 409A and ~~sections~~
45 ~~441.65 to 441.71~~.

46 Sec. 50. NEW SECTION. 441.72 ASSESSMENT OF
47 PLATTED LOTS.

48 When a subdivision plat is recorded pursuant to
49 chapter 409A, the individual lots within the
50 subdivision plat shall not be assessed in excess of

Page 29

1 the total assessment of the land as acreage or
2 unimproved property for three years after the
3 recording of the plat or until the lot is actually
4 improved with permanent construction, whichever occurs
5 first. When an individual lot has been improved with
6 permanent construction, the lot shall be assessed for
7 taxation purposes as provided in chapter 428 and this
8 chapter. This section does not apply to special
9 assessment levies.

10 Sec. 51. Section 592.7, Code 1989, is amended to
11 read as follows:

12 592.7 CHANGING NAMES OF STREETS.

13 Whereas, certain cities ~~or towns~~ throughout the
14 state of Iowa have passed ordinances changing the name
15 or names of certain streets in ~~said~~ the cities;

16 Now, therefore, it is provided that the acts of
17 ~~said the city and town~~ councils of ~~such the cities and~~
18 ~~towns~~ in enacting ~~said the ordinances~~ changing the
19 names of ~~said~~ certain streets are hereby declared
20 valid. The proper method for recording a change of
21 street name is found in section ~~400.17~~ 409A.26.

22 Sec. 52. Section 602.8102, subsection 57, Code
23 1989, is amended to read as follows:

24 57. Carry out duties relating to the platting of
25 land as provided in sections ~~400.9, 400.11, and 400.22~~
26 chapter 409A.

27 Sec. 53. Section 714.16, subsection 2, paragraph
28 d, Code 1989, is amended to read as follows:

29 d. (1) No person shall offer or advertise within
30 this state for sale or lease, any subdivided lands
31 without first filing with the real estate commission,
32 true and accurate copies of all road plans, plats,
33 field notes, and diagrams of water, sewage, and
34 electric power lines as they exist at the time of ~~such~~
35 ~~the filing, provided such however, this filing shall~~
36 ~~is not be required for a subdivision subject to~~
37 ~~section 306.21 or chapter 400~~ 409A. ~~Each such A~~
38 filing shall be accompanied by a fee of fifty dollars
39 for each subdivision included, payable to the real
40 estate commission.

41 (2) False or misleading statements filed pursuant
42 to subparagraph (1) of paragraph "d" of this
43 subsection or section 306.21 or chapter ~~400~~ 409A, and
44 advertising, offers to sell, or contracts not in
45 substantial conformity with the filings made pursuant
46 to section 306.21 or chapter ~~400~~ 409A are unlawful.

47 Sec. 54. REPEAL. Chapters 355 and 409, Code 1989,
48 are repealed. Sections 441.65 through 441.71, Code
49 1989, are repealed."

The motion prevailed and the House concurred in the Senate amendment H—6056.

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

On the question "Shall the bill pass?" (H.F. 724)

The ayes were, 93:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Brammer	Branstad	Brown	Buhr
Carpenter	Chapman	Clark	Cohoon
Connors	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Iverson	Jay
Jesse	Jochum	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schneklath	Schrader	Shearer	Sherzan
Shoning	Siegrist	Spear	Spenner
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker Avenson			

The nays were, none.

Absent or not voting, 7:

Blanshan	Brand	Hibbard	Johnson
Muhlbauer	Shultz	Stueland	

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

Carpenter of Polk called up for consideration **House File 2486**, a bill for an act relating to the regulation of tanning facilities, providing penalties, and providing for the establishment of fees, amended by the Senate, and moved that the House concur in the following Senate amendment H—6055:

H-6055

- 1 Amend House File 2486, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, line 30, by striking the word
- 4 "devices" and inserting the following: "facilities".
- 5 2. Page 2, line 31, by striking the words "the
- 6 tanning device" and inserting the following: "tanning
- 7 devices".

The motion prevailed and the House concurred in the Senate amendment H-6055.

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

On the question "Shall the bill pass?" (H.F. 2486)

The ayes were, 55:

Adams	Black	Blanshan	Brammer
Brown	Carpenter	Chapman	Cohoon
Doderer	Dvorsky	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Harbor	Harper	Hatch	Haverland
Jay	Jochum	Kistler	Knapp
Koenigs	Lageschulte	Lykam	May
McKean	McKinney	Miller	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Peterson, M. K.
Poncy	Rosenberg	Schrader	Shearer
Spear	Swartz	Tabor	Trent
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, 32:

Banks	Beaman	Beatty	Bennett
Bisignano	Branstad	Buhr	Clark
Corbett	Daggett	De Groot	Diemer
Eddie	Hanson, D. R.	Hermann	Iverson
Jesse	Kremer	Lundby	Maulsby
Metcalf	Petersen, D. F.	Renaud	Renken
Royer	Schnekloth	Sherzan	Shoning
Siegrist	Spenner	Svoboda	Tyrrell

Absent or not voting, 13:

Arnould	Brand	Connors	Hester
Hibbard	Holveck	Johnson	Mertz

Muhlbauer
Teaford

Plasier

Shoultz

Stueland

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

Ways and Means Calendar

House File 2456, a bill for an act relating to the county agricultural extension education tax by increasing the maximum dollar amount of property tax revenue which may be raised, establishing state supplemental assistance for districts which are unable to raise a minimum dollar amount by the permitted property tax levy, and providing an appropriation, with report of committee recommending amendment and passage was taken up for consideration.

Jochum of Dubuque offered the following amendment H—5826 filed by the committee on appropriations and moved its adoption:

H—5826

- 1 Amend House File 2456 as follows:
- 2 1. Page 3, by striking lines 4 through 32.
- 3 2. Title page, by striking lines 3 through 6 and
- 4 inserting the following: "revenue which may be
- 5 raised."

The committee amendment H—5826 was adopted.

Osterberg of Linn offered the following amendment H—5972 filed by him and Jay of Appanoose and moved its adoption:

H—5972

- 1 Amend House File 2456 as follows:
- 2 1. Page 1, line 23, by striking the figure "1990"
- 3 and inserting the following: "1991".
- 4 2. Page 1, line 24, by striking the figure "1991"
- 5 and inserting the following: "1992".
- 6 3. Page 2, line 3, by striking the figure "1990"
- 7 and inserting the following: "1991".
- 8 4. Page 2, line 4, by striking the figure "1991"
- 9 and inserting the following: "1992".
- 10 5. Page 2, line 19, by striking the figure "1990"
- 11 and inserting the following: "1991".
- 12 6. Page 2, line 20, by striking the figure "1991"
- 13 and inserting the following: "1992".
- 14 7. Page 2, line 34, by striking the figure "1990"
- 15 and inserting the following: "1991".
- 16 8. Page 2, line 35, by striking the figure "1991"
- 17 and inserting the following: "1992".
- 18 9. Page 3, line 9, by striking the figure "1991"

- 19 and inserting the following: "1992".
 20 10. Page 3, line 13, by striking the figure
 21 "1991" and inserting the following: "1992".
 22 11. Page 3, line 21, by striking the figure
 23 "1991" and inserting the following: "1992".

Roll call was requested by Osterberg of Linn and Gruhn of Dickinson.

On the question "Shall amendment H—5972 be adopted?"
 (H.F. 2456)

The ayes were, 40:

Adams	Brand	Branstad	Buhr
Corbett	Doderer	Dvorsky	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hanson, D. R.
Harper	Hermann	Iverson	Jay
Jesse	Jochum	Knapp	Koenigs
Lundby	Lykam	McKean	Muhlbauer
Murphy	Neuhauser	Nielsen	Osterberg
Pavich	Pellett	Petersen, D. F.	Renken
Rosenberg	Schnekloth	Shearer	Sherzan
Shoultz	Spenner	Teaford	Trent

The nays were, 53:

Arnould	Banks	Beaman	Bennett
Bisignano	Black	Blanshan	Brown
Carpenter	Chapman	Clark	Cohoon
Connors	Daggett	De Groot	Diemer
Eddie	Fey	Fogarty	Fuller
Garman	Halvorson, R. A.	Hansen, S. D.	Harbor
Haverland	Hester	Holveck	Kistler
Kremer	Lageschulte	Maulsby	May
McKinney	Mertz	Metcalf	Miller
Ollie	Peters	Peterson, M. K.	Poncy
Renaud	Royer	Schrader	Shoning
Siegrist	Spear	Svoboda	Swartz
Tabor	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

Absent or not voting, 7:

Beatty	Brammer	Hatch	Hibbard
Johnson	Plasier	Stueland	

Amendment H—5972 lost.

Daggett of Adams moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2456)

The ayes were, 77:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Daggett	De Groot
Diemer	Doderer	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Haverland	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Kistler
Knapp	Koenigs	Kremer	Lageschulte
May	McKean	McKinney	Mertz
Miller	Muhlbauer	Nielsen	Ollie
Osterberg	Pellett	Peters	Peterson, M. K.
Poncy	Renaud	Rosenberg	Royer
Shearer	Sherzan	Shoning	Spear
Spenner	Svoboda	Swartz	Tabor
Teaford	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, 18:

Banks	Corbett	Dvorsky	Hermann
Iverson	Lundby	Lykam	Maulsby
Metcalf	Neuhauser	Pavich	Petersen, D. F.
Plasier	Renken	Schnekloth	Shoultz
Siegrist	Trent		

Absent or not voting, 5:

Hatch	Johnson	Murphy	Schrader
Stueland			

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 4, 1990, concurred in the House amendment to the Senate amendment, and adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 112, a concurrent resolution relating to the board of regents' ten-year building program and providing for the financing of fire and life safety and deferred maintenance projects.

JOHN F. DWYER, Secretary

Appropriations Calendar

Senate File 2153, a bill for an act relating to and making a commitment to the environment, agriculture, and natural resources by making appropriations from Iowa lottery revenues and providing for an income tax credit for establishing permanent grass and buffer zones including erosion control structures, and providing effective and applicability dates, with report of committee recommending amendment and passage was taken up for consideration.

Bennett of Ida rose on a point of order that Senate File 2153 was not eligible for debate.

The Speaker ruled the point well taken.

Arnould of Scott moved to suspend the rules to immediately consider Senate File 2153.

A non-record roll call was requested.

The ayes were 51, nays 35.

The motion prevailed and the rules were suspended.

The House stood at ease at 3:05 p.m., until the fall of the gavel.

The House resumed session and consideration of Senate File 2153 at 4:08 p.m., Speaker Avenson in the chair.

Swartz of Marshall offered the following amendment H-6054 filed by the committee on economic development:

H-6054

1 Amend Senate File 2153, as amended, passed, and
2 reprinted by the Senate, as follows:

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

5 "Section 1. Section 12.61, subsection 2,
6 unnumbered paragraph 3, Code Supplement 1989, is
7 amended to read as follows:

8 In selecting a credit card issuer, the treasurer
9 shall consider the issuer's record of investments in
10 the state, shall take into consideration credit card
11 features which will enhance the promotion of the
12 state-sponsored credit card including, but not limited
13 to, favorable interest rates, annual fees, and other
14 fees for using the card, and shall require that the
15 card be available to any person who qualifies for a
16 credit card. Upon entering into an agreement with the
17 financial institution, the treasurer shall notify all
18 state agencies then possessing a credit card to obtain

19 the new state-sponsored credit card. The financial
 20 institution is authorized to solicit participation
 21 from state employees."

22 2. Page 1, by inserting after line 21 the
 23 following:

24 "Sec. _____. Section 99E.9, subsection 3, paragraph
 25 m, Code 1989, is amended to read as follows:

26 m. The form and type of marketing, informational,
 27 and educational material to be permitted. Marketing
 28 material and campaigns shall include the concept of
 29 investing in Iowa's economic development environment,
 30 agriculture, and natural resources and show the
 31 economic development initiatives environmental,
 32 agricultural, and natural resources programs funded
 33 from lottery revenue."

34 3. By striking page 3, line 9 through page 8,
 35 line 27, and inserting the following:

36 "Sec. _____. NEW SECTION. 99E.34 APPROPRIATIONS --
 37 TEN FISCAL YEARS.

38 1. The treasurer of state shall, for each fiscal
 39 year of the fiscal period beginning July 1, 1990, and
 40 ending June 30, 2000, make allotments of the moneys
 41 within the CLEAN fund created in section 99E.10 to
 42 separate accounts within that fund as follows:

43 a. For each fiscal year, sixty-two and five-tenths
 44 percent to the Iowa resources enhancement and
 45 protection fund created in section 455A.18 and which
 46 amount is appropriated for the purposes of that fund.
 47 However, the total amount allotted under this
 48 paragraph in any single fiscal year shall not exceed
 49 twenty-five million dollars.

50 b. For each fiscal year, eighteen percent to the

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1 environmental protection account.

2 c. For each fiscal year, six percent to the soil
 3 conservation account.

4 d. For each fiscal year, eight percent to the
 5 energy efficiency account.

6 e. For each fiscal year, five and five-tenths
 7 percent plus the amount, if any, that would have been
 8 allotted to paragraph "a" but for the dollar
 9 limitation specified in paragraph "a" to the annual
 10 appropriations account. It is the intent of the
 11 general assembly that moneys in this account be
 12 appropriated annually for environmentally related
 13 programs and purposes.

14 2. For each fiscal year of the fiscal period,
 15 moneys allotted to the environmental protection
 16 account shall be appropriated as follows:

- 17 a. Fifty-nine percent to the recycling account.
18 The moneys in the recycling account are appropriated
19 each fiscal year of the fiscal period to the
20 department of natural resources for competitive grants
21 as provided in section 455D.5.
- 22 b. Four and one-tenths percent to the agricultural
23 management account of the groundwater protection fund
24 as provided in section 455E.11, subsection 2,
25 paragraph "b", to be used for plugging abandoned
26 wells.
- 27 c. Three and five-tenths percent to the Iowa waste
28 reduction center established under section 268.4 to
29 implement and administer the state and local
30 government waste management program under section
31 268.5.
- 32 d. Seven percent to the groundwater protection
33 fund created in section 455E.11, to be used to
34 administer the permanent household hazardous materials
35 collection system established in section 455F.8. The
36 department may use this allocation to fund its
37 administration of the program and to provide
38 assistance to local communities in holding cleanup
39 events and operating the collection centers.
- 40 e. Seven percent to the groundwater protection
41 fund created in section 455E.11, to be used to finance
42 permanent household hazardous materials regional
43 collection centers.
- 44 f. Three and five-tenths percent to the center for
45 health effects of environmental contamination
46 established pursuant to section 263.17, subsection 1,
47 for the statewide rural well-water survey.
- 48 g. Four and nine-tenths percent to the
49 environmental protection division of the department of
50 natural resources for an ongoing air quality toxics

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- 1 monitoring, permitting, and inspection program.
- 2 h. Two percent to the Iowa state university of
3 science and technology for allocation to the Iowa
4 state university water research institute for the
5 purposes and under the conditions specified in section
6 99E.32, subsection 4, paragraph "e".
- 7 i. Seven percent to the environmental protection
8 division of the department of natural resources to be
9 used for the assessment and evaluation of surface
10 water streams and rivers.
- 11 j. Two percent to the environmental advertising
12 board created in section 190C.2 for purposes of
13 chapter 190C.

14 3. For each fiscal year of the fiscal period,
15 moneys in the soil conservation account are
16 appropriated to the department of agriculture and land
17 stewardship to be allocated as follows:

18 a. Sixty-two and four-tenths percent to the soil
19 conservation division of the department of agriculture
20 and land stewardship to provide state soil and water
21 conservation cost-sharing funds pursuant to sections
22 467A.42 through 467A.75.

23 b. Eighteen and eight-tenths percent to the water
24 protection fund created in section 467F.4, to be used
25 for filter strips and waterways projects. The
26 governing body of each soil and water conservation
27 district shall identify those critical areas within
28 the district where permanent grass and buffer zones
29 would mitigate the effects of concentrated runoff on
30 surface water quality. The governing body shall
31 notify the landowners of those critical areas and
32 provide the landowners with recommendations to
33 establish these permanent grass and buffer zones,
34 including any erosion control structures that may be
35 appropriate, to mitigate the effects of concentrated
36 runoff on surface water quality. In providing this
37 notification and these recommendations, the governing
38 body shall also inform the landowners that the
39 establishment of these zones along with any erosion
40 control structures may be eligible for financial
41 assistance under the incentive programs within the
42 water protection fund created in section 467F.4 and
43 the landowner's costs may also qualify for a state
44 income tax credit.

45 c. Eighteen and eight-tenths percent to the soil
46 conservation division of the department of agriculture
47 and land stewardship for reforestation programs.

48 4. For each fiscal year of the fiscal period,
49 moneys allotted to the energy efficiency account shall
50 be appropriated as follows:

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1 a. Twelve percent to the energy and geological
2 resources division of the department of natural
3 resources, to be used to establish the ethanol
4 research and technology office at the state university
5 of Iowa. Up to ten percent of the funds appropriated
6 in this paragraph may be awarded by the office to
7 communities to study the feasibility of opening
8 processing plants which are dry milling ethanol
9 facilities.

10 b. Thirty-one and three-tenths percent to the Iowa
11 energy center established pursuant to Senate File
12 2403, if enacted by the Seventy-third General

13 Assembly, 1990 Session, to be used for competitive
14 grants for alternative, renewable, and biofuel
15 demonstration projects to enhance energy efficiency
16 and self-sufficiency.

17 c. Twenty-five and four-tenths percent to the Iowa
18 energy center established pursuant to Senate File
19 2403, if enacted by the Seventy-third General
20 Assembly, 1990 Session, to be used for competitive
21 grants to communities for comprehensive,
22 communitywide, low-income home weatherization
23 projects. Applications shall be made in conjunction
24 with a community action agency designated pursuant to
25 section 601K.93.

26 d. Thirty-one and three-tenths percent to the Iowa
27 energy center established pursuant to Senate File
28 2403, if enacted by the Seventy-third General
29 Assembly, 1990 Session to be used for competitive
30 grants, for comprehensive, in-depth, communitywide
31 projects to reduce energy consumption and enhance
32 energy self-sufficiency. Cities, clusters of cities
33 and counties are eligible to apply for grants.
34 Applications may be limited to building efficiency or
35 vehicle efficiency or may contain both and shall
36 contain a component for ongoing education concerning
37 the goals of the plan and how to achieve those goals.
38 The moneys under this paragraph shall be allocated
39 equally for building efficiency and vehicle
40 efficiency. However, if the moneys allocated to
41 either category are not used or dedicated by April 1
42 of the fiscal year, the moneys may be reallocated to
43 the other category.

44 5. For the fiscal year beginning July 1, 1990,
45 moneys allotted to the annual appropriations account
46 shall be appropriated as follows:

47 a. Four hundred thousand dollars to the center for
48 health effects of environmental contamination
49 established in section 263.17, to be used for research
50 involving environmental exposure and risk from

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1 contamination of the air, soil, and water.

2 b. Seven hundred thousand dollars to the
3 department of natural resources to be used for the
4 completion of the Three-mile lake reservoir.

5 c. One hundred thousand dollars to the department
6 of natural resources to be used for the restoration of
7 Spring Brook lake.

8 d. Three hundred thousand dollars to the
9 department of natural resources to be used to contract
10 for a statewide analysis of town and country water
11 systems and development of a plan for the efficient

12 delivery of water to Iowa citizens through municipal,
13 county, and rural water systems.

14 e. Two hundred thousand dollars to the department
15 of agriculture and land stewardship to be used for the
16 purpose of funding the development of a program to
17 preserve the state's crop and native plant seed
18 stocks.

19 The department of agriculture and land stewardship
20 shall employ an Iowa seed crop curator to work in
21 cooperation with the United States department of
22 agriculture's north central plant introduction station
23 at Ames on appointment through the department of
24 agronomy of the Iowa state university of science and
25 technology.

26 The department of agriculture and land stewardship
27 in conjunction with the department of agronomy at Iowa
28 state university of science and technology and the
29 north central plant introduction station at Ames shall
30 establish an advisory committee to conduct a study to
31 identify crop and native plant seed stocks for the
32 purpose of preserving threatened plant genetic
33 resources. The committee shall include
34 representatives of the department of natural
35 resources, the department of agriculture and land
36 stewardship, the state department of transportation,
37 the department of agronomy at Iowa state university of
38 science and technology, and representatives of other
39 public and private organizations. The committee shall
40 submit a report of its findings to the general
41 assembly by January 1, 1992.

42 A grant program shall be initiated by the advisory
43 committee to assist in the collection, cataloging, and
44 maintenance of the crop and native plant seed stocks.
45 Grantees shall submit seed samples to the Iowa crop
46 seed curator for placement in the permanent Iowa
47 collection.

48 f. Five hundred thousand dollars to the center for
49 global and regional environmental research at the
50 state university of Iowa to study the regional impact

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1 of environmental change. The center shall consult
2 with Iowa state university of science and technology
3 and the university of northern Iowa.

4 If the amount of funds in the annual appropriations
5 account is insufficient to fund all the amounts
6 appropriated under this subsection, each appropriation
7 made in this subsection shall be reduced by the
8 percent by which the amount of funds is insufficient.

9 6. The moneys appropriated in subsection 1,
10 paragraph "a", and subsections 2, 3, 4, and 5 shall
11 remain in the appropriate account of the CLEAN fund
12 until such time as the agency, entity, or fund to
13 which moneys are appropriated has made a request to
14 the treasurer for use of moneys appropriated to it and
15 the amount needed for that use. Notwithstanding
16 section 8.33, moneys remaining of the appropriations
17 made for a fiscal year from any of the accounts within
18 the CLEAN fund on June 30 of that fiscal year, shall
19 not revert to any fund but shall remain in that
20 account to be used for the purposes for which they
21 were appropriated and the moneys remaining in that
22 account shall not be considered in making the
23 allotments for the next fiscal year.

24 7. The agency, entity, or fund to which moneys are
25 appropriated under this section shall to the extent
26 feasible make every effort to maximize the impact of
27 these moneys through matching government and private
28 funds unless otherwise provided by law.

29 Sec. _____. **NEW SECTION. 190C.1 DEFINITIONS.**

30 As used in this chapter, unless the context
31 otherwise requires:

32 1. "Board" means the environmental advertising
33 board created in section 190C.2.

34 2. "Degradable" means as defined in section
35 455B.1.

36 3. "Degradable package" means package which is at
37 least fifty percent composed of a product designated
38 by the Iowa department of agriculture and land
39 stewardship pursuant to section 159.30, subsection 1.

40 4. "Ecologically or environmentally sound or safe"
41 means an absence of long-term harmful effects to the
42 ecology or environment as a result of use or disposal.

43 5. "Recyclable material" means a material which
44 would otherwise become waste, except that processes
45 and markets exist which would allow the material to be
46 returned to use in the form of raw materials or
47 products. A material is recyclable when the board
48 determines that processes and markets are available to
49 a degree that makes recycling reasonably possible
50 within Iowa.

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1 6. "Recycled material" means a material whose
2 ratio of recycled substance to original substance
3 exceeds fifty percent, unless a lower ratio of the
4 recycled substance is required to maintain a property
5 of a material necessary for the material's intended
6 use.

7 Sec. _____. NEW SECTION. 190C.2 ENVIRONMENTAL
8 ADVERTISING BOARD.

9 There is established a five-member environmental
10 advertising board consisting of the following persons:

- 11 1. The secretary of agriculture, or the
12 secretary's designee.
- 13 2. The director of the department of natural
14 resources, or the director's designee.
- 15 3. The director of the Iowa department of public
16 health, or the director's designee.
- 17 4. The director of the center for health effects
18 of environmental contamination established pursuant to
19 section 263.17, subsection 1, or the director's
20 designee.
- 21 5. A member of the advisory committee established
22 in section 190C.4.

23 Sec. _____. NEW SECTION. 190C.3 GENERAL POWERS AND
24 DUTIES OF THE BOARD.

25 The board:

- 26 1. Has rulemaking authority under chapter 17A.
- 27 2. May employ a director and staff.
- 28 3. Shall monitor the development of national
29 standards relating to claims of environmental benefit
30 made for products, seek to assist in their
31 development, and seek to host periodically, as
32 necessary, national and regional forums on the issue.
- 33 4. Shall educate the public on the issue.
- 34 5. Gather information relating to claims of
35 environmental benefit made for products sold in the
36 state and provide periodic reports to the consumer
37 protection division of the attorney general's office.
- 38 6. May develop a program using a logo or logos
39 authorized for use in promoting the environmental
40 benefit of products. Standards shall be developed as
41 a part of the program.

42 In authorizing the use of a logo under this
43 program, the board, the state, and any state agency,
44 official, or employee involved in the authorization,
45 is immune from a civil suit for damages, including but
46 not limited to a suit based on contract, breach of
47 warranty, negligence, strict liability, or tort.
48 Authorization of the use of a logo by the board, the
49 state, or any state agency, official, or employee, is
50 not an express or implied guarantee or warranty

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- 1 concerning the environmental benefit of the
- 2 applicant's product. This paragraph does not create a
- 3 duty of care to the applicant or any other person.

4 7. May use fees for the purposes of this chapter.
5 Fees received by and appropriations made to the board
6 shall not revert.

7 Sec. _____. NEW SECTION. 190C.4 ADVISORY
8 COMMITTEE.

9 There is established an advisory committee to
10 provide technical assistance and advice to the board.
11 The advisory committee shall consist of at least three
12 members and not more than nine members. The members
13 shall be appointed by the governor, subject to
14 confirmation by the senate. To the extent possible,
15 members shall have an expertise in environmental and
16 health issues. The members serve at the pleasure of
17 the governor. Members of the advisory committee shall
18 receive a per diem of forty dollars and actual and
19 necessary expenses incurred in the performance of
20 their duties. The advisory committee shall designate
21 one of its members to be the fifth member of the
22 board. The advisory committee shall seek input from
23 manufacturers of and consumers of products and
24 packages as to the issues, trends, and technologies
25 emerging in the environmental safety area.

26 Sec. _____. NEW SECTION. 268.5 STATE AND LOCAL
27 GOVERNMENT WASTE MANAGEMENT PROGRAM.

28 1. The Iowa waste reduction center shall establish
29 and administer, in cooperation with other state
30 agencies, local governments, and school districts, a
31 program to manage the wastes generated by state and
32 local governments as a part of a comprehensive
33 pollution prevention program for governments in Iowa.
34 The program shall emphasize hazardous and toxic waste
35 minimization and recycling and shall include
36 assistance in the disposal of nonrecyclable wastes.

37 2. The center shall:

38 a. Develop and implement programs to train state,
39 local government, and school officials in pollution
40 prevention, waste minimization, and waste management.
41 This shall include the creation of intergovernmental
42 pollution prevention teams to serve the local
43 governments and school districts of each county.

44 b. Assist local governments and school districts
45 in finding nonhazardous or nontoxic substitutes for
46 hazardous and toxic materials currently used in their
47 business activities.

48 c. Assist local governments and school districts
49 in recycling or disposing of toxic and hazardous
50 wastes currently stored. This may include the

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1 creation of a cooperative waste pickup and disposal
2 program that is jointly financed by the center and the
3 participants.
4 d. Provide, from funds appropriated for this
5 purpose, financial assistance to local governments and
6 school districts in the implementation of pollution
7 prevention, waste minimization, and waste management
8 programs.

9 3. Local governments and school districts shall:

10 a. Participate in establishing intergovernmental
11 pollution prevention teams by January 1, 1991.

12 b. Arrange to have a pollution prevention team
13 review their facilities.

14 c. File a waste minimization and waste management
15 report with the center by January 1, 1992. A progress
16 report shall be filed every subsequent two years.

17 4. Once the governmental waste management program
18 is established, the center, other state agencies,
19 local governments, and school districts shall
20 cooperate with conditionally exempt small quantity
21 hazardous and toxic waste generators in handling waste
22 minimization and waste management problems by
23 providing technical assistance and allowing those
24 generators to participate in governmental recycling
25 and waste disposal programs."

26 4. Page 10, by inserting after line 30 the
27 following:

28 "Sec. _____. Section 331.441, subsection 2,
29 paragraph b, Code Supplement 1989, is amended by
30 adding the following new subparagraph:
31 NEW SUBPARAGRAPH. (12) Funding the construction,
32 reconstruction, improvement, repair, and equipping of
33 waterworks, water mains and extensions, ponds,
34 reservoirs, wells, dams, pumping installations, or
35 other facilities for the storage, transportation, or
36 utilization of potable water owned and operated by a
37 rural water district established pursuant to chapter
38 357A, only when the rural water district and a
39 sufficient number of participating members have
40 entered into agreements which satisfy the board of
41 supervisors that sufficient revenue to retire the
42 principal and interest on the county general
43 obligation bonds will be generated by the rural water
44 district, and the rural water district and the board
45 of supervisors have agreed that the interest and
46 principal on the county general obligation bonds will
47 be retired from the rural water district revenues.

48 Sec. _____. Section 357A.11, subsection 7, Code
49 1989, is amended to read as follows:

50 7. Have power to borrow from, co-operate with and

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1 enter into such agreements as deemed necessary with
2 any agency of the federal government, this state, or a
3 county of this state, and to accept financial or other
4 aid from any agency of the federal government. To
5 evidence any indebtedness the obligations may be one
6 or more bonds or notes and the obligations may be sold
7 at private sale.

8 Sec. _____. Section 357A.11, Code 1989, is amended
9 by adding the following new subsection:

10 NEW SUBSECTION. 9. Finance all or part of the
11 cost of the construction or purchase of a project
12 necessary to carry out the purposes for which the
13 district is incorporated or to refinance all or part
14 of the original cost of that project, including, but
15 not limited to, obligations originated by the district
16 as a nonprofit corporation under chapter 504A and
17 assumed by the district reorganized under this
18 chapter. Financing or refinancing carried out under
19 this subsection shall be in accordance with the terms
20 and procedures set forth in the applicable provisions
21 of sections 384.83 through 384.88, 384.92, and 384.93.
22 References in these sections to a city shall be
23 applicable to a rural water district operating under
24 this chapter, and references in that division to a
25 city council shall be applicable to the board of
26 directors of a rural water district.

27 Sec. _____. NEW SECTION. 364.10 STORM WATER
28 DRAINAGE SYSTEM.

29 A city shall have the same authority to create,
30 fund, and implement by ordinance a storm water
31 drainage system in all or parts of a city as it has
32 for a sanitary sewage system as provided in chapters
33 362, 384, and 388. The ordinances may include
34 criteria and standards by which benefits and cost
35 allocation have been previously determined for special
36 assessments for storm water drainage improvements
37 under chapter 384."

38 5. Page 12, by striking lines 10 through 33.

39 6. Page 12, by inserting before line 34 the
40 following:

41 "Sec. _____. Section 455A.18, subsection 4,
42 unnumbered paragraph 1, Code Supplement 1989, is
43 amended to read as follows:

44 For each fiscal year of the fiscal period beginning
45 July 1, 1990, and ending June 30, ~~2000~~ 2001, there is
46 appropriated from the general fund, to the Iowa
47 resources enhancement and protection fund, the amount
48 of ~~\$20,000,000~~ thirty million dollars, except that for
49 the fiscal year beginning July 1, 1990, the amount is
50 twenty million dollars, to be used as provided in this

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1 chapter. However, in any fiscal year of the fiscal
2 period, if moneys from the lottery are appropriated by
3 the state to the fund, the amount appropriated under
4 this subsection shall be reduced by the amount
5 appropriated from the lottery.

6 Sec. _____. NEW SECTION. 455B.110 RELEASE OF
7 BALLOONS.

8 1. The general assembly finds that the release
9 into the atmosphere of large numbers of balloons
10 inflated with lighter-than-air gases poses a danger
11 and nuisance to the environment, particularly to
12 wildlife and marine animals.

13 2. It is unlawful for any person, firm,
14 governmental entity, or corporation to intentionally
15 release, organize the release, or intentionally cause
16 to be released within a twenty-four hour period ten or
17 more balloons inflated with a gas that is lighter than
18 air except for:

19 a. Balloons released by a person on behalf of a
20 governmental agency or pursuant to a governmental
21 contract for scientific or meteorological purposes.

22 b. Hot air balloons that are recovered after
23 launching.

24 c. Balloons released indoors.

25 3. Any person who violates subsection 2 is guilty
26 of a simple misdemeanor.

27 4. The department shall adopt rules for the
28 implementation of this section and may, by rule,
29 increase the number of balloons that may be released
30 within a twenty-four hour period from the number
31 allowed under subsection 2.

32 Sec. _____. Section 455B.173, subsection 6,
33 paragraph b, Code Supplement 1989, is amended to read
34 as follows:

35 b. Adopt rules which require each public water
36 system regulated under chapter 455B to test the source
37 water of that supply for the presence of synthetic
38 organic chemicals and pesticides every ~~two~~ three
39 years. The rules shall enumerate the synthetic
40 organic chemicals and pesticides, but not more than
41 ten of each, for which the samples are to be tested;
42 shall specify the approved analytical methods for
43 conducting the analysis of water samples; and shall
44 require the reporting of the analytical test results
45 to the department. Priority for testing in the first
46 year shall be those public water supplies for which
47 none of the specified contaminants have been analyzed
48 within the past five years. All of the laboratory
49 analysis and data management shall be conducted by the
50 center for health effects of environmental

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1 contamination. Sample collection shall be conducted
2 using a standard sampling protocol by personnel within
3 the department and the center for health effects of
4 environmental contamination in conjunction with other
5 ongoing field activities. Samples from private wells
6 and samples from privately owned public water supplies
7 shall be allowed to undergo the same analysis. The
8 cost for the analysis provided for samples from
9 private wells and privately owned public water
10 supplies shall not exceed one hundred ninety-five
11 dollars for the first year of testing. The department
12 shall submit a report to the general assembly, by
13 September 1 of each year, of the findings of the tests
14 and the conclusions which may be drawn from the
15 tests."

16 7. By striking page 12, line 34 through page 16,
17 line 5.

18 8. By striking page 16, line 6 through page 17,
19 line 14, and inserting the following:

20 "Sec. _____. 1990 Iowa Acts, Senate File 2364,
21 section 12, subsection 1, unnumbered paragraph 1, is
22 amended to read as follows:

23 There is appropriated from the general fund of the
24 state to the department of natural resources for the
25 fiscal year beginning July 1, 1990, and ending June
26 30, 1991, the following amount or so much thereof as
27 is necessary, to be used for the purpose designated:"

28 9. Page 17, by inserting before line 15 the
29 following:

30 "Sec. _____. NEW SECTION. 455D.19 PACKAGING -
31 HEAVY METAL CONTENT.

32 1. The general assembly finds and declares all of
33 the following:

34 a. The management of solid waste can pose a wide
35 range of hazards to public health and safety and to
36 the environment.

37 b. Packaging comprises a significant percentage of
38 the overall solid waste stream.

39 c. The presence of heavy metals in packaging is a
40 concern in light of the likely presence of heavy
41 metals in emissions or ash when packaging is
42 incinerated or in leachate when packaging is
43 landfilled.

44 d. Lead, mercury, cadmium, and hexavalent
45 chromium, on the basis of available scientific and
46 medical evidence, are of particular concern.

47 e. It is desirable as a first step in reducing the
48 toxicity of packaging waste to eliminate the addition
49 of heavy metals to packaging.

50 f. The intent of the general assembly is to

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1 achieve reduction in toxicity without impeding or
2 discouraging the expanded use of postconsumer
3 materials in the production of packaging and its
4 components.

5 2. As used in this section unless the context
6 otherwise requires:

7 a. "Distributor" means a person who takes title to
8 products or packaging purchased for resale.

9 b. "Manufacturer" means a person who offers for
10 sale or sells products or packaging to a distributor.

11 c. "Package" means a container which provides a
12 means of marketing, protecting, or handling a product
13 including a unit package, intermediate package, or a
14 shipping container. "Package" also includes but is
15 not limited to unsealed receptacles such as carrying
16 cases, crates, cups, pails, rigid foil and other
17 trays, wrappers and wrapping films, bags, and tubs.

18 d. "Packaging component" means any individual
19 assembled part of a package including but not limited
20 to interior and exterior blocking, bracing,
21 cushioning, weatherproofing, exterior strapping,
22 coatings, closures, inks, or labels.

23 3. No later than July 1, 1992, a manufacturer or
24 distributor shall not offer for sale or sell, or offer
25 for promotional purposes a package or packaging
26 component, in this state, which includes, in the
27 package itself, or in any packaging component, inks,
28 dyes, pigments, adhesives, stabilizers, or any other
29 additives, any lead, cadmium, mercury, or hexavalent
30 chromium which has been intentionally introduced as an
31 element during manufacturing or distribution as
32 opposed to the incidental presence of any of these
33 elements and which exceed the concentration level
34 established by the department.

35 4. No later than July 1, 1992, a manufacturer or
36 distributor shall not offer for sale or sell, or offer
37 for promotional purposes, in this state, a product in
38 a package which includes in the package itself or in
39 any of the packaging components, inks, dyes, pigments,
40 adhesives, stabilizers, or any other additives, any
41 lead, cadmium, mercury, or hexavalent chromium which
42 has been intentionally introduced as an element during
43 manufacturing or distribution as opposed to the
44 incidental presence of any of these elements and which
45 exceed the concentration level established by the
46 department.

47 5. The concentration levels of lead, cadmium,
48 mercury, and hexavalent chromium present in a package
49 or packaging component shall not exceed the following:

50 a. Six hundred parts per million by weight by July

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1 1, 1992.

2 b. Two hundred fifty parts per million by weight
3 by July 1, 1993.

4 c. One hundred parts per million by weight by July
5 1, 1994.

6 Concentration levels of lead, cadmium, mercury, and
7 hexavalent chromium shall be determined using American
8 standard of testing materials test methods, as
9 revised, or United States environmental protection
10 agency test methods for evaluating solid waste, S-W
11 846, as revised.

12 6. The following packaging and packaging
13 components are exempt from the requirements of this
14 section:

15 a. Packaging or packaging components with a code
16 indicating a date of manufacture prior to July 1,
17 1990.

18 b. Packages or packaging components to which lead,
19 cadmium, mercury, or hexavalent chromium have been
20 added in the manufacturing, forming, printing, or
21 distribution process in order to comply with health or
22 safety requirements of federal law or for which there
23 is no feasible alternative if the manufacturer of a
24 package or packaging component petitions the
25 department for an exemption from the provisions of
26 this paragraph for a particular package or packaging
27 component. The department may grant a two year
28 exemption, if warranted, by the circumstances, and an
29 exemption may, upon meeting either criterion of this
30 paragraph be renewed for two years. For purposes of
31 this paragraph, a use for which there is no feasible
32 alternative is one in which the regulated substance is
33 essential to the protection, safe handling, or
34 function of the package's contents.

35 Packages and packaging components that would not
36 exceed the maximum contaminant levels established but
37 for the addition of postconsumer materials.

38 7. By July 1, 1992, a manufacturer or distributor
39 of packaging or packaging components shall make
40 available to purchasers, to the department, and to the
41 general public upon request, certificates of
42 compliance which state that the manufacturer's or
43 distributor's packaging or packaging components comply
44 with, or are exempt from, the requirements of this
45 section.

46 If the manufacturer or distributor of the package
47 or packaging component reformulates or creates a new
48 package or packaging component, the manufacturer or
49 distributor shall provide an amended or new
50 certificate of compliance for the reformulated or new

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1 package or packaging component.

2 8. The commission shall adopt rules to implement
3 this section and may, by rule, make additions to the
4 list of toxic substances contained in packaging, which
5 are to be limited.

6 9. A manufacturer or distributor who does not
7 comply with the requirements of this section is guilty
8 of a simple misdemeanor."

9 10. Page 17, by striking lines 15 through 24 and
10 inserting the following:

11 "Sec. _____.

12 1. Notwithstanding the nonreversion provision in
13 section 99E.32, subsection 7, or any other provision,
14 all unencumbered or unobligated moneys remaining on
15 June 30, 1990, and all encumbered or obligated moneys
16 as of June 30, 1990, from appropriations made from the
17 surplus account, jobs now account, education and
18 agricultural research and development account, and the
19 jobs now capitals account to the department of
20 economic development for purposes for which moneys are
21 appropriated for the fiscal year beginning July 1,
22 1990, in Senate File 2327, if enacted by the Seventy-
23 third General Assembly, 1990 Session, shall be
24 transferred to the general fund of the state and shall
25 be available for expenditure for those same purposes
26 as provided in Senate File 2327, if enacted and are in
27 addition to moneys appropriated for those same
28 purposes for the fiscal year beginning July 1, 1990.

29 2. Except as otherwise provided in subsection 1,
30 notwithstanding the nonreversion provision in section
31 99E.32, subsection 7, or any other provision, all
32 unencumbered or unobligated moneys remaining in the
33 surplus account, jobs now account, education and
34 agricultural research and development account, and the
35 jobs now capitals account on June 30, 1991, or
36 remaining on June 30, 1991, from appropriations made
37 from any of those accounts shall revert to the CLEAN
38 fund for allocation and expenditure as provided in
39 this Act for the fiscal year beginning July 1, 1991.

40 3. The agency, board, commission, or overseer of
41 the funds to which moneys have been appropriated from
42 any of the accounts in the Iowa plan fund for economic
43 development for any of the fiscal years beginning July
44 1, 1985, July 1, 1986, July 1, 1987, July 1, 1988, and
45 July 1, 1989, shall provide by December 15, 1990, to
46 the department of management a status report and any
47 encumbered or obligated moneys remaining unspent on
48 June 30, 1990, from moneys appropriated from the Iowa
49 plan fund for any fiscal year, except the fiscal year
50 beginning July 1, 1989, shall be available for

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1 expenditure by the department of economic development
 2 for purposes of chapter 15. The status report shall
 3 specify the status of the moneys appropriated as of
 4 June 30, 1990, or such later date as designated by the
 5 department of management, and the amount of loans
 6 outstanding, if any, that were made from those moneys
 7 appropriated, and other information relating to the
 8 status of the moneys appropriated as required by the
 9 department of management."

10 11. Title page, line 3, by inserting after the
 11 word "providing" the following: "for funding for
 12 rural water districts, for city storm water drainage
 13 systems, and".

14 12. Title page, line 5, by inserting after the
 15 word "structures" the following: "providing a
 16 penalty,".

17 13. By renumbering, relettering, or redesignating
 18 and correcting internal references as necessary.

Metcalf of Polk offered the following amendment H—6098, to the committee amendment H—6054, filed by her from the floor and moved its adoption:

H—6098

1 Amend amendment H—6054 to Senate File 2153, as
 2 amended, passed and reprinted by the Senate, as
 3 follows:

4 1. By striking page 1, line 43 through page 2,
 5 line 13 and inserting the following:

6 "a. The first twenty million dollars for the
 7 fiscal year beginning July 1, 1990, and the first
 8 thirty million dollars for each subsequent fiscal year
 9 of the fiscal period to the Iowa resources enhancement
 10 and protection fund created in section 455A.18 which
 11 moneys are appropriated for the purposes of that fund.

12 b. After the allotment in paragraph "a", the
 13 remaining funds shall be allotted as follows:

14 (1) For each fiscal year, forty-eight percent to
 15 the environmental protection fund.

16 (2) For each fiscal year, sixteen percent to the
 17 soil conservation account.

18 (3) For each fiscal year, twenty-one and three-
 19 tenths percent to the energy efficiency account.

20 (4) For each fiscal year, fourteen and seven-
 21 tenths percent to the annual appropriations account.

22 It is the intent of the general assembly that moneys
 23 in this account be appropriated annually for
 24 environmentally related programs and purposes."

25 2. Page 10, line 46, by striking the words

26 "general fund" and inserting the following: "~~general~~
27 fund CLEAN fund as provided in section 99E.34,
28 subsection 1, paragraph "a"".
29 3. Page 11, by striking lines 1 through 5 and
30 inserting the following: "chapter."

A non-record roll call was requested.

The ayes were 22, nays 29.

Amendment H—6098 lost.

Swartz of Marshall asked and received unanimous consent to defer action on amendment H—6102.

Osterberg of Linn offered the following amendment H—6094, to the committee amendment H—6054, filed by him and moved its adoption:

H—6094

1 Amend the amendment, H—6054, to Senate File 2153,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 2, by striking lines 33 through 35 and
5 inserting the following: "fund created in section
6 455E.11, to be used for the household hazardous waste
7 cleanup program established in section 455F.8. The".

8 2. Page 2, by striking lines 42 and 43, and
9 inserting the following: "household hazardous
10 material collection sites established pursuant to
11 section 455F.8A and the local government education
12 programs established pursuant to section 455F.8B."

13 3. Page 2, by striking lines 44 through 47, and
14 inserting the following:

15 "f. Three and five-tenths percent to the
16 department of natural resources for the state rural
17 well water survey to be conducted in conjunction with
18 the center for health effects of environmental
19 contamination established pursuant to section 263.17."

20 4. Page 15, by inserting after line 8, the
21 following:

22 "Sec. _____. Section 455E.11, subsection 2,
23 paragraph c, unnumbered paragraph 1, Code Supplement
24 1989, is amended to read as follows:

25 A household hazardous waste account. The moneys
26 collected pursuant to section 455F.7 shall be
27 deposited in the household hazardous waste account.
28 Except for the first one hundred thousand dollars
29 received annually for deposit in the waste volume
30 reduction and recycling fund to be used by the
31 department to provide financial assistance to counties
32 in investigation of complaints; and the next one

33 hundred thousand dollars received annually for deposit
34 in the emergency response fund, the treasurer of state
35 shall deposit moneys received from civil penalties and
36 fines imposed by the court pursuant to sections
37 455B.146, 455B.191, 455B.386, 455B.417, 455B.454,
38 455B.466, and 455B.477, in the household hazardous
39 waste account. Two thousand dollars is appropriated
40 annually to the Iowa department of public health to
41 carry out departmental duties under section 135.11,
42 subsections 20 and 21, and section 139.35, eighty
43 thousand dollars is appropriated to the department of
44 natural resources for city, county, or service
45 organization project grants relative to recycling and
46 reclamation events, and eight thousand dollars is
47 appropriated to the department of transportation for
48 the period of October 1, 1987, through June 30, 1989,
49 for the purpose of conducting the used oil collection
50 pilot project. The remainder of the account shall be

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1 used to fund Toxic Cleanup Days programs and the
2 efforts of the department to support a collection
3 system for household hazardous materials, including
4 public education programs, training, and consultation
5 of local governments in the establishment and
6 operation of permanent collection systems, and the
7 management of collection sites, education programs,
8 and other activities pursuant to chapter 455F,
9 including the administration of the household
10 hazardous materials permit program by the department
11 of revenue and finance.

12 Sec. _____. Section 455F.8, Code 1989, is amended to
13 read as follows:

14 455F.8 HOUSEHOLD HAZARDOUS WASTE CLEANUP PROGRAM
15 CREATED.

16 The department shall conduct programs to collect
17 and dispose of small amounts of hazardous wastes which
18 are being stored in residences or on farms. The
19 program shall be known as "Toxic Cleanup Days". The
20 department shall promote and conduct the program and
21 shall by contract with a qualified and bonded waste
22 handling company, collect and properly dispose of
23 wastes believed by the person disposing of the waste
24 to be hazardous. The department shall establish
25 maximum amounts of hazardous wastes to be accepted
26 from a person during the "Toxic Cleanup Days" program.
27 Amounts accepted from a person above the maximum shall
28 be limited by the department and may be subject to a
29 fee set by the department, but the department shall
30 not assess a fee for amounts accepted below the
31 maximum amount. The department shall designate the

32 times and dates for the collection of wastes. The
 33 department shall have as a goal twelve "Toxic Cleanup
 34 Days" during the period beginning July 1, 1987, and
 35 ending October 31, 1988. In any event, the department
 36 shall offer the number of days that can be properly
 37 and reasonably conducted with funds deposited in the
 38 household hazardous waste account. In order to
 39 achieve the maximum benefit from the program, the
 40 department shall offer "Toxic Cleanup Days" on a
 41 statewide basis and provide at least one "Toxic
 42 Cleanup Day" in each departmental region. "Toxic
 43 Cleanup Days" shall be offered in both rural and urban
 44 areas to provide a comparison of response levels and
 45 to test the viability of multicounty "Toxic Cleanup
 46 Days". The department may also offer at least one
 47 "Toxic Cleanup Day" at a previously serviced location
 48 to test the level of residual demand for the event and
 49 the effect of the existing public awareness on the
 50 program. The department shall prepare an annual

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1 report citing the results and costs of the program for
 2 submittal to the general assembly.
 3 Sec. _____. NEW SECTION. 455F.8A HOUSEHOLD
 4 HAZARDOUS MATERIAL COLLECTION SITES.
 5 1. By January 1, 1991, the department shall
 6 complete an assessment of the needs of local
 7 governments for temporary collection sites for
 8 household hazardous materials. Upon completion of the
 9 assessment, the department shall design a model
 10 facility which would adequately serve the needs
 11 identified. During the design phase, the department
 12 shall also identify facility permit requirements.
 13 2. a. Following the completion of the assessment
 14 and design of the model facility, the department shall
 15 set a goal of establishing a three-year competitive
 16 grant program to assist in the development of five
 17 pilot household hazardous waste reduction and
 18 collection programs. The grants shall be in the
 19 amount of one hundred thousand dollars.
 20 b. The grant program shall provide for the
 21 establishment of five pilot sites so that both rural
 22 and urban populations are served.
 23 c. The department shall develop criteria to
 24 evaluate proposals for the establishment of sites.
 25 The criteria shall give priority to proposals for
 26 sites which provide the most efficient services and
 27 which provide local, public, and private contributions
 28 for establishment of the sites. The criteria shall
 29 also include a requirement that the recipient of a
 30 grant design and construct a facility sufficient for

31 the collection, sorting, and packaging of materials
 32 prior to transportation of the materials to the final
 33 disposal site. Final review of design and
 34 construction of the proposed facilities shall be by
 35 the department.

36 d. Two of the recipients of grants shall provide
 37 for collection of hazardous wastes from conditionally
 38 exempt small quantity generators in the area of the
 39 facility established. The facility shall require
 40 payment for collection from conditionally exempt small
 41 quantity generators if the amount of waste disposed is
 42 greater than ten pounds.

43 Sec. _____. NEW SECTION. 455F.8B LOCAL GOVERNMENT
 44 EDUCATION PROGRAMS.

45 A recipient of a household hazardous waste
 46 reduction and collection program grant shall do all of
 47 the following:

48 1. Identify a regional or local agency to
 49 coordinate a public education effort, and provide for
 50 staff to implement the education program.

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1 2. Establish an intensive three-year educational
 2 project to educate the local population regarding
 3 alternatives to the purchase or disposal of toxic
 4 materials. The educational project shall include
 5 efforts to promote the use of household hazardous
 6 materials labeling required pursuant to chapter 455F.

7 3. Establish a community education effort to be
 8 integrated within the existing educational system
 9 regarding household hazardous waste reduction and
 10 recycling.

11 4. Develop a plan for the recycling of hazardous
 12 substances not minimized by the public. The plan
 13 shall optimize resource use while minimizing waste and
 14 shall include a formal arrangement for the exchange of
 15 materials at no cost to the participants and an
 16 arrangement for the acceptance by the department of
 17 general services or the local or regional government
 18 agency of hazardous materials useful in its
 19 operations."

20 5. Page 16, by inserting after line 9, the
 21 following:

22 _____. Title page, line 1, by striking the word
 23 "and" and inserting the following: "the environment,
 24 agriculture, and natural resources including".

25 6. By renumbering as necessary.

Amendment H—6094 was adopted.

Shearer of Louisa offered the following amendment H—6090, to the committee amendment H—6054, filed by him and Johnson of Winneshiek and moved its adoption:

H—6090

- 1 Amend the amendment, H—6054, to Senate File 2153,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 4, line 5, by inserting after the word
- 5 "Iowa." the following: "The office shall coordinate
- 6 its ethanol research with Iowa state university of
- 7 science and technology in regard to the use of
- 8 alternative agricultural products and distillation
- 9 efforts."

Amendment H—6090 was adopted.

Swartz of Marshall offered the following amendment H—6105, to the committee amendment H—6054, filed by him from the floor and moved its adoption:

H—6105

- 1 Amend the amendment, H—6054, to Senate File 2153,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 5, lines 23 and 24, by striking the words
- 5 "on appointment through the department of agronomy of"
- 6 and inserting the following: "and with".
- 7 2. Page 5, line 27, by striking the words
- 8 "department of agronomy at".
- 9 3. Page 5, line 37, by striking the words
- 10 "department of agronomy at".
- 11 4. Page 5, lines 42 and 43, by striking the words
- 12 "A grant program shall be initiated by the advisory
- 13 committee" and inserting the following: "The
- 14 department of agriculture and land stewardship may
- 15 contract with the Iowa state university of science and
- 16 technology".
- 17 5. Page 5, by striking lines 45 through 47.
- 18 6. Page 5, line 48, by striking the word "Five"
- 19 and inserting the following: "Four".
- 20 7. Page 6, by inserting after line 3 the
- 21 following:
- 22 "g. One hundred thousand dollars to the department
- 23 of natural resources to be transferred immediately to
- 24 the Iowa resources enhancement and protection fund
- 25 created in section 455A.18 to replace funds advanced
- 26 to the designated counties in the designated amounts
- 27 for purposes of the agreements entered into with the
- 28 department to restore and repair lowhead dams in the

29 counties as provided in 1989 Iowa Acts, chapter 311,
30 section 9, subsection 4:

31 (1) Lyon county, the sum of fifty thousand
32 dollars.

33 (2) Jasper county, the sum of twenty-five thousand
34 dollars.

35 (3) Buena Vista county, the sum of twenty-five
36 thousand dollars."

37 8. Page 6, by striking line 35 and inserting the
38 following: "455B.301".

39 9. Page 7, line 9, by inserting after the word
40 "established" the following: "within the waste
41 management authority of the department of natural
42 resources".

43 10. Page 12, by inserting after line 27 the
44 following:

45 "Sec. _____. 1990 Iowa Acts, Senate File 2364,
46 section 25, is amended to read as follows:

47 "SEC. 25. Section 455B.304, Code Supplement 1989,
48 is amended by adding the following new unnumbered
49 paragraph:

50 NEW UNNUMBERED PARAGRAPH. Notwithstanding the

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1 provisions of this chapter regarding the requirement
2 of the equipping of a sanitary landfill with a
3 leachate control system and the establishment and
4 continuation of a postclosure account, the department
5 shall adopt rules which provide for an exemption from
6 the requirements to equip a publicly owned sanitary
7 landfill with a leachate control system and to
8 establish and maintain a postclosure account if the
9 sanitary landfill operator is a public agency, if the
10 sanitary landfill has closed or will close by July 1,
11 1992, and will no longer accept waste for disposal
12 after that date, and if at the time of closure of the
13 sanitary landfill monitoring of the groundwater does
14 not reveal the presence of leachate. The rules may
15 department shall require postclosure groundwater
16 monitoring and shall establish the requirements for
17 the implementation of leachate collection and control
18 in cases in which leachate is found during postclosure
19 monitoring. The rules department shall provide for a
20 closure completion period following the date of
21 closure of a sanitary landfill. Notwithstanding the
22 provisions of this paragraph, the public agency shall
23 retain financial responsibility for closure and
24 postclosure requirements applicable to sanitary
25 disposal projects."

26 11. Page 15, by inserting after line 10 the
27 following:

28 "Sec. _____.

29 The appropriation to the Iowa resources enhancement
30 and protection fund in 1989 Iowa Acts, chapter 307,
31 section 35, shall be considered an appropriation for a
32 separate fiscal year for purposes of the allocation to
33 be made to the conservation education board under
34 section 455A.19, subsection 1, unnumbered paragraph 1.
35 Up to 3 percent of the amount allocated to the
36 conservation education board as a result of this
37 section, shall be used, or so much thereof as is
38 necessary, by the department of education, in
39 cooperation with the department of cultural affairs,
40 to distribute to all public libraries, libraries at
41 state institutions, college libraries, and libraries
42 at public and nonpublic schools in the state, and to
43 each member of the Iowa general assembly, the
44 publication "50 simple things you can do to save the
45 earth".

Amendment H—6105 was adopted.

Halvorson of Webster asked and received unanimous consent to defer action on amendment H—6097.

Clark of Cerro Gordo in the chair at 4:30 p.m.

Metcalf of Polk offered the following amendment H—6096, to the committee amendment H—6054, filed by her and Neuhauser of Johnson from the floor and moved its adoption:

H—6096

- 1 Amend the amendment, H—6054, to Senate File 2153,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. By striking page 9, line 28 through page 10,
- 5 line 7.

A non-record roll call was requested.

The ayes were 36, nays 50.

Amendment H—6096 lost.

Peters of Woodbury in the chair at 5:22 p.m.

Bisignano of Polk offered the following amendment H—6108, to the committee amendment H—6054, filed from the floor by Bisignano, Sherzan, Koenigs, Renaud, Peters, Trent, Shoning, Branstad, Diemer, Fuller, Hanson of Delaware, Muhlbauer, Jay, Kremer, Hansen of Woodbury and Buhr:

H—6108

- 1 Amend amendment, H—6054, to Senate File 2153, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 11, by striking lines 6 through 31.

Speaker Avenson in the chair at 5:29 p.m.

Bisignano of Polk moved the adoption of amendment H—6108, to the committee amendment H—6054.

A non-record roll call was requested.

The ayes were 43, nays 46.

Amendment H—6108 lost.

Groninga of Cerro Gordo offered the following amendment H—6070, to the committee amendment H—6054, filed by him and moved its adoption:

H—6070

- 1 Amend the amendment, H—6054, to Senate File 2153,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 15, by striking lines 3 through 5 and in-
- 5 serting the following: "this section and report to
- 6 the general assembly on the effectiveness of this
- 7 section no later than forty-two months following the
- 8 enactment of this section and recommend any other
- 9 toxic substances contained in packaging to be added to
- 10 the list in order to further reduce the toxicity of
- 11 packaging waste."

Amendment H—6070 was adopted.

Lageschulte of Bremer offered the following amendment H—6113, to the committee amendment H—6054, filed by him from the floor and moved its adoption:

H—6113

- 1 Amend the amendment, H—6054, to Senate File 2153,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 47 through 49.
- 5 2. Page 2, by striking lines 7 through 9 and
- 6 inserting the following: "percent to the annual".
- 7 3. Page 11, line 5, by inserting after the word
- 8 "lottery." the following: "However, if the amount
- 9 appropriated to the fund from the lottery does not
- 10 equal thirty million dollars for the fiscal year

11 beginning July 1, 1991, or for subsequent fiscal years
 12 of the fiscal period, the amount that may be
 13 appropriated under this subsection is twenty-five
 14 million dollars."

Roll call was requested by Lageschulte of Bremer and Spenner of Henry.

Rule 75 was invoked.

On the question "Shall amendment H—6113, to the committee amendment H—6054, be adopted?" (S.F. 2153)

The ayes were, 39:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Hester	Iverson	Kistler	Kremer
Lageschulte	Lundby	Maulsby	McKean
Mertz	Metcalf	Miller	Petersen, D. F.
Plasier	Renken	Royer	Schneklath
Shoning	Siegrist	Spear	Spenner
Trent	Tyrrell	Van Maanen	

The nays were, 57:

Adams	Arnould	Beatty	Bisignano
Black	Brammer	Brand	Brown
Buhr	Chapman	Cohoon	Connors
Doderer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. N.
Hansen, S. D.	Harper	Hatch	Haverland
Hibbard	Holveck	Jay	Jesse
Jochum	Knapp	Koenigs	Lykam
May	McKinney	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Peterson, M. K.
Poncy	Renaud	Rosenberg	Schrader
Shearer	Sherzan	Shoultz	Svoboda
Swartz	Tabor	Teaford	Wise
Mr. Speaker			
Avenson			

Absent or not voting, 4:

Blanshan	Hammond	Johnson	Stueland
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Amendment H—6113 lost.

Bennett of Ida offered the following amendment H—6118, to the committee amendment H—6054, filed by him and Pellett of Cass from the floor and moved its adoption:

H—6118

1 Amend the amendment, H—6054, to Senate File 2153,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 2, line 1, by inserting after the word
5 "account." the following: "However, for the fiscal
6 year beginning July 1, 1990, the percent is nine
7 percent for the first half of the year and eighteen
8 percent for the second half of the year."

9 2. Page 2, line 3, by inserting after the word
10 "account." the following: "However, for the fiscal
11 year beginning July 1, 1990, the percent is fifteen
12 percent for the first half of the year and six percent
13 for the second half of the year."

14 3. Page 3, line 22, by inserting after the figure
15 "467A.75." the following: "However, for the fiscal
16 year beginning July 1, 1990, all of the moneys equal
17 to the additional nine percent of CLEAN funds allotted
18 for the first half of the year to the soil
19 conservation account shall be appropriated for
20 purposes of this paragraph."

Amendment H—6118 lost.

Petersen of Muscatine offered the following amendment H—6119,
to the committee amendment H—6054, filed by him from the floor
and moved its adoption:

H—6119

1 Amend the amendment, H—6054, to Senate File 2153,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 2, line 1, by inserting after the word
5 "account." the following: "However, for the fiscal
6 year beginning July 1, 1990, the percent is twenty-two
7 percent for the first half of the year and eighteen
8 percent for the second half of the year."

9 2. Page 2, line 5, by inserting after the word
10 "account." the following: "However, for the fiscal
11 year beginning July 1, 1990, the percent is four
12 percent for the first half of the year and eight
13 percent for the second half of the year."

14 3. Page 3, by inserting after line 13 the
15 following:

16 "_____. For the fiscal year beginning July 1, 1990,
17 the amount equal to the additional four percent of the
18 moneys in the CLEAN fund allotted for the first half
19 of the fiscal year to the environmental protection
20 account is appropriated to the department of natural
21 resources for purposes of a grant program for
22 pollution control facilities for new buildings that

23 will be used for production of livestock. Grants
 24 under the program shall not exceed five thousand
 25 dollars per facility."

Roll call was requested by Petersen of Muscatine and Bennett of Ida.

On the question "Shall amendment H—6119, to the committee amendment H—6054, be adopted?" (S.F. 2153)

The ayes were, 42:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Eddie	Fogarty
Fuller	Garman	Gruhn	Halvorson, R. A.
Hanson, D. R.	Harbor	Hermann	Hester
Iverson	Kistler	Koenigs	Kremer
Lageschulte	Maulsby	McKean	Mertz
Miller	Pellett	Petersen, D. F.	Renken
Royer	Schneklloth	Shearer	Shoning
Siegrist	Spear	Spenner	Trent
Tyrrell	Van Maanen		

The nays were, 53:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Chapman	Cohoon
Connors	Dvorsky	Fey	Groninga
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Hibbard	Holveck
Jay	Jesse	Jochum	Knapp
Lykam	May	McKinney	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Plasier	Poncy	Renaud	Rosenberg
Schrader	Sherzan	Shultz	Svoboda
Swartz	Tabor	Teaford	Wise
Mr. Speaker			
Avenson			

Absent or not voting, 5:

Doderer	Johnson	Lundby	Metcalf
Stueland			

Amendment H—6119 lost.

Shultz of Black Hawk asked and received unanimous consent to withdraw amendment H—6102, previously deferred, to the committee amendment H—6054, filed by him from the floor.

Shultz of Black Hawk offered amendment H—6121, to the committee amendment H—6054, filed by him from the floor and requested division as follows:

H—6121

1 Amend the amendment, H—6054, to Senate File 2153,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

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4 1. Page 2, by striking lines 17 through 21 and
5 inserting the following:
6 "a. Fifty-nine percent to the waste volume
7 reduction and recycling fund to be used as follows:
8 (1) One-half of the moneys deposited under this
9 lettered paragraph shall be used for the purposes
10 specified pursuant to section 455D.15, subsection 2.
11 The moneys shall be allocated to each county on the
12 basis of population. The county allocation shall be
13 distributed quarterly by the department to each
14 county. The county shall immediately distribute the
15 funds to the cities based upon the proportion of the
16 city's respective population to the total county
17 population, and the county shall retain the portion of
18 the funds based upon the proportion of the
19 unincorporated area of the county to the total
20 population of the county. The funds shall be used by
21 the county and the cities for the implementation of
22 the comprehensive plan elements required pursuant to
23 section 455B.306 and relative to chapter 455D.
24 (2) One-half of the moneys deposited under this
25 lettered paragraph shall be used for the purposes
26 designated pursuant to section 455D.15, subsection 3."
27 2. Page 2, by striking lines 27 through 31, and
28 inserting the following:
29 "c. Three and five-tenths percent to the
30 department of natural resources to implement and
31 administer the state and local government waste
32 management program established pursuant to section
33 455B.484 and section 455B.510."
34 3. By striking page 8, line 26, through page 9,
35 line 25.
36 4. Page 12, by inserting after line 15, the
37 following:
38 "Sec. _____. Section 455B.306, subsection 1, Code
39 Supplement 1989, is amended to read as follows:
40 1. A city, county, and a private agency operating
41 or planning to operate a sanitary disposal project
42 shall file with the director a comprehensive plan
43 detailing the method by which the city, county, or

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44 private agency will comply with this part 1. All
45 cities and counties shall also file with the director
46 a comprehensive plan detailing the method by which the
47 city or county will comply with the requirements of
48 section 455B.302 to establish and implement a
49 comprehensive solid waste reduction program for its
50 residents. For the purposes of this section, a public

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1 agency managing the waste stream for cities or
2 counties pursuant to chapter 28E, shall file one
3 comprehensive plan on behalf of its members, which
4 constitutes full compliance by the public agency's
5 members with the filing requirements of this section.
6 If both a public agency managing the waste stream for
7 a city or county pursuant to chapter 28E, and one or
8 more of the public agency's member cities or counties
9 file a comprehensive plan under this subsection, the
10 director shall, following notice to the agency, make a
11 determination that any plan filed by a member city or
12 county is compatible with the comprehensive plan of
13 the chapter 28E public agency. If the director
14 determines that the comprehensive plan of a city or
15 county is not compatible with the comprehensive plan
16 of a chapter 28E public agency, the director shall
17 require the city or county to provide justification
18 for approval of the comprehensive plan based upon the
19 innovative nature of the comprehensive plan, the
20 urgency of implementation, or other unique features of
21 the comprehensive plan of the city or county, and that
22 the plan otherwise complies with the provisions of
23 this chapter. This subsection does not prevent the
24 director from approving pilot projects which otherwise
25 comply with the provisions of this chapter. The
26 director shall review each comprehensive plan
27 submitted and may reject, suggest modification, or
28 approve the proposed plan. The director shall aid in
29 the development of comprehensive plans for compliance
30 with this part. The director shall make available to
31 a city, county, and private agency appropriate forms
32 for the submission of comprehensive plans and may hold
33 hearings for the purpose of implementing this part.
34 The director and governmental agencies with primary
35 responsibility for the development and conservation of
36 energy resources shall provide research and
37 assistance, when cities and counties operating or
38 planning to operate sanitary disposal projects request
39 aid in planning and implementing resource recovery
40 systems. A comprehensive plan filed by a private
41 agency operating or planning to operate a sanitary

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42 disposal project required pursuant to section 455B.302
 43 shall be developed in cooperation and consultation
 44 with the city or county responsible to provide for the
 45 establishment and operation of a sanitary disposal
 46 project."

47 5. Page 12, by striking lines 18 and 19 and
 48 inserting the following:

49 "_____. Page 17, by inserting after line 14, the
 50 following:"

Page 3

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1 6. Page 12, by striking lines 28 and 29.

H-6121A

2 7. Page 12, by inserting after line 29, the
 3 following:

4 "Sec. _____. Section 455D.15, subsections 2 and 3,
 5 Code Supplement 1989, are amended to read as follows:

6 2. ~~The department shall award grants based upon~~
 7 ~~the solid waste management hierarchy set forth in~~
 8 ~~section 455B.301A, subsection 1. A grant shall not be~~
 9 ~~awarded to a county, city, or central planning agency~~
 10 ~~which has not complied with the requirements of a~~
 11 ~~comprehensive solid waste management program and which~~
 12 ~~has not complied with or demonstrated an intent to~~
 13 ~~comply with the requirements of section 455B.306.~~
 14 One-half of the moneys deposited in the fund shall be
 15 allocated to each county on the basis of population.
 16 The county allocation shall be distributed quarterly
 17 by the department to each county. The county shall
 18 immediately distribute the funds to the cities based
 19 upon the proportion of the city's respective
 20 population to the total county population, and the
 21 county shall retain the portion of the funds based
 22 upon the proportion of the unincorporated area of the
 23 county to the total population of the county. The
 24 funds shall be used by the county and the cities for
 25 the implementation of the comprehensive plan elements
 26 required pursuant to section 455B.306 and relative to
 27 chapter 455D.

28 3. The One-half of the moneys deposited in the
 29 fund shall be utilized for the following purposes:

30 a. The initial thirty five thousand dollars
 31 collected for deposit in the fund shall be
 32 appropriated to the department for establishment of
 33 the pollution hotline program established pursuant to
 34 section 455B.116, and for the salary and support of

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- 35 not more than one full-time equivalent position.
 36 b a. To provide financial assistance to public and
 37 private entities to develop and implement waste
 38 reduction and minimization programs for Iowa
 39 industries.
 40 e b. To provide financial assistance to public and
 41 private entities and to develop and implement programs
 42 to create and enhance markets for recyclable and other
 43 waste products.
 44 d. To develop and implement educational and
 45 technical assistance programs that support and
 46 encourage waste reduction and recycling efforts by
 47 Iowans.
 48 e. To administer the provisions of chapter 455B,
 49 division IV, part 1.
 50 f c. The department may utilize up to ten twenty

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- 1 percent of the fund to administer the provisions of
 2 this chapter.
 3 g. To provide grants to local communities or
 4 private individuals for projects which establish
 5 recycling collection centers, establish local curbside
 6 collection of separated recyclable waste materials,
 7 promote public awareness regarding waste volume
 8 reduction and the use of recyclable materials, and
 9 create markets for recyclable materials. Grants shall
 10 not be awarded for incineration.
 11 h. To provide technical assistance to local
 12 communities in establishing collection systems and
 13 composting facilities for yard waste.
 14 i. To fund the study required pursuant to section
 15 455D.11, subsection 3, and to provide loans and grants
 16 for waste tire recycling and reprocessing projects.
 17 j. To carry out the functions of the department of
 18 natural resources concerning recycling.
 19 k. To promote the recycling of chlorofluorocarbons
 20 used as refrigerant."
 21 8. By renumbering as necessary.

Shoultz of Black Hawk asked and received unanimous consent to withdraw amendment H-6121B.

On motion by Shoultz of Black Hawk, amendment H-6121A was adopted.

Poncy of Wapello offered the following amendment H-6120, to the committee amendment H-6054, filed by him from the floor and moved its adoption:

H—6120

1 Amend the amendment, H—6054, to Senate File 2153,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 2, line 26, by inserting after the word
5 “wells” the following: “and cisterns”.

6 2. Page 15, by inserting after line 8 the
7 following:

8 “Sec. _____. Section 455E.11, subsection 2,
9 paragraph b, subparagraph (3), subparagraph
10 subdivision (b), Code Supplement 1989, is amended to
11 read as follows:

12 (b) Two percent is appropriated annually to the
13 department of natural resources for the purpose of
14 administering grants to counties and conducting
15 oversight of county-based programs relative to the
16 testing of private water supply wells and the proper
17 closure of private abandoned wells. Not more than
18 seventeen and one-half percent of the moneys is
19 appropriated annually to the department of natural
20 resources for grants to counties for the purpose of
21 conducting programs of private, rural water supply
22 testing, not more than six percent of the moneys is
23 appropriated annually to the state hygienic laboratory
24 to assist in well testing, and not more than seventeen
25 and one-half percent of the moneys is appropriated
26 annually to the department of natural resources for
27 grants to counties for the purpose of conducting
28 programs for properly closing abandoned, rural water
29 supply wells and cisterns. For purposes of this
30 subparagraph subdivision, “cistern” means an
31 artificial reservoir constructed underground for the
32 purpose of storing rainwater.”

Amendment H—6120 was adopted.

Neuhauser of Johnson offered the following amendment H—6112,
to the committee amendment H—6054, filed by her from the floor and
moved its adoption:

H—6112

1 Amend the amendment, H—6054, to Senate File 2153,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 4, line 15, by inserting after the words
5 “projects to” the following: “, and transportation
6 studies and projects which”.

Amendment H—6112 was adopted.

Fey of Scott in the chair at 6:46 p.m.

Halvorson of Webster offered the following amendment H—6097, previously deferred, to the committee amendment H—6054, filed by him from the floor and moved its adoption:

H—6097

1 Amend amendment, H—6054, to Senate File 2153, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 9, by inserting after line 47, the
5 following:
6 "If the rural water district revenues are
7 insufficient to pay the principal and interest on the
8 county's general obligation bonds, the county's debt
9 service tax levy for the county general obligation
10 bonds shall not be levied against property located in
11 any city except a city which has entered into the
12 chapter 28E agreement with the rural water district.

13 The county and the cities entering into the rural
14 water district agreement may provide in the agreement
15 for a different rate of the county's debt service tax
16 levy against property in unincorporated areas of the
17 county and property within those cities."

A non-record roll call was requested.

The ayes were 51, nays 16.

Amendment H—6097 was adopted.

Bisignano of Polk offered the following amendment H—6123, to the committee amendment H—6054, filed from the floor by Bisignano, Sherzan and Black and moved its adoption:

H—6123

1 Amend the amendment, H—6054, to Senate File 2153,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 12, by inserting before line 30 the
5 following:

6 "Sec. _____. Section 455D.16, Code Supplement 1989,
7 is amended by striking the section and inserting in
8 lieu thereof the following:

9 455D.16 PROHIBITION OF POLYSTYRENE PRODUCTS.

10 1. Beginning January 1, 1991, a person shall not
11 offer for sale, sell, or commercially use polystyrene
12 packaging products or food service items in this
13 state.

14 2. A person who violates subsection 1 is subject
15 to a civil penalty of one hundred dollars for each day
16 of violation. The department shall collect the
17 penalties and shall deposit the moneys in the waste
18 volume reduction and recycling fund created under
19 section 455D.15."

20 2. By renumbering as necessary.

Amendment H—6123 was adopted.

On motion by Swartz of Marshall, the committee amendment H—6054, as amended, was adopted.

Dvorsky of Johnson offered the following amendment H—6083 filed by him and Swartz of Marshall:

H—6083

1 Amend Senate File 2153, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 21 the
4 following:

5 "Sec. 200. Section 99E.10, subsection 1, paragraph
6 b, Code 1989, is amended to read as follows:

7 b. An amount equal to four percent of the gross
8 sales price of each ticket or share sold shall be
9 deducted as the sales tax on the sale of that ticket
10 or share, remitted to the treasurer of state and
11 deposited into the state general fund rural community
12 2000 bond security account established under section
13 220.142, subsection 8."

14 2. Page 8, by inserting before line 28 the
15 following:

16 "Sec. _____. Section 220.142, Code Supplement 1989,
17 is amended by adding the following new subsection:

18 NEW SUBSECTION. 8. a. The authority shall
19 establish a rural community 2000 bond security
20 account, which shall consist of all revenues
21 designated in section 99E.10, subsection 1, paragraph
22 "b" to be deposited in the account and all other
23 appropriations, grants, or gifts received by the
24 authority for use under this subsection. The
25 authority may transfer to this account any other funds
26 not obligated for any other purpose.

27 b. In a fiscal year in which moneys in a reserve
28 fund established under section 220.142, subsection 2,
29 are insufficient to fully meet obligations to pay
30 principal and interest on the bonds or notes, moneys
31 in the security account established under paragraph
32 "a" shall first be used to eliminate the
33 insufficiency.

34 c. In a fiscal year in which there are funds
 35 remaining in the security account established under
 36 paragraph "a" after meeting the obligations of
 37 paragraph "b", fifty percent of the remaining funds
 38 shall be deposited in the sewage treatment works
 39 revolving loan fund established in section 455B.295,
 40 and fifty percent shall be transferred to the rural
 41 community 2000 program for water systems."

42 3. Page 12, by inserting after line 9 the
 43 following:

44 "Sec. _____. Section 422.43, subsection 2, Code
 45 1989, is amended to read as follows:

46 2. There is imposed a tax of four percent upon the
 47 gross receipts derived from the operation of all forms
 48 of amusement devices and games of skill, games of
 49 chance, raffles and bingo games as defined in chapter
 50 99B, operated or conducted within the state of Iowa,

Page 2

1 the tax to be collected from the operator in the same
 2 manner as is provided for the collection of taxes upon
 3 the gross receipts of tickets or admission as provided
 4 in this section. The tax shall also be imposed upon
 5 the gross receipts derived from the sale of lottery
 6 tickets or shares pursuant to chapter 99E. The tax on
 7 the lottery tickets or shares shall be included in the
 8 sales price and distributed to the general fund as
 9 provided in section 99E.10."

10 4. Page 17, by inserting after line 27 the
 11 following:

12 "Sec. _____.

13 Section 200 of this Act is effective July 1, 1991."

Halvorson of Webster offered the following amendment H-6093,
 to amendment H-6083, filed by him and moved its adoption:

H-6093

1 Amend the amendment, H-6083, to Senate File 2153,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 1, by striking lines 3 through 13.

5 2. Page 1, lines 21 and 22, by striking the words
 6 and figures "in section 99E.10, subsection 1,
 7 paragraph "b"".

8 3. Page 2, by striking lines 10 through 13.

Roll call was requested by Kremer of Buchanan and Groninga of
 Cerro Gordo.

On the question "Shall amendment H-6093, to amendment
 H-6083, be adopted?" (S.F. 2153)

The ayes were, 60:

Banks	Beaman	Beatty	Bennett
Bisignano	Brammer	Branstad	Buhr
Clark	Corbett	Daggett	De Groot
Diemer	Doderer	Eddie	Fuller
Garman	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Hermann	Hester	Holveck	Iverson
Jay	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
McKean	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Renken	Rosenberg	Royer	Schneklath
Shoning	Siegrist	Spear	Spenner
Teaford	Trent	Tyrrell	Van Maanen

The nays were, 36:

Adams	Arnould	Avenson, Spkr.	Black
Blanshan	Brand	Brown	Chapman
Cohoon	Connors	Dvorsky	Groninga
Harper	Hatch	Haverland	Hibbard
Jesse	Jochum	Lykam	May
McKinney	Murphy	Ollie	Osterberg
Pavich	Poncy	Renaud	Schrader
Shearer	Sherzan	Shoultz	Svoboda
Swartz	Tabor	Wise	Fey Presiding

Absent or not voting, 4:

Carpenter	Fogarty	Johnson	Stueland
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Amendment H—6093 was adopted.

Bennett of Ida rose on a point of order that amendment H—6083 was not germane.

The Speaker ruled the point well taken and amendment H—6083, as amended, not germane.

The House stood at ease at 7:52 p.m., until the fall of the gavel.

The House resumed session and consideration of Senate File 2153 at 8:47 p.m., Fey of Scott in the chair.

Arnould of Scott moved that the rules be suspended to consider amendment H—6083.

A non-record roll call was requested.

The ayes were 52, nays 32.

The motion prevailed and the rules were suspended.

Rosenberg of Story asked for unanimous consent to reconsider amendment H—6093, as amended.

Objection was raised.

Rosenberg of Story moved to reconsider the vote by which amendment H—6093, found on page 1955 of the House Journal, to amendment H—6083, was adopted by the House on April 4, 1990.

Roll call was requested by Van Maanen of Mahaska and Bennett of Ida.

On the question "Shall amendment H—6093, to amendment H—6083, be reconsidered?" (S.F. 2153)

The ayes were, 54:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Buhr	Chapman
Cohoon	Connors	Doderer	Dvorsky
Fogarty	Fuller	Groninga	Gruhn
Hansen, S. D.	Harper	Hatch	Haverland
Hibbard	Jay	Jesse	Jochum
Johnson	Knapp	Lykam	May
McKinney	Mertz	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Schrader	Shearer	Sherzan
Svoboda	Swartz	Tabor	Teaford
Wise	Fey		
	Presiding		

The nays were, 41:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hanson, D. R.
Harbor	Hermann	Hester	Iverson
Kistler	Kremer	Lageschulte	Lundby
Maulsby	McKean	Metcalf	Miller
Pellett	Petersen, D. F.	Plasier	Renken
Royer	Schnekloth	Shoning	Siegrist
Spear	Spenner	Trent	Tyrrell
Van Maanen			

Absent or not voting, 5:

Holveck	Koenigs	Osterberg	Shoultz
Stueland			

The motion prevailed and amendment H—6093 was reconsidered.

Halvorson of Webster moved the adoption of amendment H-6093, to amendment H-6083.

Roll call was requested by Bennett of Ida and Dvorsky of Johnson.

Rule 75 was invoked.

On the question "Shall amendment H-6093, to amendment H-6083, be adopted?" (S.F. 2153)

The ayes were, 44:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hanson, D. R.	Harbor	Hermann	Hester
Holveck	Iverson	Kistler	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
McKean	Metcalf	Miller	Pellett
Petersen, D. F.	Plasier	Renken	Royer
Schneklath	Shoning	Siegrist	Spear
Spenner	Trent	Tyrrell	Van Maanen

The nays were, 53:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Buhr	Chapman
Cohoon	Connors	Dvorsky	Fogarty
Fuller	Groninga	Hansen, S. D.	Harper
Hatch	Haverland	Hibbard	Jay
Jesse	Jochum	Johnson	Knapp
Lykam	May	McKinney	Mertz
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Peterson, M. K.	Poney	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Svoboda
Swartz	Taber	Teaford	Wise
Fey			
Presiding			

Absent or not voting, 3:

Doderer	Shoultz	Stueland
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Amendment H-6093 lost.

Dvorsky of Johnson moved the adoption of amendment H-6083.

Roll call was requested by Van Maanen of Mahaska and Bennett of Ida.

On the question "Shall amendment H-6083 be adopted?" (S.F. 2153)

The ayes were, 61:

Adams	Arnould	Avenson, Spkr.	Beaman
Beatty	Bisignano	Black	Blanshan
Brammer	Brand	Brown	Buhr
Chapman	Cohoon	Connors	Daggett
Doderer	Dvorsky	Fogarty	Fuller
Groninga	Gruhn	Hammond	Hansen, S. D.
Harper	Hatch	Haverland	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Knapp	Koenigs	Lykam
May	McKinney	Mertz	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Rosenberg	Schrader
Shearer	Sherzan	Spenner	Svoboda
Swartz	Tabor	Teaford	Wise
Fey			
Presiding			

The nays were, 37:

Banks	Bennett	Branstad	Carpenter
Clark	Corbett	De Groot	Diemer
Eddie	Garman	Halvorson, R. A.	Halvorson, R. N.
Hanson, D. R.	Harbor	Hermann	Hester
Iverson	Kistler	Kremer	Lageschulte
Lundby	Maulsby	McKean	Metcalf
Miller	Pellet	Petersen, D. F.	Plasier
Renken	Royer	Schnekloth	Shoning
Siegrist	Spear	Trent	Tyrrell
Van Maanen			

Absent or not voting, 2:

Shoultz	Stueland
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Amendment H—6083 was adopted.

Koenigs of Mitchell asked and received unanimous consent to defer action on amendment H—6116.

The Speaker announced that amendments H—5155 and H—5176 filed by Pellett of Cass on February 15 and 16, 1990, respectively, were out of order with the adoption of the committee amendment H—6054.

Koenigs of Mitchell offered the following amendment H—6117 filed from the floor by Koenigs, Muhlbauer and Mertz and moved its adoption:

H—6117

- 1 Amend Senate File 2153, as amended, passed, and re-
- 2 printed by the Senate, as follows:

- 3 1. Page 17, line 26, by striking the words and
4 figures "take effect January 1, 1991," and inserting
5 the following: "apply retroactively to January 1,
6 1986,".
- 7 2. Page 17, line 27, by inserting after the word
8 "date." the following: "Notwithstanding any other
9 provision a claim for refund or carryforward of the
10 credit allowed under sections 10 and 11 of this Act is
11 timely filed if the claim is filed within one year
12 following the effective date of this Act or within the
13 period of the regular statute of limitations,
14 whichever is the longer."

Amendment H—6117 lost.

Koenigs of Mitchell offered the following amendment H—6116, previously deferred, filed from the floor by Koenigs, Muhlbauer and Mertz and moved its adoption:

H—6116

- 1 Amend Senate File 2153, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. By striking page 10, line 31 through page 12,
4 line 9.
5 2. Page 17, by striking lines 25 through 27.

A non-record roll call was requested.

The ayes were 24, nays 52.

Amendment H—6116 lost.

Ollie of Clinton moved to reconsider the vote by which the committee amendment H—6054, as amended, found on pages 1920 through 1936 of the House Journal, was adopted by the House on April 4, 1990.

A non-record roll call was requested.

The ayes were 44, nays 30.

The motion prevailed and the committee amendment H—6054, as amended, was reconsidered.

Ollie of Clinton moved to reconsider the vote by which amendment H—6123, found on pages 1953 and 1954 of the House Journal, to the committee amendment H—6054, was adopted by the House on April 4, 1990.

Roll call was requested by Ollie of Clinton and Haverland of Polk.

On the question "Shall amendment H—6123, to the committee amendment H—6054, be reconsidered?" (S.F. 2153)

The ayes were, 54:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Buhr	Chapman
Cohoon	Connors	Dvorsky	Fogarty
Fuller	Groninga	Gruhn	Hansen, S. D.
Harper	Hatch	Haverland	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Lykam	May	McKinney
Mertz	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Schrader	Shearer	Shoultz	Spear
Svoboda	Swartz	Tabor	Teaford
Wise	Fey		
	Presiding		

The nays were, 37:

Banks	Beaman	Bennett	Branstad
Carpenter	Corbett	Daggett	De Groot
Diemer	Eddie	Garman	Halvorson, R. A.
Halvorson, R. N.	Hanson, D. R.	Harbor	Hermann
Hester	Iverson	Kistler	Kremer
Lageschulte	Lundby	Maulsby	McKean
Metcalf	Miller	Pellett	Petersen, D. F.
Plasier	Renken	Royer	Schnekloth
Shoning	Spenner	Trent	Tyrrell
Van Maanen			

Absent or not voting, 9:

Clark	Doderer	Hammond	Knapp
Koenigs	Osterberg	Sherzan	Siegrist
Stueland			

The motion prevailed and the House reconsidered amendment H—6123.

Bisignano of Polk moved the adoption of amendment H—6123, to the committee amendment H—6054.

Roll call was requested by Ollie of Clinton and Jesse of Jasper.

Rule 75 was invoked.

On the question "Shall amendment H—6123, to the committee amendment H—6054, be adopted?" (S.F. 2153)

The ayes were, 49:

Banks	Beaman	Beatty	Bennett
Bisignano	Black	Branstad	Brown
Carpenter	Connors	Corbett	Daggett
De Groot	Diemer	Eddie	Fuller
Garman	Halvorson, R. A.	Halvorson, R. N.	Hanson, D. R.
Harbor	Hermann	Hibbard	Holveck
Iverson	Jesse	Knapp	Koenigs
Kremer	Lundby	Maulsby	McKean
Metcalf	Miller	Nielsen	Osterberg
Pellett	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Royer	Schnekloth
Sherzan	Shoning	Siegrist	Trent
Tyrrell			

The nays were, 46:

Adams	Arnould	Avenson, Spkr.	Blanshan
Brammer	Brand	Buhr	Chapman
Cohoon	Dvorsky	Fogarty	Groninga
Gruhn	Hansen, S. D.	Harper	Hatch
Haverland	Hester	Jay	Jochum
Johnson	Kistler	Lageschulte	Lykam
May	McKinney	Mertz	Muhlbauer
Neuhauser	Ollie	Pavich	Peters
Petersen, D. F.	Rosenberg	Schrader	Shearer
Shoultz	Spear	Spenner	Svoboda
Swartz	Tabor	Teaford	Van Maanen
Wise	Fey		
	Presiding		

Absent or not voting, 5:

Clark	Doderer	Hammond	Murphy
Stueland			

Amendment H—6123 was adopted.

On motion by Swartz of Marshall, the committee amendment H—6054, as amended, was adopted.

Swartz of Marshall moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2153)

The ayes were, 68:

Adams	Arnould	Avenson, Spkr.	Beaman
Beatty	Bisignano	Black	Blanshan
Brammer	Brand	Brown	Buhr
Chapman	Cohoon	Connors	Daggett

Dvorsky	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. N.	Hansen, S. D.	Hanson, D. R.
Harper	Hatch	Haverland	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Knapp	Lageschulte
Lundby	Lykam	May	McKinney
Mertz	Muhlbauer	Murphy	Neuhauser
Nielsen	Osterberg	Pavich	Pellett
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Wise	Fey
			Presiding

The nays were, 28:

Banks	Bennett	Branstad	Carpenter
Corbett	De Groot	Diemer	Eddie
Garman	Halvorson, R. A.	Harbor	Hermann
Iverson	Kistler	Koenigs	Kremer
Maulsby	McKean	Metcalf	Miller
Ollie	Petersen, D. F.	Plasier	Renken
Royer	Schneklath	Spenner	Van Maanen

Absent or not voting, 4:

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 4, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2407, a bill for an act relating to the designation, inventory, and protection of wetlands, providing a civil penalty for violations, and providing a property tax exemption for wetlands.

Also: That the Senate has on April 4, 1990, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 2552, a bill for an act relating to storage tanks, including the conditions and funding mechanisms of the Iowa comprehensive petroleum underground storage tank fund.

Also: That the Senate has on April 4, 1990, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 2413, a bill for an act relating to certain specific crimes and the disposition of offenders by providing for payment of sexual abuse medical examinations, providing for workers' compensation coverage and the liability of certain persons performing community service, providing for notification of the parents of persons under age eighteen discovered to be in possession of alcohol or drugs, providing for a term of confinement for distribution of illegal drugs within one thousand feet of a public park, providing for the reporting and identification of certain precursor drugs, providing for the disposition of certain juvenile offenders, establishing institutional reading room requirements, providing for the diversion of certain offenders to treatment facilities, providing that certain persons serving mandatory minimum sentences serve a portion of their sentence on work release, establishing a penalty for certain persons who cause a serious injury to another while operating a motor vehicle, providing for certain offenders to serve their sentence on consecutive days, providing for posttreatment services as a condition of probation, establishing a tax on marijuana and controlled substances, providing an expansion of the business deduction for businesses employing individuals on parole, probation, work release, or convicted of a felony, establishing penalties for participation in criminal gang activity, providing for the nonbailability of certain offenders, providing requirements for presentence investigations, providing for early release of offenders participating in certain treatment or for certain property offenders, making certain changes relating to conditions of parole and work release, authorizing parole and probation officers to discharge certain offenders, making certain changes relating to the victim reparation program, establishing a pilot project for the chemical testing of persons arrested for felony offenses, and providing penalties.

Also: That the Senate has on April 4, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2426, a bill for an act relating to persons who act as the president of the senate, providing for the term of office of the president of the senate, providing authorization for the compensation of the lieutenant governor in executive branch Code provisions, removing the lieutenant governor from membership on the legislative council, making the president of the senate, the speaker pro tempore, and two additional minority party members legislative council members, making changes in the manner of appointment of senate members of certain boards, commissions, agencies, councils, associations, and statutory committees, and providing an effective date.

Also: That the Senate has on April 4, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2430, a bill for an act relating to higher education including the funding, administration, and authority for dormitory bonding of community colleges, coordination of higher education sectors, and studies relating to educational opportunities.

JOHN F. DWYER, Secretary

INTRODUCTION OF BILL

House File 2565, by committee on ways and means, a bill for an act relating to the payments of employee contributions under certain public retirement systems for federal and state tax purposes.

Read first time and placed on the **ways and means calendar**.

SENATE MESSAGES CONSIDERED

Senate File 2425, by Hutchins and Hultman, a bill for an act relating to the care of children when a legally responsible adult is unavailable to provide the care.

Read first time and referred to committee on **human resources**.

Senate File 2426, by Hutchins and Hultman, a bill for an act relating to persons who act as the president of the senate, providing for the term of office of the president of the senate, providing authorization for the compensation of the lieutenant governor in executive branch Code provisions, removing the lieutenant governor from membership on the legislative council, making the president of the senate, the speaker pro tempore, and two additional minority party members legislative council members, making changes in the manner of appointment of senate members of certain boards, commissions, agencies, councils, associations, and statutory committees, and providing an effective date.

Read first time and referred to committee on **state government**.

Senate File 2430, by Hutchins and Hultman, a bill for an act relating to higher education including the funding, administration, and authority for dormitory bonding of community colleges, coordination of higher education sectors, and studies relating to educational opportunities.

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

Speaker Avenson in the chair at 10:41 p.m.

IMMEDIATE MESSAGE

(Senate File 2153)

Arnould of Scott asked and received unanimous consent that Senate File 2153 be immediately messaged to the Senate.

MOTION TO RECONSIDER PREVAILED

(House File 2488)

Kremer of Buchanan called up for consideration the motion to reconsider House File 2488, filed on April 3, 1990, and moved to reconsider the vote by which House File 2488, a bill for an act relating to the characterization of certain corporate shares as issued, but not outstanding, shares, and making conforming amendments to reflect adoption of chapter 490, the new Iowa model business corporation Act, passed the House and was placed on its last reading on April 3, 1990.

A non-record roll call was requested.

The ayes were 57, nays none.

The motion prevailed and the House reconsidered House File 2488.

Kremer of Buchanan moved to reconsider the vote by which the House concurred in the Senate amendment H—6045, found on pages 1741 through 1762 of the House Journal, which motion prevailed.

Kremer of Buchanan offered the following amendment H—6060, to the Senate amendment H—6045, filed by him and moved its adoption:

H—6060

- 1 Amend the Senate amendment, H—6045, to House
- 2 File 2488, as amended, passed, and reprinted by
- 3 the House, as follows:
- 4 1. Page 21, line 45, by inserting before the
- 5 word "corporate" the following: "civil law,
- 6 including notarial acts and".

Amendment H—6060 was adopted.

On motion by Trent of Muscatine, the House concurred in the Senate amendment H—6045, as amended.

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

On the question "Shall the bill pass?" (H.F. 2488)

The ayes were, 91:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Cohoon
Connors	Corbett	De Groot	Diemer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer

Murphy	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poney	Renaud
Renken	Rosenberg	Royer	Schneklloth
Schrader	Shearer	Sherzan	Shoning
Siegrist	Spear	Spenner	Svoboda
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 9:

Brammer	Clark	Daggett	Doderer
Hammond	Neuhauser	Shultz	Stueland
Swartz			

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

MOTION TO RECONSIDER PREVAILED
(House File 2534)

Osterberg of Linn called up for consideration the motion to reconsider House File 2534, filed from the floor, and moved to reconsider the vote by which House File 2534, a bill for an act relating to sanitary disposal projects, passed the House and was placed on its last reading on April 4, 1990.

A non-record roll call was requested.

The ayes were 56, nays 13.

The motion prevailed and the House reconsidered House File 2534.

Jesse of Jasper moved to reconsider the vote by which the House concurred in the Senate amendment H—5745, found on page 1860 of the House Journal, on April 4, 1990, which motion prevailed.

Jesse of Jasper moved to reconsider the vote by which the House adopted amendment H—6014, found on pages 1861 through 1866 of the House Journal, to the Senate amendment H—5745, on April 4, 1990, which motion prevailed.

Jesse of Jasper offered the following amendment H—6114, to amendment H—6014, to the Senate amendment H—5745, filed by him from the floor and moved its adoption:

H-6114

- 1 Amend the amendment, H-6014, to the Senate
 2 amendment, H-5745, to House File 2534, as amended,
 3 passed, and reprinted by the House, as follows:
 4 1. Page 2, by inserting after line 43, the
 5 following:
 6 "_____. The city council or county board of
 7 supervisors shall obtain the advice of the appropriate
 8 planning and zoning commission regarding the
 9 application."
 10 2. Page 3, by striking lines 35 and 36, and
 11 inserting the following: "land use requirements may
 12 be superseded by the city council or county board of
 13 supervisors provided that they have received advice
 14 from the appropriate planning and zoning commission."
 15 3. Page 5, by striking lines 31 through 42.
 16 4. By renumbering as necessary.

Amendment H-6114 was adopted.

On motion by Jesse of Jasper, amendment H-6014, as amended, to the Senate amendment H-5745, was adopted.

On motion by Jesse of Jasper, the House concurred in the Senate amendment H-5745, as amended.

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

On the question "Shall the bill pass?" (H.F. 2534)

The ayes were, 79:

Adams	Arnould	Banks	Beaman
Beatty	Bisignano	Black	Blanshan
Brand	Brown	Buhr	Carpenter
Chapman	Cphoon	Connors	Corbett
Diemer	Dvorsky	Eddie	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hansen, S. D.	Hanson, D. R.
Harper	Hatch	Haverland	Hester
Hibbard	Holveck	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Nielsen	Ollie
Osterberg	Pavich	Peters	Petersen, D. F.
Peterson, M. K.	Poncy	Renaud	Rosenberg
Royer	Schrader	Shearer	Shoning

Shoultz	Siegrist	Spear	Spenner
Svoboda	Swartz	Tabor	Teaford
Trent	Wise	Mr. Speaker Avenson	

The nays were, 11:

Bennett	Branstad	De Groot	Harbor
Hermann	Maulsby	Pellett	Renken
Schnekloth	Tyrrell	Van Maanen	

Absent or not voting, 10:

Brammer	Clark	Daggett	Doderer
Fey	Hammond	Neuhauser	Plasier
Sherzan	Stueland		

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

CONFERENCE COMMITTEE REPORT FILED

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the conference committee report on the following bill has been received and is on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

House File 156, a bill for an act relating to the separation of workers' compensation insurance premiums into two parts.

ON THE PART OF THE HOUSE:

C. ARTHUR OLLIE, Chair
KAY CHAPMAN
GARY SHERZAN

ON THE PART OF THE SENATE:

RICHARD RUNNING, Chair
DONALD GETTINGS
WILLIAM D. PALMER

EXPLANATION OF VOTE

I was temporarily absent from the House chamber on Tuesday, April 3, 1990. Had I been present, I would have voted "aye" on Senate File 2011.

OLLIE of Clinton

RESOLUTION ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following resolution has been examined and found correctly enrolled, signed by the Speaker

of the House and the President of the Senate, and presented to the Governor for his approval on this 4th day of April, 1990: House Concurrent Resolution 112.

JOSEPH O'HERN
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 3, 1990, he approved and transmitted to the Secretary of State the following bills:

House File 2177, an act relating to the operation of state hospital-schools under the control of the department of human services by authorizing the offering of goods and services to the public as part of client training programs and by deleting the requirement of maintaining daily records of time worked by institutional staff.

House File 2338, an act relating to special motor vehicle registration plates for recipients of the purple heart medal.

House File 2436, an act restricting the conditions under which a third-party payor of medical benefits may limit coverage for prescription drugs.

House File 2461, an act relating to motor vehicle odometer requirements.

House File 2465, an act relating to the removal of railway track from a grade crossing once the railway corporation has abandoned the line or permitted interim use for the establishment of a trail.

Senate File 148, an act prohibiting certain actions against police service dogs, and providing penalties.

Senate File 2113, an act relating to reporting ingredients of pesticides, making penalties applicable, and providing penalties.

Senate File 2159, an act relating to this state's labor laws administered by the labor commissioner by amending provisions of the Code regulating occupational safety and health, amusement ride and boiler inspections, asbestos removal and encapsulation, the division of labor services, wage payment collection, and construction contractors, and providing a penalty.

Senate File 2169, an act relating to actions by employers by prohibiting employers from taking certain deductions from employees' wages, requiring employers to provide certain services for non-English speaking employees, requiring certain practices upon recruitment of employees from out-of-state locations, and providing penalties.

Senate File 2186, an act relating to the receipt of assistance under certain economic development programs and providing criminal penalties for certain violations.

Senate File 2197, an act relating to violations of an individual's rights, by prohibiting acts of assault and criminal mischief, providing victims actionable civil relief against offenders, establishing a program to monitor rights violations, and providing a penalty.

Senate File 2245, an act relating to bids for certain specialized bridge construction projects.

Senate File 2385, an act establishing a new agricultural products and processes program and creating a state fund to support the program.

Also: On April 4, 1990, he approved and transmitted to the Secretary of State the following bills:

House File 705, an act establishing an Iowa economic development network and related councils and centers to assist in making available economic development programs and services.

House File 2271, an act relating to phase III pay plans.

House File 2355, an act relating to civil damages and license revocation for illegal taking of certain animals.

House File 2404, an act relating to mediation assistance, by expanding the responsibilities of the farm mediation service, granting additional authority to the farm mediation service, extending the date of repeal for certain provisions, and providing an effective date.

House File 2512, an act altering the statutory monetary limitation on the local option E911 emergency telephone service surcharge, authorizing the Iowa finance authority to issue bonds and notes secured by certain designated sources to finance E911 service nonrecurring and recurring expenses, providing related procedures and conditions, and providing an effective date.

House File 2516, an act regulating motor vehicle service and repair and certain motor vehicle service contracts and establishing an annual fee.

GOVERNOR'S VETO MESSAGES

Copies of the following communications were received and placed on file:

April 3, 1990

The Honorable Jo Ann Zimmerman
President of the Senate
State Capitol Building
L O C A L

Dear Madam President:

Senate File 2249, an act relating to workers' health, safety, and welfare, by providing an expedited hearing process for certain contested cases, requiring payment of medical expenses of an injured employee in certain circumstances, staying debt collection proceedings against an employee by a person providing treatment pending resolution of a contested case before the industrial commissioner, altering certain formulas for the calculation of benefits, establishing initial hearing deadlines, requiring certain unannounced inspections, authorizing certain administrative search warrants, and imposing certain benefit payment requirements and penalties for unreasonable denial or nonpayment of medical benefits, exempting union agents and employees from certain tort liability, and providing applicability and effective dates, is hereby

disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

After reviewing the provisions of Senate File 2249, I find that the effect of this Act will make Iowa's economic climate less competitive, slow the process of handling contested cases, and increase costs for Iowa employers.

Senate File 2249 could increase costs to Iowa employers by increasing minimum benefit payments for permanent partial disability and permanent total disability, providing for additional penalties and interest and possibly preventing an employer from recouping the full cost of medical services when the employer chooses the medical care for an injured employee, and it is later determined that an injury is not work related.

Senate File 2249 could also delay the completion of contested case proceedings by creating a new expedited hearing process and by specifying when certain stages of the hearing process must be completed. While the provisions of this act are intended to speed the completion of certain workers' compensation cases, by creating an additional hearing process, resources that would otherwise be devoted to the regular hearing process and the writing of decisions by the Industrial Commissioner would be diverted to the additional hearings.

The requirement that initial hearings be conducted within six months also seems to be intended to speed the handling of contested cases. But while initial hearings may be completed more quickly, the time required to complete a contested case and to reach a final decision may not improve. In fact, contested cases which are already on file may be further delayed, because the Division of Industrial Services would be required to give priority to the initial hearing.

The Department of Employment Services has recognized concerns about the time required to complete contested workers' compensation cases and has asked for additional staff to handle that case load. I have recommended that additional staff be provided to the Division of the Industrial Commissioner in response to this concern. The Department of Employment Services has also developed an internal plan to expedite the hearing process, and to provide for the mediation of workers' compensation cases prior to hearing.

For the above reasons, I hereby respectfully disapprove Senate File 2249.

Sincerely,
Terry E. Branstad
Governor

April 3, 1990

The Honorable Jo Ann Zimmerman
President of the Senate
State Capitol Building
L O C A L

Dear Madam President:

Senate File 2421, an act relating to human services and making appropriations to the department of human services and other properly related matters, providing for retroactive applicability of certain provisions, and providing an effective date, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Senate File 2421 overspends my budget recommendation by \$6.5 million. With revenues continuing to fall below the Revenue Estimating Conference estimate in March, it is critical that we not authorize additional spending. I cannot allow spending levels to exceed our ability to pay.

I want to work with the legislature to achieve an acceptable level of spending on human services, and as I have stated before, I would like to reach an agreement with the legislature on the total level of spending for fiscal year 1991.

For the above reasons, I hereby respectfully disapprove Senate File 2421.

Sincerely,
Terry E. Branstad
Governor

GOVERNOR'S ITEM VETO MESSAGES

A copy of the following communications were received and placed on file:

April 3, 1990

The Honorable Donald Avenson
Speaker of the House
State Capitol Building
L O C A L

Dear Mr. Speaker:

I hereby transmit House File 2371, an act relating to and making appropriations to the civil rights commission, the department of human rights, the department for the blind, the department of elder affairs, and the Iowa department of public health, and providing an effective date.

House File 2371, is therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 2, subsection 9, in its entirety. This provision would appropriate \$400,000 from the general fund for recreational and educational activities. During the fiscal year beginning July 1, 1989, funds were appropriated from the Iowa Plan for this purpose, which are being carried forward into the fiscal year beginning July 1, 1990, under Section 3 of this Act. Funds are available to fulfill obligations made by the Department of Human Rights for programs during the summer of 1990. Due to fiscal constraints and because funds for this special program would now be provided from the general fund rather than the Iowa Plan, I am unable to approve this subsection.

I am unable to approve the item designated as Section 5, subsection 9, in its entirety, which would appropriate \$100,000 for an elder law program and direct the Department of Elder Affairs to establish a program to provide legal services for elders in cooperation with the Area Agencies on Aging. Area Agencies on Aging are currently required to spend three percent of federal funds received for legal services for elders. And, I have previously approved a \$50,000 supplemental appropriation for contractual services for the elder law education program and funds to continue this program are expected to be approved for fiscal year 1991. In addition, other forms of free legal services for the elderly are available.

I am unable to approve the item designated as Section 6, subsection 11a, second paragraph numbered 2, in its entirety, which reads as follows:

(2) For the provisions of physician care for pregnant women who are not eligible for services under the maternal and child health centers guidelines based upon their income, but whose incomes are between 185 and 300 percent of the poverty guidelines published by the United States department of health and human services:

.....\$ 300,000

The physician services shall be subject to managed care and selective contracting provisions and shall be used to provide treatment of the pregnant women in a physician's office and shall include coverage of diagnostic procedures and prescription drugs required for the treatment. Services provided under this subparagraph shall be reimbursed according to Title XIX reimbursement rates.

This provision would provide prenatal services at no cost to pregnant women whose incomes are between 185 and 300 percent of poverty through the maternal and child health centers. Such services are currently available on a sliding fee scale to women whose incomes exceed 185 percent of poverty. Given the fiscal constraints of the state, I cannot approve funding for this purpose.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 2371 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

April 3, 1990

The Honorable Jo Ann Zimmerman
President of the Senate
State Capitol Building
L O C A L

Dear Madam President:

I hereby transmit Senate File 2365, an act relating to and making appropriations to the department of human services and the Iowa department of public health and providing other properly related matters and providing an effective date.

This bill doubles the spousal impoverishment exemption from \$12,000 to \$24,000. I am pleased to approve this important provision, which will allow many spouses of persons residing in care facilities to avoid depletion of their resources.

Senate File 2365, is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 1, subsection 1, in its entirety. This provision increases spending for the state's Medicaid program by \$1.35 million. Given the fiscal constraints of the state, I cannot approve this additional expenditure for the Medicaid program at this time.

I am unable to approve the item designated as Section 1, subsection 4, in its entirety. This provision would allocate funding to the Department of Human Services to establish a task force to develop a pharmaceutical assistance program. The Department of Human Services has estimated that such a program could cost the state in excess of \$3.6 million a year. Before we commit to the development of such a costly program, more study should be devoted to the concept, including other states' experiences with such programs.

I am unable to approve the item designated as Section 3, in its entirety. This provision appropriates \$150,000 to the Department of Public Health for the Homemaking-Home Health Aide Program. This appropriation would be in addition to the \$8,699,000 included for the program in House File 2371, which increases the funding by \$223,799 above last year's appropriation. Given the fiscal constraints of the state, I cannot approve this additional funding increase beyond that which I have approved in House File 2371.

I am unable to approve Sections 4 and 5, in their entirety. These provisions provide the statutory language changes necessary to implement Section 1, subsection 1, of this bill. Since this item has been vetoed, these provisions are unnecessary.

I am unable to approve the designated portion of Section 7 which grants authority to the Department of Human Services to adopt rules necessary to implement Section "4" of the bill. I have item vetoed Section 4, therefore, rulemaking authority relating to its provisions are unnecessary.

I am unable to approve the item designated as Section 8, in its entirety. With the item veto of Section 3, this language is unnecessary.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2365 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Fourteen eighth grade students from Bancroft St. John's School, Bancroft, accompanied by Madeline Summit. By Branstad of Winnebago.

Ten twelfth grade students from Charles City High School, Charles City, accompanied by Charles Redenius. By Clark of Cerro Gordo.

Forty-five junior students from Lenox High School, Lenox, accompanied by Karl Peterson. By Daggett of Adams.

Sixty-two fifth grade students from Mt. Ayr Elementary School, Mt. Ayr, accompanied by Marcene Anderson, Marilyn Saville and Sally Fredrichs. By Daggett of Adams.

Five senior students from South Clay High School, Gillette Grove, accompanied by Larry Stegge. By Fogarty of Palo Alto.

Thirty-two fifth grade students from Villisca Community High School, Villisca, accompanied by Nina Sturm. By Harbor of Mills.

Thirty high school students from Lewis Central High School, Council Bluffs, accompanied by Nyra Oulatt. By Hester, Siegrist and Pavich, all of Pottawattamie.

Fifty-four fourth through sixth grade students from St. Paul's Lutheran School, Waverly. By Lageschulte of Bremer.

Twelve senior students from Monticello High School, Monticello, accompanied by Tony Amsler. By McKean of Jones.

Thirty senior students from Schleswig High School, Schleswig, accompanied by Mr. Pickup. By Muhlbauer of Crawford.

Twenty-five senior students from Manning High School, Manning, accompanied by Joe Follett. By Peterson of Carroll.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 830 Ways and Means

Relating to the repeal of a local option sales and services tax.

SUBCOMMITTEE ASSIGNMENT

Senate File 2422

Appropriations: Jochum, Chair; Halvorson of Clayton and Peterson of Carroll.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 830

Ways and Means: Teaford, Chair; Brand and Hanson of Delaware.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Senate File 2422, a bill for an act relating to the compensation and benefits for faculty, public officials, employees, and certain legislators by providing adjustments for salaries, by specifying properly related matters, and by making appropriations and providing an effective date.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—6111 April 4, 1990.

COMMITTEE ON WAYS AND MEANS

Senate File 2115, a bill for an act relating to state income taxation by exempting certain bonds and notes issued by the agricultural development authority and providing a retroactive applicability date.

Fiscal Note is not required.

Recommended Do Pass April 4, 1990.

Senate File 2416, a bill for an act relating to transfer of the delinquent tax liens and the service of notice of expiration of the right of redemption from tax sales on certain persons with an interest in the real estate, and providing an effective date.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—6110 April 4, 1990.

Committee Bill (Formerly House Study Bill 828), relating to the payments of employee contributions under certain public retirement systems for federal and state tax purposes.

Fiscal Note is required.

Recommended Do Pass April 4, 1990.

AMENDMENTS FILED

H—6095	S.F.	2422	Kremer of Buchanan
H—6100	S.F.	514	Banks of Plymouth
H—6101	S.F.	514	Garman of Story
			Muhlbauer of Crawford
			Mertz of Kossuth
			Banks of Plymouth
H—6103	H.F.	2422	Halvorson of Webster
H—6106	S.F.	2422	Plasier of Sioux
H—6107	H.F.	2548	Senate Amendment
H—6110	S.F.	2416	Committee on
			Ways and Means
H—6111	S.F.	2422	Committee on
			Appropriations
H—6115	H.F.	2407	Senate Amendment

H-6122	H.F.	2422	Haverland of Polk Jay of Appanoose
H-6124	S.F.	2403	Trent of Muscatine Wise of Lee De Groot of Lyon
H-6126	H.F.	2422	Halvorson of Webster
H-6127	S.F.	2403	Osterberg of Linn

On motion by Arnould of Scott, the House adjourned at 10:53 p.m., until 9:00 a.m., Thursday, April 5, 1990.

JOURNAL OF THE HOUSE

Eighty-eighth Calendar Day — Sixty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 5, 1990

The House met pursuant to adjournment, Connors of Polk in the chair.

Prayer was offered by the Honorable Robert Kistler, state representative from Jefferson County.

The Journal of Wednesday, April 4, 1990 was approved.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 5, 1990, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 2320, a bill for an act relating to fire and casualty insurance, altering the method of filing rates subject to the approval of the commissioner of insurance, except for workers' compensation liability insurance rates, providing a special effective date, and authorizing civil penalties.

Also: That the Senate has on April 5, 1990, refused to concur in the House amendment to the Senate amendment to the following bill in which the concurrence of the Senate was asked:

House File 2329, a bill for an act relating to elections and election procedures.

Also: That the Senate has on April 5, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2440, a bill for an act relating to the duties of the board of educational examiners, providing for alternative routes to licensing, and defining which persons are teachers for purposes of educational excellence programs.

Also: That the Senate has on April 2, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2537, a bill for an act relating to the sale of funeral services and merchandise.

Also: That the Senate has on April 5, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2560, a bill for an act relating to the formation of community clusters by certain governmental units for the joint exercise of powers.

Also: That the Senate has on April 5, 1990, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 130, a concurrent resolution on Namibian independence.

Also: That the Senate has on April 5, 1990, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 131, a concurrent resolution expressing opposition to the proposed federal gas tax increase.

JOHN F. DWYER, Secretary

Renaud of Polk in the chair at 9:35 a.m.

QUORUM CALL

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

CONSIDERATION OF BILLS

Ways and Means Calendar

Senate File 2411, a bill for an act providing a seed capital income tax credit, authorizing expedited registration by filing for small issues under the state securities law, and providing effective and applicability dates, with report of committee recommending passage was taken up for consideration.

Groninga of Cerro Gordo moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2411)

The ayes were, 91:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Buhr	Chapman	Clark	Cphoon
Connors	Corbett	Daggett	De Groot
Diemer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Iverson	Jay	Jesse
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Muhlbauer	Murphy
Neuhauser	Nielsen	Osterberg	Pavich

Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renken	Rosenberg
Royer	Schneklath	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Renaud	
		Presiding	

The nays were, 4:

Carpenter	Doderer	Hammond	Miller
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Absent or not voting, 5:

Avenson, Spkr.	Brown	Jochum	Ollie
Stueland			

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

Unfinished Business Calendar

The House resumed consideration of **Senate File 2393**, a bill for an act authorizing a one thousand dollar civil penalty for each violation of a municipal ordinance regulating industrial wastewater pretreatment standards, previously deferred and placed on the unfinished business calendar.

Connors of Polk in the chair at 9:59 a.m.

Adams of Hamilton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2393)

The ayes were, 78:

Adams	Arnould	Banks	Beaman
Beatty	Bisignano	Black	Brammer
Brand	Brown	Buhr	Carpenter
Chapman	Clark	Cohoon	Corbett
Diemer	Doderer	Dvorsky	Fey
Fogarty	Fuller	Garman	Groninga
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hester	Holveck	Jay
Jesse	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peters	Peterson, M. K.	Plasier

Poney	Renaud	Rosenberg	Schrader
Shearer	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Wise	Connors		
	Presiding		

The nays were, 16:

Bennett	Branstad	Daggett	De Groot
Eddie	Hermann	Hibbard	Iverson
Maulsby	Mertz	Pellett	Petersen, D. F.
Renken	Royer	Schnekloth	Van Maanen

Absent or not voting, 6:

Avenson, Spkr.	Blanshan	Gruhn	Jochum
Sherzan	Stueland		

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

IMMEDIATE MESSAGE

(Senate File 2411)

Arnould of Scott asked and received unanimous consent that Senate File 2411 be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

House Refused to Concur

Tabor of Jackson called up for consideration **House File 2554**, a bill for an act relating to county tax and services provisions by appropriating funds for state assistance to counties for certain services to the chronically mentally ill, by modifying the mobile home tax reduction for the elderly and disabled, the property tax credit and rent reimbursement for the elderly and disabled, by increasing the amount of credit and reimbursement, creating a family farm tax credit, and providing a penalty, and effective and applicability dates, amended by the Senate, and moved that the House concur in the following Senate amendment H-6092:

H-6092

- 1 Amend House File 2554, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking page 2, line 9, through page 3,
- 4 line 34.
- 5 2. Page 4, line 21, by inserting after the word
- 6 "estate" the following: "and was not claimed as a
- 7 dependent on any other person's tax return for the

8 base year".

9 3. By striking page 9, line 1, through page 15,
10 line 16, and inserting the following:

11 "Sec. 100. SPECIAL MENTAL HEALTH SERVICES FUND.

12 There is appropriated from the general fund of the
13 state for the fiscal year beginning July 1, 1991, and
14 ending June 30, 1992, the following amount, or so much
15 thereof as is necessary, to be used for the purpose
16 designated:

17 For the special mental health services fund:
18\$ 20,000,000

19 1. A special mental health services fund to
20 reimburse counties for certain expenditures for mental
21 health, mental retardation, and developmental
22 disabilities services in accordance with this section
23 is established in the office of the treasurer of
24 state. The fund is established to reduce the growth
25 of county expenditures for mental health services.

26 2. The department shall calculate a statewide
27 mental health services increase percent by identifying
28 the percent by which the total amount expended by
29 counties for mental health services in the fiscal year
30 which began July 1, 1990, exceeds the total amount
31 expended by counties for mental health services in the
32 fiscal year which began July 1, 1989, plus an
33 additional 2 percent. The department shall use the
34 financial reports submitted by counties for purposes
35 of the state mental health and mental retardation
36 services fund and for the state candidate services
37 fund as the source of the financial calculation.

38 3. The department shall calculate a county maximum
39 mental health services increase amount for each county
40 by multiplying the statewide mental health services
41 increase percent by the amount the county expended for
42 mental health services in the fiscal year which began
43 July 1, 1990, using the county's financial reports in
44 the manner provided in subsection 2.

45 4. By utilizing a county's financial reports in
46 the manner provided in subsection 2, the department
47 shall calculate the amount each county's expenditures
48 for mental health services in the fiscal year which
49 began July 1, 1990, increased over the amount of its
50 expenditures for this purpose in the fiscal year which

Page 2

1 began July 1, 1989. Each county is entitled to be
2 reimbursed for the amount of its increase in
3 expenditures which is equal to or less than the
4 maximum mental health services increase amount
5 calculated for the county under subsection 3. If the
6 moneys in the special mental health services fund are

7 insufficient to make the full payments under this
 8 subsection, the department shall prorate the payments.
 9 5. As soon as reasonably possible after a county's
 10 payments eligibility for reimbursement under subsec-
 11 tion 4 is determined, the department shall certify to
 12 the director of revenue and finance the amounts of the
 13 payments eligible for reimbursement and the director
 14 shall issue warrants in the amounts certified, drawn
 15 upon the special mental health services fund in favor
 16 of the respective counties.

17 6. A county which receives moneys from the special
 18 mental health services fund shall include in each
 19 property tax statement to property owners in the
 20 county, written verification listing the amount of
 21 moneys received from the fund and the property tax
 22 rate reduction that may have been applied to the
 23 property tax statements.

24 Sec. _____. INTERIM COMMITTEE REQUESTED.

25 The legislative council is requested to establish
 26 an interim committee to develop a funding formula for
 27 state participation in mental health service funding
 28 for fiscal years beginning on or after July 1, 1992.
 29 The committee shall develop a fair and equitable
 30 funding formula that assures funding for the bill of
 31 rights in sections 225C.25 through 225C.28 and that
 32 responsibility for funding services is tied to
 33 administrative control and oversight of services and
 34 that financial incentives are directed toward
 35 providing care and services within the community and
 36 in community settings. It is the intent of the
 37 general assembly that services be locally administered
 38 and governed to the extent possible, consistent with
 39 the principles established in the bill of rights of
 40 persons with mental retardation, developmental
 41 disabilities, or chronic mental illness. The
 42 committee shall submit to the general assembly on
 43 January 2, 1991, a report containing its proposal for
 44 a fair and equitable funding formula."

45 4. Page 15, by striking lines 24 through 27.

46 5. Page 15, line 29, by striking the figure "2"
 47 and inserting the following: "100".

48 6. Title page, by striking line 3 and inserting
 49 the following: "mental health services, by
 50 modifying".

Page 3

1 7. Title page, by striking lines 7 and 8 and
 2 inserting the following: "reimbursement; and
 3 providing effective and applicability dates."

4 8. By renumbering as necessary.

The motion lost and the House refused to concur in the Senate amendment H—6092.

SENATE AMENDMENT CONSIDERED

Halvorson of Webster called up for consideration **House File 2009**, a bill for an act relating to elections, providing that an eligible elector residing in a precinct may register to vote at the polling place on election day, providing verification procedures, providing a durational residency requirement for voting, and increasing the penalty for improper voting, amended by the Senate, and moved that the House concur in the following Senate amendment H—6064:

H—6064

1 Amend House File 2009, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 13, by striking the words
4 "ELECTION DAY" and inserting the following: "SPECIAL
5 LATE".

6 2. Page 1, line 30, by striking the words
7 "election day" and inserting the following: "special
8 late".

9 3. Page 2, lines 2 and 3, by striking the words
10 "on election day" and inserting the following:
11 "pursuant to section 48.19".

12 4. By striking page 2, line 20 through page 3,
13 line 34, and inserting the following:
14 "Sec. _____. Section 48.11, unnumbered paragraph 1,
15 Code 1989, is amended to read as follows:

16 The county commissioner of registration shall
17 register, on forms prescribed by the state
18 commissioner of elections, electors for elections in a
19 precinct until the close of registration in the
20 precinct. An elector may register during the time
21 registration is closed in the elector's precinct but
22 the registration shall not become effective until
23 registration opens again in the elector's precinct
24 unless the elector obtains an affidavit of special
25 late registration as provided in section 48.19.

26 Sec. _____. NEW SECTION. 48.19 SPECIAL LATE
27 REGISTRATION.

28 1. The commissioner shall record the information
29 required of an eligible elector on the election
30 register for the county precinct of the eligible
31 elector or shall provide a separate listing of the
32 information required of an eligible elector to the
33 county precinct of the eligible elector who registers
34 in person at the commissioner's office or at any
35 alternative location designated by the commissioner
36 for special late registration on any day after

37 registration has closed in the elector's precinct,
 38 including on election day.
 39 2. If the commissioner is unable to make available
 40 to a county precinct the information required of an
 41 eligible elector who registers through special late
 42 registration procedures, on the election register of a
 43 county precinct or through the provision of a separate
 44 listing of the eligible electors who register through
 45 special late registration procedures, an eligible
 46 elector may obtain from the commissioner of
 47 registration a form of affidavit prescribed by the
 48 state commissioner of elections to serve as evidence
 49 of special late registration. If the affidavit is
 50 completed by the elector and notarized by the

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1 commissioner of registration, the elector is deemed
 2 registered under special late registration procedures
 3 and may present the affidavit at the elector's polling
 4 place on election day as proof that the elector is
 5 registered to vote. The election officials of the
 6 elector's precinct shall accept the elector's
 7 affidavit of special late registration and shall
 8 proceed as if the elector's name were listed in the
 9 election register. The election officials shall
 10 preserve all affidavits submitted pursuant to this
 11 section and forward them to the commissioner of
 12 registration at the time the election register is
 13 returned. A registration under this section is
 14 subject to verification as provided in section 48.3.
 15 3. The commissioner may designate alternative
 16 locations, in addition to the commissioner's office,
 17 to provide access to special late registration
 18 procedures."
 19 5. Title page, by striking lines 1 and 2 and
 20 inserting the following: "An Act relating to
 21 elections, providing for special late registration to
 22 enable an eligible elector to vote at the polling".

The motion prevailed and the House concurred in the Senate amendment H-6064.

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

On the question "Shall the bill pass?" (H.F. 2009)

The ayes were, 62:

Adams
 Bennett

Arnould
 Bisignano

Avenson, Spkr.
 Black

Beatty
 Blanshan

Brammer	Brand	Buhr	Carpenter
Chapman	Cphoon	Corbett	Diemer
Doderer	Dvorsky	Fey	Fuller
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. Q.	Harper	Hatch	Haverland
Holveck	Jay	Johnson	Knapp
Koenigs	Lageschulte	Lykam	Maulsby
May	McKinney	Mertz	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Plasier	Poncy	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Spear
Svoboda	Swartz	Tabor	Teaford
Wise	Connors		
	Presiding		

The nays were, 35:

Banks	Beaman	Branstad	Brown
Clark	Daggett	De Groot	Eddie
Fogarty	Garman	Halvorson, R. A.	Hanson, D. R.
Harbor	Hermann	Hester	Hibbard
Iverson	Jesse	Kistler	Kremer
Lundby	McKean	Metcalf	Miller
Pellett	Petersen, D. F.	Renken	Royer
Schneklath	Shoning	Siegrist	Spenner
Trent	Tyrrrell	Van Maanen	

Absent or not voting, 3:

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

Peters of Woodbury in the chair at 10:15 a.m.

SENATE AMENDMENT FURTHER CONSIDERED

The House resumed consideration of **House File 2422**, a bill for an act relating to retroactive modifications of support orders, and the Senate amendment H—5837, found on page 1859 of the House Journal, previously deferred and retained on the calendar.

Haverland of Polk offered the following amendment H—6089, to the Senate amendment H—5837, filed by him:

H-6089

1 Amend the amendment, H-5837, to House File 2422, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. By striking lines 3 through 33 and inserting
5 the following:

6 "_____. By striking everything after the enacting
7 clause and inserting the following:

8 "Section 1. Section 252A.4, subsection 2, Code
9 1989, is amended to read as follows:

10 2. The court of the responding state ~~shall have~~
11 ~~the power to may~~ order the respondent to pay sums
12 sufficient to provide necessary food, shelter,
13 clothing, care, medical or hospital expenses,
14 including medical support as defined in chapter 252E,
15 expenses of confinement, expenses of education of a
16 child, funeral expenses and such other reasonable and
17 proper expenses of the petitioner as justice requires,
18 having due regard to the circumstances of the
19 respective parties.

20 Sec. 2. NEW SECTION. 252A.5A LIMITATIONS OF
21 ACTIONS.

22 1. An action to establish paternity and support
23 under this chapter may be brought within the time
24 limitations set forth in section 614.8.

25 2. Notwithstanding subsection 1, an action to
26 establish paternity and support under this chapter may
27 be brought concerning a person who was under age
28 eighteen on August 16, 1984, regardless of whether any
29 prior action was dismissed because a statute of
30 limitations of less than eighteen years was then in
31 effect. Such an action may be brought within the time
32 limitations set forth in section 614.8, or until July
33 2, 1992, whichever is later.

34 Sec. 3. Section 252B.5, Code 1989, is amended by
35 adding the following new subsection:

36 NEW SUBSECTION. 6. Assistance in obtaining
37 medical support as defined in chapter 252E.

38 Sec. 4. Section 252B.5, Code 1989, is amended by
39 adding the following new subsection:

40 NEW SUBSECTION. 7. At the request of either
41 parent who is subject to the order of support or upon
42 its own initiation, review the amount of the support
43 award in accordance with the guidelines established
44 pursuant to section 598.21, subsection 4, and the
45 federal Family Support Act of 1988, and take action to
46 initiate modification proceedings if the criteria
47 established pursuant to this section are met.
48 However, a review of a support award is not required
49 in those cases for which an assignment ordered
50 pursuant to chapter 234 or 239 is in effect if the

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1 child support recovery unit determines that such a
2 review would not be in the best interest of the child
3 and neither parent has requested such review.

4 The department shall adopt rules no later than
5 October 13, 1990, setting forth the process for review
6 of requests for modification of support obligations
7 and the criteria and process for taking action to
8 initiate modification proceedings.

9 Sec. 5. Section 252B.6, subsection 3, Code 1989,
10 is amended by striking the subsection and inserting in
11 lieu thereof the following:

12 3. Appear on behalf of the state for the purpose
13 of facilitating the modification of support awards
14 consistent with guidelines established pursuant to
15 section 598.21, subsection 4 and the federal Family
16 Support Act of 1988. The unit shall not otherwise
17 participate in the proceeding.

18 Sec. 6. Section 252B.6, subsection 4, paragraph b,
19 Code 1989, is amended by striking the paragraph.

20 Sec. 7. Section 252B.7, Code 1989, is amended by
21 adding the following new subsection:

22 NEW SUBSECTION. 4. An attorney employed by or
23 under contract with the child support recovery unit
24 represents and acts on behalf of the state when
25 providing child support enforcement services.

26 Sec. 8. NEW SECTION. 252B.18 ADVISORY COMMITTEE
27 ESTABLISHED.

28 The department shall establish a child support
29 enforcement program advisory committee which shall
30 include representatives of custodial parent groups,
31 noncustodial parent groups, the judicial department,
32 the office of citizens' aide, the Iowa state bar
33 association, and representatives of other
34 constituencies having an interest in child support
35 enforcement issues. The advisory committee shall
36 assist the department in reviewing issues related to
37 the implementation of the federal Family Support Act
38 of 1988 and methods of improving service. With the
39 assistance of the advisory committee, the department
40 shall review existing policies, practices, and
41 procedures of the child support recovery unit to
42 identify areas in which administrative appeals
43 procedures or other provisions for review of contested
44 issues would help to assure fair and impartial
45 treatment of persons affected by actions of the unit.

46 Sec. 9. Section 252C.1, subsection 2, Code 1989,
47 is amended to read as follows:

48 2. "Court order" means a judgment or order of a
49 court of this state or another state requiring the
50 payment of a set or determinable amount of monetary

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1 support. For orders entered on or after July 1, 1990,
2 unless the court specifically orders otherwise,
3 medical support, as defined in section 252E.1, is not
4 included in the amount of monetary support.

5 Sec. 10. Section 252C.1, Code 1989, is amended by
6 adding the following new subsection:

7 NEW SUBSECTION. 8. "Medical support" means either
8 the provision of coverage under a health benefit plan,
9 including a group or employment-related or an
10 individual health benefit plan, or a health benefit
11 plan provided pursuant to chapter 514E, to meet the
12 medical needs of a dependent and the cost of any
13 premium required by a health benefit plan, or the
14 payment to the obligee of a monetary amount in lieu of
15 providing coverage under a health benefit plan, either
16 of which is an obligation separate from any monetary
17 amount of child support ordered to be paid.

18 Sec. 11. Section 252C.3, subsection 1, unnumbered
19 paragraph 1, Code 1989, is amended to read as follows:

20 In the absence of a court order, or if an
21 administrative order exists which does not require
22 provision of medical support as defined in chapter
23 252E or equivalent medical support, the administrator
24 may issue a notice establishing and demanding either
25 payment of medical support established as defined in
26 chapter 252E or payment of an accrued or accruing
27 support debt due and owed to the department or to an
28 individual under section 252C.2, or both. The notice
29 shall be served upon the responsible person in
30 accordance with the rules of civil procedure. The
31 notice shall include all of the following:

32 Sec. 12. Section 252C.3, subsection 1, paragraph
33 d, Code 1989, is amended to read as follows:

34 d. A demand for either immediate payment of the
35 support debt or of a medical support debt established
36 as defined in chapter 252E, or both.

37 Sec. 13. Section 252C.3, subsection 1, paragraph
38 e, subparagraphs (3) and (4), Code 1989, are amended
39 to read as follows:

40 (3) A statement that after the holding of the
41 negotiation conference, the administrator may issue a
42 new notice and finding of financial responsibility for
43 child support or medical support, or both, to be sent
44 to the responsible person by regular mail addressed to
45 the responsible person's last known address, or if
46 applicable, to the last known address of the
47 responsible person's attorney.

48 (4) A statement that if the administrator issues a
49 new notice and finding of financial responsibility for
50 child support or medical support, or both, then the

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1 responsible person shall have ten days from the date
2 of issuance of the new notice or twenty days from the
3 date of service of the original notice, whichever is
4 later, to send a request for a hearing to the office
5 of the child support recovery unit which issued the
6 notice.

7 Sec. 14. Section 252C.3, subsection 1, paragraphs
8 f, g, and i, Code 1989, are amended to read as
9 follows:

10 f. A statement that if the responsible person
11 objects to all or any part of the notice or finding of
12 financial responsibility for child support or medical
13 support, or both, and ~~no~~ a negotiation conference is
14 ~~not requested, then within twenty days of the date of~~
15 ~~service~~; the responsible person shall, within twenty
16 days of the date of service send to the office of the
17 child support recovery unit which issued the notice a
18 written response setting forth any objections and
19 requesting a hearing.

20 g. A statement that if a timely written request
21 for a hearing is received by the office of the child
22 support recovery unit which issued the notice, the
23 responsible person shall have the right to a hearing
24 to be held in district court; and that if no timely
25 written response is received, the administrator may
26 enter an order in accordance with the notice and
27 finding of financial responsibility for child support
28 or medical support, or both.

29 i. A statement that the responsible person shall
30 notify the administrator of any change of address, or
31 employment, or medical coverage as required by chapter
32 252E.

33 Sec. 15. Section 252C.3, subsection 4, Code 1989,
34 is amended by adding the following new paragraph:
35 NEW PARAGRAPH. e. The medical support required
36 pursuant to chapter 598 and rules adopted pursuant to
37 chapter 252E.

38 Sec. 16. Section 252C.3, subsection 5, Code 1989,
39 is amended to read as follows:

40 5. The responsible person shall be sent a copy of
41 the order by regular mail addressed to the responsible
42 person's last known address, or if applicable, to the
43 last known address of the responsible person's
44 attorney. The order is final, and action by the
45 administrator to enforce and collect upon the order,
46 including arrearages and medical support, or both, may
47 be taken from the date of issuance of the order.

48 Sec. 17. Section 252C.4, subsections 2 and 4, Code
49 Supplement 1989, are amended to read as follows:

50 2. If the matter has not been heard previously by

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1 the district court, or an existing administrative
2 order does not provide for medical support pursuant to
3 chapter 252E, the certification shall include true
4 copies of the notice and finding of financial
5 responsibility or notice of the support debt accrued
6 and accruing, the return of service, the written
7 objections and request for hearing, and true copies of
8 any administrative orders previously entered.

9 4. The court shall establish the monthly child
10 support payment and the amount of the support debt
11 accrued and accruing pursuant to section 598.21,
12 subsection 4, or medical support pursuant to chapter
13 252E, or both.

14 Sec. 18. Section 252C.9, Code 1989, is amended to
15 read as follows:

16 ~~252C.9 COURT ORDER PREVAILS PREVAILING ORDERS.~~

17 If an order of the administrator issued pursuant to
18 this chapter conflicts with an order of a court, the
19 court order prevails regarding support issues
20 addressed by the court order.

21 Sec. 19. Section 252D.1, subsection 1, Code 1989,
22 is amended to read as follows:

23 1. As used in this chapter, unless the context
24 otherwise requires, "support" or "support payments"
25 means any amount which the court may require a person
26 to pay for the benefit of a child under a temporary
27 order or a final judgment or decree, and may include
28 child support, maintenance, medical support as defined
29 in chapter 252E, and, if contained in a child support
30 order, spousal support, and any other term used to
31 describe these obligations. These obligations may
32 include support for a child who is between the ages of
33 eighteen and twenty-two years and who is regularly
34 attending an accredited school in pursuance of a
35 course of study leading to a high school diploma or
36 its equivalent, or regularly attending a course of
37 vocational technical training either as a part of a
38 regular school program or under special arrangements
39 adapted to the individual person's needs, or is, in
40 good faith, a full-time student in a college,
41 university, or area school, or has been accepted for
42 admission to a college, university, or area school and
43 the next regular term has not yet begun; and may
44 include support for a child of any age who is
45 dependent on the parties to the dissolution
46 proceedings because of physical or mental disability.

47 Sec. 20. NEW SECTION. 252E.1 DEFINITIONS.

48 As used in this chapter, unless the context
49 otherwise requires:

50 1. "Child" means a person for whom child support

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1 may be ordered pursuant to chapter 234, 239, 252A,
2 252C, 598, or 675 or any other chapter of the Code.

3 2. "Department" means the department of human
4 services, which includes but is not limited to the
5 child support recovery unit, or any comparable support
6 enforcement agency of another state.

7 3. "Dependent" means a child, or an obligee for
8 whom a court may order coverage by a health benefit
9 plan pursuant to section 252E.3.

10 4. "Enroll" means to be eligible for and covered
11 by a health benefit plan.

12 5. "Health benefit plan" means any policy or
13 contract of insurance, indemnity, subscription or
14 membership issued by an insurer, health service
15 corporation, health maintenance organization, or any
16 similar corporation, organization, or a self-insured
17 employee benefit plan, for the purpose of covering
18 medical expenses. These expenses may include, but are
19 not limited to hospital, surgical, major medical
20 insurance, dental, optical, prescription drugs, office
21 visits, or any combination of these or any other
22 comparable health care expenses.

23 6. "Insurer" means any entity which provides a
24 health benefit plan.

25 7. "Medical support" means either the provision of
26 a health benefit plan, including a group or
27 employment-related or an individual health benefit
28 plan, or a health benefit plan provided pursuant to
29 chapter 514E, to meet the medical needs of a dependent
30 and the cost of any premium required by a health
31 benefit plan, or the payment to the obligee of a
32 monetary amount in lieu of a health benefit plan,
33 either of which is an obligation separate from any
34 monetary amount of child support ordered to be paid.

35 8. "Obligee" means a parent or another natural
36 person legally entitled to receive a support payment
37 on behalf of a child.

38 9. "Obligor" means a parent or another natural
39 person legally responsible for the support of a
40 dependent.

41 **Sec. 21. NEW SECTION. 252E.2 ORDER FOR MEDICAL**
42 **SUPPORT.**

43 The entry of an order, pursuant to chapter 234,
44 252A, 252C, 598, or 675, requiring the provision of
45 coverage under a health benefit plan is authorization
46 for enrollment of the dependent if the dependent is
47 otherwise eligible to be enrolled. The dependent's
48 eligibility and enrollment for coverage under such a
49 plan shall be governed by all applicable terms and
50 conditions, including, but not limited to, eligibility

Page 7

1 and insurability standards. The dependent, if
2 eligible, shall be provided the same coverage as the
3 obligor.

4 Sec. 22. NEW SECTION. 252E.3 HEALTH BENEFIT
5 COVERAGE OF OBLIGEE.

6 For cases for which services are being provided
7 pursuant to chapter 252B, the order may require an
8 obligor providing a health benefit plan for a child to
9 also provide a health benefit plan for the benefit of
10 an obligee if the obligee is eligible for enrollment
11 under the plan in which the child or the obligor is
12 enrolled, and if the plan is available at no
13 additional cost.

14 Sec. 23. NEW SECTION. 252E.4 COPY OF ORDER TO
15 EMPLOYER.

16 The obligor shall take all steps necessary to
17 enroll and maintain coverage under a health benefit
18 plan for a dependent and shall send a copy of the
19 order requiring the coverage to the obligor's
20 employer.

21 1. Within fifteen days of entry of the order, the
22 obligor shall provide written proof to the obligee and
23 the department that the required coverage has been
24 obtained or that application for coverage has been
25 made.

26 2. If the obligor fails to provide written proof
27 as required in subsection 1, a copy of the order for
28 medical support shall be forwarded to the obligor's
29 employer by the obligee or the department.

30 3. The chapter shall be constructive notice to the
31 obligor of enforcement and further notice prior to
32 enforcement is not required.

33 4. If the obligor changes employment, the obligor
34 must enroll and maintain coverage for the dependent as
35 set forth in this chapter and provide notification
36 pursuant to this section.

37 5. The order requiring coverage is binding on all
38 future employers or insurers if the dependent is
39 eligible to be enrolled in the health benefit plan
40 under the applicable plan terms and conditions.

41 Sec. 24. NEW SECTION. 252E.5 EFFECT OF ORDER ON
42 EMPLOYER.

43 When the order has been forwarded to the obligor's
44 employer pursuant to section 252E.4, the order is
45 binding on the employer and the employer's insurer to
46 the extent that the dependent is eligible to be
47 enrolled in the plan under the applicable terms and
48 conditions of the health benefit plan. The employer
49 shall forward a copy of the order to the insurer and
50 request enrollment of the dependent in the health

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1 benefit plan. Within sixty days of receipt of the
2 order or within sixty days of receipt of application
3 of the obligor pursuant to the order, whichever is
4 earlier, the insurer shall determine whether the
5 dependent is eligible for enrollment under the plan
6 and shall notify the employer of the dependent's
7 eligibility status. If eligible, the employer shall
8 withhold any required premium from the obligor's
9 income or wages. If more than one plan is offered by
10 the employer, the dependent shall be enrolled in the
11 health benefit plan in which the obligor is enrolled.

12 Within thirty days of receipt of an order that
13 requires an obligor to enroll a dependent in a health
14 benefit plan, the obligor's employer shall provide the
15 following information regarding the enrollment status
16 of the dependent to the obligor, the obligee, and the
17 department:

- 18 1. That the dependent has been enrolled in a
19 health benefit plan.
- 20 2. That the dependent will be enrolled in the next
21 enrollment period.
- 22 3. That the dependent is not eligible for
23 enrollment and the reasons that the dependent is not
24 eligible to be enrolled.
- 25 4. That the order has been forwarded to the
26 insurer and a determination of eligibility for
27 enrollment has not been made.
- 28 5. If either subsection 1 or 2 describes the
29 enrollment status of the dependent, all of the
30 following information:
 - 31 a. The name of the insurer providing the health
32 benefit plan.
 - 33 b. The dependent's effective date of coverage.
 - 34 c. The health benefit plan or account number.
 - 35 d. The type of health benefit plan under which the
36 dependent has been enrolled, including whether dental,
37 optical, office visits, and prescription drugs are
38 covered services. Additionally, the response shall
39 include a brief description of the applicable
40 deductibles, coinsurance, waiting periods for
41 preexisting medical conditions, and other significant
42 terms or conditions which materially affect the
43 coverage.

44 If an order requiring that the obligor provide
45 coverage under a health benefit plan for the dependent
46 has been forwarded to the obligor's employer pursuant
47 to section 252E.4, and the obligor's employment is
48 terminated, the employer shall provide notice to the
49 obligee and the department within ten days of
50 termination of the obligor's employment. If an order

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1 requiring that the obligor provide coverage under a
2 health benefit plan for the dependent has been
3 forwarded to the obligor's employer pursuant to
4 section 252E.4, and the employer's health benefit plan
5 is terminated either in its entirety or with respect
6 to the obligor's insurance classification, or the
7 employer has changed its insurer, the employer shall
8 provide notice to the obligee and the department ten
9 days prior to the termination of coverage or change in
10 insurer.

11 This chapter does not preclude the exchange of
12 required information between the department and
13 employers or insurers through electronic data
14 transfer.

15 **Sec. 25. NEW SECTION. 252E.6 DURATION OF HEALTH**
16 **BENEFIT PLAN COVERAGE.**

17 1. A child is eligible for medical support for the
18 duration of the obligor's child support obligation.
19 However, the child's eligibility for coverage under a
20 health benefit plan shall be governed by all
21 applicable plan provisions including, but not limited
22 to, eligibility and insurability standards.

23 2. For cases for which services are being provided
24 pursuant to chapter 252B, termination of an obligee's
25 medical support ordered pursuant to section 252E.3
26 shall be governed by the insurer's health benefit plan
27 provisions for termination and by applicable federal
28 law.

29 **Sec. 26. NEW SECTION. 252E.7 INSURER**
30 **AUTHORIZATION.**

31 1. The entry of an order requiring a health
32 benefit plan is authorization for enrollment of the
33 dependent if the dependent is otherwise eligible to be
34 enrolled. If an order has been forwarded to the
35 insurer pursuant to section 252E.5 and is not
36 accompanied by an appropriate application for
37 enrollment of the dependent signed by the obligor, the
38 insurer shall attempt to obtain a signed application
39 from the obligor. If the insurer is unsuccessful in
40 obtaining a signed application from the obligor within
41 thirty days after the insurer's initial request to the
42 obligor, the insurer shall accept the signature of the
43 obligee or an employee of the department as valid
44 authorization for enrollment of the dependent under
45 the health benefit plan.

46 2. For purposes of processing claims for payment,
47 the insurer shall attempt to obtain the obligor's
48 written authorization to accept the signature of the
49 obligee or an employee of the department on all claim
50 forms submitted to the insurer for medical services

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1 provided to the dependent. Upon receipt of such
2 written authorization from the obligor on at least an
3 annual basis, the insurer shall accept the signature
4 of the obligee or an employee of the department as
5 valid authorization for purposes of processing any
6 medical expense claims on behalf of the dependent for
7 payment or reimbursement of medical services rendered
8 to the dependent.

9 If the insurer is unsuccessful in obtaining such
10 written authorization from the obligor within thirty
11 days after the insurer's initial request to the
12 obligor, the insurer shall accept the signature of the
13 obligee or an employee of the department as valid
14 authorization for purposes of processing any medical
15 expense claims on behalf of the dependent for payment
16 or reimbursement of medical services rendered to the
17 dependent.

18 3. The insurer shall have immunity from any
19 liability, civil or criminal, which might otherwise be
20 incurred or imposed for actions taken in implementing
21 this section including, but not limited to, the
22 insurer's release of any information, or the payment
23 of any claims for services by the insurer, or the
24 insurer's acceptance of applications for enrollment of
25 the dependent and medical expense claims for the
26 dependent which are signed by the obligee or an
27 employee of the department pursuant this section.

28 4. This section does not preclude an insurer from
29 issuing payment directly to the provider if such
30 payment procedure is consistent with the health
31 benefit plan under which the dependent is enrolled,
32 except as provided pursuant to chapter 249A.

33 5. Payments remitted to the obligor by the insurer
34 for services received by the dependent shall be
35 recoverable by the obligee or the department from the
36 obligor if not properly paid by the obligor to the
37 provider or the obligee.

38 Sec. 27. NEW SECTION. 252E.8 RELEASES OF
39 INFORMATION.

40 1. If an order for coverage under a health benefit
41 plan has been forwarded pursuant to section 252E.5,
42 the obligor's employer or insurer shall release to the
43 obligee or the department upon receiving a written
44 request, the information necessary to complete an
45 application or to file a claim for medical expenses of
46 the dependent, provided the obligor's employer or
47 insurer is given sufficient opportunity to obtain
48 written authorization for the release of such
49 information from the obligor pursuant to this section.

50 2. The employer or insurer shall make available to

Page 11

1 the obligee or the department any necessary claim
2 forms or enrollment membership cards if required to
3 obtain services.

4 3. The obligor's employer and insurer shall have
5 immunity from any liability, civil or criminal, which
6 might otherwise be incurred or imposed for any
7 information released by such employer or insurer
8 pursuant to this chapter.

9 4. The department may release to the obligor's
10 employer or insurer or to the obligee information
11 necessary to obtain, enforce, and collect medical
12 support.

13 Sec. 28. NEW SECTION. 252E.9 RESPONSIBILITIES OF
14 THE OBLIGOR.

15 1. For cases for which services are being provided
16 pursuant to chapter 252B, an obligor who fails to
17 maintain medical support for the benefit of the
18 dependent as ordered shall be liable to the obligee or
19 the department for any medical expenses incurred from
20 the date of the court order. Proof of failure to
21 maintain medical support constitutes a showing of
22 increased need and provides a basis for the
23 establishment of a monetary amount for medical
24 support.

25 2. For cases for which services are being provided
26 pursuant to chapter 252B, the obligor shall notify the
27 obligee and the department within ten days of a change
28 in the terms or conditions of coverage under a health
29 benefit plan. Such changes may include, but are not
30 limited to, a change in deductibles, coinsurance,
31 preadmission notification requirements, coverage for
32 dental, optical, office visits, prescription drugs,
33 inpatient and outpatient hospitalization, and any
34 other changes which materially affect the coverage.
35 Costs incurred by the obligee or the department as a
36 result of the obligor's failure to provide
37 notification as required are recoverable from the
38 obligor.

39 Sec. 29. NEW SECTION. 252E.10 RESPONSIBILITY OF
40 THE DEPARTMENT.

41 For cases for which services are being provided
42 pursuant to chapter 252B, the department shall take
43 steps required by federal regulations to implement and
44 enforce an order for medical support.

45 Sec. 30. NEW SECTION. 252E.11 ASSIGNMENT.

46 If medical assistance coverage is provided by the
47 department to a dependent, rights to medical support
48 payments are assigned to the department pursuant to
49 federal regulations.

50 Sec. 31. NEW SECTION. 252E.12 ENFORCEMENT.

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1 For the purposes of enforcement pursuant to chapter
2 252B, medical support may be reduced to a dollar
3 amount and may be collected through the same remedies
4 available for the collection and enforcement of child
5 support.

6 Sec. 32. NEW SECTION. 252E.13 MODIFICATION OF
7 SUPPORT ORDER.

8 1. When high potential for obtaining medical
9 support exists, the obligee or the department may
10 petition for a modification of the obligor's support
11 order to include medical support or a monetary amount
12 for medical support pursuant to this chapter.

13 2. In addition, if an administrative order entered
14 pursuant to chapter 252C does not provide medical
15 support as defined in this chapter or equivalent
16 medical support, the department may obtain a medical
17 support order pursuant to chapter 252C. A medical
18 support order obtained pursuant to chapter 252C may be
19 an additional or separate support judgment and shall
20 be known as an administrative order for medical
21 support.

22 Sec. 33. NEW SECTION. 252E.14 CHILD SUPPORT.

23 Unless the order specifies otherwise, medical
24 support is not included in the monetary amount of
25 child support ordered to be paid.

26 Sec. 34. NEW SECTION. 252E.15 RULEMAKING
27 AUTHORITY — COMPLIANCE.

28 The department shall adopt rules pursuant to
29 chapter 17A to implement this chapter for cases for
30 which services are being provided pursuant to chapter
31 252B. The department shall cooperate with any agency
32 of the state or federal government as may be necessary
33 to qualify for federal funds in conformity with
34 provisions of this chapter and Title IV-D of the
35 federal Social Security Act.

36 Sec. 35. NEW SECTION. 252E.16 SCOPE AND EFFECT.

37 1. The provisions of this chapter take effect July
38 1, 1990, for all support orders entered pursuant to
39 chapter 234, 252A, 252C, 598, or 675.

40 2. If an obligor was ordered to provide a health
41 benefit plan or insurance coverage under an order
42 entered prior to July 1, 1990, but did not comply with
43 the order, insurers are not liable for medical
44 expenses incurred prior to July 1, 1990. However,
45 such an order may be implemented pursuant to the
46 provisions of this chapter following its enactment.
47 This chapter shall not be implemented retroactively;
48 however, previous orders for medical support not
49 otherwise complied with may be reduced to a dollar
50 amount and collected from the obligor.

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1 Sec. 36. Section 598.1, subsection 2, Code 1989,
2 is amended to read as follows:

3 2. "Support" or "support payments" means an amount
4 which the court may require either of the parties to
5 pay under a temporary order or a final judgment or
6 decree, and may include alimony, child support,
7 maintenance, and any other term used to describe these
8 obligations. For orders entered on or after July 1,
9 1990, unless the court specifically orders otherwise,
10 medical support is not included in the monetary amount
11 of child support. The obligations may include support
12 for a child who is between the ages of eighteen and
13 twenty-two years who is regularly attending an
14 accredited school in pursuance of a course of study
15 leading to a high school diploma or its equivalent, or
16 regularly attending a course of vocational-technical
17 training either as a part of a regular school program
18 or under special arrangements adapted to the
19 individual person's needs; or is, in good faith, a
20 full-time student in a college, university, or area
21 school; or has been accepted for admission to a
22 college, university, or area school and the next
23 regular term has not yet begun; or a child of any age
24 who is dependent on the parties to the dissolution
25 proceedings because of physical or mental disability.

26 Sec. 37. Section 598.21, subsection 4, paragraph
27 a, Code Supplement 1989, is amended by adding the
28 following new unnumbered paragraph:

29 NEW UNNUMBERED PARAGRAPH. Until such time as the
30 supreme court incorporates the provision of medical
31 support in the guidelines as required by paragraph
32 "c", the court shall order as child medical support a
33 health benefit plan as defined in chapter 252E if
34 available to either parent at a reasonable cost. A
35 health benefit plan is considered reasonable in cost
36 if it is employment-related or other group health
37 insurance, regardless of the service delivery
38 mechanism. The premium cost of the health benefit
39 plan may be considered by the court as a reason for
40 varying from the child support guidelines. If a
41 health benefit plan is not available at a reasonable
42 cost, the court may order any other provisions for
43 medical support as defined in chapter 252E.

44 Sec. 38. Section 598.21, subsection 4, Code
45 Supplement 1989, is amended by adding the following
46 new paragraph:

47 NEW PARAGRAPH. c. The guidelines prescribed by
48 the supreme court shall incorporate provisions for
49 medical support as defined in chapter 252E to be
50 effective on or before January 1, 1991.

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1 Sec. 39. Section 598.21, subsection 8, Code
2 Supplement 1989, is amended to read as follows:
3 8. The court may subsequently modify orders made
4 under this section when there is a substantial change
5 in circumstances. In determining whether there is a
6 substantial change in circumstances, the court shall
7 consider the following:
8 a. Changes in the employment, earning capacity,
9 income or resources of a party.
10 b. Receipt by a party of an inheritance, pension
11 or other gift.
12 c. Changes in the medical expenses of a party.
13 d. Changes in the number or needs of dependents of
14 a party.
15 e. Changes in the physical, mental, or emotional
16 health of a party.
17 f. Changes in the residence of a party.
18 g. Remarriage of a party.
19 h. Possible support of a party by another person.
20 i. Changes in the physical, emotional or
21 educational needs of a child whose support is governed
22 by the order.
23 j. Contempt by a party of existing orders of
24 court.
25 k. Other factors the court determines to be
26 relevant in an individual case.
27 PARAGRAPH DIVIDED. A modification of a support
28 order entered under chapter 252A, chapter 675, or this
29 chapter between parties to the order is void unless
30 the modification is approved by the court, after
31 proper notice and opportunity to be heard is given to
32 all parties to the order, and entered as an order of
33 the court. If support payments have been assigned to
34 the department of human services pursuant to section
35 239.3, the department shall be considered a party to
36 the support order. Modifications of orders pertaining
37 to child custody shall be made pursuant to chapter
38 598A. If the petition for a modification of an order
39 pertaining to child custody asks either for joint
40 custody or that joint custody be modified to an award
41 of sole custody, the modification, if any, shall be
42 made pursuant to section 598.41.
43 Judgments for support or support awards entered
44 pursuant to this chapter, chapter 234, 252A, 252C,
45 675, or any other chapter of the Code which are
46 subject to a modification proceeding may be
47 retroactively modified only from the date the notice
48 of the pending petition for modification is served on
49 the opposing party.
50 Sec. 40. Section 598.21, Code Supplement 1989, is

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1. amended by adding the following new subsection:
2 NEW SUBSECTION. 8A. Notwithstanding subsection 8,
3 a substantial change of circumstances exists when the
4 court order for child support deviates from the child
5 support guidelines established pursuant to section
6 598.21, subsection 4. Upon application for a
7 modification of an order for child support where
8 services are being received pursuant to chapter 252B,
9 the court shall act in accordance with section 598.21,
10 subsection 4.

11 Sec. 41. Section 598.22, unnumbered paragraph 1,
12 Code 1989, is amended to read as follows:

13 This Except as otherwise provided in section
14 598.22A, this section applies to all initial or
15 modified orders for support entered under this
16 chapter, chapter 234, 252A, 252C, 675, or any other
17 chapter of the Code. All orders or judgments entered
18 under chapter 234, 252A, 252C, or 675, or under this
19 chapter or any other chapter which provide for
20 temporary or permanent support payments shall direct
21 the payment of those sums to the clerk of the district
22 court or the collection services center in accordance
23 with section 252B.14 for the use of the person for
24 whom the payments have been awarded. Payments to
25 persons other than the clerk of the district court and
26 the collection services center do not satisfy the
27 support obligations created by the orders or
28 judgments, except as provided for trusts governed by
29 the federal Retirement Equity Act of 1984, Pub. L. No.
30 98-397, for tax refunds or rebates in section
31 602.8102, subsection 47, or for dependent benefits
32 paid to the child support obligee as the result of
33 disability benefits awarded to the child support
34 obligor under the federal Social Security Act. For
35 trusts governed by the federal Retirement Equity Act
36 of 1984, Pub. L. No. 98-397, the assignment of income
37 shall require the payment of such sums to the
38 alternate payee in accordance with the federal Act.

39 Sec. 42. Section 598.22, Code 1989, is amended by
40 adding the following new unnumbered paragraph:
41 NEW UNNUMBERED PARAGRAPH. For the purpose of
42 enforcement, medical support is additional support
43 which, upon being reduced to a dollar amount, may be
44 collected through the same remedies available for the
45 collection and enforcement of child support.

46 Sec. 43. NEW SECTION. 598.22A SATISFACTION OF
47 SUPPORT PAYMENTS.

48 Notwithstanding sections 252B.14 and 598.22,
49 support payments ordered pursuant to any support
50 chapter for orders entered on or after July 1, 1985,

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1 which are not made pursuant to the provisions of
2 section 252B.14 or 598.22, shall be credited only as
3 provided in this section.

4 1. For payment made pursuant to an order entered
5 on or after July 1, 1985, the clerk of the district
6 court or collection services center shall record a
7 satisfaction as a credit on the official support
8 payment record if its validity is confirmed by the
9 court upon submission of acknowledgement by the person
10 entitled to receive the payment, after notice is given
11 to all parties.

12 2. For purposes of this section, the state is a
13 party to which notice shall be given when public funds
14 have been expended pursuant to chapter 234, 239, or
15 249A, or similar statutes in another state. If proper
16 notice is not given to the state when required, any
17 order of satisfaction is void.

18 3. The court shall not enter an order for
19 satisfaction of payments not made through the clerk of
20 the district court or collection services center if
21 those payments have been assigned as a result of
22 public funds expended pursuant to chapter 234, 239, or
23 249A, or similar statutes in other states.

24 Sec. 44. Section 675.25, Code Supplement 1989, is
25 amended to read as follows:

26 675.25 FORM OF JUDGMENT — CONTENTS OF SUPPORT
27 ORDER — COSTS.

28 Upon a finding or verdict of paternity pursuant to
29 section 675.24, the court shall establish the father's
30 monthly support payment and the amount of the support
31 debt accrued or accruing pursuant to section 598.21,
32 subsection 4, until the child reaches majority or
33 until the child finishes high school, if after
34 majority. The court may order the father to pay
35 amounts the court deems appropriate for the past
36 support and maintenance of the child and for the
37 reasonable and necessary expenses incurred by or for
38 the mother in connection with prenatal care, the birth
39 of the child, and postnatal care of the child and the
40 mother, and other medical support as defined in
41 section 252E.1. The court may award the prevailing
42 party the reasonable costs of suit, including but not
43 limited to reasonable attorney fees.

44 Sec. 45. NEW SECTION. 675.33 LIMITATIONS OF
45 ACTIONS.

46 1. An action to establish paternity and support
47 under this chapter may be brought within the time
48 limitations set forth in section 614.8.

49 2. Notwithstanding subsection 1, an action to
50 establish paternity and support under this chapter may

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1 be brought concerning a person who was under age
 2 eighteen on August 16, 1984, regardless of whether any
 3 prior action was dismissed because a statute of
 4 limitations of less than eighteen years was then in
 5 effect. Such an action may be brought within the time
 6 limitations set forth in section 614.8, or until July
 7 2, 1992, whichever is later.

8 Sec. 46. RULES.

9 The department of human services may adopt
 10 administrative rules under section 17A.4, subsection
 11 2, and section 17A.5, subsection 2, paragraph "b", to
 12 implement the provisions of sections 4, 8, 15, and 20
 13 through 35 of this Act, and the rules may be made
 14 effective on or after July 1, 1990.

15 Sec. 47.

16 Section 43 of this Act applies retroactively to
 17 payments under support orders entered on or after July
 18 1, 1985."

19 _____. Title page, by striking lines 1 and 2 and
 20 inserting the following: "An Act relating to
 21 satisfaction of a support order by direct payment to
 22 the person who is to receive the payment, medical
 23 support for children receiving child support,
 24 modification of child support orders, child support
 25 enforcement, determination of paternity and
 26 establishment of past child support obligations,
 27 establishing an advisory committee, and providing an
 28 effective date for certain provisions." "

Speaker Avenson in the chair at 10:30 a.m.

Halvorson of Webster offered the following amendment H—6103,
 to amendment H—6089, to the Senate amendment H—5837, filed by
 him and moved its adoption:

H—6103

1 Amend amendment, H—6089, to the Senate amendment,
 2 H—5837, to House File 2422, as amended, passed, and
 3 reprinted by the House, as follows:
 4 1. Page 1, by striking lines 4 through 7, and
 5 inserting the following:
 6 "_____. Page 1, by inserting after line 33, the
 7 following:"
 8 2. Page 14, by striking lines 1 through 49.
 9 3. By renumbering, relettering, and changing
 10 internal references as necessary.

A non-record roll call was requested.

The ayes were 41, nays 20.

Amendment H—6103 was adopted.

Haverland of Polk offered the following amendment H—6122, to amendment H—6089, to the Senate amendment H—5837, filed by him and Jay of Appanoose:

H—6122

1 Amend amendment, H—6089, to the amendment, H—5837,
2 to House File 2422, as amended, passed, and reprinted
3 by the House, as follows:

4 1. By striking page 1, line 1, through page 17,
5 line 28 and inserting the following:

6 "Amend the amendment, H—5837, to House File 2422,
7 as amended, passed, and reprinted by the House, as
8 follows:

9 _____. By striking lines 3 through 33 and inserting
10 the following:

11 "_____. By striking everything after the enacting
12 clause and inserting the following:

13 "Section 1. Section 252A.4, subsection 2, Code
14 1989, is amended to read as follows:

15 2. The court of the responding state shall have
16 the power to may order the respondent to pay sums
17 sufficient to provide necessary food, shelter,
18 clothing, care, medical or hospital expenses,
19 including medical support as defined in chapter 252E,
20 expenses of confinement, expenses of education of a
21 child, funeral expenses and such other reasonable and
22 proper expenses of the petitioner as justice requires,
23 having due regard to the circumstances of the
24 respective parties.

25 Sec. 2. NEW SECTION. 252A.5A LIMITATIONS OF
26 ACTIONS.

27 1. An action to establish paternity and support
28 under this chapter may be brought within the time
29 limitations set forth in section 614.8.

30 2. Notwithstanding subsection 1, an action to
31 establish paternity and support under this chapter may
32 be brought concerning a person who was under age
33 eighteen on August 16, 1984, regardless of whether any
34 prior action was dismissed because a statute of
35 limitations of less than eighteen years was then in
36 effect. Such an action may be brought within the time
37 limitations set forth in section 614.8, or until July
38 2, 1992, whichever is later.

39 Sec. 3. Section 252B.5, Code 1989, is amended by
40 adding the following new subsection:

41 NEW SUBSECTION. 6. Assistance in obtaining
42 medical support as defined in chapter 252E.

43 Sec. 4. Section 252B.5, Code 1989, is amended by
44 adding the following new subsection:

45 NEW SUBSECTION. 7. At the request of either
46 parent who is subject to the order of support or upon
47 its own initiation, review the amount of the support
48 award in accordance with the guidelines established
49 pursuant to section 598.21, subsection 4, and the
50 federal Family Support Act of 1988, and take action to

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1 initiate modification proceedings if the criteria
2 established pursuant to this section are met.
3 However, a review of a support award is not required
4 in those cases for which an assignment ordered
5 pursuant to chapter 234 or 239 is in effect if the
6 child support recovery unit determines that such a
7 review would not be in the best interest of the child
8 and neither parent has requested such review.

9 The department shall adopt rules no later than
10 October 13, 1990, setting forth the process for review
11 of requests for modification of support obligations
12 and the criteria and process for taking action to
13 initiate modification proceedings.

14 Sec. 5. Section 252B.6, subsection 3, Code 1989,
15 is amended by striking the subsection and inserting in
16 lieu thereof the following:

17 3. Appear on behalf of the state for the purpose
18 of facilitating the modification of support awards
19 consistent with guidelines established pursuant to
20 section 598.21, subsection 4 and the federal Family
21 Support Act of 1988. The unit shall not otherwise
22 participate in the proceeding.

23 Sec. 6. Section 252B.6, subsection 4, paragraph b,
24 Code 1989, is amended by striking the paragraph.

25 Sec. 7. Section 252B.7, Code 1989, is amended by
26 adding the following new subsection:

27 NEW SUBSECTION. 4. An attorney employed by or
28 under contract with the child support recovery unit
29 represents and acts on behalf of the state when
30 providing child support enforcement services.

31 Sec. 8. NEW SECTION. 252B.18 ADVISORY COMMITTEE.
32 ESTABLISHED.

33 The department shall establish a child support
34 enforcement program advisory committee which shall
35 include representatives of custodial parent groups,
36 noncustodial parent groups, the judicial department,
37 the office of citizens' aide, the Iowa state bar
38 association, and representatives of other
39 constituencies having an interest in child support
40 enforcement issues. The advisory committee shall
41 assist the department in reviewing issues related to
42 the implementation of the federal Family Support Act
43 of 1988 and methods of improving service. With the
44 assistance of the advisory committee, the department
45 shall review existing policies, practices, and
46 procedures of the child support recovery unit to
47 identify areas in which administrative appeals
48 procedures or other provisions for review of contested
49 issues would help to assure fair and impartial
50 treatment of persons affected by actions of the unit.

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1 Sec. 9. Section 252C.1, subsection 2, Code 1989,
2 is amended to read as follows:

3 2. "Court order" means a judgment or order of a
4 court of this state or another state requiring the
5 payment of a set or determinable amount of monetary
6 support. For orders entered on or after July 1, 1990,
7 unless the court specifically orders otherwise,
8 medical support, as defined in section 252E.1, is not
9 included in the amount of monetary support.

10 Sec. 10. Section 252C.1, Code 1989, is amended by
11 adding the following new subsection:

12 **NEW SUBSECTION. 8.** "Medical support" means either
13 the provision of coverage under a health benefit plan,
14 including a group or employment-related or an
15 individual health benefit plan, or a health benefit
16 plan provided pursuant to chapter 514E, to meet the
17 medical needs of a dependent and the cost of any
18 premium required by a health benefit plan, or the
19 payment to the obligee of a monetary amount in lieu of
20 providing coverage under a health benefit plan, either
21 of which is an obligation separate from any monetary
22 amount of child support ordered to be paid.

23 Sec. 11. Section 252C.3, subsection 1, unnumbered
24 paragraph 1, Code 1989, is amended to read as follows:

25 In the absence of a court order, or if an
26 administrative order exists which does not require
27 provision of medical support as defined in chapter
28 252E or equivalent medical support, the administrator
29 may issue a notice establishing and demanding either
30 payment of medical support established as defined in
31 chapter 252E or payment of an accrued or accruing
32 support debt due and owed to the department or an
33 individual under section 252C.2, or both. The notice
34 shall be served upon the responsible person in
35 accordance with the rules of civil procedure. The
36 notice shall include all of the following:

37 Sec. 12. Section 252C.9, Code 1989, is amended to
38 read as follows:

39 **252C.9 COURT ORDER PREVAILS PREVAILING ORDERS.**

40 If an order of the administrator issued pursuant to
41 this chapter conflicts with an order of a court, the
42 court order prevails regarding support issues
43 addressed by the court order.

44 Sec. 13. Section 252D.1, subsection 1, Code 1989,
45 is amended to read as follows:

46 1. As used in this chapter, unless the context
47 otherwise requires, "support" or "support payments"
48 means any amount which the court may require a person
49 to pay for the benefit of a child under a temporary
50 order or a final judgment or decree, and may include

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1 child support, maintenance, medical support as defined
2 in chapter 252E, and, if contained in a child support
3 order, spousal support, and any other term used to
4 describe these obligations. These obligations may
5 include support for a child who is between the ages of
6 eighteen and twenty-two years and who is regularly
7 attending an accredited school in pursuance of a
8 course of study leading to a high school diploma or
9 its equivalent, or regularly attending a course of
10 vocational technical training either as a part of a
11 regular school program or under special arrangements
12 adapted to the individual person's needs, or is, in
13 good faith, a full-time student in a college,
14 university, or area school, or has been accepted for
15 admission to a college, university, or area school and
16 the next regular term has not yet begun; and may
17 include support for a child of any age who is
18 dependent on the parties to the dissolution
19 proceedings because of physical or mental disability.

20 Sec. 14. **NEW SECTION. 252E.1 DEFINITIONS.**

21 As used in this chapter, unless the context
22 otherwise requires:

23 1. "Child" means a person for whom child support
24 may be ordered pursuant to chapter 234, 239, 252A,
25 252C, 598, or 675 or any other chapter of the Code.

26 2. "Department" means the department of human
27 services, which includes but is not limited to the
28 child support recovery unit, or any comparable support
29 enforcement agency of another state.

30 3. "Dependent" means a child, or an obligee for
31 whom a court may order coverage by a health benefit
32 plan pursuant to section 252E.3.

33 4. "Enroll" means to be eligible for and covered
34 by a health benefit plan.

35 5. "Health benefit plan" means any policy or
36 contract of insurance, indemnity, subscription or
37 membership issued by an insurer, health service
38 corporation, health maintenance organization, or any
39 similar corporation, organization, or a self-insured
40 employee benefit plan, for the purpose of covering
41 medical expenses. These expenses may include, but are
42 not limited to hospital, surgical, major medical
43 insurance, dental, optical, prescription drugs, office
44 visits, or any combination of these or any other
45 comparable health care expenses.

46 6. "Insurer" means any entity which provides a
47 health benefit plan.

48 7. "Medical support" means either the provision of
49 a health benefit plan, including a group or
50 employment-related or an individual health benefit

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1 plan, or a health benefit plan provided pursuant to
2 chapter 514E, to meet the medical needs of a dependent
3 and the cost of any premium required by a health
4 benefit plan, or the payment to the obligee of a
5 monetary amount in lieu of a health benefit plan,
6 either of which is an obligation separate from any
7 monetary amount of child support ordered to be paid.
8 Medical support is not alimony.

9 8. "Obligee" means a parent or another natural
10 person legally entitled to receive a support payment
11 on behalf of a child.

12 9. "Obligor" means a parent or another natural
13 person legally responsible for the support of a
14 dependent.

15 Sec. 15. NEW SECTION. 252E.2 ORDER FOR MEDICAL
16 SUPPORT.

17 The entry of an order, pursuant to chapter 234,
18 252A, 252C, 598, or 675, requiring the provision of
19 coverage under a health benefit plan is authorization
20 for enrollment of the dependent if the dependent is
21 otherwise eligible to be enrolled. The dependent's
22 eligibility and enrollment for coverage under such a
23 plan shall be governed by all applicable terms and
24 conditions, including, but not limited to, eligibility
25 and insurability standards. The dependent, if
26 eligible, shall be provided the same coverage as the
27 obligor.

28 Sec. 16. NEW SECTION. 252E.3 HEALTH BENEFIT
29 COVERAGE OF OBLIGEE.

30 For cases for which services are being provided
31 pursuant to chapter 252B, the order may require an
32 obligor providing a health benefit plan for a child to
33 also provide a health benefit plan for the benefit of
34 an obligee if the obligee is eligible for enrollment
35 under the plan in which the child or the obligor is
36 enrolled, and if the plan is available at no
37 additional cost.

38 Sec. 17. NEW SECTION. 252E.4 COPY OF ORDER TO
39 EMPLOYER.

40 The obligor shall take all steps necessary to
41 enroll and maintain coverage under a health benefit
42 plan for a dependent at present and all future places
43 of employment, and shall send a copy of the order
44 requiring the coverage to the obligor's employer.

45 1. Within fifteen days of entry of the order, the
46 obligor shall provide written proof to the obligee and
47 the department that the required coverage has been
48 obtained or that application for coverage has been
49 made.

50 2. If the obligor fails to provide written proof

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1 as required in subsection 1, a copy of the order for
2 medical support shall be forwarded to the obligor's
3 employer by the obligee or the department.

4 3. The chapter shall be constructive notice to the
5 obligor of enforcement and further notice prior to
6 enforcement is not required.

7 4. The order requiring coverage is binding on all
8 future employers or insurers if the dependent is
9 eligible to be enrolled in the health benefit plan
10 under the applicable plan terms and conditions.

11 Sec. 18. NEW SECTION. 252E.5 EFFECT OF ORDER ON
12 EMPLOYER.

13 When the order has been forwarded to the obligor's
14 employer pursuant to section 252E.4, the order is
15 binding on the employer and the employer's insurer to
16 the extent that the dependent is eligible to be
17 enrolled in the plan under the applicable terms and
18 conditions of the health benefit plan. The employer
19 shall forward a copy of the order to the insurer and
20 request enrollment of the dependent in the health
21 benefit plan. Within sixty days of receipt of the
22 order or within sixty days of receipt of application
23 of the obligor pursuant to the order, whichever is
24 earlier, the insurer shall determine whether the
25 dependent is eligible for enrollment under the plan
26 and shall notify the employer of the dependent's
27 eligibility status. If eligible, the employer shall
28 withhold any required premium from the obligor's
29 income or wages. If more than one plan is offered by
30 the employer, the dependent shall be enrolled in the
31 health benefit plan in which the obligor is enrolled.

32 Within thirty days of receipt of an order that
33 requires an obligor to enroll a dependent in a health
34 benefit plan, the obligor's employer shall provide the
35 following information regarding the enrollment status
36 of the dependent to the obligor, the obligee, and the
37 department:

38 1. That the dependent has been enrolled in a
39 health benefit plan.

40 2. That the dependent will be enrolled in the next
41 enrollment period.

42 3. That the dependent is not eligible for
43 enrollment and the reasons that the dependent is not
44 eligible to be enrolled.

45 4. That the order has been forwarded to the
46 insurer and a determination of eligibility for
47 enrollment has not been made.

48 5. If either subsection 1 or 2 describes the
49 enrollment status of the dependent, all of the
50 following information:

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- 1 a. The name of the insurer providing the health
- 2 benefit plan.
- 3 b. The dependent's effective date of coverage.
- 4 c. The health benefit plan or account number.
- 5 d. The type of health benefit plan under which the
- 6 dependent has been enrolled, including whether dental,
- 7 optical, office visits, and prescription drugs are
- 8 covered services. Additionally, the response shall
- 9 include a brief description of the applicable
- 10 deductibles, coinsurance, waiting periods for
- 11 preexisting medical conditions, and other significant
- 12 terms or conditions which materially affect the
- 13 coverage.

14 If an order requiring that the obligor provide
15 coverage under a health benefit plan for the dependent
16 has been forwarded to the obligor's employer pursuant
17 to section 252E.4, and the obligor's employment is
18 terminated, the employer shall provide notice to the
19 obligee and the department within ten days of
20 termination of the obligor's employment. If an order
21 requiring that the obligor provide coverage under a
22 health benefit plan for the dependent has been
23 forwarded to the obligor's employer pursuant to
24 section 252E.4, and the employer's health benefit plan
25 is terminated either in its entirety or with respect
26 to the obligor's insurance classification, or the
27 employer has changed its insurer, the employer shall
28 provide notice to the obligee and the department ten
29 days prior to the termination of coverage or change in
30 insurer.

31 This chapter does not preclude the exchange of
32 required information between the department and
33 employers or insurers through electronic data
34 transfer.

35 **Sec. 19. NEW SECTION. 252E.6 DURATION OF HEALTH**
36 **BENEFIT PLAN COVERAGE.**

37 1. A child is eligible for medical support for the
38 duration of the obligor's child support obligation.
39 However, the child's eligibility for coverage under a
40 health benefit plan shall be governed by all
41 applicable plan provisions including, but not limited
42 to, eligibility and insurability standards.

43 2. For cases for which services are being provided
44 pursuant to chapter 252B, termination of an obligee's
45 medical support ordered pursuant to section 252E.3
46 shall be governed by the insurer's health benefit plan
47 provisions for termination and by applicable federal
48 law.

49 **Sec. 20. NEW SECTION. 252E.7 INSURER**
50 **AUTHORIZATION.**

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1 1. The entry of an order requiring a health
2 benefit plan is authorization for enrollment of the
3 dependent if the dependent is otherwise eligible to be
4 enrolled. If an order has been forwarded to the
5 insurer pursuant to section 252E.5 and is not
6 accompanied by an appropriate application for
7 enrollment of the dependent signed by the obligor, the
8 insurer shall attempt to obtain a signed application
9 from the obligor. If the insurer is unsuccessful in
10 obtaining a signed application from the obligor within
11 thirty days after the insurer's initial request to the
12 obligor, the insurer shall accept the signature of the
13 obligee or an employee of the department as valid
14 authorization for enrollment of the dependent under
15 the health benefit plan.

16 2. For purposes of processing claims for payment,
17 the insurer shall attempt to obtain the obligor's
18 written authorization to accept the signature of the
19 obligee or an employee of the department on all claim
20 forms submitted to the insurer for medical services
21 provided to the dependent. Upon receipt of such
22 written authorization from the obligor on at least an
23 annual basis, the insurer shall accept the signature
24 of the obligee or an employee of the department as
25 valid authorization for purposes of processing any
26 medical expense claims on behalf of the dependent for
27 payment or reimbursement of medical services rendered
28 to the dependent.

29 If the insurer is unsuccessful in obtaining such
30 written authorization from the obligor within thirty
31 days after the insurer's initial request to the
32 obligor, the insurer shall accept the signature of the
33 obligee or an employee of the department as valid
34 authorization for purposes of processing any medical
35 expense claims on behalf of the dependent for payment
36 or reimbursement of medical services rendered to the
37 dependent.

38 3. The insurer shall have immunity from any
39 liability, civil or criminal, which might otherwise be
40 incurred or imposed for actions taken in implementing
41 this section including, but not limited to, the
42 insurer's release of any information, or the payment
43 of any claims for services by the insurer, or the
44 insurer's acceptance of applications for enrollment of
45 the dependent and medical expense claims for the
46 dependent which are signed by the obligee or an
47 employee of the department pursuant to this section.

48 4. This section does not preclude an insurer from
49 issuing payment directly to the provider if such
50 payment procedure is consistent with the health

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1 benefit plan under which the dependent is enrolled,
2 except as provided pursuant to chapter 249A.
3 5. Payments remitted to the obligor by the insurer
4 for services received by the dependent shall be
5 recoverable by the obligee or the department from the
6 obligor if not properly paid by the obligor to the
7 provider or the obligee.

8 Sec. 21. NEW SECTION. 252E.8 RELEASES OF
9 INFORMATION.

10 1. If an order for coverage under a health benefit
11 plan has been forwarded pursuant to section 252E.5,
12 the obligor's employer or insurer shall release to the
13 obligee or the department upon receiving a written
14 request, the information necessary to complete an
15 application or to file a claim for medical expenses of
16 the dependent, provided the obligor's employer or
17 insurer is given sufficient opportunity to obtain
18 written authorization for the release of such
19 information from the obligor pursuant to this section.

20 2. The employer or insurer shall make available to
21 the obligee or the department any necessary claim
22 forms or enrollment membership cards if required to
23 obtain services.

24 3. The obligor's employer and insurer shall have
25 immunity from any liability, civil or criminal, which
26 might otherwise be incurred or imposed for any
27 information released by such employer or insurer
28 pursuant to this chapter.

29 4. The department may release to the obligor's
30 employer or insurer or to the obligee information
31 necessary to obtain, enforce, and collect medical
32 support.

33 Sec. 22. NEW SECTION. 252E.9 RESPONSIBILITIES OF
34 THE OBLIGOR.

35 1. For cases for which services are being provided
36 pursuant to chapter 252B, an obligor who fails to
37 maintain medical support for the benefit of the
38 dependent as ordered shall be liable to the obligee or
39 the department for any medical expenses incurred from
40 the date of the court order. Proof of failure to
41 maintain medical support constitutes a showing of
42 increased need and provides a basis for the
43 establishment of a monetary amount for medical
44 support.

45 2. For cases for which services are being provided
46 pursuant to chapter 252B, the obligor shall notify the
47 obligee and the department within ten days of a change
48 in the terms or conditions of coverage under a health
49 benefit plan. Such changes may include, but are not
50 limited to, a change in deductibles, coinsurance,

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1 preadmission notification requirements, coverage for
2 dental, optical, office visits, prescription drugs,
3 inpatient and outpatient hospitalization, and any
4 other changes which materially affect the coverage.
5 Costs incurred by the obligee or the department as a
6 result of the obligor's failure to provide
7 notification as required are recoverable from the
8 obligor.

9 Sec. 23. NEW SECTION. 252E.10 RESPONSIBILITY OF
10 THE DEPARTMENT.

11 For cases for which services are being provided
12 pursuant to chapter 252B, the department shall take
13 steps required by federal regulations to implement and
14 enforce an order for medical support.

15 Sec. 24. NEW SECTION. 252E.11 ASSIGNMENT.

16 If medical assistance coverage is provided by the
17 department to a dependent, rights to medical support
18 payments are assigned to the department pursuant to
19 federal regulations.

20 Sec. 25. NEW SECTION. 252E.12 ENFORCEMENT.

21 For the purposes of enforcement pursuant to chapter
22 252B, medical support may be reduced to a dollar
23 amount and may be collected through the same remedies
24 available for the collection and enforcement of child
25 support.

26 Sec. 26. NEW SECTION. 252E.13 MODIFICATION OF
27 SUPPORT ORDER.

28 1. When high potential for obtaining medical
29 support exists, the obligee or the department may
30 petition for a modification of the obligor's support
31 order to include medical support or a monetary amount
32 for medical support pursuant to this chapter.

33 2. In addition, if an administrative order entered
34 pursuant to chapter 252C does not provide medical
35 support as defined in this chapter or equivalent
36 medical support, the department may obtain a medical
37 support order pursuant to chapter 252C. A medical
38 support order obtained pursuant to chapter 252C may be
39 an additional or separate support judgment and shall
40 be known as an administrative order for medical
41 support.

42 Sec. 27. NEW SECTION. 252E.14 CHILD SUPPORT.

43 Unless the order specifies otherwise, medical
44 support is not included in the monetary amount of
45 child support ordered to be paid for orders entered on
46 or after July 1, 1990.

47 Sec. 28. NEW SECTION. 252E.15 RULEMAKING
48 AUTHORITY - COMPLIANCE.

49 The department shall adopt rules pursuant to
50 chapter 17A to implement this chapter for cases for

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1 which services are being provided pursuant to chapter
2 252B. The department shall cooperate with any agency
3 of the state or federal government as may be necessary
4 to qualify for federal funds in conformity with
5 provisions of this chapter and Title IV-D of the
6 federal Social Security Act.

7 Sec. 29. NEW SECTION. 252E.16 SCOPE AND EFFECT.

8 1. The provisions of this chapter take effect July
9 1, 1990, for all support orders entered pursuant to
10 chapter 234, 252A, 252C, 598, or 675..

11 2. If an obligor was ordered to provide a health
12 benefit plan or insurance coverage under an order
13 entered prior to July 1, 1990, but did not comply with
14 the order, insurers are not liable for medical
15 expenses incurred prior to July 1, 1990. However,
16 such an order may be implemented pursuant to the
17 provisions of this chapter following its enactment.
18 This chapter shall not be implemented retroactively;
19 however, previous orders for medical support not
20 otherwise complied with may be reduced to a dollar
21 amount and collected from the obligor.

22 Sec. 30. Section 598.1, subsection 2, Code 1989,
23 is amended to read as follows:

24 2. "Support" or "support payments" means an amount
25 which the court may require either of the parties to
26 pay under a temporary order or a final judgment or
27 decree, and may include alimony, child support,
28 maintenance, and any other term used to describe these
29 obligations. For orders entered on or after July 1,
30 1990, unless the court specifically orders otherwise,
31 medical support is not included in the monetary amount
32 of child support. The obligations may include support
33 for a child who is between the ages of eighteen and
34 twenty-two years who is regularly attending an
35 accredited school in pursuance of a course of study
36 leading to a high school diploma or its equivalent, or
37 regularly attending a course of vocational-technical
38 training either as a part of a regular school program
39 or under special arrangements adapted to the
40 individual person's needs; or is, in good faith, a
41 full-time student in a college, university, or area
42 school; or has been accepted for admission to a
43 college, university, or area school and the next
44 regular term has not yet begun; or a child of any age
45 who is dependent on the parties to the dissolution
46 proceedings because of physical or mental disability.

47 Sec. 31. Section 598.21, subsection 4, paragraph
48 a, Code Supplement 1989, is amended by adding the
49 following new unnumbered paragraph:

50 NEW UNNUMBERED PARAGRAPH. Until such time as the

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1 supreme court incorporates the provision of medical
2 support in the guidelines as required by paragraph
3 "c", the court shall order as child medical support a
4 health benefit plan as defined in chapter 252E if
5 available to either parent at a reasonable cost. A
6 health benefit plan is considered reasonable in cost
7 if it is employment-related or other group health
8 insurance, regardless of the service delivery
9 mechanism. The premium cost of the health benefit
10 plan may be considered by the court as a reason for
11 varying from the child support guidelines. If a
12 health benefit plan is not available at a reasonable
13 cost, the court may order any other provisions for
14 medical support as defined in chapter 252E.

15 Sec. 32. Section 598.21, subsection 4, Code
16 Supplement 1989, is amended by adding the following
17 new paragraph:

18 NEW PARAGRAPH. c. The guidelines prescribed by
19 the supreme court shall incorporate provisions for
20 medical support as defined in chapter 252E to be
21 effective on or before January 1, 1991.

22 Sec. 33. Section 598.21, subsection 8, Code
23 Supplement 1989, is amended to read as follows:

24 8. The court may subsequently modify orders made
25 under this section when there is a substantial change
26 in circumstances. In determining whether there is a
27 substantial change in circumstances, the court shall
28 consider the following:

29 a. Changes in the employment, earning capacity,
30 income or resources of a party.

31 b. Receipt by a party of an inheritance, pension
32 or other gift.

33 c. Changes in the medical expenses of a party.

34 d. Changes in the number or needs of dependents of
35 a party.

36 e. Changes in the physical, mental, or emotional
37 health of a party.

38 f. Changes in the residence of a party.

39 g. Remarriage of a party.

40 h. Possible support of a party by another person.

41 i. Changes in the physical, emotional or
42 educational needs of a child whose support is governed
43 by the order.

44 j. Contempt by a party of existing orders of
45 court.

46 k. Other factors the court determines to be
47 relevant in an individual case.

48 PARAGRAPH DIVIDED. A modification of a support
49 order entered under chapter 252A, chapter 675, or this
50 chapter between parties to the order is void unless

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1 the modification is approved by the court, after
2 proper notice and opportunity to be heard is given to
3 all parties to the order, and entered as an order of
4 the court. If support payments have been assigned to
5 the department of human services pursuant to section
6 239.3, the department shall be considered a party to
7 the support order. Modifications of orders pertaining
8 to child custody shall be made pursuant to chapter
9 598A. If the petition for a modification of an order
10 pertaining to child custody asks either for joint
11 custody or that joint custody be modified to an award
12 of sole custody, the modification, if any, shall be
13 made pursuant to section 598.41.

14 Judgments for child support or child support awards
15 entered pursuant to this chapter, chapter 234, 252A,
16 252C, 675, or any other chapter of the Code which are
17 subject to a modification proceeding may be
18 retroactively modified only from the date the notice
19 of the pending petition for modification is served on
20 the opposing party.

21 Sec. 34. Section 598.21, Code Supplement 1989, is
22 amended by adding the following new subsection:

23 **NEW SUBSECTION. 8A.** Notwithstanding subsection 8,
24 a substantial change of circumstances exists when the
25 court order for child support deviates without
26 explanation as to the reason for deviation from the
27 child support guidelines established pursuant to
28 section 598.21, subsection 4. Upon application for a
29 modification of an order for child support where
30 services are being received pursuant to chapter 252B,
31 the court shall act in accordance with section 598.21,
32 subsection 4.

33 Sec. 35. Section 598.22, unnumbered paragraph 1,
34 Code 1989, is amended to read as follows:

35 This Except as otherwise provided in section
36 598.22A, this section applies to all initial or
37 modified orders for support entered under this
38 chapter, chapter 234, 252A, 252C, 675, or any other
39 chapter of the Code. All orders or judgments entered
40 under chapter 234, 252A, 252C, or 675, or under this
41 chapter or any other chapter which provide for
42 temporary or permanent support payments shall direct
43 the payment of those sums to the clerk of the district
44 court or the collection services center in accordance
45 with section 252B.14 for the use of the person for
46 whom the payments have been awarded. Payments to
47 persons other than the clerk of the district court and
48 the collection services center do not satisfy the
49 support obligations created by the orders or
50 judgments, except as provided for trusts governed by

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1 the federal Retirement Equity Act of 1984, Pub. L. No.
2 98-397, for tax refunds or rebates in section
3 602.8102, subsection 47, or for dependent benefits
4 paid to the child support obligee as the result of
5 disability benefits awarded to the child support
6 obligor under the federal Social Security Act. For
7 trusts governed by the federal Retirement Equity Act
8 of 1984, Pub. L. No. 98-397, the assignment of income
9 shall require the payment of such sums to the
10 alternate payee in accordance with the federal Act.

11 Sec. 36. Section 598.22, Code 1989, is amended by
12 adding the following new unnumbered paragraph:
13 NEW UNNUMBERED PARAGRAPH. For the purpose of
14 enforcement, medical support is additional support
15 which, upon being reduced to a dollar amount, may be
16 collected through the same remedies available for the
17 collection and enforcement of child support.

18 Sec. 37. NEW SECTION. 598.22A SATISFACTION OF
19 SUPPORT PAYMENTS.

20 Notwithstanding sections 252B.14 and 598.22,
21 support payments ordered pursuant to any support
22 chapter for orders entered on or after July 1, 1985,
23 which are not made pursuant to the provisions of
24 section 252B.14 or 598.22, shall be credited only as
25 provided in this section.

26 1. For payment made pursuant to an order entered
27 on or after July 1, 1985, the clerk of the district
28 court or collection services center shall record a
29 satisfaction as a credit on the official support
30 payment record if its validity is confirmed by the
31 court upon submission of an affidavit by the person
32 entitled to receive the payment, after notice is given
33 to all parties.

34 2. For purposes of this section, the state is a
35 party to which notice shall be given when public funds
36 have been expended pursuant to chapter 234, 239, or
37 249A, or similar statutes in another state. If proper
38 notice is not given to the state when required, any
39 order of satisfaction is void.

40 3. The court shall not enter an order for
41 satisfaction of payments not made through the clerk of
42 the district court or collection services center if
43 those payments have been assigned as a result of
44 public funds expended pursuant to chapter 234, 239, or
45 249A, or similar statutes in other states.

46 Sec. 38. Section 675.25, Code Supplement 1989, is
47 amended to read as follows:

48 675.25 FORM OF JUDGMENT – CONTENTS OF SUPPORT
49 ORDER – COSTS.

50 Upon a finding or verdict of paternity pursuant to

1 section 675.24, the court shall establish the father's
 2 monthly support payment and the amount of the support
 3 debt accrued or accruing pursuant to section 598.21,
 4 subsection 4, until the child reaches majority or
 5 until the child finishes high school, if after
 6 majority. The court may order the father to pay
 7 amounts the court deems appropriate for the past
 8 support and maintenance of the child and for the
 9 reasonable and necessary expenses incurred by or for
 10 the mother in connection with prenatal care, the birth
 11 of the child, and postnatal care of the child and the
 12 mother, and other medical support as defined in
 13 section 252E.1. The court may award the prevailing
 14 party the reasonable costs of suit, including but not
 15 limited to reasonable attorney fees.

16 Sec. 39. NEW SECTION. 675.33 LIMITATIONS OF
 17 ACTIONS.

18 1. An action to establish paternity and support
 19 under this chapter may be brought within the time
 20 limitations set forth in section 614.8.

21 2. Notwithstanding subsection 1, an action to
 22 establish paternity and support under this chapter may
 23 be brought concerning a person who was under age
 24 eighteen on August 16, 1984, regardless of whether any
 25 prior action was dismissed because a statute of
 26 limitations of less than eighteen years was then in
 27 effect. Such an action may be brought within the time
 28 limitations set forth in section 614.8, or until July
 29 2, 1992, whichever is later.

30 Sec. 40. RULES.

31 The department of human services may adopt
 32 administrative rules under section 17A.4, subsection
 33 2, and section 17A.5, subsection 2, paragraph "b", to
 34 implement the provisions of sections 4, 8, and 14
 35 through 29 of this Act, and the rules may be made
 36 effective on or after July 1, 1990.

37 Sec. 41.

38 Section 37 of this Act applies retroactively to
 39 payments under support orders entered on or after July
 40 1, 1985."

41 _____. Title page, by striking lines 1 and 2 and
 42 inserting the following: "An Act relating to
 43 satisfaction of a support order by direct payment to
 44 the person who is to receive the payment, medical
 45 support for children receiving child support,
 46 modification of child support orders, child support
 47 enforcement, determination of paternity and
 48 establishment of past child support obligations,
 49 establishing an advisory committee, and providing an
 50 effective date for certain provisions." "

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hibbard of Madison, until his return, on request of Arnould of Scott.

Blanshan of Greene in the chair at 11:29 a.m.

Haverland of Polk moved the adoption of amendment H—6122, to amendment H—6089, to the Senate amendment H—5837.

A non-record roll call was requested.

The ayes were 40, nays 51.

Amendment H—6122 lost.

Halvorson of Webster offered the following amendment H—6126, to amendment H—6089, to the Senate amendment H—5837, filed by him and moved its adoption:

H—6126

1 Amend amendment, H—6089, to the amendment, H—5837,
2 to House File 2422, as amended, passed, and reprinted
3 by the House, as follows:

4 1. By striking page 1, line 1, through page 17,
5 line 28 and inserting the following:

6 "Amend the amendment, H—5837, to House File 2422,
7 as amended, passed, and reprinted by the House, as
8 follows:

9 _____. By inserting after line 33 the following:

10 "Sec. _____. Section 252A.4, subsection 2, Code
11 1989, is amended to read as follows:

12 2. The court of the responding state shall have
13 the power to may order the respondent to pay sums
14 sufficient to provide necessary food, shelter,
15 clothing, care, medical or hospital expenses,
16 including medical support as defined in chapter 252E,
17 expenses of confinement, expenses of education of a
18 child, funeral expenses and such other reasonable and
19 proper expenses of the petitioner as justice requires,
20 having due regard to the circumstances of the
21 respective parties.

22 Sec. _____. NEW SECTION. 252A.5A LIMITATIONS OF
23 ACTIONS.

24 1. An action to establish paternity and support
25 under this chapter may be brought within the time
26 limitations set forth in section 614.8.

27 2. Notwithstanding subsection 1, an action to
28 establish paternity and support under this chapter may
29 be brought concerning a person who was under age
30 eighteen on August 16, 1984, regardless of whether any

31 prior action was dismissed because a statute of
32 limitations of less than eighteen years was then in
33 effect. Such an action may be brought within the time
34 limitations set forth in section 614.8, or until July
35 2, 1992, whichever is later.

36 Sec. _____. Section 252B.5, Code 1989, is amended by
37 adding the following new subsection:

38 NEW SUBSECTION. 6. Assistance in obtaining
39 medical support as defined in chapter 252E.

40 Sec. 101. Section 252B.5, Code 1989, is amended by
41 adding the following new subsection:

42 NEW SUBSECTION. 7. At the request of either
43 parent who is subject to the order of support or upon
44 its own initiation, review the amount of the support
45 award in accordance with the guidelines established
46 pursuant to section 598.21, subsection 4, and the
47 federal Family Support Act of 1988, and take action to
48 initiate modification proceedings if the criteria
49 established pursuant to this section are met.

50 However, a review of a support award is not required

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1 in those cases for which an assignment ordered
2 pursuant to chapter 234 or 239 is in effect if the
3 child support recovery unit determines that such a
4 review would not be in the best interest of the child
5 and neither parent has requested such review.

6 The department shall adopt rules no later than
7 October 13, 1990, setting forth the process for review
8 of requests for modification of support obligations
9 and the criteria and process for taking action to
10 initiate modification proceedings.

11 Sec. _____. Section 252B.6, subsection 3, Code 1989,
12 is amended by striking the subsection and inserting in
13 lieu thereof the following:

14 3. Appear on behalf of the state for the purpose
15 of facilitating the modification of support awards
16 consistent with guidelines established pursuant to
17 section 598.21, subsection 4 and the federal Family
18 Support Act of 1988. The unit shall not otherwise
19 participate in the proceeding.

20 Sec. _____. Section 252B.6, subsection 4, paragraph
21 b, Code 1989, is amended by striking the paragraph.

22 Sec. _____. Section 252B.7, Code 1989, is amended by
23 adding the following new subsection:

24 NEW SUBSECTION. 4. An attorney employed by or
25 under contract with the child support recovery unit
26 represents and acts on behalf of the state when
27 providing child support enforcement services.

28 Sec. 102. NEW SECTION. 252B.18 ADVISORY
29 COMMITTEE ESTABLISHED.

30 The department shall establish a child support
31 enforcement program advisory committee which shall
32 include representatives of custodial parent groups,
33 noncustodial parent groups, the judicial department,
34 the office of citizens' aide, the Iowa state bar
35 association, and representatives of other
36 constituencies having an interest in child support
37 enforcement issues. The advisory committee shall
38 assist the department in reviewing issues related to
39 the implementation of the federal Family Support Act
40 of 1988 and methods of improving service. With the
41 assistance of the advisory committee, the department
42 shall review existing policies, practices, and
43 procedures of the child support recovery unit to
44 identify areas in which administrative appeals
45 procedures or other provisions for review of contested
46 issues would help to assure fair and impartial
47 treatment of persons affected by actions of the unit.
48 Sec. _____. Section 252C.1, subsection 2, Code 1989,
49 is amended to read as follows:
50 2. "Court order" means a judgment or order of a

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1 court of this state or another state requiring the
2 payment of a set or determinable amount of monetary
3 support. For orders entered on or after July 1, 1990,
4 unless the court specifically orders otherwise,
5 medical support, as defined in section 252E.1, is not
6 included in the amount of monetary support.
7 Sec. _____. Section 252C.1, Code 1989, is amended by
8 adding the following new subsection:
9 **NEW SUBSECTION. 8.** "Medical support" means either
10 the provision of coverage under a health benefit plan,
11 including a group or employment-related or an
12 individual health benefit plan, or a health benefit
13 plan provided pursuant to chapter 514E, to meet the
14 medical needs of a dependent and the cost of any
15 premium required by a health benefit plan, or the
16 payment to the obligee of a monetary amount in lieu of
17 providing coverage under a health benefit plan, either
18 of which is an obligation separate from any monetary
19 amount of child support ordered to be paid.
20 Sec. _____. Section 252C.3, subsection 1, unnumbered
21 paragraph 1, Code 1989, is amended to read as follows:
22 In the absence of a court order, or if an
23 administrative order exists which does not require
24 provision of medical support as defined in chapter
25 252E or equivalent medical support, the administrator
26 may issue a notice establishing and demanding either
27 payment of medical support established as defined in
28 chapter 252E or payment of an accrued or accruing

29 support debt due and owed to the department or an
30 individual under section 252C.2, or both. The notice
31 shall be served upon the responsible person in
32 accordance with the rules of civil procedure. The
33 notice shall include all of the following:

34 Sec. _____. Section 252C.9, Code 1989, is amended to
35 read as follows:

36 252C.9 COURT ORDER PREVAILS PREVAILING ORDERS.

37 If an order of the administrator issued pursuant to
38 this chapter conflicts with an order of a court, the
39 court order prevails regarding support issues
40 addressed by the court order.

41 Sec. _____. Section 252D.1, subsection 1, Code 1989,
42 is amended to read as follows:

43 1. As used in this chapter, unless the context
44 otherwise requires, "support" or "support payments"
45 means any amount which the court may require a person
46 to pay for the benefit of a child under a temporary
47 order or a final judgment or decree, and may include
48 child support, maintenance, medical support as defined
49 in chapter 252E, and, if contained in a child support
50 order, spousal support, and any other term used to

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1 describe these obligations. These obligations may
2 include support for a child who is between the ages of
3 eighteen and twenty-two years and who is regularly
4 attending an accredited school in pursuance of a
5 course of study leading to a high school diploma or
6 its equivalent, or regularly attending a course of
7 vocational technical training either as a part of a
8 regular school program or under special arrangements
9 adapted to the individual person's needs, or is, in
10 good faith, a full-time student in a college,
11 university, or area school, or has been accepted for
12 admission to a college, university, or area school and
13 the next regular term has not yet begun; and may
14 include support for a child of any age who is
15 dependent on the parties to the dissolution
16 proceedings because of physical or mental disability.

17 Sec. 103. NEW SECTION. 252E.1 DEFINITIONS.

18 As used in this chapter, unless the context
19 otherwise requires:

20 1. "Child" means a person for whom child support
21 may be ordered pursuant to chapter 234, 239, 252A,
22 252C, 598, or 675 or any other chapter of the Code.

23 2. "Department" means the department of human
24 services, which includes but is not limited to the
25 child support recovery unit, or any comparable support
26 enforcement agency of another state.

27 3. "Dependent" means a child, or an obligee for
28 whom a court may order coverage by a health benefit
29 plan pursuant to section 252E.3.

30 4. "Enroll" means to be eligible for and covered
31 by a health benefit plan.

32 5. "Health benefit plan" means any policy or
33 contract of insurance, indemnity, subscription or
34 membership issued by an insurer, health service
35 corporation, health maintenance organization, or any
36 similar corporation, organization, or a self-insured
37 employee benefit plan, for the purpose of covering
38 medical expenses. These expenses may include, but are
39 not limited to hospital, surgical, major medical
40 insurance, dental, optical, prescription drugs, office
41 visits, or any combination of these or any other
42 comparable health care expenses.

43 6. "Insurer" means any entity which provides a
44 health benefit plan.

45 7. "Medical support" means either the provision of
46 a health benefit plan, including a group or
47 employment-related or an individual health benefit
48 plan, or a health benefit plan provided pursuant to
49 chapter 514E, to meet the medical needs of a dependent
50 and the cost of any premium required by a health

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1 benefit plan, or the payment to the obligee of a
2 monetary amount in lieu of a health benefit plan,
3 either of which is an obligation separate from any
4 monetary amount of child support ordered to be paid.
5 Medical support is not alimony.

6 8. "Obligee" means a parent or another natural
7 person legally entitled to receive a support payment
8 on behalf of a child.

9 9. "Obligor" means a parent or another natural
10 person legally responsible for the support of a
11 dependent.

12 Sec. _____. NEW SECTION. 252E.2 ORDER FOR MEDICAL
13 SUPPORT.

14 The entry of an order, pursuant to chapter 234,
15 252A, 252C, 598, or 675, requiring the provision of
16 coverage under a health benefit plan is authorization
17 for enrollment of the dependent if the dependent is
18 otherwise eligible to be enrolled. The dependent's
19 eligibility and enrollment for coverage under such a
20 plan shall be governed by all applicable terms and
21 conditions, including, but not limited to, eligibility
22 and insurability standards. The dependent, if
23 eligible, shall be provided the same coverage as the
24 obligor.

25 Sec. _____. NEW SECTION. 252E.3 HEALTH BENEFIT
26 COVERAGE OF OBLIGEE.

27 For cases for which services are being provided
28 pursuant to chapter 252B, the order may require an
29 obligor providing a health benefit plan for a child to
30 also provide a health benefit plan for the benefit of
31 an obligee if the obligee is eligible for enrollment
32 under the plan in which the child or the obligor is
33 enrolled, and if the plan is available at no
34 additional cost.

35 Sec. _____. NEW SECTION. 252E.4 COPY OF ORDER TO
36 EMPLOYER.

37 The obligor shall take all steps necessary to
38 enroll and maintain coverage under a health benefit
39 plan for a dependent at present and all future places
40 of employment, and shall send a copy of the order
41 requiring the coverage to the obligor's employer.

42 1. Within fifteen days of entry of the order, the
43 obligor shall provide written proof to the obligee and
44 the department that the required coverage has been
45 obtained or that application for coverage has been
46 made.

47 2. If the obligor fails to provide written proof
48 as required in subsection 1, a copy of the order for
49 medical support shall be forwarded to the obligor's
50 employer by the obligee or the department.

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1 3. The chapter shall be constructive notice to the
2 obligor of enforcement and further notice prior to
3 enforcement is not required.

4 4. The order requiring coverage is binding on all
5 future employers or insurers if the dependent is
6 eligible to be enrolled in the health benefit plan
7 under the applicable plan terms and conditions.

8 Sec. _____. NEW SECTION. 252E.5 EFFECT OF ORDER ON
9 EMPLOYER.

10 When the order has been forwarded to the obligor's
11 employer pursuant to section 252E.4, the order is
12 binding on the employer and the employer's insurer to
13 the extent that the dependent is eligible to be
14 enrolled in the plan under the applicable terms and
15 conditions of the health benefit plan. The employer
16 shall forward a copy of the order to the insurer and
17 request enrollment of the dependent in the health
18 benefit plan. Within sixty days of receipt of the
19 order or within sixty days of receipt of application
20 of the obligor pursuant to the order, whichever is
21 earlier, the insurer shall determine whether the
22 dependent is eligible for enrollment under the plan
23 and shall notify the employer of the dependent's

24 eligibility status. If eligible, the employer shall
25 withhold any required premium from the obligor's
26 income or wages. If more than one plan is offered by
27 the employer, the dependent shall be enrolled in the
28 health benefit plan in which the obligor is enrolled.

29 Within thirty days of receipt of an order that
30 requires an obligor to enroll a dependent in a health
31 benefit plan, the obligor's employer shall provide the
32 following information regarding the enrollment status
33 of the dependent to the obligor, the obligee, and the
34 department:

35 1. That the dependent has been enrolled in a
36 health benefit plan.

37 2. That the dependent will be enrolled in the next
38 enrollment period.

39 3. That the dependent is not eligible for
40 enrollment and the reasons that the dependent is not
41 eligible to be enrolled.

42 4. That the order has been forwarded to the
43 insurer and a determination of eligibility for
44 enrollment has not been made.

45 5. If either subsection 1 or 2 describes the
46 enrollment status of the dependent, all of the
47 following information:

48 a. The name of the insurer providing the health
49 benefit plan.

50 b. The dependent's effective date of coverage.

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1 c. The health benefit plan or account number.
2 d. The type of health benefit plan under which the
3 dependent has been enrolled, including whether dental,
4 optical, office visits, and prescription drugs are
5 covered services. Additionally, the response shall
6 include a brief description of the applicable
7 deductibles, coinsurance, waiting periods for
8 preexisting medical conditions, and other significant
9 terms or conditions which materially affect the
10 coverage.

11 If an order requiring that the obligor provide
12 coverage under a health benefit plan for the dependent
13 has been forwarded to the obligor's employer pursuant
14 to section 252E.4, and the obligor's employment is
15 terminated, the employer shall provide notice to the
16 obligee and the department within ten days of
17 termination of the obligor's employment. If an order
18 requiring that the obligor provide coverage under a
19 health benefit plan for the dependent has been
20 forwarded to the obligor's employer pursuant to
21 section 252E.4, and the employer's health benefit plan
22 is terminated either in its entirety or with respect

23 to the obligor's insurance classification, or the
24 employer has changed its insurer, the employer shall
25 provide notice to the obligee and the department ten
26 days prior to the termination of coverage or change in
27 insurer.

28 This chapter does not preclude the exchange of
29 required information between the department and
30 employers or insurers through electronic data
31 transfer.

32 Sec. _____. NEW SECTION. 252E.6 DURATION OF HEALTH
33 BENEFIT PLAN COVERAGE.

34 1. A child is eligible for medical support for the
35 duration of the obligor's child support obligation.
36 However, the child's eligibility for coverage under a
37 health benefit plan shall be governed by all
38 applicable plan provisions including, but not limited
39 to, eligibility and insurability standards.

40 2. For cases for which services are being provided
41 pursuant to chapter 252B, termination of an obligee's
42 medical support ordered pursuant to section 252E.3
43 shall be governed by the insurer's health benefit plan
44 provisions for termination and by applicable federal
45 law.

46 Sec. _____. NEW SECTION. 252E.7 INSURER
47 AUTHORIZATION.

48 1. The entry of an order requiring a health
49 benefit plan is authorization for enrollment of the
50 dependent if the dependent is otherwise eligible to be

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1 enrolled. If an order has been forwarded to the
2 insurer pursuant to section 252E.5 and is not
3 accompanied by an appropriate application for
4 enrollment of the dependent signed by the obligor, the
5 insurer shall attempt to obtain a signed application
6 from the obligor. If the insurer is unsuccessful in
7 obtaining a signed application from the obligor within
8 thirty days after the insurer's initial request to the
9 obligor, the insurer shall accept the signature of the
10 obligee or an employee of the department as valid
11 authorization for enrollment of the dependent under
12 the health benefit plan.

13 2. For purposes of processing claims for payment,
14 the insurer shall attempt to obtain the obligor's
15 written authorization to accept the signature of the
16 obligee or an employee of the department on all claim
17 forms submitted to the insurer for medical services
18 provided to the dependent. Upon receipt of such
19 written authorization from the obligor on at least an
20 annual basis, the insurer shall accept the signature
21 of the obligee or an employee of the department as

22 valid authorization for purposes of processing any
23 medical expense claims on behalf of the dependent for
24 payment or reimbursement of medical services rendered
25 to the dependent.

26 If the insurer is unsuccessful in obtaining such
27 written authorization from the obligor within thirty
28 days after the insurer's initial request to the
29 obligor, the insurer shall accept the signature of the
30 obligee or an employee of the department as valid
31 authorization for purposes of processing any medical
32 expense claims on behalf of the dependent for payment
33 or reimbursement of medical services rendered to the
34 dependent.

35 3. The insurer shall have immunity from any
36 liability, civil or criminal, which might otherwise be
37 incurred or imposed for actions taken in implementing
38 this section including, but not limited to, the
39 insurer's release of any information, or the payment
40 of any claims for services by the insurer, or the
41 insurer's acceptance of applications for enrollment of
42 the dependent and medical expense claims for the
43 dependent which are signed by the obligee or an
44 employee of the department pursuant to this section.

45 4. This section does not preclude an insurer from
46 issuing payment directly to the provider if such
47 payment procedure is consistent with the health
48 benefit plan under which the dependent is enrolled,
49 except as provided pursuant to chapter 249A.

50 5. Payments remitted to the obligor by the insurer

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1 for services received by the dependent shall be
2 recoverable by the obligee or the department from the
3 obligor if not properly paid by the obligor to the
4 provider or the obligee.

5 Sec. _____. NEW SECTION. 252E.8 RELEASES OF
6 INFORMATION.

7 1. If an order for coverage under a health benefit
8 plan has been forwarded pursuant to section 252E.5,
9 the obligor's employer or insurer shall release to the
10 obligee or the department upon receiving a written
11 request, the information necessary to complete an
12 application or to file a claim for medical expenses of
13 the dependent, provided the obligor's employer or
14 insurer is given sufficient opportunity to obtain
15 written authorization for the release of such
16 information from the obligor pursuant to this section.

17 2. The employer or insurer shall make available to
18 the obligee or the department any necessary claim
19 forms or enrollment membership cards if required to
20 obtain services.

21 3. The obligor's employer and insurer shall have
22 immunity from any liability, civil or criminal, which
23 might otherwise be incurred or imposed for any
24 information released by such employer or insurer
25 pursuant to this chapter.

26 4. The department may release to the obligor's
27 employer or insurer or to the obligee information
28 necessary to obtain, enforce, and collect medical
29 support.

30 Sec. _____. NEW SECTION. 252E.9 RESPONSIBILITIES
31 OF THE OBLIGOR.

32 1. For cases for which services are being provided
33 pursuant to chapter 252B, an obligor who fails to
34 maintain medical support for the benefit of the
35 dependent as ordered shall be liable to the obligee or
36 the department for any medical expenses incurred from
37 the date of the court order. Proof of failure to
38 maintain medical support constitutes a showing of
39 increased need and provides a basis for the
40 establishment of a monetary amount for medical
41 support.

42 2. For cases for which services are being provided
43 pursuant to chapter 252B, the obligor shall notify the
44 obligee and the department within ten days of a change
45 in the terms or conditions of coverage under a health
46 benefit plan. Such changes may include, but are not
47 limited to, a change in deductibles, coinsurance,
48 preadmission notification requirements, coverage for
49 dental, optical, office visits, prescription drugs,
50 inpatient and outpatient hospitalization, and any

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1 other changes which materially affect the coverage.
2 Costs incurred by the obligee or the department as a
3 result of the obligor's failure to provide
4 notification as required are recoverable from the
5 obligor.

6 Sec. _____. NEW SECTION. 252E.10 RESPONSIBILITY OF
7 THE DEPARTMENT.

8 For cases for which services are being provided
9 pursuant to chapter 252B, the department shall take
10 steps required by federal regulations to implement and
11 enforce an order for medical support.

12 Sec. _____. NEW SECTION. 252E.11 ASSIGNMENT.

13 If medical assistance coverage is provided by the
14 department to a dependent, rights to medical support
15 payments are assigned to the department pursuant to
16 federal regulations.

17 Sec. _____. NEW SECTION. 252E.12 ENFORCEMENT.

18 For the purposes of enforcement pursuant to chapter
19 252B, medical support may be reduced to a dollar

20 amount and may be collected through the same remedies
 21 available for the collection and enforcement of child
 22 support.

23 Sec. _____. NEW SECTION. 252E.13 MODIFICATION OF
 24 SUPPORT ORDER.

25 1. When high potential for obtaining medical
 26 support exists, the obligee or the department may
 27 petition for a modification of the obligor's support
 28 order to include medical support or a monetary amount
 29 for medical support pursuant to this chapter.

30 2. In addition, if an administrative order entered
 31 pursuant to chapter 252C does not provide medical
 32 support as defined in this chapter or equivalent
 33 medical support, the department may obtain a medical
 34 support order pursuant to chapter 252C. A medical
 35 support order obtained pursuant to chapter 252C may be
 36 an additional or separate support judgment and shall
 37 be known as an administrative order for medical
 38 support.

39 Sec. _____. NEW SECTION. 252E.14 CHILD SUPPORT.

40 Unless the order specifies otherwise, medical
 41 support is not included in the monetary amount of
 42 child support ordered to be paid for orders entered on
 43 or after July 1, 1990.

44 Sec. _____. NEW SECTION. 252E.15 RULEMAKING
 45 AUTHORITY - COMPLIANCE.

46 The department shall adopt rules pursuant to
 47 chapter 17A to implement this chapter for cases for
 48 which services are being provided pursuant to chapter
 49 252B. The department shall cooperate with any agency
 50 of the state or federal government as may be necessary

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1 to qualify for federal funds in conformity with
 2 provisions of this chapter and Title IV-D of the
 3 federal Social Security Act.

4 Sec. 104. NEW SECTION. 252E.16 SCOPE AND EFFECT.

5 1. The provisions of this chapter take effect July
 6 1, 1990, for all support orders entered pursuant to
 7 chapter 234, 252A, 252C, 598, or 675.

8 2. If an obligor was ordered to provide a health
 9 benefit plan or insurance coverage under an order
 10 entered prior to July 1, 1990, but did not comply with
 11 the order, insurers are not liable for medical
 12 expenses incurred prior to July 1, 1990. However,
 13 such an order may be implemented pursuant to the
 14 provisions of this chapter following its enactment.
 15 This chapter shall not be implemented retroactively;
 16 however, previous orders for medical support not
 17 otherwise complied with may be reduced to a dollar
 18 amount and collected from the obligor.

19 Sec. _____. Section 598.1, subsection 2, Code 1989,
20 is amended to read as follows:

21 2. "Support" or "support payments" means an amount
22 which the court may require either of the parties to
23 pay under a temporary order or a final judgment or
24 decree, and may include alimony, child support,
25 maintenance, and any other term used to describe these
26 obligations. For orders entered on or after July 1,
27 1990, unless the court specifically orders otherwise,
28 medical support is not included in the monetary amount
29 of child support. The obligations may include support
30 for a child who is between the ages of eighteen and
31 twenty-two years who is regularly attending an
32 accredited school in pursuance of a course of study
33 leading to a high school diploma or its equivalent, or
34 regularly attending a course of vocational-technical
35 training either as a part of a regular school program
36 or under special arrangements adapted to the
37 individual person's needs; or is, in good faith, a
38 full-time student in a college, university, or area
39 school; or has been accepted for admission to a
40 college, university, or area school and the next
41 regular term has not yet begun; or a child of any age
42 who is dependent on the parties to the dissolution
43 proceedings because of physical or mental disability.

44 Sec. _____. Section 598.21, subsection 4, paragraph
45 a, Code Supplement 1989, is amended by adding the
46 following new unnumbered paragraph:

47 NEW UNNUMBERED PARAGRAPH. Until such time as the
48 supreme court incorporates the provision of medical
49 support in the guidelines as required by paragraph
50 "c", the court shall order as child medical support a

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1 health benefit plan as defined in chapter 252E if
2 available to either parent at a reasonable cost. A
3 health benefit plan is considered reasonable in cost
4 if it is employment-related or other group health
5 insurance, regardless of the service delivery
6 mechanism. The premium cost of the health benefit
7 plan may be considered by the court as a reason for
8 varying from the child support guidelines. If a
9 health benefit plan is not available at a reasonable
10 cost, the court may order any other provisions for
11 medical support as defined in chapter 252E.

12 Sec. _____. Section 598.21, Code Supplement 1989, is
13 amended by adding the following new subsection:

14 NEW SUBSECTION. 8A. Notwithstanding subsection 8,
15 a substantial change of circumstances exists when the
16 court order for child support deviates without
17 explanation as to the reason for deviation from the

18 child support guidelines established pursuant to
 19 section 598.21, subsection 4. Upon application for a
 20 modification of an order for child support where
 21 services are being received pursuant to chapter 252B,
 22 the court shall act in accordance with section 598.21,
 23 subsection 4.

24 Sec. _____. Section 598.22, unnumbered paragraph 1,
 25 Code 1989, is amended to read as follows:

26 This Except as otherwise provided in section
 27 598.22A, this section applies to all initial or
 28 modified orders for support entered under this
 29 chapter, chapter 234, 252A, 252C, 675, or any other
 30 chapter of the Code. All orders or judgments entered
 31 under chapter 234, 252A, 252C, or 675, or under this
 32 chapter or any other chapter which provide for
 33 temporary or permanent support payments shall direct
 34 the payment of those sums to the clerk of the district
 35 court or the collection services center in accordance
 36 with section 252B.14 for the use of the person for
 37 whom the payments have been awarded. Payments to
 38 persons other than the clerk of the district court and
 39 the collection services center do not satisfy the
 40 support obligations created by the orders or
 41 judgments, except as provided for trusts governed by
 42 the federal Retirement Equity Act of 1984, Pub. L. No.
 43 98-397, for tax refunds or rebates in section
 44 602.8102, subsection 47, or for dependent benefits
 45 paid to the child support obligee as the result of
 46 disability benefits awarded to the child support
 47 obligor under the federal Social Security Act. For
 48 trusts governed by the federal Retirement Equity Act
 49 of 1984, Pub. L. No. 98-397, the assignment of income
 50 shall require the payment of such sums to the

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1 alternate payee in accordance with the federal Act.
 2 Sec. _____. Section 598.22, Code 1989, is amended by
 3 adding the following new unnumbered paragraph:
 4 NEW UNNUMBERED PARAGRAPH. For the purpose of
 5 enforcement, medical support is additional support
 6 which, upon being reduced to a dollar amount, may be
 7 collected through the same remedies available for the
 8 collection and enforcement of child support.
 9 Sec. 105. NEW SECTION. 598.22A SATISFACTION OF
 10 SUPPORT PAYMENTS.
 11 Notwithstanding sections 252B.14 and 598.22,
 12 support payments ordered pursuant to any support
 13 chapter for orders entered on or after July 1, 1985,
 14 which are not made pursuant to the provisions of
 15 section 252B.14 or 598.22, shall be credited only as
 16 provided in this section.

17 1. For payment made pursuant to an order entered
18 on or after July 1, 1985, the clerk of the district
19 court or collection services center shall record a
20 satisfaction as a credit on the official support
21 payment record if its validity is confirmed by the
22 court upon submission of an affidavit by the person
23 entitled to receive the payment, after notice is given
24 to all parties.

25 2. For purposes of this section, the state is a
26 party to which notice shall be given when public funds
27 have been expended pursuant to chapter 234, 239, or
28 249A, or similar statutes in another state. If proper
29 notice is not given to the state when required, any
30 order of satisfaction is void.

31 3. The court shall not enter an order for
32 satisfaction of payments not made through the clerk of
33 the district court or collection services center if
34 those payments have been assigned as a result of
35 public funds expended pursuant to chapter 234, 239, or
36 249A, or similar statutes in other states.

37 Sec. _____. Section 675.25, Code Supplement 1989, is
38 amended to read as follows:

39 675.25 FORM OF JUDGMENT – CONTENTS OF SUPPORT
40 ORDER – COSTS.

41 Upon a finding or verdict of paternity pursuant to
42 section 675.24, the court shall establish the father's
43 monthly support payment and the amount of the support
44 debt accrued or accruing pursuant to section 598.21,
45 subsection 4, until the child reaches majority or
46 until the child finishes high school, if after
47 majority. The court may order the father to pay
48 amounts the court deems appropriate for the past
49 support and maintenance of the child and for the
50 reasonable and necessary expenses incurred by or for

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1 the mother in connection with prenatal care, the birth
2 of the child, and postnatal care of the child and the
3 mother, and other medical support as defined in
4 section 252E.1. The court may award the prevailing
5 party the reasonable costs of suit, including but not
6 limited to reasonable attorney fees.

7 Sec. _____. NEW SECTION. 675.33 LIMITATIONS OF
8 ACTIONS.

9 1. An action to establish paternity and support
10 under this chapter may be brought within the time
11 limitations set forth in section 614.8.

12 2. Notwithstanding subsection 1, an action to
13 establish paternity and support under this chapter may
14 be brought concerning a person who was under age
15 eighteen on August 16, 1984, regardless of whether any

16 prior action was dismissed because a statute of
 17 limitations of less than eighteen years was then in
 18 effect. Such an action may be brought within the time
 19 limitations set forth in section 614.8, or until July
 20 2, 1992, whichever is later.

21 Sec. _____. RULES.

22 The department of human services may adopt
 23 administrative rules under section 17A.4, subsection
 24 2, and section 17A.5, subsection 2, paragraph "b", to
 25 implement the provisions of sections 101, 102, and 103
 26 through 104 of this Act, and the rules may be made
 27 effective on or after July 1, 1990.

28 Sec. _____.

29 Section 105 of this Act applies retroactively to
 30 payments under support orders entered on or after July
 31 1, 1985."

32 _____. Title page, by striking lines 1 and 2 and
 33 inserting the following: "An Act relating to
 34 satisfaction of a support order by direct payment to
 35 the person who is to receive the payment, medical
 36 support for children receiving child support,
 37 modification of child support orders, child support
 38 enforcement, determination of paternity and
 39 establishment of past child support obligations,
 40 establishing an advisory committee, and providing an
 41 effective date for certain provisions." " " "

Amendment H—6126 was adopted, placing out of order amend-
 ment H—6103, found on page 2004 of the House Journal, previously
 adopted.

The following amendment H—6135, to amendment H—6089, to
 the Senate amendment H—5837, as amended, filed by Haverland of
 Polk from the floor, was adopted by unanimous consent:

H—6135

1 Amend Senate amendment, H—5837, to House File 2422,
 2 as amended, passed, and reprinted by the House, as
 3 follows:

4 1. Page 14, line 37, by inserting before the word
 5 "orders" the following: "and custody".

On motion by Haverland of Polk, amendment H—6089, as
 amended, to the Senate amendment H—5837, was adopted.

On motion by Haverland of Polk, the House concurred in the
 Senate amendment H—5837, as amended.

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

On the question "Shall the bill pass?" (H.F. 2422)

The ayes were, 86:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bisignano	Black
Brand	Branstad	Brown	Buhr
Carpenter	Clark	Cohoon	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Iverson
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	McKean
McKinney	Mertz	Metcalf	Miller
Murphy	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schrader
Shearer	Sherzan	Shoning	Siegrist
Spear	Spenner	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Blanshan		
	Presiding		

The nays were, 7:

Bennett	Brammer	Gruhn	Jay
Neuhauser	Schneklath	Shultz	

Absent or not voting, 7:

Chapman	Halvorson, R. A.	Hibbard	May
Muhlbauer	Stueland	Svoboda	

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

On motion by Arnould of Scott, the House was recessed at 12:25 p.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 5, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 121, a bill for an act relating to parental leaves of absence for employees of the state and providing an effective date.

Also: That the Senate has on April 5, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2559, a bill for an act relating to the process by which a taxpayer appeals a decision of the local board of review to the district court and providing for the reinstatement of appeals dismissed and providing an effective date.

Also: That the Senate has on April 5, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2562, a bill for an act relating to the use of white flashing lights on privately owned motor vehicles of certain emergency medical care providers and making penalties applicable.

Also: That the Senate has on April 5, 1990, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2011, a bill for an act providing for a minimum number of toilets for women and men in public buildings and private buildings intended for use by the general public.

Also: That the Senate has on April 5, 1990, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2349, a bill for an act relating to scheduled fines and court procedures for certain violations of snowmobile and all-terrain vehicle regulations, game and fish regulations, and parks.

Also: That the Senate has on April 5, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2427, a bill for an act codifying certain regulatory and budgetary requirements relating to the duties and powers of state agencies and state budget procedures and providing an effective date.

Also: That the Senate has on April 5, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2428, a bill for an act relating to and making appropriations of federal and other nonstate funds including funds made available from federal block 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 or if categorical grants are consolidated into new or existing block grants.

JOHN F. DWYER, Secretary

SENATE MESSAGE CONSIDERED

Senate File 2427, by committee on appropriations, a bill for an act codifying certain regulatory and budgetary requirements relating to the duties and powers of state agencies and state budget procedures and providing an effective date.

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

IMMEDIATE MESSAGE

(House File 2554)

Arnould of Scott asked and received unanimous consent that House File 2554 be immediately messaged to the Senate.

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE

(House File 156)

Ollie of Clinton called up for consideration the report of the conference committee on House File 156 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE FILE 156

To the Speaker of the House of Representatives and the President of the Senate:

We, the undersigned members of the conference committee appointed to resolve the differences between the House of Representatives and the Senate on House File 156, a bill for an act relating to the separation of workers' compensation insurance premiums into two parts, respectfully make the following report:

1. That the Senate recedes from its amendment, H-5934.
2. That House File 156, as amended, passed, and reprinted by the House, is amended as follows:

1. By striking everything after the enacting clause and inserting the following:
"Section 1. NEW SECTION. 517.7 WORKERS' COMPENSATION PREMIUMS.

The insurance division of the department of commerce shall adopt rules providing that a workers' compensation insurance premium paid by an employer in the construction industry, as defined in the rules of the division of job service of the department of employment services, shall consist of two parts, one part relating to payment of medical costs based on hours worked and one part relating to payment of all other workers' compensation-related benefits based on payroll."

ON THE PART OF THE HOUSE:

C: ARTHUR OLLIE, Chair
KAY CHAPMAN
GARY SHERZAN

ON THE PART OF THE SENATE:

RICHARD RUNNING, Chair
DONALD GETTINGS
WILLIAM D. PALMER

A non-record roll call was requested.

The ayes were 48, nays 34.

The motion prevailed and the conference committee report was adopted.

Ollie of Clinton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 156)

The ayes were, 55:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Chapman	Cohoon
Connors	Doderer	Dvorsky	Fey
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Haverland	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Knapp	Koenigs	Lykam
May	McKinney	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peters	Peterson, M. K.	Poncy
Renaud	Rosenberg	Schrader	Shearer
Sherzan	Shultz	Spear	Svoboda
Teaford	Wise	Mr. Speaker	
		Avenson	

The nays were, 42:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Eddie	Fogarty
Fuller	Garman	Halvorson, R. A.	Hanson, D. R.
Harbor	Hermann	Hester	Iverson
Kistler	Kremer	Lageschulte	Lundby
Maulsby	McKean	Mertz	Metcalf
Millèr	Pellett	Petersen, D. F.	Plasier
Renken	Royer	Schneklloth	Shoning
Siegrist	Spenner	Tabor	Trent
Tyrrell	Van Maanen		

Absent or not voting, 3:

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

IMMEDIATE MESSAGE
(House File 156)

Arnould of Scott asked and received unanimous consent that House File 156 be immediately messaged to the Senate.

MOTION TO RECONSIDER PREVAILED
(Senate File 2018)

Doderer of Johnson called up for consideration the motion to reconsider Senate File 2018, filed on March 26, 1990, and moved to reconsider the vote by which Senate File 2018, a bill for an act relating to the membership of the public safety commission of a unified law enforcement district, passed the House and was placed on its last reading on March 26, 1990.

A non-record roll call was requested.

The ayes were 52, nays 24.

The motion prevailed and the House reconsidered Senate File 2018, placing out of order the motion to reconsider filed by Hanson of Delaware on March 26, 1990.

House Refused to Concur

Doderer of Johnson asked for unanimous consent to reconsider the vote by which the House concurred in the Senate amendment H-5782.

Objection was raised.

Doderer of Johnson moved to reconsider the vote by which the House concurred in the Senate amendment H-5782, found on page 1420 of the House Journal.

A non-record roll call was requested.

The ayes were 43, nays 23.

The motion prevailed and Senate amendment H-5782 was reconsidered.

Connors of Polk moved that the House concur in the Senate amendment H-5782.

A non-record roll call was requested.

The ayes were 21, nays 35.

The motion lost and the House refused to concur in the Senate amendment H-5782.

IMMEDIATE MESSAGE
(Senate File 2018)

Arnould of Scott asked and received unanimous consent that Senate File 2018 be immediately messaged to the Senate.

HOUSE INSISTS

Jay of Appanoose called up for consideration **Senate File 2413**, a bill for an act relating to certain specific crimes and the disposition of offenders by providing for payment of sexual abuse medical examinations, providing for workers' compensation coverage and the liability of certain persons performing community service, providing for notification of the parents of persons under age eighteen discovered to be in possession of alcohol or drugs, providing for a term of confinement for distribution of illegal drugs within one thousand feet of a public park, providing for the reporting and identification of certain precursor drugs, providing for the disposition of certain juvenile offenders, establishing institutional reading room requirements, providing for the diversion of certain offenders to treatment facilities, providing that certain persons serving mandatory minimum sentences serve a portion of their sentence on work release, establishing a penalty for certain persons who cause a serious injury to another while operating a motor vehicle, providing for certain offenders to serve their sentence on consecutive days, providing for posttreatment services as a condition of probation, establishing a tax on marijuana and controlled substances, providing an expansion of the business deduction for businesses employing individuals on parole, probation, work release, or convicted of a felony, establishing penalties for participation in criminal gang activity, providing for the nonbailability of certain offenders, providing requirements for presentence investigations, providing for early release of offenders participating in certain treatment or for certain property offenders, making certain changes relating to conditions of parole and work release, authorizing parole and probation officers to discharge certain offenders, making certain changes relating to the victim reparation program, establishing a pilot project for the chemical testing of persons arrested for felony offenses, and providing penalties, and moved that the House insist on its amendment, which motion prevailed.

CONFERENCE COMMITTEE APPOINTED
(Senate File 2413)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 2413: Jay of Appanoose, Chair; Sherzan of Polk, Trent of Muscatine, Harbor of Mills and Peterson of Carroll.

Unfinished Business Calendar

The House resumed consideration of **Senate File 2403**, a bill for an act relating to energy efficiency, previously deferred and placed on the unfinished business calendar.

The House stood at ease at 3:53 p.m., until the fall of the gavel.

The House resumed session and consideration of **Senate File 2403** at 4:13 p.m., Tabor of Jackson in the chair.

Johnson of Winneshiek asked and received unanimous consent to withdraw amendment H—5655 filed by the committee on energy and environmental protection on March 13, 1990, placing out of order the following amendments, to the committee amendment H—5655:

- H—5670 filed by Osterberg of Linn on March 14, 1990.
- H—5675 filed by McKean of Jones on March 14, 1990.
- H—5905 filed by Jay, et al., on March 27, 1990.
- H—5906 filed by Bisignano, et al., on March 27, 1990.
- H—5913 filed by Peterson of Carroll, et al., on March 28, 1990.

Johnson of Winneshiek offered the following amendment H—6007 filed by him:

H—6007

- 1 Amend Senate File 2403, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 15, by inserting after the word
- 4 "include" the following: "for those agencies which
- 5 pay for energy directly".
- 6 2. Page 3, line 32, by inserting after the word
- 7 "management," the following: "state building code
- 8 director, and state fire marshal,".
- 9 3. Page 4, line 11, by inserting after the word
- 10 "agency." the following: "The report shall also
- 11 address potential redundancy and conflicts within
- 12 existing state law regarding life cycle cost analysis
- 13 and recommend the resolution of any problems which are
- 14 identified."
- 15 4. Page 7, line 18, by striking the figure "1991"
- 16 and inserting the following: "1992".
- 17 5. Page 7, line 20, by striking the figure "1992"
- 18 and inserting the following: "1993".
- 19 6. Page 7, line 21, by striking the figure "1993"
- 20 and inserting the following: "1994".
- 21 7. Page 7, line 22, by striking the figure "1994"
- 22 and inserting the following: "1995".
- 23 8. Page 7, line 24, by striking the figure "1994"
- 24 and inserting the following: "1995".

- 25 9. By striking page 7, line 31, through page 8,
 26 line 8.
- 27 10. Page 8, by striking lines 15 through 22, and
 28 inserting the following: "continued, or renewed."
- 29 11. Page 8, line 23, by striking the words "prime
 30 design professional" and inserting the following:
 31 "designer".
- 32 12. Page 8, line 34, by striking the words "or
 33 approved".
- 34 13. Page 9, by striking lines 14 through 17.
- 35 14. Page 10, line 9, by inserting after the words
 36 "energy efficiency" the following: ", including, but
 37 not limited to such persons as electrical engineers,
 38 mechanical engineers, architects, and builders".
- 39 15. Page 10, line 13, by striking the words
 40 "design professionals" and inserting the following:
 41 "designers".
- 42 16. Page 10, line 22, by striking the figure
 43 "1995" and inserting the following: "1996".
- 44 17. Page 10, line 24, by striking the figure
 45 "1995" and inserting the following: "1996".
- 46 18. Page 10, line 25, by striking the figure
 47 "1996" and inserting the following: "1997".
- 48 19. Page 11, line 7, by striking the words
 49 "Design professional" and inserting the following:
 50 "Designer".

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- 1 20. Page 11, line 9, by striking the words "
 2 whether a registered design professional or not,".
 3 21. By renumbering as necessary.

Schrader of Marion offered the following amendment H-6049, to amendment H-6007, filed by him and moved its adoption:

H-6049

- 1 Amend amendment, H-6007, to Senate File 2403, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, by striking lines 27 and 28, and
 5 inserting the following:
 6 "_____. Page 8, by striking lines 10 through 22,
 7 and inserting the following: "prospective lessee
 8 whose rent does not include energy cost upon request."
 9 2. By renumbering as necessary.

Amendment H-6049 was adopted.

On motion by Johnson of Winneshiek, amendment H-6007, as amended, was adopted.

Neuhauser of Johnson offered the following amendment H—5973 filed by Neuhauser, et al.:

H—5973

1 Amend Senate File 2403, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 28, the
4 following:

5 "Sec. _____. Section 18.115, subsection 4,
6 unnumbered paragraph 2, Code Supplement 1989, is
7 amended to read as follows:

8 In conjunction with the requirements of section
9 18.3, subsection 1, effective January 1, 1990 1991,
10 the state vehicle dispatcher, and any other state
11 agency or local governmental political subdivision
12 purchasing motor vehicles for other than law
13 enforcement purposes, shall each year purchase new
14 passenger automobiles vehicles and light trucks such
15 that the average fuel efficiency for the fleet of new
16 passenger automobiles vehicles and light trucks
17 purchased in that year by the state vehicle dispatcher
18 is not less than two miles per gallon under or other
19 state agency or local governmental political
20 subdivision equals or exceeds the average fuel economy
21 standard for the automobiles' vehicles' model year as
22 established by the United States secretary of
23 transportation under 15 U.S.C. § 2002. This paragraph
24 does not apply to automobiles vehicles purchased for
25 any of the following: law enforcement purposes; off-
26 road maintenance work; or work vehicles used to pull
27 loaded trailers. The group of comparable automobiles
28 vehicles within the total fleet purchased by the state
29 vehicle dispatcher, or any other state agency or local
30 governmental political subdivision purchasing motor
31 vehicles for other than law enforcement purposes,
32 shall have an average fuel efficiency rating not less
33 than two miles per gallon under equal to or exceeding
34 the average fuel economy rating for that model year
35 for that class of comparable automobiles vehicles as
36 defined in 40 C.F.R. § 315-82. As used in this
37 paragraph, "fuel economy" means the average number of
38 miles traveled by an automobile per gallon of gasoline
39 consumed as determined by the United States
40 environmental protection agency administrator in
41 accordance with 26 U.S.C. § 4064(c). For purposes of
42 this paragraph, "state agency" includes, but is not
43 limited to, a community college or an institution
44 under the control of the state board of regents."

45 2. By striking page 1, line 31, through page 2,
46 line 13.

47 3. Page 2, line 14, by striking the letter "b"
48 and inserting the following: "a".

49 4. Page 3, by striking line 3 and inserting the
50 following:

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1 "b. As used in paragraph "a", "fuel economy"
2 means".

3 5. Page 12, by striking lines 3 through 16, and
4 inserting the following:

5 "Sec. _____. NEW SECTION. 214A.19 DEMONSTRATION
6 GRANTS AUTHORIZED.

7 1. The department of natural resources,
8 conditioned upon the availability of funds, is
9 authorized to award demonstration grants to persons
10 who purchase vehicles which operate on alternative
11 fuels, including but not limited to, high blend
12 ethanol, compressed natural gas, electricity, solar
13 energy, or hydrogen. A grant shall be for the purpose
14 of conducting research connected with the fuel or the
15 vehicle, and not for the purchase of the vehicle
16 itself, except that the money may be used for the
17 purchase of the vehicle if all of the following
18 conditions are satisfied:

19 a. The department retains the title to the
20 vehicle.

21 b. The vehicle is used for continuing research.

22 c. If the vehicle is sold or when the research
23 related to the vehicle is completed, the proceeds of
24 the sale of the vehicle shall be used for additional
25 research."

26 6. Page 12, by striking lines 18 through 24, and
27 inserting the following: "governors of other states
28 willing to cooperate to establish an alternative fuels
29 consortium. The purposes of the consortium may
30 include, but are not limited to, coordinating the
31 research, production, and marketing of alternative
32 fuels within the participating states. The consortium
33 may also coordinate presentation of consortium policy
34 on alternative fuels to automakers and federal
35 regulatory authorities."

36 7. By striking page 23, line 7, through page 25,
37 line 13, and inserting the following:

38 "Sec. _____.
39

40 1. The state department of transportation, in
41 consultation with units of local government, including
42 representatives of cities of 200,000 or more
43 population, cities of 50,000 or more but less than
44 200,000 population, and cities under 50,000
45 population, shall conduct, conditioned upon the
46 availability of funds, a comprehensive study of the
47 relationship between transportation planning, systems
48 development, and management to urban and rural
49 development, land use planning, and energy demand.
50 The purpose of the study shall be to identify
opportunities to improve the long-term energy

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1 efficiency of transportation, as well as to improve
2 traffic safety and service. The results of the study
3 shall be reported to the general assembly and shall
4 contain recommended policies and legislation.

5 The department may use any appropriation or other
6 funds available to it for the purpose of this study,
7 may contract with one or more universities located
8 within the state for assistance with the study, and
9 may contract with consultants for assistance with the
10 study as necessary. An interim report shall be made
11 to the general assembly by January 31, 1991.

12 2. The study shall include where appropriate:

13 a. An energy demand and planning survey to
14 determine the amounts of energy which is consumed for
15 transportation related purposes.

16 b. An analysis of regional commuting patterns.

17 c. Development of alternatives to commuting by
18 single occupant motor vehicles, including:

19 (1) A feasibility study for implementing light
20 rail passenger service as an alternative to highway
21 construction or expansion, including specifically
22 providing commuter service on existing rail lines in
23 the Cedar Rapids-Iowa City area and the Des Moines-
24 Ames area.

25 (2) A feasibility study for implementing high
26 occupancy vehicle (HOV) lanes during rush hours on
27 urban controlled access freeways or interstate
28 highways within metropolitan areas.

29 d. An evaluation of the need to conduct a trial
30 program, for a six-month period at minimum, of a ramp
31 metering system on at least one metropolitan
32 interchange of the interstate highway system.

33 e. The preparation of model legislation or rules
34 to encourage the creation and use of vanpools or
35 carpools for commuters. Proposed legislation or rules
36 may include, but are not limited to, an interest-free
37 loan program for vanpools and other incentives for the
38 formulation and operation of vanpools or carpools.

39 f. The preparation of a feasibility study of using
40 bike and pedestrian ways for movement of people from
41 residential areas to work centers as an alternative to
42 motor vehicles.

43 g. An analysis of the costs of each possible
44 solution which shall include environmental, health,
45 and other costs or benefits which are not otherwise
46 accounted for.

47 Sec. _____

48 The state department of transportation shall,
49 conditioned upon the availability of funds, compile an
50 inventory of traffic signals and their use in the

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1 state. The inventory shall be detailed enough to
2 allow consideration of the appropriateness of the
3 signals and their operation following the most current
4 policies both as identified by the institute of
5 transportation engineers and identified in the manual
6 on uniform traffic control devices for streets and
7 highways by the federal highway administration. The
8 assessment shall consider what improvements, if any,
9 should be made to signals to improve energy
10 efficiency, safety, and traffic service, and shall
11 consider what signals, if any, should be eliminated.
12 The department may identify and add other classes of
13 or uses of traffic control devices to the inventory,
14 and review the impact on energy usage, safety, and
15 traffic service of specified classes of traffic
16 control devices. The department shall recommend as
17 part of the comprehensive report any changes needed in
18 state statutes or policy to provide for the improved
19 management, control, and use of all traffic devices.
20 The inventory with a summary report shall be submitted
21 to the general assembly on or before January 31, 1992.

22 Sec. _____.

23 1. The state department of transportation, in
24 consultation with the department of management and
25 other appropriate public agencies, shall recommend
26 projects including but not limited to projects to
27 encourage additional public employees to carpool,
28 vanpool, or use public transportation.

29 2. Funds repaid from state transit assistance
30 loans pursuant to section 307.38 may be used as
31 necessary to provide the incentives for the projects.

32 3. The state department of transportation, in
33 consultation with the department of management, shall
34 report the recommendations to the general assembly on
35 or before January 1, 1991.

36 4. The report shall include the cost of providing
37 parking spaces at representative locations owned or
38 operated by state government, including the capitol
39 complex.

40 5. The report shall recommend specific sources of
41 funding for incentives and other related expenses for
42 promotion and administration.

43 Sec. _____.

44 The department of management, in consultation with
45 the department of natural resources, division of
46 energy and geological resources, shall conduct an
47 interest survey of state employees' interest in and
48 willingness to use telecommuting. The survey shall
49 especially target state employees whose primary duties
50 and services are typically performed by phone or upon

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1 a computer, and who currently have access to a
2 computer or other telecommunication equipment at work,
3 but need not be limited to such employees. The
4 results of the survey shall be presented to the
5 general assembly on or before January 15, 1991.

6 Sec. _____.

7 The department of natural resources shall make
8 recommendations to reduce fuel costs and other
9 expenses incurred by local school districts in both
10 urban and rural areas to transport students. The
11 recommendations may include methods or criteria for
12 the bus scheduling and other strategies deemed
13 economically feasible by the department.

14 Sec. _____.

15 The state board of education shall require driver
16 education courses offered by schools under the board's
17 jurisdiction to include instruction in the following
18 additional subject areas:

19 1. Routine maintenance of motor vehicles to
20 maximize energy efficiency and safety.

21 2. Operation of motor vehicles to maximize energy
22 efficiency and safety.

23 Sec. _____.

24 The department of natural resources, subject to the
25 availability of funds, shall contract with a qualified
26 person or persons to offer a free car care clinic at
27 least fourteen sites geographically distributed
28 throughout the state. Each such clinic shall inspect
29 vehicles of attendees and instruct owners and
30 operators of motor vehicles in the maintenance of
31 motor vehicles to maximize energy efficiency. Vehicle
32 inspections conducted at the clinic may include minor
33 adjustments, including, but not limited to, adjusting
34 belt tensions or inflating tires. The department
35 shall cooperate with appropriate vocational
36 educational programs to utilize students skilled in
37 the field to the extent possible. The administrator
38 shall coordinate with local officials and vocational
39 educational programs for each site the scheduling and
40 promotion of the clinic."

41 8. By striking page 25, line 14, through page 26,
42 line 20.

43 9. By striking page 26, line 21, through page 28,
44 line 20 and inserting the following:

45 "Sec. _____.

46 The department of natural resources shall develop a
47 proposal to phase in on a statewide basis, or on a
48 multistate basis, automotive tailpipe emission
49 standards as established by the state of California as
50 of January 1, 1990. The department shall submit the

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- 1 proposal to the general assembly on or before January
- 2 15, 1991."
- 3 10. By renumbering as necessary.

Neuhauser of Johnson offered the following amendment H—6136, to amendment H—5973, filed by her from the floor and moved its adoption:

H—6136

- 1 Amend the amendment, H—5973, to Senate File 2403,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 12, by inserting before the word
- 5 "motor" the following: "new".
- 6 2. Page 1, line 25, by inserting after the word
- 7 "purposes;" the following: "school buses;".

Amendment H—6136 was adopted.

Speaker Avenson in the chair at 4:45 p.m.

On motion by Neuhauser of Johnson, amendment H—5973, as amended, was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Fuller of Hardin, for the remainder of the day, on request of Fogarty of Palo Alto.

Swartz of Marshall offered the following amendment H—6141 filed by him from the floor and moved its adoption:

H—6141

- 1 Amend Senate File 2403 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting after line 28, the
- 4 following:
- 5 "Sec. _____. Section 15.109, Code 1989, is amended
- 6 by adding the following new subsection:
- 7 NEW SUBSECTION. 3. At the time the department
- 8 approves assistance for an applicant, provides the
- 9 person with information regarding the nature and
- 10 source of other technical assistance available in the
- 11 state to assist the applicant on design and management
- 12 matters concerning energy efficiency and waste
- 13 reduction. The department shall review the extent to
- 14 which recommendations made to grantees are in fact
- 15 implemented by the grantees."
- 16 2. Page 13, by striking lines 2 through 11.
- 17 3. By renumbering as necessary.

Amendment H—6141 was adopted.

Osterberg of Linn offered the following amendment H-6127 filed by him:

H-6127

1 Amend Senate File 2403, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 4, lines 23 and 24, by striking the words
4 "to produce each dollar of gross state product".

5 2. Page 13, by inserting after line 1, the
6 following:

7 "Sec. _____ NEW SECTION. 266.39C THE IOWA ENERGY
8 CENTER.

9 1. The Iowa energy center is established at Iowa
10 state university of science and technology. The
11 center shall strive to increase energy efficiency in
12 all areas of Iowa energy use. The center shall serve
13 as a model for state efforts to decrease dependence on
14 imported fuels and to decrease reliance on energy
15 production from nonrenewable, resource-depleting
16 fuels. The center shall conduct and sponsor research
17 on energy efficiency and conservation that will
18 improve the environmental, social, and economic well-
19 being of Iowans, minimize the environmental impact of
20 existing energy production and consumption, and reduce
21 the need to add new power plants.

22 The center shall assist Iowans in assessing
23 technology related to energy efficiency and
24 alternative energy production systems and shall
25 support educational and demonstration programs that
26 encourage implementation of energy efficiency and
27 alternative energy production systems.

28 The center shall also conduct and sponsor research
29 to develop alternative energy systems that are based
30 upon renewable sources and that will reduce the
31 negative environmental and economic impact of energy
32 production systems.

33 2. An advisory council is established consisting
34 of the following members:

35 a. One person from Iowa state university of
36 science and technology, appointed by its president.

37 b. One person from the university of Iowa,
38 appointed by its president.

39 c. One person from the university of northern
40 Iowa, appointed by its president.

41 d. One representative of private colleges and
42 universities within the state, to be nominated by the
43 Iowa association of independent colleges and
44 universities, and appointed by the Iowa coordinating
45 council for post-high school education.

46 e. One representative of community colleges,
47 appointed by the state board for community colleges.

48 f. One representative of the energy and geological
49 resources division of the department of natural

50 resources, appointed by the director.

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- 1 g. One representative of the state department of
2 transportation, appointed by the director.
- 3 h. One representative of the office of consumer
4 advocate, appointed by the consumer advocate.
- 5 i. One representative of the utilities board,
6 appointed by the utilities board.
- 7 j. One representative of the rural electric
8 cooperatives, appointed by the governing body of the
9 Iowa association of electric cooperatives.
- 10 k. One representative of municipal utilities,
11 appointed by the governing body of the Iowa
12 association of municipal utilities.
- 13 l. Two representatives from investor-owned
14 utilities, one representing gas utilities, appointed
15 by the Iowa utility association, and one representing
16 electric utilities, appointed by the Iowa utility
17 association.
- 18 The terms of the members shall begin and end as
19 provided in section 69.19 and any vacancy shall be
20 filled by the original appointing authority. The
21 terms shall be for four years and shall be staggered
22 as determined by the president of Iowa state
23 university of science and technology.
- 24 3. Iowa state university of science and technology
25 shall employ a director for the center, who shall be
26 appointed by the president of Iowa state university of
27 science and technology. The director of the center
28 shall employ necessary research and support staff.
29 The director and staff shall be employees of Iowa
30 state university of science and technology. No more
31 than five hundred thousand dollars of the funds made
32 available by appropriation from state revenues in any
33 one year shall be expended by the center for the
34 salaries and benefits of the employees of the center,
35 including the salary and benefits of the director.
36 The remainder of the funds appropriated from state
37 funds shall be used to sponsor research grants and
38 projects submitted on a competitive basis by Iowa
39 colleges and universities and private nonprofit
40 agencies and foundations. The center may also solicit
41 additional grants and funding from public and private
42 nonprofit agencies and foundations.
- 43 The director shall prepare an annual report.
- 44 4. The advisory council shall provide the
45 president of Iowa state university of science and
46 technology with a list of three candidates from which
47 the director shall be selected. The council shall
48 provide an additional list of three candidates if
49 requested by the president. The council shall advise
50 the director in the development of a budget, on the

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1 policies and procedures of the center, in the funding
2 of research grant proposals, and regarding program
3 planning and review."

4 3. Page 13, by striking lines 20 through 26 and
5 inserting the following: "the programs meet the
6 requirements of this paragraph."

7 4. By striking page 13, line 27, through page 14,
8 line 8, and inserting the following:

9 "Sec. _____. Section 476.1A, Code Supplement 1989,
10 is amended to read as follows:

11 476.1A APPLICABILITY OF AUTHORITY — CERTAIN
12 ELECTRIC UTILITIES.

13 Electric public utilities having less fewer than
14 ten thousand customers and electric cooperative
15 corporations and associations are not subject to the
16 rate regulation authority of the board. Such
17 utilities are subject to all other regulation and
18 enforcement activities of the board, including:

19 1. Assessment of fees for the support of the
20 division.

21 2. Safety and engineering standards for equipment,
22 operations, and procedures.

23 3. Assigned area of service.

24 4. Pilot projects of the board.

25 5. Assessment of fees for the support of the Iowa
26 energy center created in section 266.39C and the
27 center for global warming established by the state
28 board of regents.

29 6. Filing energy efficiency plans and energy
30 efficiency results with the board. The board may
31 permit these utilities to file joint plans.

32 The board may waive all or part of the energy
33 efficiency filing and review requirements for electric
34 cooperative corporations and associations and electric
35 public utilities which demonstrate superior results
36 with existing energy efficiency programs.

37 However, sections 476.20, 476.21, 476.41 through
38 476.44, 476.51, 476.56, 476.62, and 476.66 and
39 chapters 476A and 478, to the extent applicable, apply
40 to such electric utilities.

41 Electric cooperative corporations and associations
42 and electric public utilities exempt from rate
43 regulation under this section shall not make or grant
44 any unreasonable preferences or advantages as to rates
45 or services to any person or subject any person to any
46 unreasonable prejudice or disadvantage.

47 The board of directors or the membership of an
48 electric cooperative corporation or association
49 otherwise exempt from rate regulation may elect to
50 have the cooperative's rates regulated by the board.

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1 The board shall adopt rules prescribing the manner in
2 which the board of directors or the membership of an
3 electric cooperative may so elect. If the board of
4 directors or the membership of an electric cooperative
5 has elected to have the cooperative's rates regulated
6 by the board, after two years have elapsed from the
7 effective date of such election the membership of the
8 electric cooperative may elect to exempt the
9 cooperative from the rate regulation authority of the
10 board."

11 5. Page 14, by striking lines 9 through 27 and
12 inserting the following:

13 "Sec. _____. Section 476.1B; Code Supplement 1989,
14 is amended to read as follows:

15 476.1B APPLICABILITY OF AUTHORITY – MUNICIPALLY
16 OWNED UTILITIES.

17 1. Unless otherwise specifically provided by
18 statute, a municipally owned utility is not subject to
19 regulation by the board under this chapter, except for
20 regulatory action pertaining to:

21 a. Assessment of fees for the support of the
22 division and the office of consumer advocate, as set
23 forth in section 476.10.

24 b. Safety standards.

25 c. Assigned areas of service, as set forth in
26 sections 476.22 through 476.26.

27 d. Enforcement of civil penalties pursuant to
28 section 476.51.

29 e. Disconnection of service, as set forth in
30 section 476.20.

31 f. Discrimination against users of renewable
32 energy resources, as set forth in section 476.21.

33 g. Encouragement of alternate energy production
34 facilities, as set forth in sections 476.41 through
35 476.45.

36 h. Enforcement of section 476.56.

37 i. Enforcement of section 476.66.

38 j. Enforcement of section 476.62.

39 2. Municipally owned utilities shall be required
40 to adhere to the requirements of the following
41 sections of the Code but all rules and regulations to
42 enforce these sections shall lie with each local
43 municipal utility's governing board. The board has no
44 authority concerning these sections as they apply to
45 municipal utilities:

46 a. Peak load management techniques, as set forth
47 in section 476.17.

48 b. Promulgation of rules concerning the use of
49 energy conservation strategies, as set forth in
50 section 476.2.

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1 k. Assessment of fees for the support of the Iowa
2 energy center created in section 266.39C and the
3 global warming center created by the state board of
4 regents.

5 l. Filing energy efficiency plans and energy
6 efficiency results with the board. The board may
7 permit these utilities to file joint plans.

8 2. The board may waive all or part of the energy
9 efficiency filing and review requirements for
10 municipally owned utilities which demonstrate superior
11 results with existing energy efficiency programs."

12 6. By striking page 14, line 28, through page 15,
13 line 2, and inserting the following:

14 "Sec. _____. Section 476.1C, subsection 1, Code
15 1989, is amended to read as follows:

16 1. Gas public utilities having ~~less~~ fewer than two
17 thousand customers are not subject to the regulation
18 authority of the utilities board under this chapter
19 unless otherwise specifically provided. Sections
20 476.10, 476.20, 476.21, and 476.51 apply to such gas
21 utilities.

22 Gas public utilities having fewer than two thousand
23 customers shall be subject to the assessment of fees
24 for the support of the Iowa energy center created in
25 section 266.39C and the global warming center created
26 by the state board of regents and shall file energy
27 efficiency plans and energy efficiency results with
28 the board. The board may waive all or part of the
29 energy efficiency filing requirements if the gas
30 utility demonstrates superior results with existing
31 energy efficiency programs.

32 Gas public utilities having ~~less~~ fewer than two
33 thousand customers shall keep books, accounts, papers
34 and records accurately and faithfully in the manner
35 and form prescribed by the board. The board may
36 inspect the accounts of the utility at any time.

37 A gas public utility having ~~less~~ fewer than two
38 thousand customers may make effective a new or changed
39 rate, charge, schedule, or regulation after giving
40 written notice of the proposed new or changed rate,
41 charge, schedule, or regulation to all affected
42 customers served by the public utility. The notice
43 shall inform the customers of their right to petition
44 for a review of the proposal to the utilities board
45 within sixty days after notice is served if the
46 petition contains the signatures of at least one
47 hundred of the gas utility's customers. The notice
48 shall state the address of the utilities board. The
49 new or changed rate, charge, schedule, or regulation
50 takes effect sixty days after such valid notice is

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1 served unless a petition for review of the new or
2 changed rate, charge, schedule, or regulation signed
3 by at least one hundred of the gas utility's customers
4 is filed with the board prior to the expiration of the
5 sixty-day period.

6 If such a valid petition is filed with the board
7 within the sixty-day period, any new or changed rate,
8 charge, schedule, or regulation shall take effect,
9 under bond or corporate undertaking, subject to refund
10 of all amounts collected in excess of those amounts
11 which would have been collected under the rates or
12 charges finally approved by the board. The board
13 shall within five months of the date of filing make a
14 determination of just and reasonable rates based on a
15 review of the proposal, applying established
16 regulatory principles. The board may call upon the
17 gas public utility and its customers to furnish
18 factual evidence in support of or opposition to the
19 new or changed rate, charge, schedule, or regulation.
20 If the gas public utility disputes the finding, the
21 utility may within twenty days file for further
22 review, and the board shall docket the case as a
23 formal proceeding under section 476.6, subsection 7,
24 and set the case for hearing. The gas public utility
25 shall submit factual evidence and written argument in
26 support of the filing.

27 A gas public utility having less fewer than two
28 thousand customers shall not make effective a new or
29 changed rate, charge, schedule, or regulation which
30 relates to services for which a rate change is pending
31 within twelve months following the date the petition
32 to review the prior proposed rate, charge, schedule,
33 or regulation was filed with the board or until the
34 board has made its determination of just and
35 reasonable rates, whichever date is earlier, unless
36 the utility applies to the board for authority and
37 receives authority to make a subsequent rate change at
38 an earlier date.

39 Gas public utilities having less fewer than two
40 thousand customers shall not make or grant any
41 unreasonable preferences or advantages as to rates or
42 services to any person or subject any person to any
43 unreasonable prejudice or disadvantage. Rates charged
44 by a gas public utility having less than two thousand
45 customers for transportation of customer-owned gas
46 shall not exceed the actual cost of such
47 transportation services including a fair rate of
48 return."

49 7. Page 15, by striking lines 3 and 4, and
50 inserting the following:

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1 "Sec. _____. Section 476.2, Code 1989, is amended to
2 read as follows:

3 476.2 POWERS - RULES.

4 1. The board shall have broad general powers to
5 effect the purposes of this chapter notwithstanding
6 the fact that certain specific powers are hereinafter
7 set forth. The board shall have authority to issue
8 subpoenas and to pay the same fees and mileage as are
9 payable to witnesses in the courts of record of
10 general jurisdiction and shall establish all needful,
11 just and reasonable rules, not inconsistent with law,
12 to govern the exercise of its powers and duties, the
13 practice and procedure before it, and to govern the
14 form, contents and filing of reports, documents and
15 other papers provided for in this chapter or in the
16 board's rules. In the establishment, amendment,
17 alteration or repeal of any of such rules, the board
18 shall be subject to the provisions of chapter 17A.

19 2. The board shall employ at rates of compensation
20 consistent with current standards in industry such
21 professionally trained engineers, accountants,
22 attorneys, and skilled examiners and inspectors,
23 secretaries, clerks, and other employees as it may
24 find necessary for the full and efficient discharge of
25 its duties and responsibilities as required by this
26 chapter.

27 3. The board is hereby authorized and empowered to
28 intervene in any proceedings before the federal power
29 commission or any other federal or state regulatory
30 body when it finds that any decision of such tribunal
31 would adversely affect the costs of any public utility
32 service within the state of Iowa.

33 4. The board shall have authority to inquire into
34 the management of the business of all public
35 utilities, and shall keep itself informed as to the
36 manner and method in which the same is conducted, and
37 may obtain from any public utility all necessary
38 information to enable the board to perform its duties.

39 The board shall promulgate rules concerning the use
40 of energy conservation strategies by rate or service-
41 regulated gas and electric utilities by July 1, 1981.
42 The board may prescribe appropriate rates for any
43 approved energy conservation program. Nothing in this
44 paragraph subjects the rates of municipal utilities to
45 the regulatory authority of the board.

46 5. The board shall provide to the governor and the
47 general assembly on or before December 1, 1992, a
48 report on the level of intended energy efficiency
49 activity of nonrate-regulated utilities based on the
50 energy efficiency plans previously filed by the

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1 nonrate-regulated utilities. The report shall include
 2 any recommendations of the board for legislative
 3 action.

4 6. The board shall provide to the governor and
 5 general assembly on or before December 1, 1994, a
 6 report on the results of implementation of the energy
 7 efficiency plans filed with the board by nonrate-
 8 regulated utilities. The report shall include any
 9 recommendations of the board for legislative action.

10 7. The board shall notice rules concerning the
 11 filing requirements for energy efficiency plans by
 12 rate-regulated gas and electric utilities on or before
 13 October 1, 1990. Rate-regulated gas and electric
 14 utilities shall be required to file initial plans no
 15 later than four months after the effective date of the
 16 rules required by this subsection. The board shall
 17 also adopt rules concerning the filing requirements
 18 for energy efficiency plans by all other utilities."

19 8. Page 15, by striking lines 5 through 13.

20 9. By striking page 15, line 17, through page 16,
 21 line 2.

22 10. Page 16, by striking lines 6 through 22.

23 11. Page 16, by inserting after line 25 the
 24 following:

25 "Sec. _____. Section 476.6, subsection 17, Code
 26 Supplement 1989, is amended to read as follows:

27 **17. COMPREHENSIVE ENERGY MANAGEMENT REQUIRED FOR**
 28 **ELECTRIC UTILITIES.** An electric utility shall not
 29 have an increased revenue requirement finally approved
 30 under this section in any application for increased
 31 rates filed on or after January 1, 1992, unless the
 32 utilities board finds that the electric utility has in
 33 effect a comprehensive energy management program which
 34 meets the primary objectives of section 476A.6,
 35 subsection 4."

36 12. Page 17, by inserting after line 12, the
 37 following:

38 "b. An energy efficiency plan and budget shall be
 39 designed to expend annually, at a minimum, the
 40 following designated percentage of the gas and
 41 electric rate-regulated utility's gross operating
 42 revenues during the previous calendar year derived
 43 from intrastate public utility operations:

44 (1) For electric rate-regulated utilities, two
 45 percent.

46 (2) For gas rate-regulated utilities, one and one-
 47 half percent.

48 A rate-regulated electric utility or rate-regulated
 49 gas utility shall have the designated expenditure
 50 requirement included in its energy efficiency plan and

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1 budget on or before January 1, 1992. The board may
2 waive up to twenty-five percent of the spending
3 requirement for an individual utility until the next
4 biennial energy efficiency plan and budget review if
5 the board determines after the contested case
6 proceeding in section 476.6, subsection 19, paragraph
7 "a", that the expenditure level of the energy
8 efficiency programs included in the utility's approved
9 energy efficiency plan is less than the spending
10 requirement.

11 Energy efficiency expenditures incurred on or after
12 July 1, 1990, may be included in a utility's initial
13 energy efficiency plan and budget submitted pursuant
14 to paragraph "a".

15 c. A rate-regulated utility shall submit for
16 consideration in its energy efficiency plan, at a
17 minimum, the following programs, where relevant to the
18 utility's services:

19 (1) A hot water heater insulation blanket
20 distribution program.

21 (2) A commercial lighting program.

22 (3) A rebate, coupon, or other program for
23 purchases of goods, including but not limited to light
24 bulbs, which contribute to energy efficiency.

25 (4) A tree planting program to moderate the
26 physical environment and to consume atmospheric carbon
27 dioxide resulting from burning fossil fuels within the
28 state for energy; provided, however, that the tree
29 planting program is not required to itself be energy
30 efficient or cost effective.

31 (5) A cooperative program with any community
32 action agency within the utility's service area to
33 implement countywide or communitywide energy
34 efficiency programs for qualified low-income persons.

35 Each of these programs, except the tree planting
36 program contained in subparagraph (4), shall be
37 approved as part of the utility's plan only if the
38 board determines the program to be cost effective for
39 that utility."

40 13. Page 17, line 13, by striking the letter "b."
41 and inserting the following: "d."

42 14. Page 17, line 18, by inserting after the word
43 "board" the following: "; provided, however, that the
44 board shall not allow energy efficiency to be
45 represented in customer billings as a separate cost or
46 expense".

47 15. Page 17, by striking lines 26 through 30, and
48 inserting the following: "implementation of the
49 energy efficiency project. The board may treat the
50 expenditures and related costs incurred by a utility

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1 pursuant to the utility's approved energy efficiency
2 plan and budget as capital items for ratemaking
3 purposes. Recovery pursuant to this paragraph shall
4 not be allowed until eighteen months after the board's
5 final order in the initial contested case to review a
6 utility's proposed energy efficiency plan and budget
7 pursuant to paragraph "a."

8 16. By striking page 17, line 31 through page 18,
9 line 6, and inserting the following:

10 "e. In addition to the expenditures and related
11 costs collected pursuant to section 476.6, subsection
12 19, paragraph "d", if the board determines sufficient
13 justification exists for assessing a reward or penalty
14 on the utility for its performance regarding energy
15 efficiency, the board may allow the utility to collect
16 an amount as a reward or may require an amount to be
17 deducted from the recovery of expenditures and related
18 costs as a penalty. The rewards and penalties of this
19 paragraph shall be in addition to the provisions of
20 section 476.52.

21 f. The legislative council shall consider the
22 appointment of a legislative interim study committee
23 in 1996 to review the success or failure of the
24 substantive and procedural provisions for energy
25 efficiency cost recovery contained in this section.
26 The interim study committee, if appointed, shall make
27 recommendations to the general assembly on any
28 required changes due to the experience gained from the
29 previous two biennial energy efficiency plan and
30 budget cycles."

31 17. Page 19, by inserting after line 5, the
32 following:

33 "Sec. _____. Section 476.10, unnumbered paragraph 4,
34 Code Supplement 1989, is amended to read as follows:

35 Whenever the board shall deem it necessary in order
36 to carry out the duties imposed upon it in connection
37 with rate regulation under section 476.6,
38 investigations under section 476.3, or review
39 proceedings under section 476.31, the board may employ
40 additional temporary or permanent staff, or may
41 contract with persons who are not state employees for
42 engineering, accounting, or other professional
43 services, or both. The costs of these additional
44 employees and contract services shall be paid by the
45 public utility whose rates are being reviewed in the
46 same manner as other expenses are paid under this
47 section. The board shall increase quarterly
48 assessments specified in unnumbered paragraph two, by
49 amounts necessary to enable the board to hire
50 additional staff and contract for services under this

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1 section. The authority to hire additional temporary
2 or permanent staff that is granted to the board by
3 this section shall not be subject to limitation by any
4 administrative or executive order or decision that
5 restricts the number of state employees or the filling
6 of employee vacancies, and shall not be subject to
7 limitation by any law of this state that restricts the
8 number of state employees or the filling of employee
9 vacancies unless that law is made applicable to this
10 section by express reference to this section. Before
11 the board expends or encumbers an amount in excess of
12 the funds budgeted for rate regulation and before the
13 board increases quarterly assessments pursuant to this
14 paragraph, the director of the department of
15 management shall approve the expenditure or
16 encumbrance. Before approval is given, the director
17 of the department of management shall determine that
18 the expenses exceed the funds budgeted by the general
19 assembly to the board for rate regulation and that the
20 board does not have other funds from which the
21 expenses can be paid. Upon approval of the director
22 of the department of management the board may expend
23 and encumber funds for the excess expenses, and
24 increase quarterly assessments to raise the additional
25 funds. The board and the office of consumer advocate
26 may add additional personnel or contract for
27 additional assistance to review and evaluate energy
28 efficiency plans and the implementation of energy
29 efficiency programs including, but not limited to,
30 professionally trained engineers, accountants,
31 attorneys, skilled examiners and inspectors, and
32 secretaries and clerks. The board and the office of
33 the consumer advocate may expend additional sums
34 beyond those sums appropriated. However, the
35 authority to add additional personnel or contract for
36 additional assistance must first be approved by the
37 department of management. The additional sums shall
38 be provided to the board and the office of the
39 consumer advocate by the utilities subject to the
40 energy efficiency requirements in this chapter. The
41 assessments shall be in addition to and separate from
42 the quarterly assessment.

43 Sec. _____. **NEW SECTION. 476.10A FUNDING FOR IOWA**
44 **ENERGY CENTER AND GLOBAL WARMING CENTER.**

45 The board shall direct all gas and electric
46 utilities to remit to the treasurer of state one-tenth
47 of one percent of the total gross operating revenues
48 during the last calendar year derived from their
49 intrastate public utility operations. The board shall
50 by rule provide a schedule for remittances which shall

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1 require that the first remittance be made not before
2 July 1, 1991. The amounts collected pursuant to this
3 section shall be in addition to the amounts permitted
4 to be assessed pursuant to section 476.10. The board
5 shall allow inclusion of these amounts in the budgets
6 approved by the board pursuant to section 476.6,
7 subsection 19, paragraph "a". Eighty-five percent of
8 the remittances collected pursuant to this section is
9 appropriated to the Iowa energy center created in
10 section 266.39C. Fifteen percent of the remittances
11 collected pursuant to this section is appropriated to
12 the center for global warming established by the state
13 board of regents."

14 18. Page 19, by striking lines 23 through 27, and
15 inserting the following:

16 "Sec. _____. Section 476.43, subsection 3,
17 unnumbered paragraph 1, Code 1989, is amended by
18 striking the unnumbered paragraph and inserting in
19 lieu thereof the following:

20 The board may adopt individual utility or uniform
21 statewide facility rates. The board shall consider
22 the following factors in setting individual or uniform
23 rates:"

24 19. Page 19, by inserting after line 32, the
25 following:

26 "NEW PARAGRAPH. g. If the board adopts uniform
27 statewide rates, the board shall use representative
28 data in lieu of utility specific information in
29 applying the factors listed in paragraphs "a" through
30 "f"."

31 20. Page 21, line 21, by striking the word
32 "twenty" and inserting the following: "twenty-five".

33 21. Page 21, line 31, by striking the word
34 "twenty" and inserting the following: "twenty-five".

35 22. Page 23, by inserting after line 6, the
36 following:

37 "Sec. _____.
38

39 The department of natural resources shall make
40 recommendations to the general assembly on or before
41 January 1, 1991, on whether Iowa should adopt
42 appliance standards and the extent to which such state
43 appliance standards are not preempted by federal law.
44 As used in this section "appliance" includes, but is
45 not limited to, air conditioners, space heaters,
46 commercial lighting, cooling, and cooking devices, and
47 refrigerators."

48 23. By renumbering, relettering, and
redesignating as necessary.

Bisignano of Polk asked and received unanimous consent to defer action on amendment H-6140.

Osterberg of Linn offered the following amendment H-6137, to amendment H-6127, filed by him and Johnson of Winneshiek from the floor and moved its adoption:

H-6137

- 1 Amend the amendment, H-6127, to Senate File 2403,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 9, line 2, by striking the words "up to
- 5 twenty-five percent of".
- 6 2. Page 9, lines 3 and 4, by striking the words
- 7 "until the next biennial energy efficiency plan and
- 8 budget review".
- 9 3. Page 9, by inserting after line 41, the
- 10 following:
- 11 "_____. Page 17, line 15, by striking the word
- 12 "practices" and inserting the following:
- 13 "implementation of the utility's approved energy
- 14 efficiency plan and budget"."
- 15 4. Page 9, by inserting after line 46, the
- 16 following:
- 17 "_____. Page 17, line 22, by striking the word
- 18 "may" and inserting the following: "shall"."
- 19 5. By renumbering as necessary.

Amendment H-6137 was adopted.

Muhlbauer of Crawford offered the following amendment H-6134, to amendment H-6127, filed by him and Peterson of Carroll from the floor and moved its adoption:

H-6134

- 1 Amend the amendment, H-6127, to Senate File 2403,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. By striking page 11, line 43, through page 12,
- 5 line 13.
- 6 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 12, nays 43.

Amendment H-6134 lost.

Bisignano of Polk asked and received unanimous consent to withdraw amendment H-6140, previously deferred, to amendment H-6127, filed by him from the floor.

On motion by Osterberg of Linn, amendment H-6127, as amended, was adopted.

The following amendments were withdrawn by unanimous consent:

H-5802 filed by Muhlbauer of Crawford on March 21, 1990.

H-5904 filed by Shearer of Louisa on March 27, 1990.

Muhlbauer of Crawford offered the following amendment H-5931 filed by him and Shearer of Louisa and moved its adoption:

H-5931

- 1 Amend Senate File 2403, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 6, by inserting after line 22, the
- 4 following:
- 5 "Sec. _____. Section 93.13A, Code Supplement 1989,
- 6 is amended by adding the following new unnumbered
- 7 paragraph:
- 8 NEW UNNUMBERED PARAGRAPH. The department shall not
- 9 require a school district, area school, area education
- 10 agency, city, or county to perform an engineering
- 11 analysis if the school district, area education
- 12 agency, city, or county demonstrates to the department
- 13 that the facility which is the subject of the proposed
- 14 engineering analysis at issue is unlikely to be in use
- 15 or operation in six years by the governmental entity
- 16 currently using or occupying the facility."
- 17 2. By renumbering as necessary.

Amendment H-5931 was adopted.

Koenigs of Mitchell in the chair at 5:45 p.m.

Schrader of Marion offered amendment H-6047 filed by him and requested division as follows:

H-6047

- 1 Amend Senate File 2403, as amended, passed, and
- 2 reprinted by the Senate, as follows:

H-6047A

- 3 1. Page 7, line 28, by inserting after the word
- 4 "of" the following: "new".
- 5 2. Page 7, by striking lines 29 and 30, and
- 6 inserting the following:
- 7 "2. a. The energy efficiency rating shall be
- 8 disclosed at the request of the prospective purchaser
- 9 according to the terms of the offer to purchase."
- 10 3. Page 8, line 2, by striking the word "buyer"

H-6047A

- 11 and inserting the following: "purchaser".
- 12 4. Page 8, line 6, by striking the word "buyer"
- 13 and inserting the following: "purchaser".

H-6047B

- 14 5. Page 8, by striking lines 10 through 15, and
- 15 inserting the following: "prospective lessee whose
- 16 rent does not include energy cost upon request. The
- 17 prospective lessee may withdraw an".

H-6047A

- 18 6. Page 8, line 26, by inserting after the word
- 19 "building" the following: "design".
- 20 7. Page 8, line 27, by striking the word
- 21 "guidelines" and inserting the following:
- 22 "standards".
- 23 8. Page 8, by striking lines 28 through 30 and
- 24 inserting the following: "the department."
- 25 9. Page 9, by striking lines 6 through 8, and
- 26 inserting the following:
- 27 "(3) Notice to the prospective purchaser that the
- 28 seller must disclose a building's energy efficiency
- 29 rating upon the prospective purchaser's request."
- 30 10. By renumbering as necessary.

The Speaker announced that lines 10 through 13 of amendment H-6047A were out of order with the previous adoption of amendment H-6007.

On motion by Schrader of Marion, amendment H-6047A (excluding lines 10 through 13) was adopted.

Schrader of Marion asked and received unanimous consent to withdraw amendment H-6047B.

Trent of Muscatine asked and received unanimous consent to withdraw amendment H-6124 filed by Trent, et al., on April 4, 1990.

Hibbard of Madison offered the following amendment H-5599 filed by him and Neuhauser of Johnson and moved its adoption:

H-5599

- 1 Amend Senate File 2403, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 28, by inserting after line 20, the
- 4 following:
- 5 "Sec. _____.
- 6 The state department of transportation, shall in
- 7 consultation with other persons expert in the field of

- 8 asphalt or cement construction, investigate the use of
 9 asphalt or cement-based railroad bed construction for
 10 the following classes:
 11 1. Light passenger rail service.
 12 2. Freight rail service.
 13 3. Passenger rail service.
 14 4. High speed passenger rail service.
 15 The research shall include an analysis of the
 16 comparative energy efficiency and life-cycle cost of
 17 asphalt or cement-based railroad bed construction
 18 compared to alternatives in each class of rail
 19 service."
 20 2. By renumbering as necessary.

Amendment H—5599 lost.

Johnson of Winneshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2403)

The ayes were, 72:

Adams	Arnould	Avenson, Spkr.	Beaman
Beatty	Bisignano	Black	Blanshan
Brammer	Brand	Brown	Buhr
Chapman	Clark	Cohoon	Connors
Corbett	Doderer	Dvorsky	Fey
Fogarty	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harper
Hatch	Haverland	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Lageschulte
Lundby	Lykam	May	McKean
McKinney	Metcalf	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peterson, M. K.	Poncy
Renaud	Rosenberg	Schrader	Shearer
Shoning	Shoultz	Siegrist	Spear
Spenner	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Koenigs
			Presiding

The nays were, 23:

Banks	Bennett	Branstad	Carpenter
Daggett	De Groot	Diemer	Eddie
Garman	Halvorson, R. A.	Harbor	Hermann
Iverson	Kremer	Maulsby	Mertz
Miller	Peters	Petersen, D. F.	Plasier
Renken	Royer	Schnekloth	

Absent or not voting, 5:

Fuller
Swartz

Sherzan

Stueland

Svoboda

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

Speaker Avenson in the chair at 6:00 p.m.

IMMEDIATE MESSAGE
(Senate File 2403)

Arnould of Scott asked and received unanimous consent that Senate File 2403 be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 5, 1990, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 2488, a bill for an act relating to the characterization of certain corporate shares as issued, but not outstanding, shares, and making conforming amendments to reflect adoption of chapter 490, the new Iowa model business corporation Act.

Also: That the Senate has on April 5, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2546, a bill for an act relating to child day care and the state child and dependent care tax credit and providing a retroactive applicability date.

Also: That the Senate has, on April 5, 1990, insisted on its amendment to House File 2554, a bill for an act relating to county tax and services provisions by appropriating funds for state assistance to counties for certain services to the chronically mentally ill, by modifying the mobile home tax reduction for the elderly and disabled, the property tax credit and rent reimbursement for the elderly and disabled, by increasing the amount of credit and reimbursement, creating a family farm tax credit, and providing a penalty, and effective and applicability dates, and the members of the Conference Committee on the part of the Senate are: The Senator from Marion, Senator Dieleman, Chair; the Senator from Story, Senator Bruner; the Senator from Tama, Senator Husak; the Senator from Muscatine, Senator Drake; the Senator from Potawattamie, Senator Hester.

JOHN F. DWYER, Secretary

INTRODUCTION OF BILL

House File 2566, by committee on ways and means, a bill for an act relating to the repeal of a local option sales and services tax.

Read first time and placed on the **ways and means calendar**.

SENATE MESSAGE CONSIDERED

Senate File 2428, by committee on appropriations, a bill for an act relating to and making appropriations of federal and other nonstate funds including funds made available from federal block 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 or if categorical grants are consolidated into new or existing block grants.

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

SENATE AMENDMENT CONSIDERED

Osterberg of Linn called up for consideration **House File 2407**, a bill for an act relating to the designation, inventory, and protection of wetlands, providing a civil penalty for violations, and providing a property tax exemption for wetlands, amended by the Senate, and moved that the House concur in the following Senate amendment H-6115:

H-6115

- 1 Amend House File 2407, as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 13, by inserting after the word
- 4 "district" the following: "or levee district".
- 5 2. Page 5, by striking lines 23 through 28 and
- 6 inserting the following: "prairie by a county
- 7 conservation board or by the department of natural
- 8 resources in an area not served by a county
- 9 conservation board or land designated as a protected
- 10 wetland by the department of natural resources
- 11 pursuant to section 108.12. Application for the
- 12 exemption shall be made on".
- 13 3. Page 5, line 29, by inserting after the word
- 14 "finance." the following: "Land designated as a
- 15 protected wetland shall be assessed at a value equal
- 16 to the average value of the land where the wetland is
- 17 located and which is owned by the person granted the
- 18 exemption."
- 19 4. Page 6, line 9, by inserting before the word
- 20 "wetland" the following: "protected".
- 21 5. Page 6, by inserting after line 25 the
- 22 following:
- 23 "The assessing authority each year may submit to
- 24 the department a claim for reimbursement of tax
- 25 revenue lost from the exemption. Upon receipt of the
- 26 claim, the department shall reimburse the assessing
- 27 authority an amount equal to the lost tax revenue
- 28 based on the value of the protected wetland as

29 assessed by the authority, unless the department
 30 reimburses the authority based upon a departmental
 31 assessment of the protected wetland. The authority
 32 may contest the department's assessment as provided in
 33 chapter 17A. The department is not required to honor
 34 a claim submitted more than sixty days after the
 35 authority has assessed land where the protected
 36 wetland is located and which is owned by the person
 37 granted the exemption."

38 6. Page 7, by inserting after line 2 the
 39 following:

40 "Sec. _____. Section 654B.8, subsection 4, as
 41 enacted in 1990 Iowa Acts, House File 2404, section
 42 22, is amended to read as follows:

43 4. If the parties waive mediation, or if a
 44 mediation agreement is not reached, the parties may
 45 sign a statement prepared by the mediator that
 46 mediation was waived or that the parties did not reach
 47 an agreement. If any party does not sign the
 48 statement, the mediator shall sign the statement. The
 49 statement constitutes a mediation release. ~~Unless the~~
 50 ~~farm resident waives mediation, the department shall~~

Page 2

1 not receive a mediation release until the party has
 2 participated in at least one mediation meeting."

3 7. Title page, line 2, by inserting after the
 4 word "wetlands," the following: "providing for
 5 mediation,".

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

The motion prevailed and the House concurred in the Senate amendment H-6115.

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

On the question "Shall the bill pass?" (H.F. 2407)

The ayes were, 72:

- | | | | |
|----------|---------------|------------------|------------------|
| Adams | Arnould | Beatty | Black |
| Blanshan | Brammer | Brand | Branstad |
| Brown | Buhr | Carpenter | Chapman |
| Clark | Cohoon | Connors | Corbett |
| Diemer | Doderer | Dvorsky | Fey |
| Fogarty | Groninga | Halvorson, R. A. | Halvorson, R. N. |
| Hammond | Hansen, S. D. | Hanson, D. R. | Harper |
| Hatch | Haverland | Holveck | Jay |

Jesse	Jochum	Johnson	Knapp
Kremer	Lageschulte	Lundby	Lykam
May	McKean	McKinney	Mertz
Metcalf	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Swartz	Tabor	Teaford
Trent	Tyrrell	Wise	Mr. Speaker
			Avenson

The nays were, 22:

Banks	Beaman	Bennett	Daggett
De Groot	Eddie	Garman	Harbor
Hermann	Hester	Iverson	Kistler
Koenigs	Maulsby	Miller	Pellett
Petersen, D. F.	Plasier	Renken	Royer
Schnekloth	Van Maanen		

Absent or not voting, 6:

Bisignano	Fuller	Gruhn	Hibbard
Stueland	Svoboda		

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

HOUSE INSISTS

Pavich of Pottawattamie called up for consideration **House File 2329**, a bill for an act relating to elections and election procedures, and moved that the House insist on its amendment, which motion prevailed.

CONFERENCE COMMITTEE APPOINTED (House File 2329)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2329: Pavich of Pottawattamie, Chair; Lundby of Linn, Halvorson of Webster, Spenner of Henry and Knapp of Dubuque.

SENATE AMENDMENT CONSIDERED

Rosenberg of Story called up for consideration **House File 2551**, a bill for an act relating to taxes administered and fees collected by the department of revenue and finance including technical corrections, payment and liability for certain sales and use taxes, special fuel taxes, income tax, franchise tax, inheritance tax, and providing for certain retroactive applicability and effective dates, amended by the Senate amendment H—6046 as follows:

H-6046

1 Amend House File 2551, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 6, by inserting after line 9 the
4 following:

5 "Sec. _____. Section 422.43, subsection 11,
6 unnumbered paragraph 1, Code 1989, is amended to read
7 as follows:

8 The following enumerated services are subject to
9 the tax imposed on gross taxable services: Alteration
10 and garment repair; armored car; automobile repair;
11 battery, tire and allied; investment counseling;
12 service charges of all financial institutions; barber
13 and beauty; boat repair; car wash and wax; carpentry;
14 roof, shingle, and glass repair; dance schools and
15 dance studios; dry cleaning, pressing, dyeing, and
16 laundering; electrical and electronic repair and
17 installation; rental of tangible personal property,
18 except mobile homes which are tangible personal
19 property; excavating and grading; farm implement
20 repair of all kinds; flying service; furniture, rug,
21 upholstery repair and cleaning; fur storage and
22 repair; golf and country clubs and all commercial
23 recreation; house and building moving; household
24 appliance, television, and radio repair; jewelry and
25 watch repair; machine operator; machine repair of all
26 kinds; motor repair; motorcycle, scooter, and bicycle
27 repair; oilers and lubricators; office and business
28 machine repair; painting, papering, and interior
29 decorating; parking facilities; pipe fitting and
30 plumbing; wood preparation; licensed executive search
31 agencies; private employment agencies, excluding
32 services for placing a person in employment where the
33 principal place of employment of that person is to be
34 located outside of the state; sewing and stitching;
35 shoe repair and shoeshine; storage warehousing of raw
36 agricultural products; telephone answering service;
37 test laboratories, except tests on humans; termite,
38 bug, roach, and pest eradicators; tin and sheet metal
39 repair; turkish baths, massage, and reducing salons;
40 weighing; welding; well drilling; wrapping, packing,
41 and packaging of merchandise other than processed
42 meat, fish, fowl and vegetables; wrecking service;
43 wrecker and towing; cable pay television; campgrounds;
44 carpet and upholstery cleaning; gun and camera repair;
45 janitorial and building maintenance or cleaning; lawn
46 care, landscaping and tree trimming and removal; pet
47 grooming; reflexology; security and detective
48 services; tanning beds or salons; and water
49 conditioning and softening."

50 2. Page 6, by inserting after line 32 the fol-

Page 2

1 lowing:

2 "Sec. _____. Section 422.45, subsection 7, Code

3 Supplement 1989, is amended to read as follows:

4 7. A private nonprofit educational institution in

5 this state, nonprofit private museum or a tax-

6 certifying or tax-levying body or governmental

7 subdivision of the state, including the state board of

8 regents, state department of human services, state

9 department of transportation, a municipally owned

10 solid waste facility which sells all or part of its

11 processed waste as fuel to a municipally owned public

12 utility, and all divisions, boards, commissions,

13 agencies or instrumentalities of state, federal,

14 county or municipal government which do not have

15 earnings going to the benefit of an equity investor or

16 stockholder may make application to the department for

17 the refund of the sales, services, or use tax upon the

18 gross receipts of all sales of goods, wares or

19 merchandise, or from services rendered, furnished, or

20 performed, to a contractor, used in the fulfillment of

21 a written contract with the state of Iowa, any

22 political subdivision of the state, or a division,

23 board, commission, agency or instrumentality of the

24 state or a political subdivision, ~~or~~ a private

25 nonprofit educational institution in this state, ~~or~~ a

26 nonprofit private museum if the property becomes a

27 integral part of the project under contract and at the

28 completion of the project becomes public property, ~~or~~

29 is devoted to educational uses; or becomes a nonprofit

30 private museum except goods, wares or merchandise or

31 services rendered, furnished, or performed used in the

32 performance of any contract in connection with the

33 operation of any municipal utility engaged in selling

34 gas, electricity, or heat to the general public; and

35 except goods, wares, and merchandise used in the

36 performance of a contract for a "project" under

37 chapter 419 as defined in that chapter other than

38 goods, wares or merchandise used in the performance of

39 a contract for a "project" under chapter 419 for which

40 a bond issue was or will have been approved by a

41 municipality prior to July 1, 1968, or for which the

42 goods, wares, or merchandise becomes an integral part

43 of the project under contract and at the completion of

44 the project becomes public property or is devoted to

45 educational uses.

46 a. Such contractor shall state under oath, on

47 forms provided by the department, the amount of such

48 sales of goods, wares or merchandise or services

49 rendered, furnished, or performed and used in the

50 performance of such contract, and upon which sales or

Page 3

1 use tax has been paid, and shall file such forms with
2 the governmental unit, ~~or private nonprofit~~
3 educational institution, or nonprofit private museum
4 which has made any written contract for performance by
5 ~~said the contractor. Such~~ The forms shall be filed by
6 the contractor with the governmental unit, ~~or~~
7 educational institution, or nonprofit private museum
8 before final settlement is made.

9 b. Such governmental unit, ~~or educational~~
10 institution, or nonprofit private museum shall, not
11 more than six months after the final settlement has
12 been made, make application to the department for any
13 refund of the amount of such sales or use tax which
14 shall have been paid upon any goods, wares or
15 merchandise, or services rendered, furnished, or
16 performed, such application to be made in the manner
17 and upon forms to be provided by the department, and
18 the department shall forthwith audit such claim and,
19 if approved, issue a warrant to such governmental
20 unit, ~~or educational institution, or nonprofit private~~
21 museum in the amount of such sales or use tax which
22 has been paid to the state of Iowa under such
23 contract.

24 c. Any contractor who shall willfully make false
25 report of tax paid under the provisions of this
26 subsection shall be guilty of a simple misdemeanor and
27 in addition thereto shall be liable for the payment of
28 the tax with and any applicable penalty and interest
29 ~~thereon.~~

30 Sec. _____. Section 422.45, Code Supplement 1989, is
31 amended by adding the following new subsection:

32 NEW SUBSECTION. 43. The gross receipts of all
33 sales of goods, wares, merchandise, or services, used
34 for educational, scientific, historic preservation, or
35 aesthetic purpose to a nonprofit private museum."

36 3. Page 6, by inserting after line 32 the fol-
37 lowing:

38 "Sec. _____. Section 422.45, Code Supplement 1989,
39 is amended by adding the following new subsection:

40 NEW SUBSECTION. 44. The gross receipts from the
41 sale of tangible personal property or the sale,
42 furnishing, or servicing of electrical energy, natural
43 or artificial gas, or communication service to another
44 state or political subdivision of another state if the
45 other state provides a similar reciprocal exemption
46 for this state and political subdivisions of this
47 state."

48 4. Page 6, by inserting after line 32 the follow-
49 ing:

50 "Sec. _____. Section 422.45, Code Supplement 1989,

Page 4

- 1 is amended by adding the following new subsection:
 2 **NEW SUBSECTION, 45.** The gross receipts from the
 3 sale of tangible personal property consisting of
 4 advertising material including paper to a person in
 5 Iowa if that person or that person's agent will,
 6 subsequent to the sale, send that advertising material
 7 outside this state and the material is subsequently
 8 used solely outside of Iowa. For the purpose of this
 9 subsection, "advertising material" means any brochure,
 10 catalog, leaflet, flyer, order form, return envelope,
 11 or similar item used to promote sales of property or
 12 services."
 13 5. Page 9, line 4, by inserting after the word
 14 "property." the following: "Subject to the previous
 15 provision, a liability is deductible whether or not
 16 the liability is legally enforceable against the
 17 decendent's estate."
 18 6. By renumbering, relettering, or redesignating
 19 and correcting internal references as necessary.

Neuhauser of Johnson in the chair at 6:30 p.m.

Corbett of Linn offered the following amendment H—6053, to the Senate amendment H—6046, filed by Corbett, et al., and moved its adoption:

H—6053

- 1 Amend the Senate amendment, H—6046, to House File
 2 2551, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 1, by inserting after line 2 the
 5 following:
 6 "_____. Page 2, by striking lines 27 through 35."
 7 2. Page 4, by inserting after line 17 the
 8 following:
 9 "_____. Page 9, by striking lines 9 through 11."

A non-record roll call was requested.

The ayes were 35, nays 45.

Amendment H—6053 lost.

Speaker Avenson in the chair at 6:46 p.m.

Schnekloth of Scott offered the following amendment H—6057, to the Senate amendment H—6046, filed by Schnekloth, et al., and moved its adoption:

H-6057

- 1 Amend the Senate amendment, H-6046, to House File
 2 2551, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 1, lines 35 and 36, by striking the words
 5 "storage warehousing of raw agricultural products;"
 6 and inserting the following: "storage warehousing of
 7 raw agricultural products;"

Amendment H-6057 lost.

On motion by Rosenberg of Story, the House concurred in the Senate amendment H-6046.

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

On the question "Shall the bill pass?" (H.F. 2551)

The ayes were, 71:

Adams	Arnould	Beaman	Beatty
Black	Blanshan	Brammer	Brand
Brown	Buhr	Carpenter	Chapman
Cohoon	Connors	Daggett	Diemer
Doderer	Dvorsky	Fey	Fogarty
Garman	Groning	Gruhn	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lundby	Lykam	May	McKinney
Mertz	Metcalf	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peters	Poncy	Renaud
Rosenberg	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Swartz	Tabor	Teaford	Trent
Tyrrell	Wise	Mr. Speaker	
		Avenson	

The nays were, 23:

Banks	Bennett	Branstad	Clark
Corbett	De Groot	Eddie	Halvorson, R. A.
Halvorson, R. N.	Hermann	Hester	Iverson
Lageschulte	Maulsby	McKean	Miller
Pellett	Petersen, D. F.	Plasier	Renken
Royer	Schneklath	Van Maanen	

Absent or not voting, 6:

Bisignano
Stueland

Fuller
Svoboda

Peterson, M. K.

Shearer

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

IMMEDIATE MESSAGE
(House File 2551)

Arnould of Scott asked and received unanimous consent that House File 2551 be immediately messaged to the Senate.

RULES SUSPENDED

Arnould of Scott moved to suspend the rules for the immediate consideration of Senate Files 2324, 514, and 2406, not eligible for debate today.

A non-record roll call was requested.

The ayes were 51, nays 34.

The motion prevailed and the rules were suspended.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 5, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2313, a bill for an act relating to statutory corrections which adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, and remove ambiguities.

Also: That the Senate has on April 5, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2346, a bill for an act relating to the minimum amount of wages required in an individual's base period to be eligible for unemployment compensation benefits.

Also: That the Senate has on April 5, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2533, a bill for an act relating to the courts, establishing a family court, and providing effective dates.

JOHN F. DWYER, Secretary

CONSIDERATION OF BILLS Appropriations Calendar

Senate File 2324, a bill for an act repealing a requirement that area education agencies utilize federally funded health care programs for services provided to certain children requiring special education and providing effective dates, with report of committee recommending amendment and passage was taken up for consideration.

Halvorson of Webster offered the following amendment H—6059 filed by the committee on appropriations and moved its adoption:

H—6059

1 Amend Senate File 2324, as passed by the Senate, as
2 follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "Section 1. MEDICAL ASSISTANCE ADMINISTRATIVE
6 COSTS — AREA EDUCATION AGENCIES.

7 The area education agencies shall determine their
8 administrative costs relating to recording and billing
9 for medical assistance reimbursement for special
10 education services provided pursuant to section
11 281.15. Up to twelve percent of the federal funds
12 received from the medical assistance reimbursement may
13 be used to pay for the area education agencies'
14 administrative costs."

15 2. Title page, by striking lines 1 through 4, and
16 inserting the following: "An Act providing for area
17 education agency administrative costs relating to
18 special education services reimbursed under the
19 medical assistance program."

The committee amendment H—6059 was adopted.

Halvorson of Webster moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2324)

The ayes were, 93:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fogarty	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond

Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Hermann	Hester	Hibbard
Holveck	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklath	Schrader	Sherzan
Shoning	Shultz	Siegrist	Spear
Spenner	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 7:

Blanshan	Fey	Fuller	Haverland
Shearer	Stueland	Svoboda	

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

Ways and Means Calendar

Senate File 514, a bill for an act providing a state sales and use tax exemption for certain facilities, with report of committee recommending amendment and passage was taken up for consideration.

Tabor of Jackson asked and received unanimous consent to withdraw amendment H—4414 filed by the committee on ways and means on May 4, 1989, placing out of order amendment H—4433 filed by Garman, et al., on May 4, 1989, to the committee amendment H—4414.

Doderer of Johnson offered the following amendment H—6073 filed by her:

H—6073

- 1 Amend Senate File 514, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting the following:
- 5 "Section 1. Section 422.45, subsection 22, Code
- 6 Supplement 1989, is amended by adding the following
- 7 new paragraphs:

- 8 NEW PARAGRAPH. f. Shelter facilities licensed by
 9 the department of human services under chapter 232.
- 10 NEW PARAGRAPH. g. Substance abuse agencies which
 11 contract with the Iowa department of public health
 12 under chapter 125.
- 13 NEW PARAGRAPH. h. Agencies which contract with
 14 the department of human services to provide family-
 15 centered, home-based, and family preservation
 16 services.
- 17 Sec. 2. Section 422.45, Code Supplement 1989, is
 18 amended by adding the following new subsection:
- 19 NEW SUBSECTION. 43. The gross receipts from the
 20 sale of equipment and supplies if purchased by any of
 21 the following nonprofit health organizations which
 22 receive federal funds:
- 23 a. Child health clinics, maternal health clinics,
 24 and well-elderly clinics, as designated under section
 25 135.11.
- 26 b. Family planning clinics, as designated under
 27 section 234.21.
- 28 c. Area agencies on aging, as designated under
 29 section 249D.32.
- 30 d. Medicare certified hospice programs, as
 31 certified by the department of inspections and appeals
 32 or as certified under the federal medicare program."

Banks of Plymouth offered the following amendment H—6100, to amendment H—6073, filed by him and moved its adoption:

H—6100

- 1 Amend the amendment, H—6073, to Senate File 514, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
- 4 1. Page 1, by inserting after line 16 the
 5 following:
- 6 "NEW PARAGRAPH. i. Child-placing agencies
 7 licensed under chapter 238."

Amendment H—6100 lost.

Garman of Story offered the following amendment H—6101, to amendment H—6073, filed by Garman, et al., and moved its adoption:

H—6101

- 1 Amend amendment, H—6073, to Senate File 514, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
- 4 1. Page 1, line 27, by inserting after the figure
 5 "234.21" the following: ", except family planning
 6 clinics which perform abortions".

Roll call was requested by Garman of Story and Banks of Plymouth.

On the question "Shall amendment H-6101, to amendment H-6073, be adopted?" (S.F. 514)

The ayes were, 33:

Banks	Beaman	Branstad	Corbett
Daggett	De Groot	Eddie	Fogarty
Garman	Halvorson, R. A.	Hanson, D. R.	Harbor
Hermann	Iverson	Knapp	Kremer
Lageschulte	Lundby	Maulsby	McKean
Mertz	Muhlbauer	Murphy	Petersen, D. F.
Plasier	Renken	Royer	Schnekloth
Shoning	Spenner	Trent	Tyrrell
Van Maanen			

The nays were, 58:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Diemer
Doderer	Dvorsky	Fey	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Hatch	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Koenigs
Lykam	May	McKinney	Metcalf
Miller	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Schrader	Sherzan	Shoultz	Siegrist
Spear	Swartz	Tabor	Teaford
Wise	Mr. Speaker		
	Avenson		

Absent or not voting, 9:

Bennett	Fuller	Harper	Haverland
Hester	Kistler	Shearer	Stueland
Svoboda			

Amendment H-6101 lost.

On motion by Doderer of Johnson, amendment H-6073 was adopted, placing out of order the following amendments:

H-4415 filed by Garman, et al., on May 4, 1989.

H-4429, to amendment H-4415, filed by Garman of Story on May 4, 1989.

Doderer of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 514)

The ayes were, 76:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Buhr	Chapman
Clark	Cohoon	Connors	Daggett
Diemer	Doderer	Dvorsky	Fey
Fogarty	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Hester
Hibbard	Holveck	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Koenigs	Lageschulte	Lundby	Lykam
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Peterson, M. K.	Poncy
Renaud	Rosenberg	Royer	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Swartz	Tabor
Teaford	Trent	Wise	Mr. Speaker
			Avenson

The nays were, 18:

Banks	Bennett	Branstad	Carpenter
Corbett	De Groot	Eddie	Garman
Hermann	Kremer	Maulsby	Mertz
Petersen, D. F.	Plasier	Renken	Schnekloth
Tyrrell	Van Maanen		

Absent or not voting, 6:

Fuller	Haverland	Knapp	Shearer
Stueland	Svoboda		

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

CONFERENCE COMMITTEE APPOINTED
(House File 2554)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2554: Tabor of Jackson, Chair; Schnekloth of Scott, Groninga of Cerro Gordo, Metcalf of Polk and Wise of Lee.

Senate File 2406, a bill for an act relating to the sales and use tax on carbon dioxide and providing a retroactive applicability date, with report of committee recommending passage was taken up for consideration.

Metcalf of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2406)

The ayes were, 89:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Fey	Fogarty	Garman	Groninga
Gruhn	Halvorson, R. A.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hester
Hibbard	Holveck	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 11:

Bisignano	Eddie	Fuller	Halvorson, R. N.
Hatch	Haverland	Hermann	Shearer
Stueland	Svoboda	Swartz	

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

IMMEDIATE MESSAGES
(Senate Files 514 and 2406)

Arnould of Scott asked and received unanimous consent that Senate Files 514 and 2406 be immediately messaged to the Senate.

SENATE AMENDMENTS CONSIDERED

Gruhn of Dickinson called up for consideration **House File 2548**, a bill for an act relating to agricultural health and safety, amended by the Senate, and moved that the House concur in the following Senate amendment H-6107:

H-6107

- 1 Amend House File 2548, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, by striking lines 19 and 20, and
- 4 inserting the following: "entities to provide support
- 5 to programs emphasizing agricultural health, safety,
- 6 and rehabilitation for farm families."

The motion prevailed and the House concurred in the Senate amendment H-6107.

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

On the question "Shall the bill pass?" (H.F. 2548)

The ayes were, 89:

Adams	Arnould	Beaman	Beatty
Bennett	Black	Blanshan	Brammer
Brand	Branstad	Brown	Buhr
Carpenter	Chapman	Clark	Cohoon
Connors	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Fey
Fogarty	Garman	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Hermann
Hester	Hibbard	Holveck	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken

Rosenberg	Royer	Schnekloth	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, 3:

Banks	Eddie	Maulsby
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Absent or not voting, 8:

Bisignano	Fuller	Groninga	Haverland
Shearer	Stueland	Svoboda	Swartz

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

Peterson of Carroll called up for consideration **House File 121**, a bill for an act relating to parental leaves of absence for employees of the state and providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H—6139:

H—6139

- 1 Amend House File 121, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. Page 1, by striking lines 6 through 17 and
- 4 inserting the following: "institutions under the
- 5 control of the state board, unless the employee is
- 6 covered by a collective bargaining agreement providing
- 7 for a parental leave which is equal to or greater than
- 8 the parental leave provided in this section. An
- 9 additional unpaid leave of absence may be granted to
- 10 an employee with the approval of the employee's
- 11 supervisor. Parental leave, required by this section,
- 12 is subject to each of the following conditions:".

The motion prevailed and the House concurred in the Senate amendment H—6139.

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

Rule 75 was invoked.

On the question "Shall the bill pass?" (H.F. 121)

The ayes were, 62:

Adams	Arnould	Beatty	Black
Blanshan	Brammer	Brand	Brown
Buhr	Carpenter	Chapman	Cohoon
Connors	Corbett	Doderer	Dvorsky
Fey	Fogarty	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harper	Hatch	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Knapp	Koenigs	Lundby
Lykam	May	McKinney	Mertz
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peterson, M. K.
Plasier	Poney	Renaud	Rosenberg
Schrader	Shoultz	Siegrist	Spear
Spenner	Swartz	Tabor	Teaford
Wise	Mr. Speaker		
	Avenson		

The nays were, 30:

Banks	Beaman	Bennett	Branstad
Daggett	De Groot	Diemer	Eddie
Garman	Halvorson, R. A.	Harbor	Hermann
Iverson	Kistler	Kremer	Lageschulte
Maulsby	McKean	Metcalf	Miller
Pellet	Peters	Petersen, D. F.	Renken
Royer	Schneklath	Shoning	Trent
Tyrrell	Van Maanen		

Absent or not voting, 8:

Bisignano	Clark	Fuller	Haverland
Shearer	Sherzan	Stueland	Svoboda

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

IMMEDIATE MESSAGE
(House File 121)

Arnould of Scott asked and received unanimous consent that House File 121 be immediately messaged to the Senate.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Senate File 2430, a bill for an act relating to higher education including the funding, administration, and authority for dormitory bonding of community colleges, coordination of higher education sectors, and studies relating to educational opportunities.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—6143 April 5, 1990.

Senate File 2430, a bill for an act relating to higher education including the funding, administration, and authority for dormitory bonding of community colleges, coordination of higher education sectors, and studies relating to educational opportunities, with report of committee recommending amendment and passage was taken up for consideration.

Hatch of Polk offered the following amendment H—6143 filed by the committee on appropriations:

H—6143

- 1 Amend Senate File 2430 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 3, line 29, by striking the words "the
- 4 use or availability of" and inserting the following:
- 5 "students living in".
- 6 2. Page 9, line 31, by striking the figure "1990"
- 7 and inserting the following: "1991".

Hatch of Polk offered the following amendment H—6147, to the committee amendment H—6143, filed by him and Carpenter of Polk from the floor and moved its adoption:

H—6147

- 1 Amend the amendment, H—6143, to Senate File 2430,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 3 through 5 and
- 5 inserting the following:
- 6 "_____. Page 3, by striking line 29 and inserting
- 7 the following: "attending the institution who are
- 8 living in the"."

Amendment H—6147 was adopted.

On motion by Hatch of Polk, the committee amendment H—6143, as amended, was adopted.

Shultz of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2430)

The ayes were, 93:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Hermann	Hester
Hibbard	Holveck	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schneklath	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker Avenson			

The nays were, 1:

Clark

Absent or not voting, 6:

Fuller	Haverland	Shearer	Stueland
Svoboda	Swartz		

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

IMMEDIATE MESSAGES
(Senate Files 2324 and 2430)

Arnould of Scott asked and received unanimous consent that Senate Files 2324 and 2430 be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED
House Refused to Concur

Chapman of Linn called up for consideration **House File 2559**, a bill for an act relating to the process by which a taxpayer appeals a

decision of the local board of review to the district court and providing for the reinstatement of appeals dismissed and providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H—6142:

H—6142

1 Amend House File 2559, as passed by the House, as
2 follows:

- 3 1. Page 1, line 4, by striking the figure "1."
- 4 2. Page 1, line 16, by inserting after the word
5 "review" the following: "clerk of the board of
6 review, the assessor, or deputy assessor".
- 7 3. Page 1, by striking lines 18 through 33.

The motion lost and the House refused to concur in the Senate amendment H—6142.

SENATE AMENDMENTS CONSIDERED

Teaford of Black Hawk called up for consideration **Senate File 2011**, a bill for an act providing for a minimum number of toilets for women and men in public buildings and private buildings intended for use by the general public, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—6138 to the House amendment:

H—6138

- 1 Amend the House amendment, S—5910, to Senate File
2 2011, as amended, passed, and reprinted by the Senate,
3 as follows:
- 4 1. Page 1, by striking lines 15 through 19 and
5 inserting the following: "in the uniform plumbing
6 code."

The motion prevailed and the House concurred in the Senate amendment H—6138.

Teaford of Black Hawk moved that the bill, as amended by the House, further amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2011)

The ayes were, 64:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Carpenter	Chapman
Cohoon	Connors	Daggett	Doderer

Dvorsky	Fey	Fogarty	Groninga
Halvorson, R. A.	Halvorson, R. N.	Hammond	Harper
Hatch	Hester	Hibbard	Holveck
Jesse	Jochum	Johnson	Knapp
Koenigs	Kremer	Lykam	May
McKinney	Mertz	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Peterson, M. K.
Plasier	Poncy	Renaud	Rosenberg
Schrader	Sherzan	Shoning	Shoultz
Spear	Swartz	Tabor	Teaford
Trent	Tyrrell	Wise	Mr. Speaker Avenson

The nays were, 29:

Banks	Bennett	Branstad	Buhr
Clark	Corbett	De Groot	Diemer
Eddie	Garman	Gruhn	Hansen, S. D.
Hanson, D. R.	Harbor	Hermann	Iverson
Jay	Lundby	Maulsby	McKean
Metcalf	Miller	Petersen, D. F.	Renken
Royer	Schnekloth	Siegrist	Spanner
Van Maanen			

Absent or not voting, 7:

Fuller	Haverland	Kistler	Lageschulte
Shearer	Stueland	Svoboda	

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

Harper of Black Hawk called up for consideration **House File 2440**, a bill for an act relating to the duties of the board of educational examiners, providing for alternative routes to licensing, and defining which persons are teachers for purposes of educational excellence programs, amended by the Senate, and moved that the House concur in the following Senate amendment H-6129:

H-6129

- 1 Amend House File 2440, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by inserting before line 1, the
- 4 following:
- 5 "Section 1. Section 235A.15, subsection 2,
- 6 paragraph e, Code Supplement 1989, is amended by
- 7 adding the following new subparagraph:
- 8 **NEW SUBPARAGRAPH. (7)** To the board of educational
- 9 examiners created under chapter 260 for purposes of
- 10 determining whether a practitioner's license should be
- 11 denied or revoked."

12 2. Page 1, line 16, by striking the words "By
13 January 1, 1993, adopt" and inserting the following:
14 "Adopt".

15 3. Page 1, by inserting after line 19 the
16 following:

17 "Sec. _____. Section 260.2, Code Supplement 1989, is
18 amended by adding the following new subsection:
19 NEW SUBSECTION. 14. Adopt rules which permit the
20 board to deny a license to or revoke a license of a
21 person upon the board's finding by a preponderance of
22 evidence that either the person has been convicted of
23 a crime or that there has been a founded report of
24 child abuse against the person. Rules adopted shall
25 provide that in determining whether a person should be
26 denied a license or that a practitioner's license
27 should be revoked, the board shall consider the nature
28 and seriousness of the founded abuse or crime in
29 relation to the position sought, the time elapsed
30 since the founded abuse or crime was committed, the
31 degree of rehabilitation which has taken place since
32 the incidence of founded abuse or the commission of
33 the crime, the likelihood that the person will commit
34 the same abuse or crime again, and the number of
35 founded abuses committed or criminal convictions by
36 the person involved."

37 4. Page 3, line 32, by striking the word "Rules"
38 and inserting the following: "Except as otherwise
39 provided in section 256.11, subsection 1, rules".

40 5. Page 10, by inserting after line 13, the
41 following:

42 "Sec. _____. Section 692.2, subsection 1, Code
43 Supplement 1989, is amended by adding the following
44 new paragraph:

45 NEW PARAGRAPH. i. The board of educational
46 examiners for the purpose of carrying out duties
47 imposed under section 260.2, subsection 14."

48 6. By renumbering, relettering, or redesignating
49 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-6129.

Harper of Black Hawk moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2440)

The ayes were, 91:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Hermann	Hester
Hibbard	Holveck	Iverson	Jay
Jesse	Jochum	Kistler	Knapp
Koenigs	Kremer	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poney
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Sherzan	Shoning
Shultz	Siegrist	Spear	Spenner
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 9:

Chapman	Fuller	Haverland	Johnson
Lageschulte	Shearer	Stueland	Svoboda
Swartz			

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

IMMEDIATE MESSAGES

Arnould of Scott asked and received unanimous consent that House Files 2440 and 2559 and Senate File 2011 be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED House Refused To Concur

Peterson of Carroll called up for consideration **House File 2533**, a bill for an act relating to the courts, establishing a family court, and providing effective dates, amended by the Senate, and moved that the House concur in the following Senate amendment H-6150:

H—6150

- 1 Amend House File 2533, 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.
- 6 The legislative council is requested to create an
- 7 interim study committee to consider the creation of a
- 8 family court to handle cases involving family issues.
- 9 The study committee shall submit a report of its
- 10 findings and recommendations to the legislative
- 11 council and the general assembly before the 1991
- 12 regular session."

The motion lost and the House refused to concur in the Senate amendment H—6150.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 5, 1990, adopted the conference committee report and passed Senate File 2057, a bill for an act relating to the conduct of pari-mutuel racing by simultaneous telecast.

JOHN F. DWYER, Secretary

Ways and Means Calendar

Senate File 2412, a bill for an act relating to the regulation of certain charitable organizations, providing a fee, and providing a penalty, with report of committee recommending amendment and passage was taken up for consideration.

Murphy of Dubuque offered the following amendment H—5962 filed by the committee on ways and means and moved its adoption:

H—5962

- 1 Amend Senate File 2412, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 8, by inserting after the word
- 4 "contribution." the following: " "Solicitation" does
- 5 not include an application for a grant from any
- 6 governmental entity or private nonprofit foundation."

The committee amendment H—5962 was adopted.

Jay of Appanoose offered the following amendment H—6132 filed from the floor by Jay, McKinney, Trent, Neuhauser, Hermann, Halvorson of Clayton, Wise, Sherzan, Doderer and Groninga and moved its adoption:

H-6132

- 1 Amend Senate File 2412, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting the following:
- 5 "Section 1. REPEALS.
- 6 1. Sections 122.1 through 122.5, and 122.7, Code
- 7 Supplement 1989, are repealed.
- 8 2. Section 122.6, Code 1989, is repealed."
- 9 2. Title page, by striking lines 1 and 2, and
- 10 inserting the following: "An Act repealing the Code
- 11 provisions relating to the regulation of organizations
- 12 soliciting public donations."

A non-record roll call was requested.

The ayes were 32, nays 41.

Amendment H-6132 lost.

Murphy of Dubuque asked and received unanimous consent to withdraw amendment H-6029 filed by him on April 2, 1990.

Murphy of Dubuque offered the following amendment H-6041 filed by him and moved its adoption:

H-6041

- 1 Amend Senate File 2412, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking line 10, and inserting the
- 4 following: "organization, a religious organization,
- 5 or a state, regionally, or nationally accredited
- 6 college or university."

Amendment H-6041 was adopted.

Murphy of Dubuque offered the following amendment H-5970 filed by him and Bennett of Ida and moved its adoption:

H-5970

- 1 Amend Senate File 2412, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 15, by inserting after the word
- 4 "enforcement" the following: ", emergency medical
- 5 technician, paramedic,".

Amendment H-5970 was adopted.

Murphy of Dubuque moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2412)

The ayes were, 92:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Iverson
Jay	Jesse	Jochum	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poney	Renaud	Renken	Royer
Schneklath	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, none.

Absent or not voting, 8:

Clark	Fuller	Johnson	Pellett
Rosenberg	Shearer	Stueland	Svoboda

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

**ADOPTION OF THE REPORT OF THE
CONFERENCE COMMITTEE
(Senate File 2057)**

Blanshan of Greene called up for consideration the report of the conference committee on Senate File 2057 as follows:

**REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 2057**

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and House of Representatives on Senate File 2057, a bill for an act relating to the conduct of pari-mutuel racing by simultaneous telecast, respectfully make the following report:

1. That the House recedes from its amendment, S-5553.

2. That Senate File 2057, as passed by the Senate, is amended to read as follows:

1. Page 1, by inserting before line 1 the following:

"Section 1. Section 21.2, subsection 1, Code Supplement 1989, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. A nonprofit corporation whose facilities or indebtedness are supported in whole or in part with property tax revenue and which is licensed to conduct pari-mutuel wagering pursuant to chapter 99D or a nonprofit corporation which is a successor to the nonprofit corporation which built the facility.

Sec. 2. NEW SECTION. 21.11 APPLICABILITY TO NONPROFIT CORPORATIONS.

This chapter applies to nonprofit corporations which are defined as governmental bodies subject to section 21.2, subsection 1, paragraph "f", only when the meetings conducted by the nonprofit corporations relate to the conduct of pari-mutuel racing and wagering pursuant to chapter 99D.

Sec. 3. Section 99B.6, subsection 1, unnumbered paragraph 1, Code Supplement 1989, is amended to read as follows:

Except as provided in subsections 5, 6, 7, and 8, and 9 gambling is unlawful on premises for which a class "A", class "B", class "C", or class "D" liquor control license, or class "B" beer permit has been issued pursuant to chapter 123 unless all of the following are complied with:

Sec. 4. Section 99B.6, Code Supplement 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 9. Pari-mutuel wagering authorized under chapter 99D may be conducted within a racetrack enclosure which is licensed as an establishment that serves or sells alcoholic beverages as defined in section 123.3 if the pari-mutuel wagering is conducted pursuant to chapter 99D and rules adopted under chapter 99D."

2. Page 1, by striking lines 28 and 29 and inserting the following: "of the licensee on a day ~~and during the time,~~ when there is a are horse or dog ~~racing meet~~ aces being held at the racetrack. For".

3. Page 1, by inserting after line 33 the following:

"Sec. _____. Section 123.30, subsection 3, paragraph d, Code 1989, is amended to read as follows:

d. CLASS "D". A class "D" liquor control license may be issued to a railway corporation, to an air common carrier, and to passenger-carrying boats or ships for hire with a capacity of twenty-five persons or more operating in inland or boundary waters, and shall authorize the holder to sell or furnish alcoholic beverages, wine, and beer to passengers for consumption only on trains, watercraft as described in this section, or aircraft, respectively. Each license is valid throughout the state. Only one license is required for all trains, watercraft, or aircraft operated in the state by the licensee. However, if a watercraft is an excursion gambling boat licensed under chapter 99F, the owner shall obtain a separate class "D" liquor control license for each excursion gambling boat operating in the waters of this state.

Sec. ____ . Section 123.36, subsection 6, Code 1989, is amended to read as follows:

6. Any club, hotel, motel, or commercial establishment holding a liquor control license, subject to section 123.49, subsection 2, paragraph "b", may apply for and receive permission to sell and dispense alcoholic liquor and wine to patrons on Sunday for consumption on the premises only, and beer for consumption on or off the premises between the hours of ten a.m. and twelve midnight on Sunday. A class "D" liquor control licensee may apply for and receive permission to sell and dispense alcoholic beverages to patrons for consumption on the premises only between the hours of ten a.m. and twelve midnight on Sunday. For the privilege of selling beer, wine, and alcoholic liquor on the premises on Sunday the liquor control license fee of the applicant shall be increased by twenty percent of the regular fee prescribed for the license pursuant to this section, and the privilege shall be noted on the liquor control license.

Sec. ____ . Section 123.49, subsection 2, paragraph a, Code Supplement 1989, is amended to read as follows:

a. Knowingly permit any gambling, except in accordance with chapter 99B, 99D, 99E, or 99F, or knowingly permit solicitation for immoral purposes, or immoral or disorderly conduct on the premises covered by the license or permit.

Sec. ____ . EFFECTIVE DATE.

This Act, being deemed of immediate importance, takes effect upon enactment."

4. Title page, by striking line 2 and inserting the following: "authorizing wagering on simultaneous telecast races, by providing for the conduct of meetings by certain nonprofit corporations, by authorizing sales of alcoholic beverages at racetracks and on Sundays, by subjecting violators to existing penalties, and by providing an effective date."

ON THE PART OF THE HOUSE:

EUGENE H. BLANSHAN, Chair
TONY BISIGNANO
JOHN H. CONNORS

ON THE PART OF THE SENATE:

GEORGE R. KINLEY, Chair
EUGENE S. FRAISE
JULIA B. GENTLEMAN
JIM LIND
RICHARD V. RUNNING

Renaud of Polk in the chair at 9:05 p.m.

Speaker Avenson in the chair at 9:57 p.m.

Blanshan of Greene moved the adoption of the conference committee report and the amendments contained therein.

A non-record roll call was requested.

The ayes were 48, nays 35.

The motion prevailed and the conference committee report was adopted.

Blanshan of Greene moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2057)

The ayes were, 56:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brown
Buhr	Chapman	Cphoon	Connors
Diemer	Fey	Fogarty	Groninga
Halvorson, R. A.	Hansen, S. D.	Harbor	Harper
Hatch	Haverland	Hester	Hibbard
Jay	Jesse	Jochum	Kremer
Lundby	Lykam	May	McKinney
Mertz	Metcalf	Muhlbauer	Murphy
Neuhauser	Ollie	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Royer
Shearer	Sherzan	Shoultz	Siegrist
Spear	Spenner	Swartz	Tabor
Teaford	Trent	Wise	Mr. Speaker
			Avenson

The nays were, 37:

Banks	Beaman	Bennett	Brand
Carpenter	Clark	Corbett	Daggett
De Groot	Doderer	Dvorsky	Eddie
Garman	Gruhn	Halvorson, R. N.	Hammond
Hanson, D. R.	Hermann	Holveck	Johnson
Kistler	Knapp	Koenigs	Lageschulte
Maulsby	McKean	Miller	Nielsen
Osterberg	Petersen, D. F.	Plasier	Renken
Schneklloth	Schrader	Shoning	Tyrrell
Van Maanen			

Absent or not voting, 7:

Branstad	Fuller	Iverson	Pellett
Rosenberg	Stueland	Svoboda	

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

IMMEDIATE MESSAGE

(Senate File 2057)

Arnould of Scott asked and received unanimous consent that Senate File 2057 be immediately messaged to the Senate.

MOTIONS TO RECONSIDER

(Senate File 2393)

I move to reconsider the vote by which Senate File 2393 passed the House on April 5, 1990.

OLLIE of Clinton

(Senate File 2412)

I move to reconsider the vote by which Senate File 2412 passed the House on April 5, 1990.

JAY of Appanoose

(House File 2422)

I move to reconsider the vote by which House File 2422 passed the House on April 5, 1990.

DODERER of Johnson

(House File 2422)

I move to reconsider the vote by which House File 2422 passed the House on April 5, 1990.

HAVERLAND of Polk

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on April 3, 1990. Had I been present, I would have voted "aye" on Senate File 2413.

ADAMS of Hamilton

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 5th day of April, 1990: House Files 2201, 2343, 2431, 2455, 2475, 2496 and 2540.

JOSEPH O'HERN
Chief Clerk of the House

Report adopted.

COMMUNICATION FROM STATE APPEAL BOARD

The following communication was received from the State Appeal Board on April 4, 1990 and is on file in the office of the Chief Clerk:

April 3, 1990

Mr. Joseph O'Hern
Chief Clerk
House of Representatives
Statehouse
L O C A L

Dear Mr. O'Hern:

There are transmitted herewith claims against the State of Iowa to be filed with

the Claims Committee of the House of Representatives.

These include 3 claims of a general nature that were denied by the State Appeal Board on March 12, 1990. This supplements our filing of January 18, 1990.

Index attached shows number of claim, name and address of claimant and the amount requested in claim.

Sincerely,
Richard D. Johnson
Chairman
STATE APPEAL BOARD

Receipt of the above is hereby acknowledged.

JOSEPH O'HERN, Chief Clerk

**DENIED GENERAL CLAIMS BY STATE APPEAL BOARD
SUBMITTED TO THE 73RD GENERAL ASSEMBLY
March 12, 1990**

<u>Claim</u>	<u>Claimant/City, State Type</u>	<u>Amount Requested</u>
G890848	Handicap Village, Inc. Clear Lake, IA Outdated Invoice	\$61,496.69
G891013	Handicap Village, Inc. Clear Lake, IA Outdated Invoice	61,496.69
G891278	Scott County Auditor Davenport, IA Outdated Invoice	<u>444.50</u>
Total:		\$123,437.88

PRESENTATION OF VISITORS

Bennett of Ida presented to the House the Honorable Delwyn Stromer, former member of the House representing Hancock County.

Kistler of Jefferson presented to the House the Honorable George Swearingen, former member of the House representing Keokuk County.

The Speaker announced that the following visitors were present in the House chamber:

Sixty fifth grade students from Studebaker Elementary School, Des Moines, accompanied by Ted Shirley. By Bisignano of Polk.

Twenty students from Belle Plaine Community School, Belle Plaine, accompanied by Mr. Todd Bohler. By Brand of Benton.

Thirty-four fifth grade students from Chantry Elementary School, Malvern, accompanied by Cathy Paul. By Harbor of Mills.

Ninety students from Johnston, accompanied by Pat Kinsey and Dave Pitz. By Haverland of Polk.

Thirty fifth grade students from Lakeview Elementary School, Centerville, accompanied by Jane Shick. By Jay of Appanoose.

Thirteen eighth grade students from Waukee Middle School, Waukee, accompanied by Pat Porter. By McKinney of Dallas.

Twenty high school students from Wilton High School, Wilton, accompanied by Brenda Grunder. By Petersen of Muscatine.

Twenty-three fifth grade students from Colo Elementary School, Colo, accompanied by Liz Robinson. By Rosenberg of Story.

Eighty sixth grade students from Garfield Elementary School, Clarinda, accompanied by Connie Richardson. By Royer of Page.

Forty sixth grade students from Clarinda, accompanied by Chris Campbell. By Royer of Page.

SUBCOMMITTEE ASSIGNMENT

Senate File 2427

Appropriations: Hansen of Woodbury, Chair; Miller and Peterson of Carroll.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN

Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Senate File 2419, a bill for an act relating to technology enterprise zones, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 5, 1990.

Committee Bill (Formerly House File 2521), relating to and making appropriations from the energy conservation trust.

Fiscal Note is not required.

Recommended **Do Pass** April 5, 1990.

COMMITTEE ON WAYS AND MEANS

Senate File 2415, a bill for an act authorizing an additional tax levy and the creation of a reserve account by a benefited fire district.

Fiscal Note is not required.

Recommended **Do Pass** April 5, 1990.

Committee Bill (Formerly House Study Bill 830), relating to the repeal of a local option sales and services tax.

Fiscal Note is not required.

Recommended **Do Pass** April 5, 1990.

RESOLUTIONS FILED

SCR 130, by Riordan, Mann, Murphy, Hannon, Lloyd-Jones, Varn and Bruner, a concurrent resolution on Namibian independence.

Laid over under **Rule 25**.

SCR 131, by Coleman, Connolly and Drake, a concurrent resolution expressing opposition to the proposed federal gas tax increase.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-6128	S.F.	2422	Lageschulte of Bremer
H-6130	H.F.	2537	Senate Amendment
H-6131	S.F.	2422	Plasier of Sioux
H-6133	S.F.	2422	Plasier of Sioux
H-6144	S.F.	2422	Jochum of Dubuque Hatch of Polk
H-6145	S.F.	2422	Jochum of Dubuque
H-6146	H.F.	2546	Senate Amendment
H-6148	S.F.	2422	Jochum of Dubuque
H-6149	H.F.	2313	Senate Amendment
H-6151	S.F.	2422	Halvorson of Clayton
H-6152	S.F.	2287	Fey of Scott
H-6153	H.F.	2422	Haverland of Polk Halvorson of Webster

On motion by Arnould of Scott, the House adjourned at 10:07 p.m., until 9:00 a.m., Friday, April 6, 1990.

JOURNAL OF THE HOUSE

Eighty-ninth Calendar Day — Sixty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, April 6, 1990

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by Reverend Mike Orthel, pastor of First United Methodist Church, Colfax.

The Journal of Thursday, April 5, 1990 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Nielsen of Linn on request of Arnould of Scott; Sherzan of Polk on request of Swartz of Marshall; Haverland of Polk on request of Ollie of Clinton; Brown of Lucas on request of Jesse of Jasper, all until their arrival.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 6, 1990, appointed the conference committee to House File 2329, a bill for an act relating to elections and election procedures, and the members of the Senate are: The Senator from Pottawattamie, Senator Gronstal, Chair; the Senator from Johnson, Senator Lloyd-Jones; the Senator from Palo Alto, Senator Kibbie; the Senator from Muscatine, Senator Drake; the Senator from Polk, Senator Gentleman.

Also: That the Senate has on April 6, 1990, refused to concur in the House amendment to the Senate amendment to the following bill in which the concurrence of the Senate was asked:

House File 2534, a bill for an act relating to sanitary disposal projects.

Also: That the Senate has on April 6, 1990, appointed the conference committee to Senate File 2413, a bill for an act relating to certain specific crimes and the disposition of offenders by providing for payment of sexual abuse medical examinations, providing for workers' compensation coverage and the liability of certain persons performing community service, providing for notification of the parents of persons under age eighteen discovered to be in possession of alcohol or drugs, providing for a term of confinement for distribution of illegal drugs within one thousand feet of a public park, providing for the reporting and identification of certain precursor drugs, providing for the disposition of certain juvenile offenders, establishing institutional reading room requirements, providing for the diversion of certain offenders to treatment facilities, providing that certain persons serving mandatory minimum sentences serve a portion of their sentence on work release, establishing a penalty for certain persons who

cause a serious injury to another while operating a motor vehicle, providing for certain offenders to serve their sentence on consecutive days, providing for posttreatment services as a condition of probation, establishing a tax on marijuana and controlled substances, providing an expansion of the business deduction for businesses employing individuals on parole, probation, work release, or convicted of a felony, establishing penalties for participation in criminal gang activity, providing for the nonbailability of certain offenders, providing requirements for presentence investigations, providing for early release of offenders participating in certain treatment or for certain property offenders, making certain changes relating to conditions of parole and work release, authorizing parole and probation officers to discharge certain offenders, making certain changes relating to the victim reparation program, establishing a pilot project for the chemical testing of persons arrested for felony offenses, and providing penalties, and the members of the Senate are: The Senator from Pottawattamie, Senator Gronstal, Chair; the Senator from Johnson, Senator Varn; the Senator from Woodbury, Senator Doyle; the Senator from Buena Vista, Senator Fuhrman; the Senator from Des Moines, Senator Hagerla.

Also: That the Senate has on April 6, 1990, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2430, a bill for an act relating to higher education including the funding, administration, and authority for dormitory bonding of community colleges, coordination of higher education sectors, and studies relating to educational opportunities.

JOHN F. DWYER, Secretary

IMMEDIATE MESSAGE
(House File 2533)

Arnould of Scott asked and received unanimous consent that House File 2533 be immediately messaged to the Senate.

CONSIDERATION OF BILLS
Unfinished Business Calendar

The House resumed consideration of **Senate File 2287**, a bill for an act relating to the creation of an interstate metropolitan authority, by specifying the powers and duties of the authority, by authorizing certain counties to join the authority, by providing for the imposition of a retail sales tax and the certification of a property tax levy, by providing for the issuance of revenue bonds, by authorizing the imposition of fines for certain violations, and by providing an effective date, previously deferred and placed on the unfinished business calendar.

Fey of Scott asked and received unanimous consent to withdraw amendment H-5589 filed by the committee on ways and means on March 12, 1990.

Fey of Scott offered the following amendment H-6152 filed by him and moved its adoption:

H-6152

1 Amend Senate File 2287, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "DIVISION II

6 QUAD CITIES TRANSIT AUTHORITY

7 Section 1. NEW SECTION. 330B.2 CITATION.

8 Chapter 330B, division II, may be cited as the
9 "Quad Cities Transit Authority Act".

10 Sec. 2. NEW SECTION. 330B.3 PURPOSES.

11 1. Chapter 330B, division II, is enabling
12 legislation for the quad cities interstate
13 metropolitan authority compact, a compact entered into
14 by the states of Illinois and Iowa as provided in
15 section 330B.1.

16 2. The authority shall carry out the operation and
17 service of a mass transit system including related
18 facilities, fixtures, equipment, and property
19 necessary, or appurtenant to the operations and
20 services of a mass transit system. The authority
21 shall be supportive of, and refrain from unnecessary
22 and unreasonable competition with, private sector
23 operations when possible.

24 Sec. 3. NEW SECTION. 330B.4 DEFINITIONS.

25 As used in this chapter, unless the context
26 otherwise requires:

27 1. "Authority" means the quad cities transit
28 authority created as provided in this division.

29 2. "Board" means the board of commissioners of the
30 authority.

31 3. "Cost" of any project for a mass transit
32 facility includes construction contract costs and the
33 costs of engineering, architectural, technical, and
34 legal services, preliminary reports, property
35 valuations, estimates, plans, specifications, notices,
36 acquisition of real and personal property,
37 consequential damages or costs, easements, rights-of-
38 way, supervision, inspection, testing, publications,
39 printing and sale of bonds, if any, and provisions for
40 contingencies.

41 4. "Greater metropolitan area" means the combined
42 area of Rock Island county, Illinois, and Scott
43 county, Iowa.

44 5. "Metropolitan area" means Rock Island county,
45 Illinois, as a separate and distinct area, or Scott
46 county, Iowa, as a separate and distinct area, or each
47 as a part of the greater metropolitan area.

48 6. "Mass transit facility" means a structure,
49 fixture, equipment, or property of any kind or nature
50 directly related to the mass transit system which the

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1 authority may construct, acquire, own, lease, or
2 operate, including all related facilities necessary,
3 appurtenant, or incidental to the facilities. "Mass
4 transit facility" does not include airports, related
5 buildings, or equipment.

6 7. "Person" means an individual, firm,
7 partnership, corporation, company, association, or
8 joint stock association, and includes any trustee,
9 receiver, assignee, or personal representative of any
10 of the entities.

11 **Sec. 4. NEW SECTION. 330B.5 PETITION AND PUBLIC**
12 **HEARING.**

13 1. Upon petition of eligible electors of a
14 metropolitan area equal in number to at least ten
15 percent of the persons who voted in the last general
16 election held in the metropolitan area for the office
17 of president of the United States or governor, or when
18 the governing body of a county in this state within a
19 metropolitan area desires to participate in the
20 creation of an authority, the governing body of the
21 county shall adopt a resolution signifying its
22 intention to initiate the question of participating in
23 the creation of an authority and shall publish the
24 resolution at least once in a newspaper of general
25 circulation in the metropolitan area giving notice of
26 a hearing to be held on the question of the
27 metropolitan area's entry into the authority. The
28 resolution shall be published at least fourteen days
29 prior to the date of hearing, and shall contain all of
30 the following information:

31 a. Intention to join in the creation of the
32 authority pursuant to this division.

33 b. That the greater metropolitan area will include
34 Rock Island county, Illinois, and Scott county, Iowa,
35 which have expressed their interest in the creation of
36 the authority.

37 c. Name of the authority.

38 d. Place, date, and time of hearing.

39 2. After the hearing, if the governing body of a
40 metropolitan area wishes to proceed in the creation of
41 or to join the authority, the governing body shall
42 direct the county commissioner of elections to submit
43 the proposition to the electorate of the metropolitan
44 area as provided in section 330B.6.

45 **Sec. 5. NEW SECTION. 330B.6 ELECTION.**

46 1. Upon receipt of the resolution, the county
47 commissioner of elections shall place the proposition
48 on the ballot of a general or special election called
49 by the governing body of the metropolitan area. At
50 the election, the proposition shall be submitted in

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1 substantially the following form:

2 "Shall the Quad Cities Transit Authority be
3 established effective on the _____ day of
4 _____, 19____?"

5 YES _____ NO _____"

6 2. Notice of the election shall be given by
7 publication as required in section 49.53 in a
8 newspaper of general circulation in the metropolitan
9 area. At the election, the ballot used for submission
10 of the proposition shall be substantially the form for
11 submitting special questions at general elections.

12 3. The proposition is approved if the vote in
13 favor of the proposition is a simple majority of the
14 total votes cast on the proposition in the
15 metropolitan area.

16 4. If the proposition is approved, the governing
17 body of the county shall enact an ordinance
18 authorizing the joining of the authority.

19 Sec. 6. NEW SECTION. 330B.7 BOARD OF
20 COMMISSIONERS - APPOINTMENT.

21 1. The authority established under this division
22 shall be governed by a board of commissioners
23 appointed as provided in subsection 2. The
24 appointment of the commissioners shall be made in
25 writing and shall indicate the legal residence of the
26 appointee.

27 2. The board of commissioners of the authority
28 shall consist of the number of members as determined
29 by the counties and cities who are party to the
30 authority within the metropolitan area of each state,
31 but an equal number of commissioners shall be
32 appointed from each state. Within sixty days after
33 the election which gives final approval for creation
34 of the authority, each city with a metropolitan area,
35 by motion of the council, shall notify the county of
36 whether or not the city will be party to the
37 authority. The county and cities of each state who
38 are party to the authority shall apportion the
39 commission membership among the cities and county.
40 Commission members appointed by a city shall be
41 appointed by the mayor with consent of the council.
42 Commission members representing the county shall be
43 appointed by its governing body.

44 Sec. 7. NEW SECTION. 330B.8 COMMISSIONERS -
45 TERMS OF OFFICE.

46 1. All initial appointments of commissioners shall
47 be made within ninety days after the establishment of
48 the authority. The authority is considered
49 established when the proposition is approved by the
50 voters under section 330B.6. Each appointment shall

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1 be in writing and a certificate of appointment signed
2 by the appointing officer shall be filed and made a
3 matter of record in the office of the county recorder.
4 A commissioner shall be appointed for a term of two
5 years and shall serve at the pleasure of the
6 appointing authority. A commissioner shall qualify by
7 taking of an oath or affirmation to faithfully perform
8 the duties of office. The members initially appointed
9 to the board of commissioners shall serve from the
10 date of appointment until June 30 of one or two years
11 after the date of appointment and shall draw lots to
12 determine the terms for which each shall be appointed.
13 Lots shall be drawn so that two commissioners from the
14 metropolitan area shall serve in each of two classes.
15 Thereafter, commissioners shall be appointed for two-
16 year terms beginning on July 1 of the year of
17 appointment.

18 2. Within forty-five days after any vacancy occurs
19 on the board by death, resignation, change of
20 residence to outside of the metropolitan area, or for
21 any other cause, a successor shall be appointed in the
22 same manner as the commissioner's predecessor was
23 appointed for the unexpired term of office.
24 Commissioners and board officers of the board shall
25 serve until a successor is appointed and qualifies. A
26 commissioner shall not serve more than two consecutive
27 two-year terms of office.

28 Sec. 8. NEW SECTION. 330B.9 ORGANIZATION —
29 OFFICERS — MEETINGS — COMPENSATION.

30 1. The board of commissioners may exercise all of
31 its legislative and executive powers granted under
32 this division. Within thirty days after the
33 appointment of the initial commissioners, the board
34 shall meet and elect a chairperson. The office of
35 chairperson shall not be held by a commissioner
36 representing the same state for more than two
37 consecutive years. The board shall also select a
38 secretary, treasurer, and other officers or employees
39 as necessary for the accomplishment of its corporate
40 objectives, none of whom need be a commissioner. The
41 board, at its first meeting, shall define by ordinance
42 the first and subsequent fiscal years of the
43 authority, and shall adopt a corporate seal and
44 bylaws, which shall determine the times for the annual
45 election of officers and for other regular and special
46 meetings of the board. The bylaws shall contain the
47 rules for the transaction of other business of the
48 authority and for amending the bylaws. The board
49 shall establish the principal executive offices of the
50 quad cities transit authority in the metropolitan area

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1 that does not contain the bi-state metropolitan
2 planning commission.

3 2. Each commissioner of the authority shall devote
4 the amount of time to the duties of office as the
5 faithful discharge of the duties may require. The
6 board shall reimburse a commissioner for actual
7 expenses incurred in the performance of official
8 duties as approved by the board.

9 3. The commissioners shall comply with
10 restrictions relating to conflicts of interest or
11 acceptance of gifts as provided in chapter 68B or to
12 similar laws of the state of Illinois as determined by
13 the board.

14 4. The commissioners shall conduct the meetings as
15 public meetings with appropriate notice pursuant to
16 chapter 21 or similar laws of the state of Illinois as
17 determined by the board.

18 Sec. 9. NEW SECTION. 330B.10 RIGHTS AND POWERS.

19 The authority constitutes a municipal corporation
20 and body politic separate from any other municipality,
21 state, or other public or governmental agency. The
22 authority has the following express powers, subject to
23 any restrictions or limitations contained in this
24 division, and all other powers incidental, necessary,
25 convenient, or desirable to carry out and effectuate
26 the express powers to:

27 1. Sue and be sued.

28 2. Locate, acquire, own, establish, operate, and
29 maintain one or more mass transit facilities upon any
30 land within its corporate limits, and to construct,
31 develop, expand, extend, and improve any mass transit
32 facility.

33 3. Acquire, within the corporate limits of the
34 authority, and in fee simple, rights in and over land,
35 and easements upon, over, or across land, and
36 leasehold interests in land, and tangible and
37 intangible personal property, used or useful for the
38 location, establishment, maintenance, development,
39 expansion, extension, or improvement of one or more
40 mass transit facilities. The acquisition may be by
41 dedication, purchase, gift, agreement, lease, or by
42 condemnation if within corporate limits of the
43 authority. The authority may acquire land in fee
44 simple subject to a mortgage and as part of the
45 purchase price may assume the payment of the
46 indebtedness secured by the mortgage. Land may be
47 acquired, possessed, and used for its purposes by the
48 authority, under a written contract for a deed
49 conveying merchantable title and providing that the
50 deed shall be placed in escrow and be delivered upon

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- 1 payment of the purchase price and containing other
- 2 terms as are reasonably incident to the contract.
- 3 Personal property may be purchased on an installment
- 4 contract basis.
- 5 4. Operate, maintain, manage, lease, sublease, and
- 6 make and enter into contracts for the use, operation,
- 7 or management of, and enact regulations for the
- 8 operation, management, or use of, a mass transit
- 9 facility.
- 10 5. Fix, charge, and collect reasonable rentals,
- 11 tolls, fees, and charges for the use of a metropolitan
- 12 facility or any part of a mass transit facility. The
- 13 authority shall develop a fair and equitable method of
- 14 assigning relevant costs of the mass transit facility
- 15 to political subdivisions which are served by the
- 16 facility.
- 17 6. Establish and maintain streets and approaches
- 18 on property of the authority.
- 19 7. Remove and relocate hazards or structures on
- 20 property of the authority.
- 21 8. Accept grants, contributions, or loans from,
- 22 and enter into contracts, leases, or other
- 23 transactions with, a city, county, state, or federal
- 24 government.
- 25 9. Borrow money and issue bonds, notes,
- 26 certificates, or other evidences of indebtedness for
- 27 the purpose of accomplishing any of the corporate
- 28 purposes, which obligations may be payable from other
- 29 sources as provided in this division, and refund or
- 30 advance refund any of the evidences of indebtedness
- 31 with bonds, notes, certificates, or other evidences of
- 32 indebtedness, which refunding or advanced refunding
- 33 obligations may be payable from any source, subject to
- 34 compliance with any condition or limitation set forth
- 35 in this division. The authority may enter into an
- 36 agreement with political subdivisions within the
- 37 greater metropolitan area for the joint exercise of
- 38 governmental powers to finance the establishment and
- 39 operation of a mass transit facility including the
- 40 borrowing of money and issuance of bonds, notes,
- 41 certificates, or other evidences of indebtedness as
- 42 provided in this division.
- 43 10. Employ or enter into contracts for the
- 44 employment of any person for professional services,
- 45 necessary or desirable for the accomplishment of the
- 46 corporate objectives of the authority or the proper
- 47 administration, management, protection, or control of
- 48 its property.
- 49 11. Establish, by ordinance of the board, all
- 50 regulations for the execution of the powers specified

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1 in this division, for the government of the authority,
2 and for the protection of any mass transit facility
3 within the jurisdiction of the authority, or deemed
4 necessary or desirable to effect its corporate
5 objectives. An ordinance may provide for the
6 revocation, cancellation, or suspension of an existing
7 privilege or franchise as a penalty for a second or
8 subsequent violation by the holder or franchisee of a
9 regulation pertaining to the enjoyment, use, or
10 exercise of the privilege or franchise. The use of a
11 mass transit facility of the authority shall be
12 subject to the reasonable regulation and control of
13 the authority and upon the reasonable terms and
14 conditions as established by the board.

15 12. Establish a general operating fund and other
16 funds as necessary.

17 13. Do all acts and things necessary or convenient
18 for the promotion of its business and the general
19 welfare of the authority, in order to carry out the
20 powers granted to it by this chapter or any other
21 laws.

22 The authority has no power to pledge the taxing
23 power of this state or any political subdivision or
24 agency of this state.

25 Bonds and notes issued by the authority are payable
26 solely and only out of the moneys, assets, or revenues
27 of the authority, and as provided in the agreement
28 with bondholders or noteholders pledging any
29 particular moneys, assets, or revenues. Bonds or
30 notes are not an obligation of this state or any
31 political subdivision of this state other than the
32 authority within the meaning of any constitutional or
33 statutory debt limitations, but are special
34 obligations of the authority payable solely and only
35 from the sources provided in this division, and the
36 authority shall not pledge the credit or taxing power
37 of this state or any political subdivision of this
38 state other than the authority, or make its debts
39 payable out of any moneys except those of the
40 authority.

41 Sec. 10. NEW SECTION. 330B.11 REGULATIONS —
42 ORDINANCES.

43 1. Regulations adopted pursuant to section 330B.10
44 shall be contained in an ordinance which shall be
45 placed on file in the office of the authority in
46 typewritten or printed form for public inspection not
47 less than fifteen days before adoption. The ordinance
48 may impose fines as the board deems appropriate of not
49 more than one hundred dollars upon conviction or
50 guilty plea for each violation, and may provide that,

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1 in case of continuing violation, each day during which
2 a violation occurs or continues constitutes a separate
3 offense.

4 2. All fines, when collected for violations of an
5 ordinance of the authority, shall be paid into the
6 general operating fund of the authority.

7 3. The board shall provide, by intergovernmental
8 agreement, for the enforcement of its ordinances by
9 sworn peace officers of cities or counties within the
10 greater metropolitan area.

11 Sec. 11. NEW SECTION. 330B.12 EMINENT DOMAIN
12 PROCEDURES.

13 If land in fee simple, rights in land, easements or
14 other interests in land, property, or property rights
15 are acquired or sought to be acquired by the authority
16 by condemnation, the condemnation procedure shall be
17 in accordance with the eminent domain statutes of the
18 state in which the affected property is located.

19 Sec. 12. NEW SECTION. 330B.13 AUTHORITY
20 PROCEDURES.

21 Action of the board of a legislative character,
22 including the adoption of regulations, shall be in the
23 form of an ordinance, and after adoption shall be
24 filed with the secretary and shall be made a matter of
25 public record in the office of the authority. Other
26 action of the board shall be by resolution, motion, or
27 in other appropriate form. Executive or ministerial
28 duties may be delegated to one or more commissioners
29 or to an authorized officer, employee, agent, or other
30 representative of the authority. A majority of the
31 commissioners of each state constitutes a quorum to
32 conduct business and the concurrence of a majority of
33 the commissioners of each state is required to adopt
34 or approve an action. The enacting clause of any
35 ordinance shall be substantially as follows: "Be it
36 ordained by the Board of Commissioners of the Quad
37 Cities Transit Authority".

38 Sec. 13. NEW SECTION. 330B.14 OFFICIAL RECORDS
39 AND OFFICER BONDS.

40 The board shall provide for the safekeeping of its
41 permanent records and for the recording of the
42 corporate action of the authority. The board shall
43 keep a true and accurate account of its receipts and
44 an annual audit shall be made of its books, records,
45 and accounts by state or private auditors. All
46 officers and employees authorized to receive or retain
47 the custody of moneys or to sign vouchers, checks,
48 warrants, or evidences of indebtedness binding upon
49 the authority shall furnish surety bond for the
50 faithful performance of their duties and the faithful

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1 accounting for all moneys that may come into their
2 custody in an amount to be fixed and in a form to be
3 approved by the board.

4 Sec. 14. NEW SECTION. 330B.15 BUDGET AND
5 APPROPRIATION.

6 Annually, the board shall prepare and adopt a
7 budget and provide appropriations as follows:

8 1. The budget shall show the amount required for
9 each class of proposed expenditures, a comparison of
10 the amounts proposed to be expended with the amounts
11 expended for like purposes for the two preceding
12 years, if available, and the revenues from all
13 sources.

14 2. Not less than twenty days before the date that
15 a budget must be certified as determined by the board
16 and not less than ten days before the date set for the
17 hearing under subsection 3, the board shall file the
18 budget with the treasurer of the authority. The
19 treasurer shall post a copy of the budget in the
20 authority offices for public inspection and comment.

21 3. The board shall set a time and place for a
22 public hearing on the budget before the final
23 certification date and shall publish notice of the
24 hearing not less than ten nor more than twenty days
25 prior to the hearing in one or more newspapers serving
26 the greater metropolitan area. Proof of publication
27 shall be filed with and preserved by the treasurer.

28 4. At the hearing, any resident or taxpayer of the
29 greater metropolitan area may present to the board
30 objections to or arguments in favor of any part of the
31 budget.

32 5. After the hearing, the board shall adopt by
33 resolution a budget for the next fiscal year and shall
34 direct the treasurer to properly certify and file the
35 budget as adopted. A budget adopted for the following
36 fiscal year becomes effective on the first day of that
37 year.

38 6. The board shall appropriate, by resolution, the
39 amounts deemed necessary for each of the different
40 offices and departments during the ensuing fiscal
41 year. Increases or decreases in these appropriations
42 do not require a budget amendment, but may be provided
43 by resolution at a regular meeting of the board.

44 Sec. 15. NEW SECTION. 330B.16 BONDS AND NOTES
45 PAYABLE FROM REVENUE.

46 1. The bonds issued by the board pursuant to this
47 division shall be authorized by resolution of the
48 board after approval, is voted by a simple majority of
49 the total votes cast on the proposition in each
50 metropolitan area, and shall be either term or serial

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1 bonds, shall bear the date, mature at the time, not
2 exceeding forty years from their respective dates,
3 bear interest at the rate, not exceeding the rate
4 permitted under chapter 74A or the rate authorized by
5 another state within the greater metropolitan area,
6 whichever rate is lower, payable semiannually, be in
7 the denominations, be in the form, either coupon or
8 fully registered, shall carry the registration,
9 exchangeability and interchangeability privileges, be
10 payable in the medium of payment and at the place,
11 within or without the state, be subject to the terms
12 of redemption and be entitled to the priorities on the
13 revenues, rates, fees, rentals, or other charges or
14 receipts of the authority as the resolution may
15 provide. The bonds shall be executed either by manual
16 or facsimile signature by the officers as the
17 authority shall determine, provided that the bonds
18 shall bear at least one signature which is manually
19 executed on the bond, and the coupons attached to the
20 bonds shall bear the facsimile signature of the
21 officer as designated by the authority and the bonds
22 shall have the seal of the authority, affixed,
23 imprinted, reproduced, or lithographed on the bond,
24 all as may be prescribed in a resolution. The bonds
25 shall be sold at public sale at the price as the
26 authority shall determine to be in the best interests
27 of the authority provided that the bonds shall not be
28 sold at less than the par value of the bond, plus
29 accrued interest and provided that the net interest
30 cost shall not exceed that permitted by applicable
31 state law. Pending the preparation of definitive
32 bonds, interim certificates or temporary bonds may be
33 issued to the purchaser of the bonds, and may contain
34 the terms and conditions as the board may determine.

35 2. The board, after the issuance of bonds, may
36 borrow moneys for the purposes for which the bonds are
37 to be issued in anticipation of the receipt of the
38 proceeds of the sale of the bonds and within the
39 authorized maximum amount of the bond issue. Any loan
40 shall be paid within three years after the date of the
41 initial loan. Bond anticipation notes shall be issued
42 for all moneys so borrowed under this section, and the
43 notes may be renewed, but all the renewal notes shall
44 mature within the time above limited for the payment
45 of the initial loan. The notes shall be authorized by
46 resolution of the board and shall be in the
47 denominations, shall bear interest at the rate not
48 exceeding the maximum rate permitted by the resolution
49 authorizing the issuance of the bonds, shall be in the
50 form and shall be executed in the manner, all as the

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1 authority prescribes. The notes shall be sold at
2 public or private sale or, if the notes are renewal
3 notes, they may be exchanged for notes outstanding on
4 the terms as the board determines. The board may
5 retire any notes from the revenues derived from its
6 mass transit facilities or from other moneys of the
7 authority which are lawfully available or from a
8 combination of revenues and other available moneys, in
9 lieu of retiring them by means of bond proceeds.

10 However, before the retirement of the notes by any
11 means other than the issuance of bonds, the board
12 shall amend or repeal the resolution authorizing the
13 issuance of the bonds, in anticipation of the proceeds
14 of the sale of the notes, so as to reduce the
15 authorized amount of the bond issue by the amount of
16 the notes so retired. The amendatory or repealing
17 resolution shall take effect upon its passage.

18 3. Any resolution authorizing the issuance of any
19 bonds may contain provisions which shall be part of
20 the contract with the holders of the bonds, as to:

21 a. The pledging of all or any part of the
22 revenues, rates, fees, rentals, or other charges or
23 receipts of the authority derived by the authority
24 from all or any of its mass transit facilities.

25 b. The construction, improvement, operations,
26 extensions, enlargement, maintenance, repair, or lease
27 of mass transit facilities and the duties of the
28 authority with reference to the facilities.

29 c. Limitations on the purposes to which the
30 proceeds of the bonds, or of any loan or grant by the
31 federal government or the state government or the
32 county or any city in the county, may be applied.

33 d. The fixing, charging, establishing, and
34 collecting of rates, fees, rentals, or other charges
35 for use of the services and facilities of the mass
36 transit facilities of an authority, or any part of the
37 facilities.

38 e. The setting aside of reserves or sinking funds
39 or repair and replacement funds or other funds and the
40 regulation and disposition of the funds.

41 f. Limitations on the issuance of additional
42 bonds.

43 g. The terms and provisions of any deed of trust,
44 mortgage, or indenture securing the bonds or under
45 which the bonds may be issued.

46 h. Any other or additional agreements with the
47 holders of the bonds as are customary and proper and
48 which in the judgment of the authority will make the
49 bonds more marketable.

50 4. The board of the authority may enter into any

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1 deeds of trust, mortgages, indentures, or other
2 agreements, with any bank or trust company or any
3 other lender within or without the state as security
4 for the bonds, and may assign and pledge all or any of
5 the revenues, rates, fees, rentals, or other charges
6 or receipts of the authority. The deeds of trust,
7 mortgages, indentures, or other agreements may contain
8 the provisions as may be customary in the instruments,
9 or, as the board may authorize, including, but without
10 limitation, provisions as to:

11 a. The construction, improvement, operation,
12 leasing, maintenance, and repair of the mass transit
13 facilities and duties of the board with reference to
14 the facilities.

15 b. The application of funds and the safeguarding
16 and investment of funds on hand or on deposit.

17 c. The appointment of consulting engineers or
18 architects and approval by the holders of the bonds.

19 d. The rights and remedies of the trustee and the
20 holders of the bonds.

21 e. The terms and provisions of the bonds or the
22 resolution authorizing the issuance of the bonds.

23 Any of the bonds issued pursuant to this section
24 are negotiable instruments, and have all the qualities
25 and incidents of negotiable instruments.

26 **Sec. 16. NEW SECTION. 330B.17 EXISTING**
27 **JURISDICTIONS.**

28 Existing jurisdictions, including those involving
29 mass transit within their jurisdictional boundaries,
30 are protected from incorporation by the authority and
31 shall not be incorporated in the authority except by
32 their respective governing bodies. However, an
33 existing mass transit system may negotiate with the
34 authority to take over its mass transit powers,
35 incomes, and debts. The authority may assume the
36 powers, income, and debts for any type of mass transit
37 facility authorized by this division.

38 **Sec. 17. NEW SECTION. 330B.18 COOPERATION WITH**
39 **OTHER GOVERNMENTS.**

40 The authority may apply for and receive a grant or
41 loan of moneys or other financial aid from the state
42 or federal government or from any state or federal
43 agency, department, bureau, or board, necessary or
44 useful for the undertaking, performance, or execution
45 of any of its corporate objectives or purposes, and
46 the authority may undertake the acquisition,
47 establishment, construction, development, expansion,
48 extension, or improvement of mass transit facilities
49 within its corporate limits, in cooperation with, or
50 as a joint enterprise with the state or federal

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1 governments or with the aid of, or in cooperation
2 with, or as a joint project with the state and federal
3 governments. The authority shall assure, in
4 compliance with any state or federal requirements or
5 directives, that the proceeds of a state or federal
6 grant, loan, or other financial assistance for the
7 provision of facilities or services are used for the
8 express purpose of the financial assistance and to the
9 specific benefit of service areas or persons as
10 designated by the local, state, or federal funding
11 provider.

12 Sec. 18. NEW SECTION. 330B.19 TRANSFER OF
13 EXISTING FACILITIES.

14 1. Any county, city, commission, authority, or
15 person may sell, lease, lend, grant, or convey to the
16 authority, a facility or any part of a facility, or
17 any interest in real or personal property which may be
18 used by an authority in the construction, improvement,
19 maintenance, leasing, or operation of any mass transit
20 facilities. Any county, city, commission, authority,
21 or person may transfer and assign over to the
22 authority a contract which may have been awarded by
23 the county, city, commission, authority, or person for
24 the construction of mass transit facilities not begun
25 or, if begun, not completed.

26 2. A proposed action of the board, and a proposed
27 agreement to acquire, shall be approved by the
28 governing body of the owner of the mass transit
29 facilities. If the governing body of a county, city,
30 commission, or authority desires to sell, lease, lend,
31 grant, or convey to the authority a mass transit
32 facility or any part of a mass transit facility, the
33 governing body shall adopt a resolution signifying its
34 intention to do so and shall publish the resolution at
35 least one time in a newspaper of general circulation
36 in the county and in a newspaper or newspapers, if
37 necessary, of general circulation in the area served
38 by the county, city, commission, or authority giving
39 notice of a hearing to be held on the question of the
40 sale, lease, loan, grant, or conveyance. The
41 resolution shall be published at least fourteen days
42 prior to the date of hearing. After the hearing and
43 if in the public interest, the county, city,
44 commission, or authority shall enact an ordinance
45 authorizing the sale, lease, loan, grant, or
46 conveyance.

47 3. An owner transferring an existing mass transit
48 facility to the authority under this section shall
49 notify the board of and make provision in the transfer
50 documents for, where necessary, existing rights,

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1 liens, securities, and rights of reentry belonging to
2 the state or federal government.

3 4. This section, without reference to any other
4 law, shall be deemed complete authority for the
5 acquisition by agreement, of a facility as provided in
6 subsection 1, and no proceedings or other action shall
7 be required except as prescribed in this division.

8 Sec. 19. NEW SECTION. 330B.20 FUNDS OF THE
9 AUTHORITY.

10 Moneys of an authority shall be paid to the
11 treasurer of the authority who shall not commingle the
12 moneys with any other moneys, but shall deposit them
13 in a separate account or accounts. Moneys in the
14 accounts shall be paid out on check of the treasurer
15 on requisition of the chairperson of the authority, or
16 of another person as the authority may authorize to
17 make the requisition. An authority may deposit any of
18 its rates, fees, rentals, or other charges, receipts,
19 or income with any bank or trust company that is
20 federally insured and may deposit the proceeds of any
21 bonds issued with any bank or trust company that is
22 federally insured, all as may be provided in any
23 agreement with the holders of bonds issued under this
24 division.

25 Sec. 20. NEW SECTION. 330B.21 AWARD OF
26 CONTRACTS.

27 All contracts entered into by an authority for the
28 construction, reconstruction, and improvement of mass
29 transit facilities shall be entered into pursuant to
30 and shall comply with applicable state laws. However,
31 if an authority determines an emergency exists, it may
32 enter into contracts obligating the authority for not
33 in excess of one hundred thousand dollars per
34 emergency without regard to the requirements of
35 applicable state laws and the authority may proceed
36 with the necessary action as expeditiously as possible
37 to the extent necessary to resolve the emergency.

38 Sec. 21. NEW SECTION. 330B.22 EXEMPTION FROM
39 TAXATION.

40 Since an authority is performing essential
41 governmental functions, an authority is not required
42 to pay any taxes or assessments of any kind or nature
43 upon any property required or used by it for its
44 purposes, or any rates, fees, rentals, receipts, or
45 incomes at any time received by it, and the bonds
46 issued by an authority, their transfer, and the
47 income, including any profits made on the sale of
48 bonds, shall be free from taxation of any kind by this
49 state, or any political subdivision or taxing agency
50 or instrumentality of this state.

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1 Sec. 22. NEW SECTION. 330B.23 DISSOLUTION –
2 REFERENDUM.

3 The authority shall be dissolved only by a majority
4 vote in a referendum undertaken in a manner similar to
5 the referendum provided for in section 330B.6. The
6 board shall initiate the petition calling for an
7 election to approve or disapprove the dissolution.
8 The authority shall provide by ordinance for the
9 disposal of any remaining property, the proceeds of
10 which shall first be applied against any outstanding
11 obligation of the authority. The remaining balance
12 shall be divided between the counties included in the
13 authority and credited to the general fund of the
14 respective counties.

15 Sec. 23. NEW SECTION. 330B.24 SUPREMACY OF
16 COMPACT.

17 The provisions of this division II are subject to
18 all of the provisions of the quad cities interstate
19 metropolitan authority compact provided for in section
20 330B.1.

21 Sec. 24. NEW SECTION. 330B.25 LIMITATION ON
22 AUTHORITY.

23 Nothing in this division shall be construed to
24 authorize the authority to construct or maintain
25 public roads, streets, highways, or bridges.

26 Sec. 25. EFFECTIVE DATE.

27 This Act takes effect January 1, 1991.”

28 2. Title page, line 1, by striking the words “an
29 interstate metropolitan” and inserting the following:
30 “a quad cities transportation”.

31 3. Title page, lines 4 and 5, by striking the
32 words “by providing for the imposition of a retail
33 sales tax and the certification of a property tax
34 levy.”.

Amendment H—6152 was adopted, placing the following amend-
ments out of order:

H—5577 filed by Schneklath of Scott and Fey of Scott on March
8, 1990.

H—5637 filed by Hermann of Scott on March 13, 1990.

Fey of Scott moved that the bill be read a last time now and
placed upon its passage which motion prevailed and the bill was read
a last time.

On the question “Shall the bill pass?” (S.F. 2287)

The ayes were, 85:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Hermann	Hester	Hibbard	Holveck
Iverson	Jesse	Jochum	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKinney	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Ollie	Osterberg
Pavich	Pellett	Peters	Peterson, M. K.
Poney	Renaud	Renken	Rosenberg
Royer	Schnekloth	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Wise
Mr. Speaker Avenson			

The nays were, 5:

Banks	Bennett	McKean	Petersen, D. F.
Van Maanen			

Absent or not voting, 10:

Brown	Connors	Haverland	Jay
Johnson	Mertz	Nielsen	Plasier
Shearer	Stueland		

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

Unfinished Business Calendar

The House resumed consideration of **Senate File 2395**, a bill for an act relating to the protection of trade secrets and providing remedies, previously deferred and placed on the unfinished business calendar.

Fogarty of Palo Alto in the chair at 9:46 a.m.

McKinney of Dallas moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2395)

The ayes were, 89:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Buhr	Carpenter	Chapman
Clark	Cphoon	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Hermann	Hester	Hibbard
Holveck	Iverson	Jesse	Jochum
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Ollie	Osterberg	Pavich
Pellett	Peters	Poncy	Renaud
Renken	Rosenberg	Royer	Schneklath
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Fogarty			
Presiding			

The nays were, 1:

Peterson, M. K.

Absent or not voting, 10:

Brown	Connors	Fey	Haverland
Jay	Johnson	Nielsen	Petersen, D. F.
Plasier	Stueland		

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

IMMEDIATE MESSAGE

(Senate File 2395)

Arnould of Scott asked and received unanimous consent that Senate File 2395 be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

House Refused To Concur

Hibbard of Madison called up for consideration **House File 731**, a bill for an act relating to constructive notice of rights conferred upon

drainage districts by the filing of files and records with the county auditor, amended by the Senate amendment H—5718 as follows:

H—5718

1 Amend House File 731, as passed by the House, as
2 follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "Section 1. NEW SECTION. 455B.280 RIGHT TO
6 MAINTAIN DRAINAGE DITCH.

7 The department shall not restrict a person,
8 including a board as defined in section 468.3, having
9 jurisdiction over a drainage ditch from maintaining
10 the drainage ditch by removing silt which has
11 accumulated in the ditch. This section does not allow
12 a person to deepen or expand a ditch beyond its
13 deepest or widest measurement when established.

14 Sec. 2. Section 468.27, Code Supplement 1989, is
15 amended by adding the following new unnumbered
16 paragraph:

17 NEW UNNUMBERED PARAGRAPH. Records and files
18 provided in this chapter, including but not limited to
19 the surveys and reports made in compliance with
20 sections 468.11 and 468.12; surveys, plats, profiles,
21 or reports made pursuant to section 468.22; or the
22 permanent survey, plat, or profile made pursuant to
23 section 468.30, which are on file with the county
24 auditor in the county responsible for recording the
25 records and files, shall constitute constructive
26 notice to all persons of the rights of the drainage
27 district conferred in such records and files.

28 Sec. 3. NEW SECTION. 468.149A RIGHT TO MAINTAIN
29 DRAINAGE IMPROVEMENTS.

30 A person, including a board as defined in section
31 468.3, having jurisdiction over a drainage ditch or
32 drainage tile, shall not be restricted from
33 maintaining the ditch or tile, including by repairing
34 the tile or removing silt which has accumulated in the
35 ditch. This section does not allow a person to deepen
36 or expand a ditch beyond its deepest or widest
37 measurement when established or to expand tiling
38 systems beyond established locations."

39 2. Title page, line 1, by striking the words
40 "constructive notice of".

41 3. Title page, line 1, by striking the word
42 "upon" and inserting the following: "in".

43 4. Title page, line 2, by striking the word "by"
44 and inserting the following: "and".

Mertz of Kossuth asked and received unanimous consent to withdraw amendment H—5779, to the Senate amendment H—5718, filed by her on March 20, 1990.

Hibbard of Madison moved that the House concur in the Senate amendment H—5718.

The motion lost and the House refused to concur in the Senate amendment H—5718.

IMMEDIATE MESSAGE

(House File 731)

Arnould of Scott asked and received unanimous consent that House File 731 be immediately messaged to the Senate.

RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for the immediate consideration of Senate Files 2115 and 2416, not eligible for debate today.

Ways and Means Calendar

Senate File 2115, a bill for an act relating to state income taxation by exempting certain bonds and notes issued by the agricultural development authority and providing a retroactive applicability date, with report of committee recommending passage was taken up for consideration.

Osterberg of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2115)

The ayes were, 91:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Black
Blanshan	Brammer	Brand	Branstad
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harper	Hatch
Hermann	Hester	Hibbard	Holveck
Iverson	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby

May	McKean	McKinney	Mertz
Metcalfe	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Poncy	Renaud	Renken
Rosenberg	Schneklath	Schrader	Shearer
Sherzan	Shoning	Shultz	Siegrist
Spear	Spenner	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Fogarty	
		Presiding	

The nays were, none.

Absent or not voting, 9:

Bisignano	Brown	Daggett	Harbor
Haverland	Jay	Plasier	Royer
Stueland			

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

Senate File 2416, a bill for an act relating to transfer of the delinquent tax liens and the service of notice of expiration of the right of redemption from tax sales on certain persons with an interest in the real estate, and providing an effective date, with report of committee recommending amendment and passage was taken up for consideration.

Teaford of Black Hawk offered the following amendment H—6110 filed by the committee on ways and means and moved its adoption:

H—6110

- 1 Amend Senate File 2416, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 1, line 13, by inserting after the word
- 4 "sale." the following: "The delinquent tax lien
- 5 expires when the tax sale certificate expires."
- 6 2. Page 1, line 27, by inserting after the word
- 7 "sale." the following: "The delinquent tax lien
- 8 expires when the tax sale certificate expires."
- 9 3. Page 2, by striking lines 6 through 15.
- 10 4. Title page, line 1, by inserting after the
- 11 word "transfer" the following: "and expiration".

The committee amendment H—6110 was adopted.

Teaford of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2416)

The ayes were, 91:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cohoon	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Hermann
Hester	Holveck	Iverson	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Ollie	Osterberg
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renken	Rosenberg
Royer	Schnekkoth	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Fogarty	
		Presiding	

The nays were, none.

Absent or not voting, 9:

Connors	Haverland	Hibbard	Jay
Maulsby	Nielsen	Pavich	Renaud
Stueland			

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

MOTION TO RECONSIDER PREVAILED
(Senate File 2230)

Doderer of Johnson called up for consideration the motion to reconsider Senate File 2230, filed on March 13, 1990, and moved to reconsider the vote by which Senate File 2230, a bill for an act relating to membership qualifications of the board of review, passed the House and was placed on its last reading on March 13, 1990.

A non-record roll call was requested.

The ayes were 52, nays 19.

The motion prevailed and Senate File 2230 was reconsidered.

Doderer of Johnson offered the following amendment H—5660 filed by her and Hammond of Story and moved its adoption:

H—5660

- 1 Amend Senate File 2230, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 10, by inserting after the word
- 4 "field." the following: "The membership of the board
- 5 shall be gender balanced in accordance with section
- 6 69.16A."

Amendment H—5660 was adopted.

Royer of Page moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2230)

The ayes were, 90:

Adams	Arnould	Avenson, Spkr.	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Doderer	Dvorsky
Eddie	Fey	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Hermann	Hester
Holveck	Iverson	Jesse	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbaue	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader,
Shearer	Shening	Shoultz	Siegrist
Spear	Spenner	Svoboda	Swartz
Tabor	Trent	Tyrrell	Van Maanen
Wise	Fogarty		
	Presiding		

The nays were, none.

Absent or not voting, 10:

Banks	Diemer	Haverland	Hibbard
Jay	Jochum	Murphy	Sherzan
Stueland	Teaford		

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

HOUSE INSISTS

Jesse called up for consideration **House File 2534**, a bill for an act relating to sanitary disposal projects, and moved that the House insist on its amendment, which motion prevailed.

CONFERENCE COMMITTEE APPOINTED (House File 2534)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2534: Jesse of Jasper, Chair; Banks of Plymouth, Rosenberg of Story, Petersen of Muscatine and Lykam of Scott.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 6, 1990, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2423, a bill for an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for educational and cultural programs of this state, providing effective dates, and providing retroactive applicability.

JOHN F. DWYER, Secretary

The House stood at ease at 10:33 a.m., until the fall of the gavel.

The House resumed session at 11:45 a.m., Speaker Avenson in the chair.

IMMEDIATE MESSAGES

Arnould of Scott asked and received unanimous consent that House File 2534 and Senate Files 2115, 2230 and 2416 be immediately messaged to the Senate.

GOVERNOR'S VETO MESSAGE

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

April 5, 1990

The Honorable Donald Avenson
Speaker
House of Representatives
State Capitol Building
L O C A L

Dear Mr. Speaker:

House Concurrent Resolution No. 112, a concurrent resolution relating to the board of regents' ten-year building program and providing for the financing of fire and life safety and deferred maintenance projects, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

The resolution authorizes the Board of Regents to issue a total of approximately \$18 million in revenue bonds for the purpose of funding a wide variety of maintenance projects and improvements at Regents' facilities.

Many of these projects should be undertaken but it is preferable to finance them through the current operating budgets of the institutions. However, I recognize that during the difficult times of the early 80's, many such projects were deferred.

Given these extraordinary circumstances, I would consider this method of financing certain critical maintenance projects. However, this resolution exceeds those critical needs.

For the above reason, I hereby respectfully disapprove House Concurrent Resolution 112.

Sincerely,
Terry E. Branstad
Governor

GOVERNOR'S ITEM VETO MESSAGES

A copy of the following communications were received and placed on file:

April 5, 1990

The Honorable Jo Ann Zimmerman
President of the Senate
State Capitol Building
L O C A L

Dear Madam President:

I hereby transmit Senate File 2328, an act relating to and making appropriations to regulatory bodies of state government, including the auditor of state, the campaign finance disclosure commission, the department of employment services, the office of the state public defender, the department of inspections and appeals, the department

of commerce, and the racing and gaming commission, allocating certain standing appropriations subject to certain procedures and conditions, and affecting certain regulated entities, and providing an effective date.

Senate File 2328 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 4, in its entirety. I have approved language in this bill to require the Department of Employment Services to establish and provide staff for an informal mediation process for workers compensation cases. This provision, directing the establishment of pilot projects for the same purpose, does not authorize the Department to do anything that cannot be accomplished under the approved language.

I am unable to approve the item designated as Section 9, subsection 2, unnumbered and unlettered paragraph 2, in its entirety. This provision would allow funds from the indigent defense appropriation to be transferred to the Legal Services Corporation of Iowa. The indigent defense appropriation in this bill falls short of my recommendation by over \$500,000. Monies allocated to the Legal Services Corporation of Iowa would add to that shortfall, and increase the already certain need for supplemental funds in this area next year.

I am unable to approve the item designated as Section 19, unnumbered and unlettered paragraph 5, in its entirety. Because I have previously acted upon the corresponding legislation referred to in this section, the authorization provided in this provision is not necessary.

I am unable to approve the designated portions of Sections 21, 22 and 23, and the item designated as Section 30, in its entirety. These provisions would remove the State Racing and Gaming Commission from the Department of Inspections and Appeals, and establish the Commission as a separate state agency. The functions of the Racing and Gaming Commission have been satisfactorily performed as a part of the Department of Inspections and Appeals, and I see no need to establish the Racing and Gaming Commission as a new state department.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2328 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

April 5, 1990

The Honorable Jo Ann Zimmerman
President of the Senate
State Capitol Building
L O C A L

Dear Madam President:

I hereby transmit Senate File 2364, an act relating to and making appropriations to the department of agriculture and land stewardship, the Iowa state fair authority, and the department of natural resources, changing the distribution of certain fees, and providing an effective date.

Senate File 2364 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the items designated as Section 1, subsection 5, paragraphs e and f, in their entirety. Paragraph e calls for a \$37,577 appropriation for the support of an assistant attorney general. This position should be funded from pesticide receipts, not general fund dollars. Paragraph f earmarks funding for a planner to review pesticide cases and this should also be funded by pesticide receipts.

I am unable to approve the item designated as Section 3, numbered paragraph 1, in its entirety. This item calls for a \$250,000 appropriation to be used to develop public/private partnerships to assist in the promotion, marketing, and selling of agricultural products. The Department of Economic Development is charged with this very same duty and the Department of Agriculture and Land Stewardship should work with the Department of Economic Development to prevent duplication.

I am unable to approve the item designated as Section 4, in its entirety. This section would require the Department of Agriculture and Land Stewardship to notify the chairpersons and ranking members of the Agriculture and Natural Resources Appropriations Subcommittee regarding fund transfers from dairy trade practices, the commercial feed fund, the fertilizer fund and the pesticide fund. This language is unnecessary, for Section 8.39 of the Code specifies the use of these funds.

I am unable to approve the item designated as Section 5, in its entirety. This section would allow the Department to spend increased revenues from potential fee increases in the fertilizer and pesticide funds for the administration and implementation of Chapters 200 and 206. These funds should be authorized through the appropriation process.

I am unable to approve the item designated as Section 8, subsection 8, paragraph b, in its entirety, which calls for a \$30,000 appropriation to be used to support the position of Environmental Specialist II for the development of preserves management plans. This task can be handled by the Department of Natural Resources within their existing budget.

I am unable to approve the item designated as Section 9, subsection 8, in its entirety. This item would require the Department to take all actions necessary to avoid using license receipts or other income for capitals and acquisitions unless the Code specifically designates the use. The Department would not be able to reduce personnel until all other actions necessitated by the expenditure reduction are exhausted. This could require the Department to turn back federal dollars for lack of a state match.

I am unable to approve the item designated as Section 12, in its entirety. This section appropriates \$50,000 to restore and repair a lowhead dam in Jones County. Several counties in the state have requested appropriations to pay for repairs of lowhead dams and the Resource Enhancement and Protection Act funds may be used for this purpose. Given the state's reduced revenues, I cannot approve this general fund expenditure.

I am unable to approve the item designated as Section 17, in its entirety. This section is ambiguous and is unnecessary, for the Department of Management currently notifies the chairpersons and ranking members of proposed transfer of funds.

I am unable to approve the item designated as Section 18, in its entirety. In lieu of divisional appropriations, this language was added to fiscal year 1990's appropriation bill. Senate File 2364 now includes divisional appropriations and this additional report is no longer necessary.

I am unable to approve the item designated as Section 22, in its entirety. This section eliminates Jones County from the list of four counties who were allowed to borrow ahead on their REAP allocations. Since I have vetoed Section 12 of this bill, there is no need for this section.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2364 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

On motion by Arnould of Scott, the House was recessed at 11:45 a.m., until 12:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

QUORUM CALL

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 6, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2270, a bill for an act relating to the department of human rights.

Also: That the Senate has on April 6, 1990, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 133, a concurrent resolution relating to the state board of regents' ten-year building program and providing for the financing of certain building and remodeling projects.

JOHN F. DWYER, Secretary

INTRODUCTION OF BILL

House File 2567, by committee on appropriations, a bill for an act relating to and making appropriations from the energy conservation trust.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Johnson of Winneshiek, until his return, on request of Arnould of Scott.

SENATE AMENDMENT CONSIDERED

Teaford of Black Hawk called up for consideration **House File 2546**, a bill for an act relating to child day care and the state child and dependent care tax credit and providing a retroactive applicability date, amended by the Senate, and moved that the House concur in the following Senate amendment H—6146:

H—6146

- 1 Amend House File 2546, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 4, line 10, by inserting after the word
- 4 "pool." the following: "If a proposal for an
- 5 insurance pool is developed, 120 days prior to
- 6 proposing administrative rules for a pool, the
- 7 department of human services shall submit a report to
- 8 the legislative council providing a rationale as to
- 9 the need to establish the pool."

- 10 2. Page 4, by inserting after line 10 the
- 11 following:

12 "Sec. _____. **RESOURCE AND REFERRAL PROGRAMS, OTHER**

13 **CHILD CARE ASSISTANCE.**

14 There is appropriated from the general fund of the

15 state to the department of human services for the

16 fiscal year beginning July 1, 1990, and ending June

17 30, 1991, the following amounts, or so much thereof as

18 is necessary, to be used for the purposes designated:

- 19 1. For grants to public agencies and private
- 20 nonprofit organizations which provide child day care
- 21 resource and referral programs:
- 22\$ 500,000

23 As a condition, qualification, and limitation of

24 the funds appropriated in this section, a task force

25 is established which shall include representatives of

26 all of the following entities: the department of

27 human services, the child development coordinating

28 council, the department of education, the area

29 education agencies, the cooperative extension service

30 of Iowa state university of science and technology,

31 the state day care advisory committee, and child day

32 care resource and referral agencies. The task force

33 shall develop, and provide for dissemination of, a

34 manual or materials to assist local school districts

35 and communities in conducting a needs assessment for
 36 child day care services and in developing a community
 37 support structure for meeting needs identified by the
 38 assessment.

39 2. For grants to fund costs relating to child day
 40 care start-up, fire safety, and equipment:

41\$ 760,000

42 The funds appropriated in this subsection shall be
 43 allocated and administered as provided in sections
 44 237A.13 through 237A.18. However, \$50,000 shall be
 45 used for start-up grants to child day care facilities
 46 located in rural counties with a population of less
 47 than 20,000 or in cities with a population of less
 48 than 5,000. A child day care program established by a
 49 school pursuant to section 279.49 may receive a grant.
 50 The order of priority for granting funds appropriated

Page 2

1 in this subsection is as follows: start-up; fire
 2 safety; and equipment. If available, the funds
 3 appropriated in this subsection shall be matched with
 4 federal funds. The department shall adopt rules to
 5 implement this subsection, including a provision that
 6 the maximum amount granted to a grantee is \$10,000."

7 3. Page 4, by inserting before line 11, the
 8 following:

9 "Sec. _____. RECEIPT OF FEDERAL FUNDS.

10 When unanticipated federal moneys are received
 11 which may be used for the purposes of child day care
 12 resource and referral programs or child day care
 13 start-up grants, the federal moneys shall be used
 14 before state moneys appropriated for these purposes
 15 are further expended and the federal moneys received
 16 shall be considered to be in addition to the amounts
 17 of the state appropriations."

18 4. Page 4, line 13, by striking the words
 19 "college aid commission" and inserting the following:
 20 "department of human services".

21 5. Page 4, line 16, by inserting before the word
 22 "commission" the following: "college aid".

23 6. Page 4, by striking line 23 and inserting the
 24 following: "department shall report its findings,
 25 including the commission's loan repayment program
 26 proposal, to the general assembly".

27 7. Page 5, line 4, by striking the word "seventy"
 28 and inserting the following: "sixty-five".

29 8. Page 5, line 7, by striking the word "sixty-
 30 five" and inserting the following: "fifty-five".

31 9. Page 5, lines 9 and 10, by striking the words
 32 "thirty thousand dollars, sixty percent" and inserting

33 the following: "thirty-five thousand dollars, fifty
34 percent."
35 10. Page 5, by striking lines 11 through 13.
36 11. Page 5, line 14, by striking the letter "f"
37 and inserting the following: "e".
38 12. Page 5, by striking lines 17 through 19 and
39 inserting the following:
40 "f. For a taxpayer with an adjusted gross income
41 of forty thousand dollars or more but less than forty-
42 five thousand dollars, thirty percent.
43 g. For a taxpayer with an adjusted gross income of
44 forty-five thousand dollars or more but less than
45 fifty thousand dollars, twenty percent.
46 h. For a taxpayer with an adjusted gross income of
47 fifty thousand dollars or more, ten percent."
48 13. Page 5, by striking lines 25 through 32 and
49 inserting the following:
50 "3. Married taxpayers who have filed joint federal

Page 3

1 returns electing to file separate returns or to file
2 separately on a combined return form must determine
3 the child and dependent care credit under subsection 1
4 based upon their combined adjusted gross income and
5 allocate the total credit amount to each spouse in the
6 proportion that each spouse's respective adjusted
7 gross income bears to the total combined adjusted
8 gross income.
9 Sec. _____. Section 422.16, subsection 1, unnumbered
10 paragraph 1, Code Supplement 1989, is amended to read
11 as follows:
12 Every withholding agent and every employer as
13 defined in this chapter and further defined in the
14 Internal Revenue Code, with respect to income tax
15 collected at source, making payment of wages to a
16 nonresident employee working in Iowa, or to a resident
17 employee, shall deduct and withhold from the wages an
18 amount which will approximate the employee's annual
19 tax liability on a calendar year basis, calculated on
20 the basis of tables to be prepared by the department
21 and schedules or percentage rates, based on the wages,
22 to be prescribed by the department. Every employee or
23 other person shall declare to the employer or
24 withholding agent the number of the employee's or
25 other person's personal exemptions and dependency
26 exemptions or credits to be used in applying the
27 tables and schedules or percentage rates. However, no
28 greater number of personal or dependency exemptions or
29 credits may be declared by the employee or other
30 person than the number to which the employee or other
31 person is entitled except as allowed under section

32 3402(m)(1) of the Internal Revenue Code and as allowed
 33 for the child and dependent care credit provided in
 34 section 422.12C. The claiming of exemptions or
 35 credits in excess of entitlement is a serious
 36 misdemeanor.

37 Sec. _____. RULES.

38 The department of human services may adopt
 39 administrative rules under section 17A.4, subsection
 40 2, and section 17A.5, subsection 2, paragraph "b", to
 41 implement the section of this Act relating to grants
 42 for child day care start-up, fire safety, and
 43 equipment. The rules shall be effective immediately
 44 upon filing, unless a later date is specified in the
 45 rules. The rules shall also be published as a notice
 46 of intended action as provided in section 17A.4."

47 14. Page 6, by striking lines 9 through 15.

48 15. Title page, line 2, by striking the word
 49 "credit" and inserting the following: "credit, making
 50 an appropriation,".

Page 4

- 1 16. By renumbering, relettering, or redesignating
- 2 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—6146.

Teaford of Black Hawk moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2546)

The ayes were, 91:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Hermann
Hester	Hibbard	Holveck	Iverson
Jay	Jesse	Jochum	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Murphy	Neuhauser	Nielsen	Ollie

Pavich	Pellett	Peters	Petersen, D. F.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schneklath	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 9:

Bisignano	Haverland	Johnson	Miller
Muhlbauer	Osterberg	Peterson, M. K.	Shearer
Stueland			

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

The House stood at ease at 1:30 p.m., until the fall of the gavel.

The House resumed session at 3:10 p.m., Speaker Avenson in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 6, 1990, appointed the conference committee to House File 2534, a bill for an act relating to sanitary disposal projects, and the members of the Senate are: The Senator from Scott, Senator Deluhery, Chair; the Senator from Kossuth, Senator Priebe; the Senator from Pottawattamie, Senator Gronstal; the Senator from Linn, Senator Pate; the Senator from Marshall, Senator Soorholtz.

Also: That the Senate has on April 6, 1990, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 514, a bill for an act providing a state sales and use tax exemption for certain facilities.

Also: That the Senate has on April 6, 1990, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2277, a bill for an act relating to tourist-oriented signs.

Also: That the Senate has on April 6, 1990, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2403, a bill for an act relating to energy efficiency.

JOHN F. DWYER, Secretary

RESOLUTION FILED

Senate Concurrent Resolution 133, by committee on appropriations, a concurrent resolution relating to the state board of regents' ten-year building program and providing for the financing of certain building and remodeling projects.

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

The House stood at ease at 3:16 p.m., until the fall of the gavel.

The House resumed session at 3:30 p.m., Connors of Polk in the chair.

SENATE AMENDMENT CONSIDERED

House Refused to Concur

Doderer of Johnson called up for consideration **Senate File 514**, a bill for an act providing a state sales and use tax exemption for certain facilities, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-6158 to the House amendment:

H-6158

1 Amend the House amendment, S-5945, to Senate File
 2 514, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 1, by inserting after line 4 the
 5 following:
 6 "Sec. _____. Section 422.45, subsection 7, Code
 7 Supplement 1989, is amended to read as follows:
 8 7. A private nonprofit educational institution or
 9 nonprofit corporation under subsection 22 in this
 10 state or a tax-certifying or tax-levying body or
 11 governmental subdivision of the state, including the
 12 state board of regents, state department of human
 13 services, state department of transportation, a
 14 municipally owned solid waste facility which sells all
 15 or part of its processed waste as fuel to a
 16 municipally owned public utility, and all divisions,
 17 boards, commissions, agencies, or instrumentalities of
 18 state, federal, county, or municipal government which
 19 do not have earnings going to the benefit of an equity
 20 investor or stockholder, may make application to the
 21 department for the refund of the sales, services, or
 22 use tax upon the gross receipts of all sales of goods,
 23 wares ~~or~~, and merchandise, ~~or~~ and from services
 24 rendered, furnished, or performed, to a contractor,
 25 used in the fulfillment of a written contract with the

26 state of Iowa, any political subdivision of the state,
 27 or a division, board, commission, agency, or
 28 instrumentality of the state or a political
 29 subdivision, or a private nonprofit educational
 30 institution or nonprofit corporation under subsection
 31 22 in this state, if the property becomes an integral
 32 part of the project under contract and at the
 33 completion of the project becomes public property or
 34 property of a nonprofit corporation under subsection
 35 22, or is devoted to educational uses; except goods,
 36 wares or, and merchandise or and services rendered,
 37 furnished, or performed used in the performance of any
 38 a contract in connection with the operation of any a
 39 municipal utility engaged in selling gas, electricity,
 40 or heat to the general public; and except goods,
 41 wares, and merchandise used in the performance of a
 42 contract for a "project" under chapter 419 as defined
 43 in that chapter other than goods, wares or, and
 44 merchandise used in the performance of a contract for
 45 a "project" under chapter 419 for which a bond issue
 46 was or will have been approved by a municipality prior
 47 to July 1, 1968, or for which the goods, wares, or
 48 merchandise becomes an integral part of the project
 49 under contract and at the completion of the project
 50 becomes public property or property of a nonprofit

Page 2

1 corporation under subsection 22, or is devoted to
 2 educational uses.
 3 a. ~~Sueh~~ The contractor shall state under oath, on
 4 forms provided by the department, the amount of such
 5 sales of goods, wares, or and merchandise or and
 6 services rendered, furnished, or performed, and used
 7 in the performance of ~~sueh~~ the contract, and upon
 8 which sales, services, or use tax has been paid, and
 9 shall file ~~sueh~~ the forms with the governmental unit
 10 or private nonprofit educational institution or
 11 nonprofit corporation under subsection 22 which has
 12 made any a written contract for performance by said
 13 the contractor. ~~Sueh~~ The forms shall be filed by the
 14 contractor with the governmental unit or educational
 15 institution or nonprofit corporation under subsection
 16 22 before final settlement is made.
 17 b. ~~Sueh~~ The governmental unit or educational
 18 institution or nonprofit corporation under subsection
 19 22 shall, not more than six months after the final
 20 settlement has been made, make application to the
 21 department for any a refund of the amount of such
 22 sales, services, or use tax which shall have has been
 23 paid upon any goods, wares, or and merchandise, or and

24 services rendered, furnished, or performed, such the
 25 application to be made in the manner and upon forms to
 26 be provided by the department, and the department
 27 shall forthwith audit such the claim and, if approved,
 28 issue a warrant to such the governmental unit or
 29 educational institution or nonprofit corporation under
 30 subsection 22 in the amount of such the sales,
 31 services, or use tax which has been paid to the state
 32 of Iowa under such the contract.

33 c. Any A contractor who ~~shall~~ willfully ~~make~~ makes
 34 a false report of tax paid under the provisions of
 35 this subsection ~~shall be is~~ guilty of a simple
 36 misdemeanor and in addition ~~thereto~~ shall be is liable
 37 for the payment of the tax with penalty and interest
 38 ~~thereon.~~"

39 2. Page 1, by inserting after line 32 the fol-
 40 lowing:

41 "_____. Title page, line 1, by striking the word
 42 "for" and inserting the following: "and refund for
 43 certain nonprofit corporations and"."

The motion lost and the House refused to concur in the Senate amendment H-6158.

SENATE AMENDMENTS CONSIDERED

Teaford of Black Hawk called up for consideration **Senate File 2277**, a bill for an act relating to tourist-oriented signs, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-6159 to the House amendment:

H-6159

1 Amend House amendment, S-5611, to Senate File 2277,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 1, by striking lines 3 through 10, and
 5 inserting the following:

6 "_____. Page 1, by striking lines 1 through 17.

7 _____. Page 1, lines 25 and 26, by striking the
 8 words and figures "under section 321.252, unnumbered
 9 paragraph 4".

10 _____. Page 1, line 30, by striking the words "For
 11 purposes of this division," and inserting the
 12 following: "The rules shall include but are not
 13 limited to the following:

14 a. Criteria for eligibility for signing.

15 b. Criteria for limiting or excluding businesses
 16 that maintain advertising devices that do not conform
 17 to the requirements of chapter 306B, chapter 306C,
 18 division II, or other statutes or administrative rules

19 regulating outdoor advertising.

20 c. Provisions for a fee schedule to cover the
21 direct and indirect costs of sign erection and
22 maintenance and related administrative costs.

23 d. Provisions for specifying the maximum distance
24 to eligible businesses.

25 e. Provisions specifying the maximum number of
26 signs permitted per panel and per interchange.

27 f. Provisions for determining what businesses are
28 signed when there are more applicants than the maximum
29 number of signs permitted.

30 g. Provisions for removing signs when businesses
31 cease to meet minimum requirements for participation
32 and related costs.

33 For purposes of this division,"

34 _____ Page 1, lines 32 and 33, by striking the
35 words "outdoor recreation," and inserting the
36 following: "outdoor recreation,"

37 _____ Page 2, lines 12 and 13, by striking the
38 words and figures "section 321.252, unnumbered
39 paragraph 4," and inserting the following: "this
40 subsection".

41 2. Page 1, by striking lines 19 and 20 and
42 inserting the following:

43 "_____ Page 3, line 17, by striking the words "an
44 outdoor advertising agency" and inserting the
45 following: "the outdoor advertising association of
46 Iowa".

47 3. Page 1, line 30, by inserting after the word
48 "available." the following: "If an adjacent landowner
49 complaints to the department about the placement of a
50 tourist oriented directional sign, the department

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1 shall attempt to reach an agreement with the landowner
2 for relocating the sign. If possible, the sign shall
3 be relocated from the place of objection. If the sign
4 must be located on an objectionable place, it shall be
5 located on the least objectionable place possible."

6 4. Page 1, by inserting after line 35 the
7 following:

8 "_____ Page 4, line 13, by inserting after the
9 word "basis." the following: "Faded signs shall be
10 replaced and the commercial vendor charged for the
11 cost of replacement based upon the fee schedule
12 adopted.""

13 5. Page 2, line 8, by inserting after the word
14 "public." the following: "However, if it is not
15 reasonable and feasible to display specific historic
16 sites on the state transportation map, the department
17 shall consult with the agency managing the historic
18 site."

The motion prevailed and the House concurred in the Senate amendment H—6159.

Teaford of Black Hawk moved that the bill, as amended by the House, further amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2277)

The ayes were, 89:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Hammond
Hanson, D. R.	Harbor	Harper	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Jochum
Johnson	Knapp	Koenigs	Kremer
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Ollie	Osterberg	Pavich	Pellett
Peters	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schneklath	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Svoboda	Swartz	Tabor
Teaford	Tyrrrell	Van Maanen	Wise
Connors			
Presiding			

The nays were, 3:

Corbett	Halvorson, R. N.	Nielsen
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Absent or not voting, 8:

Black	Hansen, S. D.	Hatch	Kistler
Lageschulte	Petersen, D. F.	Stueland	Trent

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

Doderer of Johnson called up for consideration **House File 2537**, a bill for an act relating to the sale of funeral services and merchandise, amended by the Senate, and moved that the House concur in the following Senate amendment H—6130:

H-6130

1 Amend House File 2537, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 4, by striking lines 10 through 16.

4 2. Page 4, by striking lines 17 through 26.

5 3. Page 4, by striking lines 27 through 34.

6 4. By striking page 8, line 19 through page 10,
7 line 27.

8 5. Page 10, by inserting after line 27, the
9 following:

10 "Sec. _____. NEW SECTION. 523E.1 TRUST FUND
11 ESTABLISHED.

12 1. If an agreement is made by a person to furnish,
13 upon the future death of a person named or implied in
14 the agreement, cemetery merchandise, a minimum of one
15 hundred twenty-five percent of the wholesale cost of
16 the cemetery merchandise, based upon the current
17 advertised prices available from a manufacturer or
18 wholesaler who has delivered the same or substantially
19 the same type of merchandise to the seller during the
20 last twelve months, shall be and remain trust funds
21 until purchase of the merchandise or the occurrence of
22 the death of the person for whose benefit the funds
23 were paid, unless the funds are sooner released to the
24 person making the payment by mutual consent of the
25 parties. Payments otherwise subject to this section
26 are not exempt merely because they are held in
27 certificates of deposit.

28 2. The seller shall keep copies of all price
29 advertisements upon which the seller relies to
30 determine the wholesale cost. The copies of price
31 advertisements so maintained shall be made available
32 to the commissioner upon request. The seller shall
33 review wholesale costs no less than annually and make
34 additional deposits as necessary to assure that the
35 amount held in trust is always equal to or in excess
36 of one hundred twenty-five percent of the wholesale
37 cost of the merchandise. The seller and the
38 manufacturer or wholesaler upon whose price the seller
39 relies to determine the wholesale cost shall not be
40 commonly owned or affiliated.

41 3. Interest or income earned on amounts deposited
42 in trust under this subsection shall remain in trust
43 under the same terms and conditions as the payments
44 made under the agreement and purchasers shall have a
45 right to a total refund of principal and interest or
46 income in the event of nonperformance.

47 4. If an agreement subject to this subsection is
48 to be paid in installment payments, the seller shall
49 deposit fifty percent of each payment in trust until
50 the full amount to be trusted has been deposited. If

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1 the agreement is financed with or sold to a financial
2 institution, the agreement shall be considered paid in
3 full and the deposit requirements of this section
4 shall be satisfied within fifteen days after the close
5 of the month of receipt of the funds from the
6 financial institution.

7 This section does not apply to payments for
8 merchandise delivered to the purchaser. Delivery
9 includes storage in a warehouse under the control of
10 the seller or any other warehouse or storage facility
11 approved by the commissioner when a receipt of
12 ownership in the name of the purchaser is delivered to
13 the purchaser, the merchandise is insured against
14 loss, the merchandise is protected against damage,
15 title has been transferred to the purchaser, the
16 merchandise is appropriately identified and described
17 in a manner that it can be distinguished from other
18 similar items of merchandise, the method of storage
19 allows for visual audits of the merchandise, and the
20 annual reporting requirements of section 523E.2,
21 subsection 1, are satisfied.

22 Sec. _____. NEW SECTION. 523E.2 DEPOSIT OF FUNDS –
23 RECORDS – EXAMINATIONS – REPORTS.

24 1. a. All funds held in trust under section
25 523E.1 shall be deposited in a state or federally
26 insured bank, savings and loan association, or credit
27 union authorized to conduct business in this state, or
28 trust department thereof, or in a trust company
29 authorized to conduct business in this state, within
30 fifteen days after the close of the month of receipt
31 of the funds and shall be held as provided in
32 paragraph "g" for the designated beneficiary until
33 released pursuant to section 523E.1.

34 b. The seller under an agreement referred to in
35 section 523E.1 shall maintain accurate records of all
36 receipts, expenditures, interest or earnings, and
37 disbursements relating to funds held in trust, and
38 shall make these records available to the commissioner
39 for examination at any reasonable time upon request.

40 c. The seller under an agreement referred to in
41 section 523E.1 shall file with the commissioner not
42 later than March 1 of each year a report including the
43 following information:

44 (1) The name and address of the seller and the
45 name and address of the establishment that will
46 provide the cemetery merchandise.

47 (2) The name of the purchaser, beneficiary, and
48 the amount of each agreement under section 523E.1 made
49 in the preceding year and the date on which it was
50 made.

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1 (3) The total value of agreements subject to
2 section 523E.1 entered into, the total amount paid
3 pursuant to those agreements, and the total amount
4 deposited in trust as required under section 523E.1,
5 during the preceding year.

6 (4) The amount of any payments received pursuant
7 to agreements reported in previous years in accordance
8 with subparagraphs (2) and (3) and the amount of those
9 payments deposited in trust for each purchaser.

10 (5) The change in status of any trust account, for
11 each purchaser, any other amounts withdrawn from trust
12 and the reason for each withdrawal. However, regular
13 increments of interest or income need not be reported
14 on a yearly basis.

15 (6) The name and address of the financial
16 institution in which trust funds were deposited, and
17 the name and address of each insurance company which
18 funds agreements under section 523E.1.

19 (7) The name and address of each purchaser of
20 cemetery merchandise delivered in lieu of trusting
21 pursuant to section 523E.1, and a description of that
22 merchandise for each purchaser.

23 (8) The complete inventory of cemetery merchandise
24 and its location in the seller's possession that has
25 been delivered in lieu of trusting pursuant to section
26 523E.1.

27 (9) Other information reasonably required by the
28 commissioner for purposes of administration of this
29 chapter.

30 The information required by subparagraphs (7) and
31 (8) shall include a verified statement of a certified
32 public accountant that the certified public accountant
33 has conducted a physical inventory of the cemetery
34 merchandise specified in subparagraph (8) and that
35 each item of that merchandise is in the seller's
36 possession at the specified location. The statement
37 shall be on a form prescribed by the commissioner.
38 The commissioner shall permit the filing of a unified
39 annual report by a seller subject to both chapter 523A
40 and this chapter.

41 The report shall be accompanied by a filing fee
42 determined by the commissioner which shall be
43 sufficient to defray the costs of administering this
44 chapter.

45 d. A financial institution referred to in
46 paragraph "a" shall file notice with the commissioner
47 of all funds deposited under the trust agreement. The
48 notice shall be on forms prescribed by the
49 commissioner and shall be filed not later than March 1
50 of each year. Each notice shall contain the required

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1 information for all deposits made during the previous
2 calendar year. Forms may be obtained from the
3 commissioner.

4 e. Notwithstanding chapter 22, all records
5 maintained by the commissioner under this subsection
6 shall be confidential and shall not be made available
7 for inspection or copying except upon approval of the
8 commissioner or the attorney general.

9 f. The financial institution in which trust funds
10 are held shall not be owned or under the control of
11 the seller and shall not use any funds required to be
12 held in trust pursuant to this chapter or chapter 566A
13 to purchase an interest in any contract or agreement
14 to which the seller is a party, or otherwise to
15 invest, directly or indirectly, in the seller's
16 business operations.

17 g. All funds required to be deposited for a
18 purpose described in section 523E.1 shall be deposited
19 in a manner consistent with one of the following:

20 (1) The payments shall be deposited directly by
21 the purchaser in an irrevocable interest-bearing
22 burial account in the name of the purchaser.

23 (2) The payments shall be deposited directly by
24 the purchaser in a separate account in the name of the
25 purchaser. The account may be made payable to the
26 seller on the death of the purchaser or the designated
27 beneficiary, provided that, until death, the purchaser
28 retains the exclusive power to hold, manage, pledge,
29 and invest the funds in the account and may revoke the
30 trust and withdraw the funds, in whole or in part, at
31 any time.

32 (3) The payments shall be deposited by the
33 purchaser or the seller in a separate burial trust
34 account in the name of the purchaser, as trustee, in
35 trust for the named beneficiary, to be held, invested,
36 and administered as a trust account for the benefit
37 and protection of the person for whose benefit the
38 funds were paid. The depositor shall notify the
39 financial institution of the existence and terms of
40 the trust, including at a minimum the name of each
41 party to the agreement, the name and address of the
42 trustee, and the name and address of the beneficiary.
43 The account may be made payable to the seller upon
44 death of the designated beneficiary.

45 (4) The payments shall be deposited in the name of
46 the trustee, as trustee, under the terms of a master
47 trust agreement and the trustee may invest, reinvest,
48 exchange, retain, sell, and otherwise manage the trust
49 fund for the benefit and protection of the person for
50 whose benefit the funds were paid.

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1 In addition to the methods provided for in this
2 section, the commissioner may by rule authorize other
3 methods of deposit upon a finding that that method
4 provides equivalent safety of the principal and
5 interest or income and the seller does not have the
6 ability to utilize any of the proceeds prior to
7 performance. Money deposited under the master trust
8 agreement may be commingled for investment purposes as
9 long as each deposit includes a detailed listing of
10 the amount deposited in trust for each beneficiary and
11 a separate accounting of each purchaser's principal,
12 interest, and income is maintained. Subject to the
13 master trust agreement, the seller may appoint an
14 independent investment advisor to act in an advisory
15 capacity with the trustee relative to the investment
16 of the trust funds. The trust shall pay the cost of
17 the operation of the trust and any annual audit fees.

18 The financial institution, or the trust department
19 of the financial institution, in which trust funds are
20 held may serve as trustee to the extent that the
21 organization has been granted those powers under the
22 laws of this state or the United States. The seller
23 or any officer, director, agent, employee, or
24 affiliate of the seller shall not serve as trustee.

25 2. In addition to complying with subsection 1,
26 each seller under an agreement referred to in section
27 523E.1 shall file annually with the commissioner an
28 authorization for the commissioner or a designee to
29 investigate, audit, and verify all funds, accounts,
30 safe-deposit boxes, and other evidence of trust funds
31 held by or in a financial institution.

32 3. The commissioner shall adopt rules under
33 chapter 17A specifying the form, content, and cost of
34 the forms for the notices and disclosures required by
35 this section, and shall sell blank forms at that cost
36 to any person on request.

37 4. If a seller under an agreement referred to in
38 section 523E.1 ceases to do business, whether
39 voluntarily or involuntarily, and the obligation to
40 provide the merchandise and services has not been
41 assumed by another funeral home or cemetery holding an
42 establishment permit issued under this chapter, all
43 funds held in trust under section 523E.1, including
44 accrued interest or earnings, shall be repaid to the
45 purchaser under the agreement.

46 5. The commissioner may require the performance of
47 an audit of the seller's business by a certified
48 public accountant if the commissioner receives
49 reasonable evidence that the seller is not complying
50 with this chapter. The audit shall be paid for by the

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1 seller, and a copy of the report of audit shall be
2 delivered to the commissioner and to the seller.
3 6. This chapter does not prohibit the funding of
4 an agreement otherwise subject to section 523E.1 by
5 insurance proceeds derived from a policy issued by an
6 insurance company authorized to conduct business in
7 this state. The seller of an agreement subject to
8 this chapter which is to be funded by insurance
9 proceeds shall obtain all permits required to be
10 obtained under this chapter and comply with the
11 reporting requirements of this section.

12 Sec. _____. NEW SECTION. 523E.5 SCOPE OF CHAPTER -
13 DEFINITIONS.

14 1. This chapter applies only to the sale of
15 cemetery merchandise.

16 2. As used in this chapter:

17 a. "Cemetery merchandise" means grave markers,
18 tombstones, ornamental merchandise, and monuments if
19 the agreement does not require installation within
20 twelve months of the purchase.

21 b. "Commissioner" means the commissioner of
22 insurance or the deputy appointed under section
23 502.601.

24 Sec. _____. NEW SECTION. 523E.6 COMPLIANCE WITH
25 OTHER LAWS.

26 The seller of cemetery merchandise shall comply
27 with chapter 82 with respect to all contracts that are
28 subject to regulation under this chapter. A failure
29 to comply is subject to the remedies and penalties
30 provided in that chapter.

31 Sec. _____. NEW SECTION. 523E.7 BOND IN LIEU OF
32 TRUST FUND.

33 1. In lieu of the trust fund required by sections
34 523E.1 and 523E.2, a seller may file with the
35 commissioner a surety bond that is issued by a surety
36 company authorized to do business in this state and
37 that is conditioned on the faithful performance by the
38 seller of agreements subject to this chapter. The
39 liability of the surety extends to each agreement that
40 is subject to this chapter and that is executed during
41 the time the bond is in force and until performance of
42 the agreement or rescission of the agreement by mutual
43 consent of the parties; and, to the extent expressly
44 agreed to in writing by the surety company under
45 subsection 3, paragraph "b", the liability of the
46 surety extends to each agreement that is subject to
47 this chapter and that was executed prior to the time
48 the bond was in force and until performance of the
49 agreement or rescission of the agreement by mutual
50 consent of the parties. A buyer who is aggrieved by a

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1 breach of a condition of the bond covering the
2 contract of that buyer may maintain an action against
3 the bond, provided that if, at the time of the breach,
4 the buyer is aware of the buyer's rights under the
5 bond and how to file a claim against the bond, the
6 surety shall not be liable as a result of any breach
7 of condition unless notice of a claim is received by
8 the surety within sixty days following the discovery
9 of the acts, omissions, or conditions constituting the
10 breach of condition, except as otherwise provided in
11 subsection 2. A surety bond submitted under this
12 subsection shall not be canceled by a surety company
13 except upon a written notice of cancellation given by
14 the surety company to the commissioner by restricted
15 certified mail, and the surety bond shall not be
16 canceled prior to the expiration of sixty days after
17 the receipt by the commissioner of the notice of
18 cancellation.

19 2. If a seller becomes insolvent or otherwise
20 ceases to engage in business prior to or within sixty
21 days after the cancellation of a bond submitted under
22 subsection 1, the seller shall be deemed to have
23 breached the conditions of the surety bond with
24 respect to all outstanding contracts subject to this
25 chapter as of the day prior to cancellation of the
26 bond. The commissioner shall mail written notice by
27 restricted certified mail to the buyer under each
28 outstanding contract of the seller that a claim
29 against the bond must be filed with the surety company
30 within sixty days after the date of mailing of the
31 notice. The surety company shall cease to be liable
32 with respect to all agreements except those for which
33 claims are filed with the surety company within sixty
34 days after the date the notices are mailed by the
35 commissioner.

36 3. If a surety bond is canceled by a surety
37 company under any conditions other than those
38 specified in subsection 2, the seller shall comply
39 with paragraphs "a" and "b":

40 a. The seller shall comply with the trust
41 requirements of sections 523E.1 and 523E.2 with
42 respect to all contracts subject to this chapter that
43 are executed on or after the effective date of
44 cancellation of the surety bond, or the seller may
45 submit a substitute surety bond meeting the
46 requirements of subsection 1, but the seller must
47 comply with sections 523E.1 and 523E.2 with respect to
48 any contracts executed on or after the effective date
49 of cancellation of the earlier surety bond and prior
50 to the date on which the later surety bond takes

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1 effect.

2 b. Within sixty days after the effective date of
3 the cancellation of the surety bond, the seller shall
4 submit to the commissioner an undertaking by another
5 surety company that a substitute surety bond meeting
6 the requirements of subsection 1 is in effect and that
7 the liability of the substitute surety bond extends to
8 all outstanding contracts of the seller that were
9 executed but not performed or extinguished prior to
10 the effective date of the substitute surety bond, or
11 the seller shall submit to the commissioner a
12 financial statement accompanied by an unqualified
13 opinion based upon an audit performed by a certified
14 public accountant licensed in this state certifying
15 the total amount of outstanding liabilities of the
16 seller on contracts subject to this chapter and proof
17 of deposit by the seller in trust under sections
18 523E.1 and 523E.2 of either the amount specified in
19 sections 523E.1, including interest as set by the
20 commissioner based on the interest which would have
21 been earned had the funds been maintained in trust,
22 with respect to all of those outstanding contracts or,
23 where applicable, that delivery of merchandise has
24 been made in compliance with section 523E.1. The
25 surety may require such security as is necessary to
26 comply with this section. Upon compliance by the
27 seller with this paragraph, the surety company
28 canceling the surety bond shall cease to be liable
29 with respect to any outstanding contracts of the
30 seller except those with respect to which a breach of
31 condition occurred prior to cancellation and timely
32 claims were filed.

33 4. Section 523E.2, subsection 1, paragraphs "b",
34 "c", and "e", subsection 5, and, to the extent it is
35 applicable, subsection 6, apply to sellers whose
36 agreements are covered by a surety bond maintained
37 under this section, and section 523E.2 continues to
38 apply to any agreements of those sellers that are not
39 covered by a surety bond maintained under this
40 section.

41 5. Upon receiving a notice of cancellation of a
42 surety bond, the commissioner shall notify the seller
43 of the requirements of this chapter resulting from
44 cancellation of the bond. The notice may be in the
45 form of a copy of this section and sections 523E.1 and
46 523E.2.

47 6. Upon receiving a notice of cancellation, unless
48 the seller has complied with the requirements of this
49 section, the attorney general shall seek an injunction
50 to prohibit the seller from making further agreements

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1 subject to this chapter and shall commence an action
2 to attach and levy execution upon property of the
3 seller when the seller fails to perform an agreement
4 subject to this chapter, to the extent necessary to
5 secure compliance with this chapter, and the county
6 attorney may bring criminal charges under section
7 523E.15.

8 7. The surety under this section shall not be
9 owned or under the control of the seller.

10 Sec. _____. NEW SECTION. 523E.8 DISCLOSURES.

11 1. Every agreement for cemetery merchandise under
12 this chapter shall be written in clear, understandable
13 language and shall be printed or typed in easy-to-read
14 type, size, and style, and shall:

15 a. Identify the seller, the salesperson's permit
16 and establishment name and permit number, the
17 expiration date of the salesperson's permit, the
18 purchaser, and the person for whom the cemetery
19 merchandise is purchased if other than the purchaser.

20 b. Specify the cemetery merchandise to be
21 provided, and the cost of each merchandise item.

22 c. State clearly the conditions on which
23 substitution will be allowed.

24 d. Set forth the total purchase price and the
25 terms under which it is to be paid.

26 e. State clearly whether the agreement is a
27 guaranteed price contract or a nonguaranteed price
28 contract.

29 f. State clearly whether the agreement is a
30 revocable or irrevocable contract, and who has the
31 authority to revoke the contract.

32 g. State the amount or percentage of money to be
33 placed in trust.

34 h. Explain the disposition of the interest and
35 disclose what fees and expenses may be charged if
36 incurred.

37 i. Specify the purchaser's right to cancel and
38 damages for cancellation, if any.

39 j. State the name and address of the commissioner.

40 2. Every agreement shall be signed by the
41 purchaser and the seller.

42 Sec. _____. NEW SECTION. 523E.9 ESTABLISHMENT
43 PERMITS.

44 1. A person, as defined in section 4.1, subsection
45 13, shall not engage in the business of selling,
46 promoting, or otherwise entering into agreements to
47 furnish, upon the future death of a person named or
48 implied in the agreement, cemetery merchandise without
49 an establishment permit as provided for in this
50 section. An establishment doing business shall obtain

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1 a permit for each location.

2 2. An applicant for a permit under this section
3 shall submit to the commissioner an application on a
4 form provided by the commissioner. The commissioner
5 shall permit application for a permit under section
6 523A.9 on the same form as for this section provided
7 the scope of sales by the establishment is clearly
8 indicated to include funeral services, funeral
9 merchandise, or cemetery merchandise, or a combination
10 of any of these. The application shall include at a
11 minimum the following information:

12 a. The name and location of the applicant's
13 business.

14 b. The name and location of the provider who will
15 provide the cemetery merchandise.

16 c. The name and address of each owner, officer, or
17 other official of the applicant's business, or in the
18 event that the applicant is a corporation, the names
19 and addresses of the chief executive officer and the
20 members of the board of directors.

21 d. The types of cemetery merchandise to be sold.

22 An application for a permit pursuant to this
23 section shall be accompanied by a copy of each sales
24 agreement the permit holder will use for sales of
25 cemetery merchandise under section 523E.1.

26 A permit holder shall inform the commissioner of
27 changes in the information within thirty days of the
28 change.

29 3. The applicant for a permit shall submit a fee
30 in the amount of fifty dollars; provided, however,
31 that if an applicant also applies for or has a permit
32 under section 523A.9, no additional fee shall be
33 required under this subsection.

34 4. Permits granted under this section are not
35 assignable.

36 5. Upon the filing of an application for a permit,
37 the commissioner shall issue the permit unless the
38 commissioner finds any of the following:

39 a. The applicant is insolvent.

40 b. The applicant has failed to comply with any
41 terms or conditions of this chapter and that failure
42 is deemed by the commissioner to substantially impede
43 the applicant's ability to abide by this chapter.

44 c. The applicant has been convicted of a criminal
45 offense involving dishonesty or false statement.

46 d. The applicant cannot provide the cemetery
47 merchandise the applicant purports to sell.

48 6. If the commissioner does not grant the permit,
49 the commissioner shall notify the applicant in writing
50 of the denial and the reasons for the denial. The

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1 commissioner shall approve or deny every application
2 for a license within ninety days after the filing
3 thereof, but any failure of the commissioner to act
4 within that time period shall not be deemed to be an
5 approval of the application.

6 Sec. _____. NEW SECTION. 523E.10 SALES PERMITS.

7 1. An individual shall not sell, promote, or
8 otherwise enter into an agreement to furnish, upon the
9 future death of a person named or implied in the
10 agreement, cemetery merchandise without a permit as
11 provided for in this section. An individual permit
12 holder must be an employee or agent of an
13 establishment which holds a permit pursuant to section
14 523E.9 and which can deliver the cemetery merchandise
15 being sold. The establishment is liable for the acts
16 of its employees and agents, independent or otherwise,
17 performed in the course of obtaining or attempting to
18 obtain an agreement for the sale of cemetery
19 merchandise under section 523E.1.

20 2. An applicant for a permit under this section
21 shall submit to the commissioner an application on a
22 form provided by the commissioner. The commissioner
23 shall permit application for a permit under section
24 523A.10 on the same form as for this section provided
25 the scope of sales by the individual is clearly
26 indicated to include funeral services, funeral
27 merchandise, or cemetery merchandise, or a combination
28 of any of these. The application shall include at a
29 minimum the following information:

30 a. The name and address of the applicant.
31 b. The name and address of the applicant's
32 employer or the establishment on whose behalf the
33 applicant will be making or attempting to make sales,
34 and, if different, the name and address of the
35 provider who will provide the cemetery merchandise.

36 A permit holder shall inform the commissioner of
37 changes in the information within thirty days of the
38 change.

39 3. The permit shall be deemed effective upon
40 filing the application with the commissioner. The
41 permit shall disclose on its face the permit holder's
42 employer or the establishment on whose behalf the
43 applicant will be making or attempting to make sales,
44 the permit number, and the expiration date. A permit
45 under this section shall expire one year from the date
46 the application is filed.

47 4. The application fee shall be five dollars;
48 provided, however, that if an applicant also applies
49 for or has a permit under section 523A.10, no
50 additional fee shall be required under this

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1 subsection.

2 5. Permits granted under this section are not
3 assignable.

4 6. The commissioner may revoke a permit if the
5 commissioner determines that the permit holder has
6 been convicted of a criminal offense involving
7 dishonesty or false statement or that the
8 establishment cannot provide the cemetery merchandise
9 the establishment purports to sell.

10 Sec. _____. NEW SECTION. 523E.11 INVESTIGATIONS.

11 The attorney general or the commissioner may, for
12 the purpose of discovering violations of this chapter
13 or any rules adopted under this chapter:

14 1. Investigate the business and examine the books,
15 accounts, records, and files used by every permit
16 holder under this chapter.

17 2. Administer oaths and affirmations, subpoena
18 witnesses, receive evidence, and require the
19 production of documents and records in connection with
20 an investigation or proceeding being conducted
21 pursuant to this chapter.

22 3. Apply to the district court for issuance of an
23 order requiring a person's appearance before the
24 commissioner or attorney general, or a designee of
25 either or both, in cases where the person has refused
26 to obey a subpoena issued by the commissioner or
27 attorney general. The person may also be required to
28 produce documentary evidence germane to the subject of
29 the investigation. Failure to obey a court order
30 under this subsection constitutes contempt of court.

31 Sec. _____. NEW SECTION. 523E.12 SUSPENSION OR
32 REVOCATION OF PERMITS.

33 1. The commissioner may, pursuant to chapter 17A,
34 suspend or revoke any permit issued pursuant to this
35 chapter if the commissioner finds any of the
36 following:

37 a. The permit holder has violated any provisions
38 of this chapter or any rule adopted under this chapter
39 or any other state or federal law applicable to the
40 conduct of the permit holder's business.

41 b. Any fact or condition exists which, if it had
42 existed at the time of the original application for
43 the permit, would have warranted the commissioner
44 refusing originally to issue the permit.

45 c. The permit holder is found upon investigation
46 to be insolvent, in which case the permit shall be
47 revoked immediately.

48 d. The permit holder, for the purpose of avoiding
49 a trusting requirement under section 523A.1 or 523E.1,
50 attributes amounts paid pursuant to the agreement to

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1 funeral merchandise or cemetery merchandise that is
2 delivered under section 523A.1 or to cemetery
3 merchandise rather than to funeral services sold to
4 the purchaser. The sale of funeral services at a
5 lower price when the sale is made in conjunction with
6 the sale of funeral merchandise or cemetery
7 merchandise to be delivered pursuant to section 523A.1
8 than the services are regularly and customarily sold
9 for when not sold in conjunction with funeral
10 merchandise or cemetery merchandise is evidence that
11 the permit holder is acting with the purpose of
12 avoiding a trusting requirement under section 523A.1
13 or 523E.1.

14 e. The permit holder is found upon investigation
15 to have engaged in a deceptive act or practice or has
16 deliberately misrepresented or omitted a material fact
17 relative to the sale of funeral services, funeral
18 merchandise, or cemetery merchandise under this
19 chapter.

20 2. The commissioner may, on good cause shown,
21 suspend any permit for a period not exceeding thirty
22 days, pending investigation.

23 Except as provided in the preceding paragraph, a
24 permit shall not be revoked or suspended except after
25 notice and hearing in accordance with chapter 17A.

26 3. Any permit holder may surrender a permit by
27 delivering to the commissioner written notice that the
28 permit holder surrenders the permit, but the surrender
29 shall not affect the permit holder's civil or criminal
30 liability for acts committed before the surrender.

31 4. Revocation, suspension, or surrender of a
32 permit does not impair or affect the obligation of any
33 preexisting lawful contract between the permit holder
34 and any person.

35 Sec. _____. NEW SECTION. 523E.13 PROSECUTION FOR
36 VIOLATIONS OF LAW.

37 If the commissioner believes that grounds exist for
38 the criminal prosecution of persons subject to this
39 chapter for violations of this chapter or any other
40 law of this state, the commissioner may forward to the
41 attorney general or the county attorney the grounds
42 for the belief, including all evidence in the
43 commissioner's possession, in order that the attorney
44 general or the county attorney may proceed with the
45 matter as deemed appropriate. At the request of the
46 attorney general, the county attorney shall appear and
47 prosecute the action when brought in the county
48 attorney's county.

49 Sec. _____. NEW SECTION. 523E.14 INJUNCTIONS.

50 The attorney general may apply to the district

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1 court in any county of the state for an injunction to
2 restrain a person subject to this chapter and any
3 agents, employees, or associates of the person from
4 engaging in conduct or practices deemed contrary to
5 the public interest. In any proceeding for an
6 injunction, the attorney general may apply to the
7 court for the issuance of a subpoena to require the
8 appearance of a defendant and the defendant's agents
9 and any documents, books, and records germane to the
10 hearing upon the petition for an injunction. Upon
11 proof of any of the offenses described in the petition
12 for injunction the court may grant the injunction.

13 Sec. _____. NEW SECTION. 523E.15 FRAUDULENT
14 PRACTICES.

15 A person who commits any of the following acts
16 commits a fraudulent practice and is punishable as
17 provided in chapter 714:

18 1. Knowingly fails to comply with any requirement
19 of this chapter.

20 2. Knowingly makes, causes to be made, or
21 subscribes to a false statement or representation in a
22 report or other document required under this chapter,
23 or renders such a report or document misleading
24 through the deliberate omission of information
25 properly belonging in the report or document.

26 3. Conspires to defraud in connection with the
27 sale of cemetery merchandise under this chapter.

28 4. Fails to deposit funds in compliance with
29 section 523E.1, or withdraws funds in a manner
30 inconsistent with this chapter.

31 5. Knowingly sells or offers cemetery merchandise
32 without an establishment permit.

33 6. Deliberately misrepresents or omits a material
34 fact relative to the sale of cemetery merchandise
35 under this chapter.

36 Sec. _____. NEW SECTION. 523E.16 RULES.

37 The commissioner may adopt rules necessary to
38 administer this chapter, in accordance with chapter
39 17A.

40 Sec. _____. NEW SECTION. 523E.17 CEASE AND DESIST
41 ORDERS.

42 If an audit or investigation provides reasonable
43 evidence that a seller has violated any provisions of
44 this chapter or any rule adopted under this chapter,
45 the commissioner may issue an order directed at the
46 seller to cease and desist from engaging in such act
47 or practice.

48 Sec. _____. NEW SECTION. 523E.18 VIOLATIONS AND
49 PENALTIES.

50 A violation of this chapter or rules adopted by the

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1 commissioner pursuant to this chapter is a violation
2 of section 714.16, subsection 2, paragraph "a". The
3 remedies and penalties provided by section 714.16,
4 including but not limited to, provisions relating to
5 injunctive relief and penalties, apply to violations
6 of this chapter.

7 Sec. _____. NEW SECTION. 523E.19 RECEIVERSHIPS.

8 1. The commissioner shall notify the attorney
9 general if the commissioner finds that any seller
10 engaged in the business subject to this chapter meets
11 one or more of the following conditions:

12 a. Is insolvent.

13 b. Has utilized trust funds for personal or
14 business purposes in a manner inconsistent with this
15 chapter and the amount of funds currently held in
16 trust is less than fifty percent of all payments made
17 under the agreements referred to in section 523E.1.

18 c. Has refused to pay any just claim or demand
19 based on an agreement referred to in section 523E.1.

20 d. The commissioner finds upon investigation that
21 a seller is unable to pay any just claim or demand
22 based on such agreements which have been legally
23 determined to be just and outstanding.

24 2. The attorney general may apply to the district
25 court in any county of the state for a receivership.
26 Upon proof of any of the grounds for a receivership
27 described in this section, the court may grant a
28 receivership.

29 Sec. _____. NEW SECTION. 523E.20 INSURANCE
30 DIVISION'S REGULATORY FUND.

31 The insurance division may authorize the creation
32 of a special revenue fund in the state treasury, to be
33 known as the insurance division regulatory fund.
34 Commencing July 1, 1990, and annually thereafter, the
35 commissioner shall allocate from the fees paid
36 pursuant to section 523E.2, one dollar for each
37 agreement reported on an establishment permit holder's
38 annual report for deposit to the regulatory fund. The
39 remainder of the fees collected pursuant to section
40 523E.2 shall be deposited into the insurance revolving
41 fund; provided, however, that if the balance of the
42 regulatory fund on that July 1 exceeds two hundred
43 thousand dollars, the allocation to the regulatory
44 fund shall not be made and the total sum of the fees
45 paid pursuant to section 523E.2 shall be deposited in
46 the insurance revolving fund. The moneys in the
47 regulatory fund shall be retained in the fund together
48 with any interest or earnings that are earned on the
49 balance. The moneys are appropriated and, subject to
50 authorization by the commissioner, may be used to pay

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1 investigative expenses and the expenses of
2 receiverships established pursuant to section 523E.19.
3 An annual assessment shall not be imposed if the
4 current balance of the fund exceeds two hundred
5 thousand dollars.

6 Sec. _____. NEW SECTION. 566A.12 RECORDS.
7 A cemetery subject to any trust requirement under
8 this chapter shall file a copy of its report to the
9 district court with the consumer protection division
10 of the department of justice within seven days of
11 filing the report with the district court, but in any
12 event, not later than March 1 of each year. The
13 cemetery shall maintain accurate records of all
14 receipts, expenditures, interest or earnings, and
15 disbursements relating to funds held in trust.

16 Sec. _____. NEW SECTION. 566A.13 VIOLATIONS AND
17 PENALTIES.

18 A violation of this chapter or rules adopted by the
19 attorney general pursuant to this chapter is a
20 violation of section 714.16, subsection 2, paragraph
21 "a". The remedies and penalties provided by section
22 714.16, including but not limited to, provisions
23 relating to injunctive relief and penalties, apply to
24 a violation of this chapter.

25 Sec. _____. CODIFICATION.

26 The Code editor shall entitle new chapter 523E, as
27 enacted in this Act, as "Sales of Cemetery
28 Merchandise". Sections 523E.3 and 523E.4 shall be
29 reserved."

30 6. By renumbering, relettering, or redesignating
31 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-6130.

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

On the question "Shall the bill pass?" (H.F. 2537)

The ayes were, 91:

- | | | | |
|----------|----------|----------------|-----------|
| Adams | Arnould | Avenson, Spkr. | Banks |
| Beaman | Beatty | Bennett | Bisignano |
| Black | Blanshan | Brammer | Brand |
| Branstad | Brown | Buhr | Carpenter |
| Chapman | Clark | Corbett | Daggett |
| De Groot | Diemer | Doderer | Dvorsky |

Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Johnson
Knapp	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schneklath
Schrader	Shearer	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Connors	
		Presiding	

The nays were, none.

Absent or not voting, 9:

Cohoon	Jochum	Kistler	Koenigs
Muhlbauer	Petersen, D. F.	Sherzan	Stueland
Swartz			

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 6, 1990, insisted on its amendment to House File 731, a bill for an act relating to constructive notice of rights conferred upon drainage districts by the filing of files and records with the county auditor, and the members of the Conference Committee on the part of the Senate are: The Senator from Kossuth, Senator Priebe, Chair; the Senator from Webster, Senator Coleman; the Senator from Palo Alto, Senator Kibbie; the Senator from Mahaska, Senator Hedge; the Senator from Buena Vista, Senator Fuhrman.

Also: That the Senate has on April 6, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2166, a bill for an act adding marijuana to the list of secondary noxious weeds.

Also: That the Senate has on April 6, 1990, insisted on its amendment to House File 2533, a bill for an act relating to the courts, establishing a family court, and providing effective dates, and the members of the Conference Committee on the part of the Senate are: The Senator from Polk, Senator Mann, Chair; the Senator from Linn, Senator Horn; the Senator from Fayette, Senator Murphy; the Senator from Polk, Senator Gentleman; the Senator from Buena Vista, Senator Fuhrman.

Also: That the Senate has on April 6, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2564, a bill for an act relating to making appropriations for substance abuse treatment, prevention, education, and enforcement programs, establishing an evaluation mechanism for substance abuse treatment programs, and providing civil penalties.

Also: That the Senate has on April 6, 1990, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2324, a bill for an act repealing a requirement that area education agencies utilize federally funded health care programs for services provided to certain children requiring special education and providing effective dates.

JOHN F. DWYER, Secretary

The House stood at ease at 3:47 p.m., until the fall of the gavel.

The House resumed session at 4:13 p.m., Speaker Avenson in the chair.

**ADOPTION OF THE REPORT OF THE
CONFERENCE COMMITTEE
(House File 2543)**

Blanshan of Greene called up for consideration the report of the conference committee on House File 2543 as follows:

**REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 2543**

To the Speaker of the House of Representatives and the President of the Senate:

We, the undersigned members of the conference committee appointed to resolve the differences between the House of Representatives and Senate on House File 2543, a bill for an act relating to the administration and benefits for certain public retirement systems, and providing effective dates and for the applicability of the Act, respectfully make the following report:

1. That the Senate recedes from its amendment, H-6026.
2. That House File 2543, as amended, passed, and reprinted by the House, is amended as follows:
 1. Page 2, line 10, by inserting after the figure "1990," the following: "but before July 1, 1992,"
 2. Page 2, line 12, by striking the word "fifty-two" and inserting the following: "fifty-four".
 3. Page 2, by striking lines 14 through 21 and inserting the following:

"c. Commencing July 1, 1992, the board of trustees shall increase the percentage multiplier of the member's average final compensation by an additional two percent each July 1 until reaching sixty percent of the member's average final compensation."

4. Page 2, by striking lines 25 through 28 and inserting the following: "the amount provided in paragraphs "b" and "c", plus an additional percentage as set forth below:".

5. Page 2, lines 32 and 33, by striking the words "attaining the age of sixty-five years" and inserting the following: "retirement".

6. Page 3, lines 5 and 6, by striking the words "but before July 1, 1992,".

7. Page 3, lines 7 and 8, by striking the words "attaining the age of sixty-five years" and inserting the following: "retirement".

8. By striking page 3, line 14, through page 4, line 7.

9. Page 4, by inserting after line 34 the following:

"Sec. 1001. Section 97A.6, subsection 3, paragraph b, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding section 97A.6, subsection 8, Code 1985, effective July 1, 1990, for a member's surviving spouse who, prior to July 1, 1986, elected to receive pension benefits under this paragraph, the monthly pension benefit shall be equal to one-twelfth of forty percent of the average final compensation of the member."

10. By striking page 5, line 35, through page 6, line 35.

11. By striking page 7, line 1, through page 8, line 11, and inserting the following:

"Sec. 1002. NEW SECTION. 97A.6A OPTIONAL RETIREMENT BENEFITS.

In lieu of the retirement benefits otherwise provided upon service retirement for members of the system and the members' beneficiaries, members may elect to receive an optional retirement benefit during the member's lifetime and have the optional retirement benefit, or a designated fraction of the optional retirement benefit, continued and paid to the member's beneficiary after the member's death and during the lifetime of the beneficiary.

The member shall make the election request in writing to the board of trustees at the time of the member's service retirement. The election is subject to the approval of the board of trustees. If the member is married, the election of an option under this section requires the written acknowledgement of the member's spouse.

A member's optional retirement benefits shall be the actuarial equivalent of the amount of the retirement benefits payable to the member and the member's beneficiaries under the service retirement provisions of this chapter. The actuarial equivalent shall be based on the mortality and interest assumptions set out in section 97A.5.

If the member dies without a beneficiary prior to receipt in benefits of an amount equal to the total amount remaining to the member's credit at the time of separation from service, the election is void.

If the member dies with a beneficiary and the beneficiary subsequently dies prior to receipt in retirement benefits by both the member and the beneficiary of an amount equal to the total amount remaining to the member's credit at the time of separation from service, the election remains valid.

For the purpose of this section, "beneficiary" means a spouse, child, or a dependent parent."

12. Page 8, line 30, by striking the words "and five hundredths".
13. Page 9, by striking lines 2 through 4 and inserting the following: "provided, however, that. However, the aggregate payment by".
14. Page 9, line 25, by striking the word "four-tenths" and inserting the following: "one-tenth".
15. Page 9, line 29, by striking the word "seven-tenths" and inserting the following: "one-tenth".
16. Page 9, line 33, by striking the word "seven" and inserting the following: "six and one-tenth".
17. Page 10, line 2, by striking the words "eight and three-tenths" and inserting the following: "seven and one-tenth".
18. Page 10, line 6, by striking the words "nine and six-tenths" and inserting the following: "eight and one-tenth".
19. Page 10, line 10, by striking the words "ten and nine-tenths" and inserting the following: "nine and one-tenth".
20. Page 10, lines 26 and 27, by striking the words "ten and nine-tenths" and inserting the following: "nine and one-tenth".
21. Page 10, line 33, by striking the words "nine and six-tenths" and inserting the following: "eight and one-tenth".
22. Page 10, line 35, by striking the words "ten and nine-tenths" and inserting the following: "nine and one-tenth".
23. Page 11, line 5, by striking the words "eight and three-tenths" and inserting the following: "seven and one-tenth".
24. Page 11, line 7, by striking the words "nine and six-tenths" and inserting the following: "eight and one-tenth".
25. Page 11, line 9, by striking the words "ten and nine-tenths" and inserting the following: "nine and one-tenth".
26. Page 11, line 13, by striking the words "seven percent" and inserting the following: "six and one-tenth percent".
27. Page 11, line 15, by striking the words "eight and three-tenths" and inserting the following: "seven and one-tenth".
28. Page 11, lines 16 and 17, by striking the words "nine and six-tenths" and inserting the following: "eight and one-tenth".
29. Page 11, line 18, by striking the words "ten and nine-tenths" and inserting the following: "nine and one-tenth".
30. Page 11, line 23, by striking the word "seven-tenths" and inserting the following: "one-tenth".

31. Page 11, line 25, by striking the word "seven" and inserting the following: "six and one-tenth".

32. Page 11, lines 26 and 27, by striking the words "eight and three-tenths" and inserting the following: "seven and one-tenth".

33. Page 11, line 28, by striking the words "nine and six-tenths" and inserting the following: "eight and one-tenth".

34. Page 11, line 30, by striking the words "ten and nine-tenths" and inserting the following: "nine and one-tenth".

35. By striking page 11, line 33, through page 12, line 19.

36. Page 13, by inserting after line 17 the following:

"Sec. 1003. Section 97B.41, subsection 1, paragraph a, unnumbered paragraph 2, Code 1989, is amended to read as follows:

Wages for a member of the general assembly means the total compensation received by a member of the general assembly, whether paid in the form of per diem or annual salary, exclusive of expense and travel allowances paid to a member of the general assembly except as otherwise provided in this paragraph. Wages includes per diem payments paid to members of the general assembly during interim periods between sessions of the general assembly. Wages also includes daily allowances to members of the general assembly for nontravel expenses of office during a session of the general assembly, but does not include the portion of the daily allowance which exceeds the maximum established by law for members from Polk county."

37. Page 14, line 4, by striking the word "forty" and inserting the following: "fifty-five".

38. Page 14, by inserting after line 4 the following:

"If the annual actuarial valuation of the retirement system in any year indicates that the cost of the increase provided under this subparagraph and the increase in the monthly benefit formula provided in section 97B.49, subsection 5, paragraph "b", cannot be absorbed within the employer and employee contribution rates in effect under section 97B.11, the department shall reduce the increase provided in this subparagraph by an amount sufficient to pay for the increase in the benefit percent."

39. Page 14, by inserting after line 23 the following:

"Sec. 1004. Section 97B.41, subsection 3, paragraph b, Code 1989, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (15) Employees appointed by the state board of regents who, at the discretion of the state board of regents, elect coverage in a retirement system qualified by the state board of regents that meets the criteria of section 97B.2."

40. Page 15, line 25, by inserting after the word "employment" the following: "for".

41. Page 15, by inserting after line 27 the following:

"Sec. 1005. Section 97B.42, Code 1989, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. Notwithstanding any other provision of this section, commencing July 1, 1994, a member who is employed by an area vocational school or an area community college may elect coverage under an alternative retirement benefits system, which is issued by or through a nonprofit corporation issuing retirement annuities exclusively to educational institutions and their employees, in lieu of continuing or commencing contributions to the Iowa public employees' retirement system, if the board of directors of the area vocational school or area community college has approved the alternative system pursuant to section 280A.23. However, a vested member who elects to participate in the alternative benefits system does not have a right to withdraw funds from the member's Iowa public employees' retirement system account prior to retirement or termination of covered employment. The department shall cooperate with the boards of directors of the area vocational schools and area community colleges to facilitate the implementation of this unnumbered paragraph.

NEW UNNUMBERED PARAGRAPH. Notwithstanding any other provision of this section, a person newly entering employment with an area vocational school or area community college on or after the effective date of this Act may elect coverage under an alternative retirement benefits system, which is issued by or through a nonprofit corporation issuing retirement annuities exclusively to educational institutions and their employees, in lieu of coverage under the Iowa public employees' retirement system, but only if the person is already a member of the alternative system. An election to participate in the alternative retirement benefits system is irrevocable as to the person's employment with that area vocational school or area community college and any other area vocational school or area community college in this state."

42. Page 17, line 35, by inserting after the word "received." the following: "Effective January 1, 1991, a retired member of any age may receive a retirement allowance after return to covered employment, regardless of the amount of remuneration received, if the covered employment consists of holding an elective office."

43. Page 18, line 15, by inserting after the word "active" the following: "or inactive vested".

44. Page 18, line 21, by inserting after the word "active" the following: "or inactive vested".

45. Page 18, by inserting after line 34 the following:

"If the annual actuarial valuation of the retirement system in any year indicates that the full cost of the increase provided under this paragraph cannot be absorbed within the employer and employee contribution rates in effect under section 97B.11, the department shall reduce the increase to a level which the department determines can be so absorbed."

46. Page 20, line 14, by inserting after the word "active" the following: "or inactive vested".

47. Page 20, line 23, by inserting after the word "active" the following: "or inactive vested".

48. Page 20, lines 24 through 26, by striking the words "and has completed at least thirty years of membership service and prior service,".

49. Page 20, line 28, by inserting after the word "birthday" the following: "equals or".

50. Page 23, by inserting after line 10 the following:

"Sec. 1006. Section 97B.49, subsection 16, paragraph d, subparagraph (3), Code 1989, is amended to read as follows:

(3) A correctional officer or correctional supervisor employed by the Iowa department of corrections, in an applicable job classification and any other employee of that department whose primary purpose is, through ongoing direct inmate contact, to enforce and maintain discipline, safety, and security within a correctional facility. The department of corrections and the department of personnel shall jointly determine the applicable merit system job classifications of correctional officers.

Sec. 1007. Section 97B.49, subsection 16, paragraph d, Code 1989, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (7) An employee of the state department of transportation who is designated as a "peace officer" by resolution under section 321.477, but only if the employee retires on or after July 1, 1990. For purposes of this subparagraph, service as a traffic weight officer employed by the highway commission prior to the creation of the state department of transportation or as a peace officer employed by the Iowa state commerce commission prior to the creation of the state department of transportation shall be included in computing the employee's years of membership service.

Sec. 1008. Section 97B.49, subsection 16, Code 1989, is amended by adding the following new paragraph:

NEW PARAGRAPH. k. For the fiscal year commencing July 1, 1990, and each succeeding fiscal year, the state department of transportation shall pay to the department of personnel, 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 paragraph "d", subparagraph (7)."

51. Page 25, line 29, by inserting after the word "state," the following: "including but not limited to the teachers insurance annuity association-college retirement equities fund."

52. Page 27, by inserting after line 28 the following:

"Sec. 1009. Section 97B.80, Code 1989, is amended to read as follows:

97B.80 VETERAN'S CREDIT.

An active member in service on July 1, 1988, who at any time served on active duty in the armed forces of the United States, upon submitting verification of the dates of the active duty service in the armed forces to the department, may make employer and employee contributions to the system based upon the member's covered wages for the calendar year beginning January 1, 1987, at the rates in effect under section 97B.11 on January 1, 1987, for the period of time of the active duty service, not to exceed four years, and receive credit for membership service and prior service for the period of time for which the contributions are made. Effective July 1, 1990, a vested or retired member with reportable wages in the most recent calendar year, who at any time served on active duty in the armed forces of the United States, upon submitting verification of the dates of the active duty service, may make employer and employee contributions to the system based upon the member's covered wages for

the most recent full calendar year at the applicable rates in effect for that year under sections 97B.11 and 97B.49, for the period of time of the active duty service, in one-year increments but not to exceed four years, and receive credit for membership service and prior service for the period of time for which the contributions are made. Verification of active duty service and payment of contributions shall be made to the department. However, a member is not eligible to make contributions under this section if the member is receiving or is eligible to receive retirement pay from the United States government for active duty in the armed forces."

53. Page 28, line 32, by striking the word "receives" and inserting the following: "recommends".

54. Page 29, by striking lines 5 and 6 and inserting the following: "POLICE OFFICERS, AND FIRE FIGHTERS — REFERENDUM.

1. As soon as possible after the effective date of this section, the department of personnel, in cooperation with the board of trustees of the public safety peace officers' retirement system and the board of trustees for the statewide fire and police retirement system created in section 411.36, shall submit to the members of retirement systems under chapters 97A and 411 in a referendum the question of requiring federal social security coverage for all persons newly hired as peace officers, as defined in section 97A.1, police officers, and fire fighters. The referendum shall be conducted before January 1, 1991. The referendum procedures shall comply with the requirements of federal law and regulations. If there is a favorable vote of a majority of the persons eligible to vote in the referendum, subsection 2 applies.

2. Upon a favorable vote in the referendum and notwithstanding sections 97A.3 and 411.3, all persons newly".

55. Page 29, by inserting before line 16 the following:

"Sec. 1010. Section 280A.23, Code 1989, is amended by adding the following new subsections:

NEW SUBSECTION. 15. Commencing July 1, 1994, provide for an alternative retirement benefits system, which is issued by or through a nonprofit corporation issuing retirement annuities exclusively to educational institutions and their employees, for persons employed by the area vocational school or area community college who are members of the Iowa public employees' retirement system on July 1, 1994, or who are new employees, and who elect coverage under the alternative retirement benefits system pursuant to section 97B.42, in lieu of continuing or commencing contributions to the Iowa public employees' retirement system. The system for employee and employer contributions under the alternative system shall be substantially the same as provided by the state board of regents under the teachers insurance annuity association-college retirement equities fund, and the employer's contribution shall not exceed the employer's contribution rate established for employees of the state board of regents who are under that system.

NEW SUBSECTION. 16. Provide for an alternative retirement benefits system, which is issued by or through a nonprofit corporation issuing retirement annuities exclusively to educational institutions and their employees, for persons newly employed after the effective date of this Act who are already members of the alternative system and who elect coverage under that system pursuant to section 97B.42, in lieu of coverage under the Iowa public employees' retirement system. The system for employee and employer contributions under the alternative system shall be substantially the

same as provided by the state board of regents under the teachers insurance annuity association-college retirement equities fund, and the employer's contribution rate shall not exceed the employer's contribution rate established for employees of the state board of regents who are under that system."

56. Page 38, line 27, by inserting after the figure "1990," the following: "but before July 1, 1992,".

57. Page 38, line 29, by striking the word "fifty-two" and inserting the following: "fifty-four".

58. By striking page 38, line 31, through page 39, line 3, and inserting the following:

"c. Commencing July 1, 1992, the system shall increase the percentage multiplier of the member's average final compensation by an additional two percent each July 1 until reaching sixty percent of the member's average final compensation."

59. Page 39, by striking lines 7 through 10 and inserting the following: "the amount provided in paragraphs "b" and "c", plus an additional percentage as set forth below:".

60. Page 39, lines 14 and 15, by striking the words "attaining the age of sixty-five years" and inserting the following: "retirement".

61. Page 39, lines 22 and 23, by striking the words "but before July 1, 1992,".

62. Page 39, lines 24 and 25, by striking the words "attaining the age of sixty-five years" and inserting the following: "retirement".

63. By striking page 39, line 31, through page 40, line 24.

64. Page 43, by inserting after line 15 the following:

"Sec. 1011. Section 411.6, subsection 8, paragraph b, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding section 411.6, subsection 8, Code 1985, effective July 1, 1990, for a member's surviving spouse who, prior to July 1, 1986, elected to receive pension benefits under this paragraph, the monthly pension benefit shall be equal to one-twelfth of forty percent of the average final compensation of the member."

65. By striking page 45, line 15, through page 46, line 15.

66. By striking page 46, line 16, through page 47, line 26, and inserting the following:

"Sec. 1012. NEW SECTION. 411.6A OPTIONAL RETIREMENT BENEFITS.

In lieu of the retirement benefits otherwise provided upon service retirement for members of the system and the members' beneficiaries, members may elect to receive an optional retirement benefit during the member's lifetime and have the optional retirement benefit, or a designated fraction of the optional retirement benefit, continued and paid to the member's beneficiary after the member's death and during the lifetime of the beneficiary.

The member shall make the election request in writing to the board of trustees at the time of the member's service retirement. The election is subject to the approval of the board of trustees. If the member is married, the election of an option under this section requires the written acknowledgement of the member's spouse.

A member's optional retirement benefits shall be the actuarial equivalent of the amount of the retirement benefits payable to the member and the member's beneficiaries under the service retirement provisions of this chapter. The actuarial equivalent shall be based on the mortality and interest assumptions set out in section 411.5.

If the member dies without a beneficiary prior to receipt in benefits of an amount equal to the total amount remaining to the member's credit at the time of separation from service, the election is void.

If the member dies with a beneficiary and the beneficiary subsequently dies prior to receipt in retirement benefits by both the member and the beneficiary of an amount equal to the total amount remaining to the member's credit at the time of separation from service, the election remains valid.

For the purpose of this section, "beneficiary" means a spouse, child, or a dependent parent."

67. Page 51, lines 5 and 6, by striking the words "and five hundredths".

68. Page 51, line 15, by striking the words "and five hundredths".

69. Page 51, by striking lines 17 through 25.

70. Page 51, by striking lines 26 and 27 and inserting the following:

"PARAGRAPH DIVIDED. The normal rate of contribution shall be determined".

71. Page 52, line 19, by striking the word "four-tenths" and inserting the following: "one-tenth".

72. Page 52, line 23, by striking the word "seven-tenths" and inserting the following: "one-tenth".

73. Page 52, line 27, by striking the word "seven" and inserting the following: "six and one-tenth".

74. Page 52, line 31, by striking the words "eight and three-tenths" and inserting the following: "seven and one-tenth".

75. Page 52, line 35, by striking the words "nine and six-tenths" and inserting the following: "eight and one-tenth".

76. Page 53, line 4, by striking the words "ten and nine-tenths" and inserting the following: "nine and one-tenth".

77. Page 53, by striking lines 16 and 17 and inserting the following: "tables adopted, multiplied by four-tenths, or nine and one-tenth percent, whichever is greater. However, the system shall increase this percentage for its members as necessary to cover any increase in cost to the system resulting from statutory changes which are enacted by any session of the general assembly meeting after January 1, 1991, if the increase cannot be absorbed within the contribution rates otherwise established pursuant to this paragraph, but subject to a maximum employee contribution rate of eleven and three-tenths percent. After the employee contribution reaches the maximum rate specified in this subparagraph, sixty percent of the additional cost of such statutory changes shall be paid by employers under paragraph "c" and forty percent of the additional cost shall be paid by employees under this paragraph."

78. Page 53, by striking lines 21 through 29 and inserting the following: "earnable compensation of the member."

79. Page 54, lines 18 and 19, by striking the words "ten and nine-tenths" and inserting the following: "nine and one-tenth".

80. Page 54, line 26, by striking the words "nine and six-tenths" and inserting the following: "eight and one-tenth".

81. Page 54, line 28, by striking the words "ten and nine-tenths" and inserting the following: "nine and one-tenth".

82. Page 54, line 35, by striking the words "eight and three-tenths" and inserting the following: "seven and one-tenth".

83. Page 55, line 2, by striking the words "nine and six-tenths" and inserting the following: "eight and one-tenth".

84. Page 55, line 4, by striking the words "ten and nine-tenths" and inserting the following: "nine and one-tenth".

85. Page 55, line 10, by striking the words "seven percent" and inserting the following: "six and one-tenth percent".

86. Page 55, line 12, by striking the words "eight and three-tenths" and inserting the following: "seven and one-tenth".

87. Page 55, lines 13 and 14, by striking the words "nine and six-tenths" and inserting the following: "eight and one-tenth".

88. Page 55, line 15, by striking the words "ten and nine-tenths" and inserting the following: "nine and one-tenth".

89. Page 55, line 22, by striking the word "seven-tenths" and inserting the following: "one-tenth".

90. Page 55, line 24, by striking the word "seven" and inserting the following: "six and one-tenth".

91. Page 55, lines 25 and 26, by striking the words "eight and three-tenths" and inserting the following: "seven and one-tenth".

92. Page 55, line 27, by striking the words "nine and six-tenths" and inserting the following: "eight and one-tenth".

93. Page 55, line 29, by striking the words "ten and nine-tenths" and inserting the following: "nine and one-tenth".

94. By striking page 55, line 33, through page 56, line 19.

95. Page 59, line 3, by striking the words "and five hundredths".

96. Page 59, line 24, by striking the word and figures "July 1, 1991," and inserting the following: "January 1, 1992,".

97. Page 59, line 29, by striking the word and figures "July 1, 1991," and inserting the following: "January 1, 1992,".

98. Page 59, line 31, by striking the word and figures "July 1, 1991," and inserting the following: "January 1, 1992,".

99. Page 60, line 5, by striking the word "nine" and inserting the following: "thirteen".

100. Page 60, by striking line 6 and inserting the following: "members, including nine voting members and four nonvoting".

101. Page 60, by striking lines 8 and 9 and inserting the following:

"a. Two fire fighters from different participating cities, one of whom is an active member of the retirement system and one of whom is a retired member. The fire fighters shall be".

102. Page 60, by striking lines 12 and 13 and inserting the following:

"b. Two police officers from different participating cities, one of whom is an active member of the retirement system and one of whom is a retired member. The police officers shall be".

103. Page 60, by striking line 16 and inserting the following:

"c. The city treasurers of four participating cities, one of whom is from a city having a population of less than forty thousand, and three of whom are from cities having a population of forty thousand or more. The".

104. Page 60, by striking lines 19 through 25 and inserting the following:

"d. One citizen who does not hold another public office. The citizen shall be appointed by the other members of the board.

The nonvoting members of the board shall be two state representatives, one appointed by the speaker of the house of representatives and one by the minority leader of the house, and two state senators, one appointed by the majority leader of the senate and one by the minority leader of the senate."

105. Page 60, line 27, by striking the word "members" and inserting the following: "voting members".

106. Page 60, line 28, by striking the word "beginning" and inserting the following: ", and the nonvoting members shall be appointed for two-year terms. Terms begin".

107. Page 60, line 29, by striking the word "expiring" and inserting the following: "expire".

108. Page 62, by inserting after line 8 the following:

"It is the intent of the general assembly that a terminated city fire or police retirement system shall not subsidize any portion of any other system's unfunded liabilities in connection with the transition to the statewide system."

109. Page 62, line 11, by inserting after the word "system" the following: ", except the nonvoting members,".

110. Page 62, by striking lines 16 through 24 and inserting the following:

"a. One fire fighter shall be appointed for a term of four years and one for a term of two years.

b. One police officer shall be appointed for a term of three years and one for a term of one year.

c. One city treasurer shall be appointed for a term of four years, one for a term of three years, one for a term of two years, and one for a term of one year.

d. The citizen member shall be appointed for a term of four years.

e. The state representatives and state senators shall each be appointed for a term of two years."

111. Page 62, line 30, by striking the word "four" and inserting the following: "eight".

112. Page 62, line 33, by striking the word "members" and inserting the following: "member".

113. Page 65, line 15, by striking the words "July 1, 1991" and inserting the following: "January 1, 1992".

114. Page 65, by inserting after line 15 the following:

"_____. Section 1003 of this Act takes effect January 14, 1991."

115. By numbering and renumbering as necessary.

ON THE PART OF THE HOUSE:

EUGENE BLANSHAN, Chair
JOHN CONNORS
STEVEN HANSEN

ON THE PART OF THE SENATE;

JOHN P. KIBBIE, Chair
BILL HUTCHINS
WALLY HORN
JACK NYSTROM
JACK RIFE

Groninga of Cerro Gordo in the chair at 4:24 p.m.

Speaker Avenson in the chair at 5:20 p.m.

Blanshan of Greene moved the adoption of the conference committee report and the amendments contained therein.

Roll call was requested by Kremer of Buchanan and Diemer of Black Hawk.

Rule 75 was invoked.

Under the provisions of Rule 76, Doderer of Johnson refrained from voting.

On the question "Shall the conference committee report be adopted?" (H.F. 2543)

The ayes were, 58:

Adams	Arnould	Beaman	Beatty
Bisignano	Blanshan	Brammer	Brand
Branstad	Brown	Chapman	Cphoon

Connors	Corbett	Dvorsky	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Hansen, S. D.	Harbor	Harper
Hatch	Haverland	Hibbard	Jay
Jesse	Jochum	Johnson	Knapp
Koenigs	Lundby	Lykam	May
McKinney	Mertz	Muhlbauer	Murphy
Nielsen	Ollie	Pavich	Peters
Peterson, M. K.	Renaud	Schrader	Shearer
Sherzan	Shoning	Shultz	Siegrist
Spear	Svoboda	Swartz	Tabor
Wise	Mr. Speaker Avenson		

The nays were, 40:

Banks	Bennett	Black	Buhr
Carpenter	Clark	Daggett	De Groot
Diemer	Eddie	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hanson, D. R.	Hermann	Hester
Holveck	Iverson	Kistler	Kremer
Lageschulte	Maulsby	McKean	Metcalf
Miller	Neuhauser	Osterberg	Pellett
Petersen, D. F.	Plasier	Poney	Renken
Rosenberg	Royer	Schnecloth	Spenner
Teaford	Trent	Tyrrell	Van Maanen

Absent or not voting, 2:

Doderer	Stueland
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The motion prevailed and the conference committee report was adopted.

Blanshan of Greene moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Under the provisions of Rule 76, Doderer of Johnson refrained from voting.

On the question "Shall the bill pass?" (H.F. 2543)

The ayes were, 80:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Chapman	Clark	Cphoon
Connors	Corbett	Daggett	De Groot
Diemer	Dvorsky	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Hansen, S. D.	Harbor	Harper
Hatch	Haverland	Hester	Hibbard

Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Lageschulte	Lundby	Lykam	May
McKean	McKinney	Mertz	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Pavich	Peters	Petersen, D. F.	Peterson, M. K.
Poñcy	Renaud	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Shultz	Siegrist	Spear
Spenner	Svoboda	Swartz	Tabor
Trent	Tyrrell	Wise	Mr. Speaker Avenson

The nays were, 18:

Banks	Carpenter	Eddie	Halvorson, R. N.
Hammond	Hanson, D. R.	Hermann	Iverson
Kremer	Maulsby	Metcalf	Miller
Osterberg	Pellett	Plasier	Renken
Teaford	Van Maanen		

Absent or not voting, 2:

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

IMMEDIATE MESSAGE

(House File 2543)

Arnould of Stott asked and received unanimous consent that House File 2543 be immediately messaged to the Senate.

CONFERENCE COMMITTEE APPOINTED

(House File 2533)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2533: Peterson of Carroll, Chair; Plasier of Sioux, Shoning of Woodbury, Jay of Appanoose and Chapman of Linn.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Mertz of Kossuth and Hibbard of Madison, until their return, on request of Arnould of Scott.

The House stood at ease at 5:48 p.m., until the fall of the gavel.

The House resumed session at 6:45 p.m., Speaker Avenson in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed fifty-seven members present, forty-three absent.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 6, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2412, a bill for an act providing for the enactment of municipal infractions relating to the environment and providing penalties.

JOHN F. DWYER, Secretary

INTRODUCTION OF BILL

House File 2568, by Arnould and Van Maanen, a bill for an act relating to the construction contracts for the previously authorized prison construction projects at the Oakdale corrections campus.

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

CONSIDERATION OF BILLS Appropriations Calendar

House File 2567, a bill for an act relating to and making appropriations from the energy conservation trust, was taken up for consideration.

Schrader of Marion moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2567)

The ayes were, 85:

Adams	Arnould	Banks	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Connors	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fuller	Garman	Gruhn

Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Hermann	Hester	Holveck	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Metcalf	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schrader	Shearer
Shoultz	Siegrist	Spear	Spenner
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 15:

Beaman	Cphoon	Fogarty	Groninga
Haverland	Hibbard	Koenigs	Mertz
Miller	Muhlbauer	Pellett	Schneklath
Sherzan	Shoning	Stueland	

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

Ways and Means Calendar

House File 2566, a bill for an act relating to the repeal of a local option sales and services tax, was taken up for consideration.

Van Maanen of Mahaska rose on a point of order that House File 2566 was not eligible for debate today.

The Speaker ruled the point well taken.

Arnould of Scott asked and received unanimous consent to suspend the rules to immediately consider House File 2566.

Teaford of Black Hawk offered the following amendment H—6157 filed by her from the floor and moved its adoption:

H—6157

- 1 Amend House File 2566 as follows:
- 2 1. Page 1, line 30, by inserting after the word
- 3 "period" the following: "unless the county board of
- 4 supervisors had specified a date of repeal on the
- 5 ballot in the case of a local sales and services tax".

Amendment H—6157 was adopted.

Teaford of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2566)

The ayes were, 83:

Adams	Arnould	Banks	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Connors	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Hermann	Hester	Holveck
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Kremer
Lageschulte	Lundby	Lykam	May
McKean	McKinney	Metcalf	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poney	Renaud	Rosenberg
Schrader	Shearer	Shoultz	Siegrist
Spear	Spenner	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 17:

Beaman	Cohoon	Fogarty	Haverland
Hibbard	Koenigs	Maulsby	Mertz
Miller	Muhlbauer	Pellett	Renken
Royer	Schneklath	Sherzan	Shoning
Stueland			

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

SENATE AMENDMENTS CONSIDERED

Halvorson of Clayton called up for consideration **House File 677**, a bill for an act relating to written credit agreements between a creditor and debtor and rights of action on that agreement, amended by the Senate, and moved that the House concur in the following Senate amendment H-6027:

H-6027

1 Amend House File 677, as passed by the House, as
2 follows:

3 1. By striking everything after the enacting

4 clause and inserting the following:

5 "Section 1. **NEW SECTION. 535.17 REQUIREMENTS OF**
6 **CREDIT AGREEMENTS - STATUTE OF FRAUDS -**
7 **MODIFICATIONS.**

8 1. A credit agreement is not enforceable in
9 contract law by way of action or defense by any party
10 unless a writing exists which contains all of the
11 material terms of the agreement and is signed by the
12 party against whom enforcement is sought.

13 2. Unless otherwise expressly agreed in writing, a
14 modification of a credit agreement which occurs after
15 the person asserting the modification has been
16 notified in writing that oral or implied modifications
17 to the credit agreement are unenforceable and should
18 not be relied upon, is not enforceable in contract law
19 by way of action or defense by any party unless a
20 writing exists containing the material terms of the
21 modification and is signed by the party against whom
22 enforcement is sought. This notification can be
23 included among the terms of a credit agreement, can be
24 included on a separate form or together with other
25 disclosures that are provided when the agreement is
26 made, or can be given wholly apart from the agreement
27 and at any time after the agreement has been made. To
28 be effective, the notification and its language must
29 be conspicuous. A person who gives a notification is
30 bound by it to the same extent as the person notified.
31 A notification with respect to any credit agreement is
32 effective with respect to all other credit agreements
33 then in effect between the parties if the notification
34 conspicuously so provides. When a modification is
35 required by this section to be in writing and signed,
36 such requirement cannot be modified except by clear
37 and explicit language in a writing signed by the
38 person against whom the modification is to be
39 enforced.

40 3. A notification referred to in subsection 2 in
41 the following form in boldface, ten-point type,
42 complies with the requirements of this section:
43 **IMPORTANT: READ BEFORE SIGNING. THE TERMS OF THIS**
44 **AGREEMENT SHOULD BE READ CAREFULLY BECAUSE ONLY THOSE**
45 **TERMS IN WRITING ARE ENFORCEABLE. NO OTHER TERMS OR**
46 **ORAL PROMISES NOT CONTAINED IN THIS WRITTEN CONTRACT**
47 **MAY BE LEGALLY ENFORCED. YOU MAY CHANGE THE TERMS OF**
48 **THIS AGREEMENT ONLY BY ANOTHER WRITTEN AGREEMENT.**

49 4. Notwithstanding subsections 1 and 2, a credit
50 agreement or modification of a credit agreement which

Page 2

1 is not in writing, but which is valid in other
2 respects, is enforceable if the party against whom
3 enforcement is sought admits in court that the
4 agreement or modification was made, but no agreement
5 or modification is enforceable under this subsection
6 beyond the terms admitted.

7 5. For purposes of this section, unless the
8 context otherwise requires:

9 a. "Action" includes petition, complaint,
10 counterclaim, cross-claim, or any other pleading or
11 proceeding to enforce affirmatively any right or duty
12 or to recover damages for the nonperformance of any
13 duty.

14 b. "Contract" means a promise or set of promises
15 for the breach of which the law would give a remedy or
16 the performance of which the law would recognize a
17 duty, and includes promissory obligations based on
18 instruments and similar documents or on the contract
19 doctrine of promissory estoppel.

20 c. "Credit agreement" means any contract made or
21 acquired by a lender to loan money, finance any
22 transaction, or otherwise extend credit for any
23 purpose, and includes all of the terms of the
24 contract. "Credit agreement" does not mean a contract
25 to loan money, finance a transaction, or otherwise
26 extend credit by means of or pursuant to a credit
27 card, as defined in section 537.1301, subsection 16,
28 or pursuant to open-end credit, as defined in section
29 537.1301, subsection 28, or pursuant to a home equity
30 line of credit, as defined in section 535.10 whether
31 the loan, financing, or credit is for consumer or
32 business purposes or a consumer rental purchase
33 agreement as defined in section 537.3604, subsection
34 8.

35 d. "Defense" includes setoff, recoupment, and any
36 basis or means for barring or reducing liability or
37 obligation on any claim.

38 e. "Lender" means any person primarily in the
39 business of loaning money, or financing sales, leases,
40 or other provision of property or services.

41 f. "Modification" includes change, addition,
42 waiver, rescission, and any other variation of any
43 kind whether expressly made or implied by, or inferred
44 from, conduct of any kind.

45 6. This section shall be interpreted and applied
46 purposively to ensure that contract actions and
47 defenses on credit agreements are supported by clear
48 and certain written proof of the terms of such
49 agreements to protect against fraud and to enhance the
50 clear and predictable understanding of rights and

Page 3

1 duties under credit agreements.
 2 7. This section entirely displaces principles of
 3 common law and equity that would make or recognize
 4 exceptions to or otherwise limit or dilute the force
 5 and effect of its provisions concerning the
 6 enforcement in contract law of credit agreements or
 7 modifications of credit agreements. However, this
 8 section does not displace any additional or other
 9 requirements of contract law, which shall continue to
 10 apply, with respect to the making of enforceable
 11 contracts, including the requirement of consideration
 12 or other basis of validation.

13 8. This section does not apply to a credit
 14 agreement made primarily for a personal, family, or
 15 household purpose where the credit extended is twenty
 16 thousand dollars or less.

17 Sec. 2.

18 This Act applies to credit agreements and
 19 modifications of credit agreements entered into on or
 20 after the effective date of this Act.

21 Sec. 3.

22 This Act takes effect on January 1, 1991."

The motion prevailed and the House concurred in the Senate amendment H-6027.

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

On the question "Shall the bill pass?" (H.F. 677)

The ayes were, 78:

Adams	Arnould	Banks	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Brown	Buhr
Carpenter	Chapman	Clark	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Hester	Holveck	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Kremer	Lageschulte	Lundby
Lykam	McKean	McKinney	Metcalf
Murphy	Neuhauser	Nielsen	Ollie
Pavich	Peters	Peterson, M. K.	Plasier

Poncy	Renaud	Rosenberg	Royer
Schrader	Shearer	Shoultz	Siegrist
Spear	Spenner	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Wise	Mr. Speaker		
	Avenson		

The nays were, 4:

Branstad	Maulsby	Renken	Van Maanen
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Absent or not voting, 18:

Beaman	Cohoon	Fogarty	Haverland
Hermann	Hibbard	Koenigs	May
Mertz	Miller	Muhlbauer	Osterberg
Pellett	Petersen, D. F.	Schnekloth	Sherzan
Shoning	Stueland		

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

Jay of Appanoose called up for consideration **House File 2313**, a bill for an act relating to statutory corrections which adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, and remove ambiguities, amended by the Senate, and moved that the House concur in the following Senate amendment H—6149:

H—6149

- 1 Amend House File 2313, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting after line 29 the
- 4 following:
- 5 "Sec. _____. Section 56.6, subsection 3, paragraph
- 6 i, Code Supplement 1989, is amended by striking the
- 7 paragraph.
- 8 Sec. _____. NEW SECTION. 56.31 REPORTING OF
- 9 HONORARIA.
- 10 1. The commission shall adopt rules requiring the
- 11 filing of periodic reports by officeholders showing
- 12 all honoraria received during the reporting period.
- 13 2. The rules shall require that:
- 14 a. Holders of statewide office must file reports
- 15 with the state commissioner of elections.
- 16 b. Holders of the office of state senator must
- 17 file reports with the secretary of the senate.
- 18 c. Holders of the office of state representative
- 19 must file reports with the chief clerk of the house of
- 20 representatives.

21 d. Holders of county and other offices must file
22 reports with the county commissioner of elections.

23 3. The reports shall be available for public
24 inspection."

25 2. Page 2, line 17, by striking the words "at
26 least quarterly" and inserting the following: "at
27 least quarterly on an annual basis".

28 3. Page 12, by inserting after line 10 the
29 following:

30 "Sec. _____. Section 321E.16, Code 1989, is amended
31 to read as follows:

32 321E.16 VIOLATIONS — PENALTIES.

33 Any person who is convicted of a violation of any
34 provision of this chapter or of rules adopted under
35 section 321E.15, other than length, height, width, or
36 weight allowed by any permit issued under this chapter
37 shall be punished by a fine of not less than one
38 hundred dollars for the first conviction, two hundred
39 fifty dollars for a second conviction within a twelve-
40 month period, and five hundred dollars for a third
41 conviction within a twelve-month period. The fine for
42 violation of the length, height, width, and weight
43 allowed by permit shall be based upon the difference
44 between the actual length, height, width, and weight
45 of the vehicle and load and the maximum allowable by
46 permit and in accordance with section 321.482 for
47 violations of length, height, or width limitations and
48 sections 321.482 and 321.463 for violation of weight
49 limitations. If a vehicle with indivisible load
50 traveling under permit is found to be in violation of

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1 weight limitations, the vehicle operator shall be
2 allowed a reasonable amount of time to remove any ice,
3 mud, snow, and other weight attributable to climatic
4 conditions accumulated along the route prior to
5 application of the penalties prescribed in sections
6 321.463 and 321.482. The department shall adopt rules
7 to require peace officer escorts for permit holders
8 convicted for the third time in a twelve-month period
9 of violating a provision of this chapter or a
10 provision of rules adopted pursuant to section
11 321E.15."

12 4. Page 12, by striking lines 27 through 31, and
13 inserting the following: "statutes. Each previous
14 violation on which conviction or deferral of judgment
15 was entered prior to the date of the violation charged
16 shall be considered and counted as a separate previous
17 offense without regard to whether each was complete as
18 to commission and conviction or deferral of judgment
19 following or prior to any other previous violation."

20 5. Page 14, lines 9 and 10, by striking the words
21 "establishment and operation of a public defender's
22 office," and inserting the following: "establishment
23 and operation of a public defender's office,".

24 6. Page 14, by inserting after line 21, the
25 following:

26 "Sec. _____. Section 331.555, subsection 4, Code
27 1989, is amended to read as follows:

28 4. The treasurer shall make a complete settlement
29 with the county semiannually and when the treasurer
30 leaves office as provided in sections 452.6 and
31 section 452.7."

32 7. Page 14, by striking lines 22 through 28.

33 8. Page 17, by inserting after line 13, the
34 following:

35 "Sec. _____. Section 514F.1, Code Supplement 1989,
36 is amended to read as follows:

37 514F.1 UTILIZATION AND COST CONTROL REVIEW
38 COMMITTEES.

39 The boards of examiners under chapters 148, 149,
40 150, 150A, 151, and 152, and ~~153~~ shall establish
41 utilization and cost control review committees of
42 licensees under the respective chapters, selected from
43 licensees who have practiced in Iowa for at least the
44 previous five years, or shall accredit and designate
45 other utilization and cost control organizations as
46 utilization and cost control committees under this
47 section, for the purposes of utilization review of the
48 appropriateness of levels of treatment and of giving
49 opinions as to the reasonableness of charges for
50 diagnostic or treatment services of licensees.

Page 3

1 Persons governed by the various chapters of Title XX
2 of the Code and self-insurers for health care benefits
3 to employees may utilize the services of the
4 utilization and cost control review committees upon
5 the payment of a reasonable fee for the services, to
6 be determined by the respective boards of examiners.
7 The respective boards of examiners under chapters 148,
8 149, 150, 150A, 151, and 152, and ~~153~~ shall adopt
9 rules necessary and proper for the implementation of
10 this section pursuant to chapter 17A. It is the
11 intent of this general assembly that conduct of the
12 utilization and cost control review committees
13 authorized under this section shall be exempt from
14 challenge under federal or state antitrust laws or
15 other similar laws in regulation of trade or
16 commerce."

17 9. Page 21, by inserting after line 30 the
18 following:

19 "Sec. _____. Section 904A.1, Code Supplement 1989,
 20 is amended to read as follows:
 21 904A.1 BOARD OF PAROLE.
 22 The board of parole is created to consist of five
 23 members. Each member, except the chairperson, shall
 24 be compensated on a day-to-day basis. Each member
 25 shall serve a term of four years beginning July 1 and
 26 ending as provided by section 69.19, except for
 27 members appointed to fill vacancies who shall serve
 28 for the balance of the unexpired term. The terms
 29 shall be staggered. The chairperson of the board
 30 shall be a full-time, salaried member of the board. A
 31 majority of the members of the board constitutes a
 32 quorum to transact business.
 33 Sec. _____. Section 452.6, Code 1989, is repealed."
 34 10. Renumber as necessary.

The motion prevailed and the House concurred in the Senate amendment H—6149.

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

On the question "Shall the bill pass?" (H.F. 2313)

The ayes were, 85:

Adams	Arnould	Banks	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Connors	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Hermann	Hester	Holveck
Iverson	Jay	Jesse	Johnson
Kistler	Knapp	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Metcalfe	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schrader	Shearer
Sherzan	Shultz	Siegrist	Shear
Spenner	Svoboda	Swartz	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker Avenson			

The nays were, none.

Absent or not voting, 15:

Beaman	Cohoon	Fogarty	Haverland
Hibbard	Jochum	Koenigs	Mertz
Miller	Muhlbauer	Pellett	Schneklath
Shoning	Stueland	Tabor	

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

**ADOPTION OF THE REPORT OF THE
CONFERENCE COMMITTEE
(House File 2287)**

Ollie of Clinton called up for consideration the report of the conference committee on House File 2287 and moved the adoption of the conference committee report and the amendments contained therein as follows:

**REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 2287**

To the Speaker of the House of Representatives and the President of the Senate:

We, the undersigned members of the conference committee appointed to resolve the differences between the House of Representatives and the Senate on House File 2287, a bill for an act relating to a subsequent employer's unemployment benefit contribution rate upon the purchase or transference of a small business, respectfully make the following report:

1. That the Senate recedes from its amendment, H—5812.
2. That House File 2287, as amended, passed, and reprinted by the House, is amended as follows:

1. By striking everything after the enacting clause and inserting the following:

"Section 1. Section 96.7, subsection 2, paragraph b, Code Supplement 1989, is amended by adding the following new unnumbered paragraph after unnumbered paragraph 1:

NEW UNNUMBERED PARAGRAPH. The predecessor employer, prior to entering into a contract with a successor employer relating to the sale or transfer of the enterprise or business, or a clearly segregable and identifiable part of the enterprise or business, shall disclose to the successor employer the predecessor employer's record of charges of benefits payments and any layoffs or incidences since the last record that would affect the experience record. A predecessor employer who fails to disclose or willfully discloses incorrect information to a successor employer regarding the predecessor employer's record of charges of benefits payments is liable to the successor employer for any actual damages and attorney fees incurred by the successor employer as a result of the predecessor employer's failure to disclose or disclosure of incorrect information. The division shall include notice of the requirement of disclosure in the division's quarterly notification given to each employer pursuant to section 96.7, subsection 2, paragraph "a", subparagraph (6)."

2. Title page, line 2, by striking the word "small".

ON THE PART OF THE HOUSE:

C. ARTHUR OLLIE, Chair
PATRICIA HARPER
JIM LYKAM
LEE J. PLASIER
PHIL TYRRELL

ON THE PART OF THE SENATE:

WILLIAM D. PALMER, Chair
LINN FUHRMAN
THOMAS MANN, Jr.
JOHN A. PETERSON
RICHARD VANDE HOEF

The motion prevailed and the conference committee report was adopted.

Ollie of Clinton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2287)

The ayes were, 85:

Adams	Arnould	Banks	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Connors	Corbett	Daggett	De Groot
Diemer	Dvorsky	Eddie	Fey
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Hermann	Hester	Holveck	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Metcalf	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schrader	Shearer
Sherzan	Shoultz	Siegrist	Spear
Spenner	Svoboda	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 15:

Beaman	Cohoon	Doderer	Fogarty
Haverland	Hibbard	Koenigs	Mertz
Miller	Muhlbauer	Pellett	Schneklath
Shoning	Stueland	Swartz	

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

MOTIONS TO RECONSIDER WITHDRAWN
(Senate File 2048)

Black of Jasper asked and received unanimous consent to withdraw the motion to reconsider Senate File 2048, a bill for an act to prohibit the discharge of firearms near a feedlot and subjecting violators to existing penalties, filed by him on March 28, 1990.

(Senate File 2049)

Fey of Scott asked and received unanimous consent to withdraw the motion to reconsider Senate File 2049, a bill for an act relating to the establishment of standards for the collection, processing, storage, and distribution of human blood, plasma, and blood products, and to the licensing of blood collection and plasmapheresis centers, and providing a penalty, filed by him on March 28, 1990.

SENATE AMENDMENT CONSIDERED

Renaud of Polk called up for consideration **House File 2188**, a bill for an act relating to the issuance of alcoholic beverage licenses and permits for certain licensed premises and prescribing fees, amended by the Senate amendment H-5843 as follows:

H-5843

- 1 Amend House File 2188, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. Page 1, line 4, by striking the word
- 4 "ordinance" and inserting the following: "motion of
- 5 the local authority".
- 6 2. Page 1, line 8, by striking the word
- 7 "ordinance" and inserting the following: "motion of
- 8 the local authority".

Shultz of Black Hawk asked and received unanimous consent to withdraw amendment H-6079, to the Senate amendment H-5843, filed by him on April 3, 1990.

On motion by Renaud of Polk, the House concurred in the Senate amendment H-5843.

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

On the question "Shall the bill pass?" (H.F. 2188)

The ayes were, 79:

Adams	Arnould	Beatty	Bennett
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Buhr	Carpenter
Chapman	Connors	Diemer	Doderer
Dvorsky	Eddie	Fey	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Hermann
Hester	Holveck	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Kremer	Lageschulte	Lundby
Lykam	May	McKinney	Metcalf
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schrader	Shearer	Sherzan	Shoultz
Siegrist	Spear	Spenner	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Wise	Mr. Speaker	
		Avenson	

The nays were, 9:

Banks	Branstad	Clark	Corbett
Daggett	De Groot	Maulsby	McKean
Van Maanen			

Absent or not voting, 12:

Beaman	Cohoon	Fogarty	Haverland
Hibbard	Koenigs	Mertz	Miller
Pellett	Schnekloth	Shoning	Stueland

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has, on April 6, 1990, adopted the conference committee report and passed House File 2543, a bill for an act relating to the administration and benefits for certain public retirement systems, and providing effective dates and for the applicability of the Act.

Also: That the Senate has, on April 6, 1990, adopted the conference committee report and passed Senate File 2306, a bill for an act relating to open enrollment, including the general intent, notification dates, exceptions to notification dates, board action on requests, counting of pupils for state foundation aid purposes, student expulsion or suspension, qualification for transportation, and participation of laboratory schools, and providing an effective date.

JOHN F. DWYER, Secretary

Unfinished Business Calendar

The House resumed consideration of **Senate File 2093**, a bill for an act to reduce the markup percentage on state alcoholic liquor sales, and the committee amendment H—5636, found on page 1259 of the House Journal, previously deferred and retained on the unfinished business calendar.

Renaud of Polk asked and received unanimous consent to temporarily defer the committee amendment H—5636.

Tabor of Jackson offered the following amendment H—5958 filed by Tabor, et al., and moved its adoption:

H—5958

- 1 Amend Senate File 2093, as passed by the Senate, as
- 2 follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting the following:
- 5 "Section 1.
- 6 1. Notwithstanding section 123.24, subsection 4,
- 7 the administrator of the alcoholic beverages division
- 8 of the department of commerce shall select not more
- 9 than the top two selling products by case sales in the
- 10 one and three-fourths liter size in the categories of
- 11 blended whiskey, straight bourbon whiskey, scotch
- 12 whiskey, Canadian whiskey, Tennessee whiskey, eighty
- 13 proof domestic vodka, and domestic gin if those
- 14 products selected sold more than two thousand cases
- 15 annually for the twelve-month period ending January
- 16 31, 1990, to be sold to class "E" liquor control
- 17 licensees with a markup of forty percent of the
- 18 wholesale price paid by the division for the alcoholic
- 19 liquor.
- 20 2. The administrator shall also select not more
- 21 than the top two selling products by case sales in the
- 22 seven hundred fifty milliliter size in all remaining
- 23 categories providing those products selected sold more
- 24 than two thousand cases annually for the twelve-month
- 25 period ending January 31, 1990; to be sold to class
- 26 "E" liquor control licensees with a markup of forty
- 27 percent of the wholesale price paid by the division
- 28 for the alcoholic liquor.
- 29 3. A company shall not have more than one product
- 30 selected in a category. If the top two selling
- 31 products in a category are sold by the same company,
- 32 the administrator shall select the next highest
- 33 selling product in the category which is not sold by
- 34 that company, if the next highest selling product
- 35 selected sold more than two thousand cases annually

36 for the twelve-month period ending January 31, 1990.
 37 4. The division shall study the results of the
 38 markup reduction on the volume of sales of the
 39 selected products compared to the volume of sales of
 40 the preceding year and compared to other competitive
 41 products not selected for the price reduction. The
 42 administrator shall report the division's findings to
 43 the president or presiding officer of the senate and
 44 speaker of the house of representatives of this state
 45 by February 15, 1991.

46 5. This section is repealed effective June 30,
 47 1991."

48 2. Title page, line 2, by inserting after the
 49 word "sales" the following: "and provide a date of
 50 repeal".

Hansen of Woodbury in the chair at 7:36 p.m.

Halvorson of Webster offered the following amendment H-6032,
 to amendment H-5958, filed by him and moved its adoption:

H-6032

1 Amend the amendment, H-5958, to Senate File 2093,
 2 as passed by the Senate, as follows:

3 1. Page 1, by striking lines 3 through 50 and
 4 inserting the following:

5 "_____. Page 1, by inserting after line 11 the
 6 following:

7 "Sec. _____. STUDY - APPROPRIATION.

8 There is appropriated from the general fund of the
 9 state to the alcoholic beverages division of the
 10 department of commerce for the fiscal year beginning
 11 July 1, 1990, and ending June 30, 1991, the sum of
 12 \$50,000 or so much thereof as is necessary, to conduct
 13 a study of the impact of reducing the wholesale markup
 14 of alcoholic liquors from fifty percent to forty
 15 percent on the volume of sales of alcoholic liquors in
 16 this state and on the amount of revenue generated from
 17 the wholesale markup to the general fund of the state.
 18 In addition, the study shall evaluate the effect of
 19 the wholesale price reduction on the competitiveness
 20 of retail alcoholic liquor prices in Iowa compared to
 21 neighboring states, determine if the wholesale
 22 alcoholic liquor price reduction is being passed on to
 23 consumers, and determine the impact of tourism on the
 24 general pattern of lower per capita consumption of
 25 alcoholic beverages by Iowans compared to other
 26 states. The administrator shall report the division's
 27 findings to the president or presiding officer of the
 28 senate and the speaker of the house of representatives

29 of this state by February 15, 1991."
 30 _____ Title page, line 2, by inserting after the
 31 word "sales" the following: ", provide for a study,
 32 and make an appropriation".
 33 2. By numbering sections as required.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 40; nays 51.

Amendment H-6032 lost.

Speaker Avenson in the chair at 7:48 p.m.

On motion by Tabor of Jackson, amendment H-5958 was adopted, placing out of order the following amendments:

H-5636 filed by the committee on state government, previously deferred.

H-6030, to the committee amendment H-5636, filed by Halvorson of Webster on April 2, 1990.

Renaud of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Under the provisions of Rule 76, Halvorson of Clayton refrained from voting.

On the question "Shall the bill pass?" (S.F. 2093)

The ayes were, 58:

Arnould	Beatty	Bisignano	Black
Blanshan	Brown	Buhr	Chapman
Cohoon	Connors	Dvorsky	Eddie
Fey	Fuller	Groninga	Hansen, S. D.
Harbor	Harper	Hermann	Hester
Iverson	Jay	Jochum	Knapp
Koenigs	Kremer	Lundby	Lykam
May	McKinney	Muhlbauer	Murphy
Neuhauser	Ollie	Pavich	Peters
Petersen, D. F.	Peterson, M. K.	Poney	Renaud
Royer	Schnekloth	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Wise	Mr. Speaker		
	Avenson		

The nays were, 33:

Adams	Banks	Beaman	Bennett
Brammer	Brand	Branstad	Carpenter
Clark	Corbett	Daggett	De Groot
Diemer	Garman	Gruhn	Halvorson, R. N.
Hammond	Hanson, D. R.	Hatch	Holveck
Jesse	Johnson	Kistler	Lageschulte
Maulsby	McKean	Metcalf	Nielsen
Osterberg	Plasier	Renken	Rosenberg
Van Maanen			

Absent or not voting, 9:

Doderer	Fogarty	Halvorson, R. A.	Haverland
Hibbard	Mertz	Miller	Pellett
Stueland			

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

RULES SUSPENDED

Arnould of Scott asked for unanimous consent to suspend the rules for the immediate consideration of Senate File 2415.

Objection was raised.

Arnould of Scott moved to suspend the rules for the immediate consideration of Senate File 2415, not eligible for debate today.

A non-record roll call was requested.

The ayes were 53, nays 26.

The motion prevailed and the rules were suspended.

Ways and Means Calendar

Senate File 2415, a bill for an act authorizing an additional tax levy and the creation of a reserve account by a benefited fire district, with report of committee recommending passage was taken up for consideration.

Tabor of Jackson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2415)

The ayes were, 77:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan

Brammer	Brand	Brown	Buhr
Carpenter	Chapman	Cohoon	Connors
Corbett	Daggett	Diemer	Doderer
Dvorsky	Fey	Fuller	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Hester	Holveck	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lundby
Lykam	May	McKean	McKinney
Metcalf	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Rosenberg	Royer	Schrader
Shearer	Sherzan	Shoning	Shultz
Siegrist	Spear	Spenner	Svoboda
Tabor	Trent	Tyrrell	Wise
Mr. Speaker Avenson			

The nays were, 13:

Banks	Branstad	Clark	De Groot
Eddie	Garman	Hermann	Iverson
Lageschulte	Maulsby	Renken	Schneklath
Van Maanen			

Absent or not voting, 10:

Fogarty	Haverland	Hibbard	Mertz
Miller	Murphy	Pellett	Stueland
Swartz	Teaford		

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

IMMEDIATE MESSAGES

Arnould of Scott asked and received unanimous consent to immediately message the following bills to the Senate: House Files 677, 2188, 2287, 2313, 2537, 2566 and 2567 and Senate Files 514, 2093, 2277 and 2415.

The House stood at ease at 8:10 p.m., until the fall of the gavel.

The House resumed session at 8:50 p.m., Speaker Avenson in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 6, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2495, a bill for an act relating to the establishment, maintenance, and operation of storm water drainage systems and the payment of rates or charges.

Also: That the Senate has, on April 6, 1990, insisted on its amendment to House File 2559, a bill for an act relating to the process by which a taxpayer appeals a decision of the local board of review to the district court and providing for the reinstatement of appeals dismissed and providing an effective date, and the members of the Conference Committee on the part of the Senate are: The Senator from Dallas, Senator Riordan, Chair; the Senator from Woodbury, Senator Doyle; the Senator from Lee, Senator Fraise; the Senator from Pottawattamie, Senator Hester; the Senator from Marshall, Senator Soorholtz.

JOHN F. DWYER, Secretary

SENATE AMENDMENT CONSIDERED

Adams of Hamilton called up for consideration **House File 2412**, a bill for an act providing for the enactment of municipal infractions relating to the environment and providing penalties, amended by the Senate, and moved that the House concur in the following Senate amendment H-6163:

H-6163

1 Amend House File 2412, as passed by the House, as
2 follows:

3 1. Page 1, by striking lines 7 through 9, and
4 inserting the following: "offense. However,
5 notwithstanding section 364.3, a municipal infraction
6 arising from noncompliance with a pretreatment
7 standard or requirement, referred to in 40 C.F.R. §
8 403.8, by an industrial user may be punishable by a
9 civil penalty of not more than one thousand dollars
10 for each day a violation exists or continues.

11 A city may classify a municipal infraction, other
12 than a violation arising from noncompliance with a
13 pretreatment standard or requirement, as an
14 environmental violation if the infraction is a
15 violation of chapter 455B or a violation of a standard
16 established by the city in consultation with the
17 department of natural resources, or both. The
18 discharge of airborne residue from grain, created by
19 the handling, drying, or storing of grain by a person,
20 shall not be subject to an ordinance, the violation of
21 which is classified as an environmental violation,
22 unless the person is engaged in industrial production
23 or manufacturing of grain products. The discharge of
24 airborne residue from grain, created by the handling,
25 drying, or storing of grain by a person engaged in

26 industrial production or manufacturing of grain
 27 products, shall not be subject to an ordinance, the
 28 violation of which is classified as an environmental
 29 violation, if the discharge occurs from September 15
 30 to January 15. A municipal infraction which is
 31 classified an environmental violation is punishable by
 32 a civil penalty of not more than one thousand dollars
 33 for each occurrence. A person committing an
 34 environmental violation is not subject to a civil
 35 penalty, if all of the following conditions are
 36 satisfied:

37 a. The violation results solely from the person
 38 conducting an initial start-up, cleaning, repairing,
 39 performing scheduled maintenance, testing, or
 40 conducting a shutdown, of either equipment causing the
 41 violation or the equipment designed to reduce or
 42 eliminate the violation.

43 b. The person notifies the city of the violation
 44 within twenty-four hours from the time that the
 45 violation begins.

46 c. The violation does not continue in existence
 47 for more than eight hours.

48 A city shall not enforce this section against a
 49 person committing an environmental violation, until
 50 the city offers to participate in informal

Page 2

1 negotiations with the person. If the person accepts
 2 the offer, the city and the person shall participate
 3 in good faith negotiations to resolve issues alleged
 4 to be the basis for the violation."

5 2. Page 2, by inserting after line 12, the
 6 following:

7 "Sec. _____. Section 364.22, Code Supplement 1989,
 8 is amended by adding the following new subsection:

9 NEW SUBSECTION. 13. An action brought pursuant to
 10 this section for a municipal infraction which is an
 11 environmental violation does not preclude, and is in
 12 addition to, any other enforcement action which may be
 13 brought pursuant to chapter 455B, 455D, or 455E."

14 3. Page 2, by inserting after line 12 the
 15 following:

16 "Sec. _____

17 If a conflict exists between a provision of this
 18 Act, as enacted, and 1990 Iowa Acts, Senate File 2393,
 19 as enacted, the provision contained in this Act shall
 20 prevail."

21 4. By renumbering, relettering, or redesignating
 22 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—6163.

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

On the question "Shall the bill pass?" (H.F. 2412)

The ayes were, 90:

Adams	Arnould	Banks	Beaman
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Connors	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Hatch
Hermann	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Muhlbauer	Murphy
Nielsen	Osterberg	Pavich	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schneklath	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 10:

Beatty	Cphoon	Halvorson, R. N.	Harper
Haverland	Miller	Neuhauser	Ollie
Pellett	Stueland		

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

RULES SUSPENDED

Arnould of Scott moved to suspend the rules for the immediate consideration of Senate File 2422, not eligible for debate today.

A non-record roll call was requested.

The ayes were 53, nays 32.

The motion prevailed and the rules were suspended.

Appropriations Calendar

Senate File 2422, a bill for an act relating to the compensation and benefits for faculty, public officials, employees, and certain legislators by providing adjustments for salaries, by specifying properly related matters, and by making appropriations and providing an effective date, with report of committee recommending amendment and passage was taken up for consideration.

Jochum of Dubuque offered the following amendment H—6111 filed by the committee on appropriations:

H—6111

- 1 Amend Senate File 2422, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 14, by striking the figure
- 4 "77,300" and inserting the following: "76,100".
- 5 2. Page 1, line 17, by striking the figure
- 6 "74,200" and inserting the following: "73,000".
- 7 3. Page 1, by inserting after line 17 the
- 8 following:
- 9 "c. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
- 10 Salary for the secretary of agriculture:
- 11 \$ 58,500
- 12 d. OFFICE OF THE AUDITOR OF STATE
- 13 Salary for the auditor of state:
- 14 \$ 58,500
- 15 e. OFFICE OF THE SECRETARY OF STATE
- 16 Salary for the secretary of state:
- 17 \$ 58,500
- 18 f. OFFICE OF THE TREASURER OF STATE
- 19 Salary for the treasurer of state:
- 20 \$ 58,500"
- 21 4. Page 5, by striking lines 24 through 26 and inserting
- 22 the following: "commissioner."
- 23 5. Page 21, line 17, by striking the figure
- 24 "162,496" and inserting the following: "164,268".
- 25 6. Page 21, line 19, by striking the figure
- 26 "16,235" and inserting the following: "27,696".
- 27 7. Page 21, line 21, by striking the figure
- 28 "100,077" and inserting the following: "103,505".
- 29 8. Page 21, line 24, by striking the figure
- 30 "48,341" and inserting the following: "80,499".
- 31 9. Page 21, line 26, by striking the figure
- 32 "6,094" and inserting the following: "6,446".

- 33 10. Page 21, line 28, by striking the figure
- 34 "115,129" and inserting the following: "99,705".
- 35 11. Page 22, by inserting after line 14 the
- 36 following:
- 37 "Sec. _____.
- 38 There is appropriated from the general fund of the
- 39 state to the state board of regents for the fiscal
- 40 year beginning July 1, 1990, and ending June 30, 1991,
- 41 the following amount, or so much thereof as may be
- 42 necessary, to be used for the purpose designated:
- 43 To pay the cost of full-year increases for
- 44 professional and scientific employees at the
- 45 university of northern Iowa, the school for the deaf,
- 46 and the Braille and sight-saving school:
- 47 \$ 208,723".
- 48 12. Page 23, by striking lines 26 through 28 and inserting
- 49 the following: "lieutenant governor shall be paid at an annual
- 50 salary rate of \$58,500 for the remainder".

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- 1 13. Page 24, line 25, by striking the word "twenty-six"
- 2 and inserting the following: "twenty-seven".
- 3 14. Page 25, by striking lines 22 through 26 and
- 4 inserting the following: "the house serving in that
- 5 capacity. Expense and travel allowances shall be the".
- 6 15. Page 25, by striking lines 28 and 29 and
- 7 inserting the following: "the senate and the majority and".
- 8 16. By renumbering, relettering, or redesignating
- 9 and correcting internal references as necessary.

Halvorson of Clayton offered the following amendment H—6151, to the committee amendment H—6111, filed by him and moved its adoption:

H—6151

- 1 Amend amendment H—6111 to Senate File 2422,
- 2 as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by striking lines 35 through 47.
- 5 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 28, nays 52.

Amendment H—6151 lost.

Plasier of Sioux offered the following amendment H—6133, to the committee amendment H—6111, filed by him and moved its adoption:

H-6133

1 Amend amendment, H-6111, to Senate File 2422 as
2 amended, passed, and reprinted by the Senate as
3 follows:

4 1. Page 2, by striking lines 1 through 7, and
5 inserting the following:

6 " _____. By striking page 24, line 17, through page
7 25, line 31 and inserting the following:

8 "1. Every member of the general assembly except
9 the president presiding officer of the senate, the
10 speaker of the house, and majority and minority floor
11 leader of each house shall receive an annual salary of
12 eighteen sixteen thousand one six hundred dollars for
13 the year 1991 and subsequent years while serving as a
14 member of the general assembly. The presiding officer
15 of the senate and the majority and minority floor
16 leader of each house shall receive an annual salary of
17 twenty-five twenty-two thousand nine hundred seventy-
18 five dollars for the year 1991 and subsequent years
19 while serving in the capacity. In addition, each such
20 member shall receive the sum of fifty dollars per day
21 for expenses of office, except travel, for each day
22 the general assembly is in session commencing with the
23 first day of a legislative session and ending with the
24 day of final adjournment of each legislative session
25 as indicated by the journals of the house and senate,
26 except that in the event the length of the first
27 regular session of the general assembly exceeds one
28 hundred ten calendar days and the second regular
29 session exceeds one hundred calendar days, such
30 payments shall be made only for one hundred ten
31 calendar days for the first session and one hundred
32 calendar days for the second session. However,
33 members from Polk county shall receive thirty-five
34 dollars per day. Each member shall receive a seventy-
35 five dollar per month allowance for legislative
36 district constituency postage, travel, telephone
37 costs, and other expenses. Travel expenses shall be
38 paid at the rate established by section 18.117 for
39 actual travel in going to and returning from the seat
40 of government by the nearest traveled route for not
41 more than one time per week during a legislative
42 session. However, any increase from time to time in
43 the mileage rate established by section 18.117 shall
44 not become effective for members of the general
45 assembly until the convening of the next general
46 assembly following the session in which the increase
47 is adopted; and this provision shall prevail over any
48 inconsistent provision of any present or future
49 statute.

50 3. The speaker of the house and the presiding

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1 officer of the senate shall receive an annual salary
 2 of ~~twenty-seven~~ ~~twenty-two~~ thousand nine hundred
 3 dollars for the year 1991 and subsequent years while
 4 the speaker of the house serving in that capacity.
 5 Expense and travel allowances shall be the same for
 6 the speaker of the house and the presiding officer of
 7 the senate and the majority and minority leader of
 8 each house as provided for other members of the
 9 general assembly.” ”

Roll call was requested by Plasier of Sioux and Bennett of Ida.

On the question “Shall amendment H—6133, to the committee amendment H—6111, be adopted?” (S.F. 2422)

The ayes were, 12:

Eddie	Hermann	Iverson	Kistler
Kremer	Lageschulte	Maulsby	Pellett
Plasier	Renken	Spenner	Tyrrell

The nays were, 69:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brand
Branstad	Brown	Buhr	Carpenter
Clark	Cohoon	Connors	Corbett
Daggett	Diemer	Doderer	Dvorsky
Fey	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. A.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Hester	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Knapp
Koenigs	Lundby	Lykam	May
McKean	McKinney	Mertz	Metcalf
Neuhauser	Nielsen	Ollie	Osterberg
Peters	Poncy	Renaud	Rosenberg
Schrader	Shearer	Shoning	Shoultz
Siegrist	Spear	Swartz	Tabor
Teaford	Trent	Van Maanen	Wise
Mr. Speaker			
Avenson			

Absent or not voting, 19:

Banks	Bennett	Brammer	Chapman
De Groot	Garman	Halvorson, R. N.	Haverland
Miller	Muhlbauer	Murphy	Pavich
Petersen, D. F.	Peterson, M. K.	Royer	Schnekloth
Sherzan	Stueland	Svoboda	

Amendment H—6133 lost.

On motion by Jochum of Dubuque, the committee amendment H—6111 was adopted.

Jochum of Dubuque asked and received unanimous consent to withdraw amendment H—6144 filed by him on April 5, 1990.

Jochum of Dubuque offered the following amendment H—6148 filed by him and moved its adoption:

H—6148

- 1 Amend Senate File 2422, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 22, by inserting after line 7 the
- 4 following:
- 5 "It is the intent of the general assembly to fund
- 6 critical unmet needs that result from the elimination
- 7 of the past practice of the state board of regents, of
- 8 diverting salary adjustment funds to equipment
- 9 purchases, utility costs, and other nonsalary needs.
- 10 If after expending all of the salary adjustment funds
- 11 to increase salaries, the state board of regents have
- 12 critical unmet needs that the board had planned on
- 13 meeting with salary adjustment funds, the board shall
- 14 submit a list of those needs to the education
- 15 appropriations subcommittees no later than February 1,
- 16 1991."

Amendment H—6148 was adopted.

Plasier of Sioux asked and received unanimous consent to withdraw amendment H—6131 filed by him on April 5, 1990.

Lageschulte of Bremer asked and received unanimous consent to withdraw amendment H—6128 filed by him on April 5, 1990.

Kremer of Buchanan offered the following amendment H—6095 filed by him and moved its adoption:

H—6095

- 1 Amend Senate File 2422, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 24, line 34, by striking the word "ten"
- 4 and inserting the following: "ten".
- 5 2. Page 24, line 35, by striking the word "one"
- 6 and inserting the following: "one".
- 7 3. Page 25, line 1, by striking the word
- 8 "hundred" and inserting the following: "hundred
- 9 ninety".
- 10 4. Page 25, line 2, by striking the word "ten"
- 11 and inserting the following: "ten".
- 12 5. Page 25, lines 2 and 3, by striking the words

13 "one hundred" and inserting the following: "one
14 hundred ninety".

Roll call was requested by Kremer of Buchanan and Tyrrell of Iowa.

On the question "Shall amendment H — 6095 be adopted?"
(S.F. 2422)

The ayes were, 25:

Banks	Carpenter	Corbett	De Groot
Diemer	Eddie	Halvorson, R. A.	Hanson, D. R.
Hermann	Iverson	Kistler	Kremer
Lundby	Maulsby	McKean	Metcalf
Miller	Pellett	Petersen, D. F.	Plasier
Renken	Schneklath	Trent	Tyrrell
Van Maanen			

The nays were, 67:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Branstad
Brown	Buhr	Chapman	Clark
Cohoon	Connors	Daggett	Doderer
Dvorsky	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harbor	Harper
Hatch	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Knapp	Koenigs	Lykam	May
McKinney	Mertz	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peters	Peterson, M. K.	Poncy
Renaud	Rosenberg	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Swartz	Tabor
Teaford	Wise	Mr. Speaker	
		Avenson	

Absent or not voting, 8:

Bennett	Brammer	Brand	Haverland
Lageschulte	Royer	Stueland	Svoboda

Amendment H — 6095 lost.

Plasier of Sioux asked and received unanimous consent to withdraw amendment H — 6106 filed by him on April 4, 1990.

Jochum of Dubuque offered the following amendment H — 6145 filed by him and moved its adoption:

H-6145

1 Amend Senate File 2422 as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 26, by inserting after line 31, the
4 following:

5 "Sec. _____. Section 28B.4, Code 1989, is amended to
6 read as follows:

7 28B.4 REPORT.

8 The commission shall report to the governor and to
9 the legislature within fifteen days after the
10 convening of each general assembly, and at such other
11 time as it deems appropriate. Its members and the
12 members of all committees which it establishes shall
13 be reimbursed for their travel and other necessary
14 expenses in carrying out their obligations under this
15 chapter and legislative members shall be paid a per
16 diem of forty dollars as specified in section 7E.6 for
17 each day in which engaged in the performance of their
18 duties, ~~such the~~ per diem and legislators' expenses to
19 be paid from funds appropriated by sections 2.10 and
20 2.12. Expenses of administrative officers, state
21 officials, or state employees who are members of the
22 Iowa commission on interstate co-operation or a
23 committee appointed by the commission shall be paid
24 from funds appropriated to the agencies or departments
25 which such persons represent except as may otherwise
26 be provided by the general assembly. Expenses of
27 citizen members who may be appointed to committees of
28 the commission may be paid from funds as authorized by
29 the general assembly. Expenses of the secretary or
30 employees of the secretary and support services in
31 connection with the administration of the commission
32 shall be paid from funds appropriated to the
33 legislative service bureau unless otherwise provided
34 by the general assembly. Expenses of commission
35 members shall be paid upon approval of the chairperson
36 or the secretary of the commission.

37 Sec. _____. Section 42.5, subsection 1, paragraph d,
38 Code 1989, is amended to read as follows:

39 d. Members of the commission shall receive a per
40 diem of forty dollars as specified in section 7E.6,
41 travel expenses at the rate provided by section 79.9,
42 and reimbursement for other necessary expenses
43 incurred in performing their duties under this section
44 and section 42.6. The per diem and expenses shall be
45 paid from funds appropriated by section 2.12.

46 Sec. _____. Section 56.9, subsection 3, Code 1989,
47 is amended to read as follows:

48 3. Members of the commission shall, while serving
49 on the business of the commission, be entitled to
50 receive a per diem of forty dollars as specified in

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1 section 7E.6 and actual and necessary expenses
2 actually incurred in the performance of their duties.

3 Sec. _____. Section 67.12, Code 1989, is amended to
4 read as follows:

5 67.12 COMPENSATION AND EXPENSES OF COMMISSIONERS.

6 These commissioners shall be paid a ~~forty dollar~~
7 per diem as specified in section 7E.6 and be
8 reimbursed for actual and necessary expenses, which
9 sum shall be paid out of any unappropriated funds in
10 the state treasury.

11 Sec. _____. Section 68B.10, unnumbered paragraph 2,
12 Code 1989, is amended to read as follows:

13 The two individuals appointed by the chief justice
14 of the supreme court shall receive a per diem of ~~forty~~
15 ~~dollars~~ as specified in section 7E.6 and travel
16 expenses at the same rate as paid members of interim
17 committees for attending meetings of the ethics
18 committee. Members of the general assembly shall
19 receive a per diem of ~~forty dollars~~ as specified in
20 section 7E.6 and travel expenses at the same rate as
21 paid members of interim committees for attending
22 meetings held when the general assembly is not in
23 session. The per diem and expenses shall be paid from
24 funds appropriated by section 2.12.

25 Sec. _____. Section 80B.8, Code 1989, is amended to
26 read as follows:

27 80B.8 COMPENSATION AND EXPENSES.

28 The members of the council, who are not employees
29 of the state or a political subdivision, shall be paid
30 a ~~forty dollar~~ per diem as specified in section 7E.6.
31 All members of the council shall be reimbursed for
32 necessary and actual expenses incurred in attending
33 meetings and in the performance of their duties. All
34 per diem and expense moneys paid to nonlegislative
35 members shall be paid from funds appropriated to the
36 Iowa law enforcement academy. Legislative members of
37 the council shall receive payment pursuant to section
38 2.10 and section 2.12.

39 Sec. _____. Section 97B.76, subsection 2, Code 1989,
40 is amended to read as follows:

41 2. The members of the committee shall be
42 reimbursed for actual and necessary expenses incurred
43 in the performance of their duties and shall be paid
44 ~~forty dollars~~ a per diem as specified in section 7E.6
45 for each day in which they engaged in the performance
46 of their duties. However, per diem compensation and
47 expenses shall not be paid when the general assembly
48 is actually in session at the seat of government.
49 Expenses and per diem shall be paid from funds
50 appropriated pursuant to section 2.12.

Page 3

1 Sec. _____. Section 103A.14, subsection 5, Code
2 1989, is amended to read as follows:

3 5. Each member of the council shall receive per
4 diem compensation at the rate of forty dollars per day
5 as specified in section 7E.6 for each day spent in the
6 performance of the member's duties, but not to exceed
7 twenty-five hundred dollars per year. All members of
8 the council shall receive necessary expenses incurred
9 in the performance of their duties.

10 Sec. _____. Section 135.62, subsection 2, paragraph
11 c, Code 1989, is amended to read as follows:

12 c. MEETINGS. The council shall hold an
13 organizational meeting in July of each odd-numbered
14 year, or as soon thereafter as the new appointee or
15 appointees are confirmed and have qualified. Other
16 meetings shall be held at least once each month, and
17 may be held more frequently if necessary to enable the
18 council to expeditiously discharge its duties.
19 Meeting dates shall be set upon adjournment or by call
20 of the chairperson upon five days' notice to the other
21 members. Each member of the council shall receive a
22 forty dollar per diem as specified in section 7E.6 and
23 reimbursement for actual expenses while engaged in
24 official duties.

25 Sec. _____. Section 169.5, subsection 4, Code 1989,
26 is amended to read as follows:

27 4. Members of the board shall, in addition to
28 necessary traveling and other expenses, set their own
29 per diem compensation at a rate not exceeding forty
30 dollars per day the per diem specified in section 7E.6
31 for each day actually engaged in the discharge of
32 their duties including compensation for the time spent
33 traveling to and from the place of conducting the
34 examination and for a reasonable number of days for
35 the preparation of examination and the reading of
36 papers, in addition to the time actually spent in
37 conducting examinations, within the limits of funds
38 appropriated to the board.

39 Sec. _____. Section 173.8, Code 1989, is amended to
40 read as follows:

41 173.8 COMPENSATION AND EXPENSES.

42 A member of the board elected at the annual
43 convention shall be paid a forty dollar per diem as
44 specified in section 7E.6 and shall be reimbursed for
45 actual and necessary expenses incurred while engaged
46 in official duties. All per diem and expense moneys
47 paid to a member shall be paid from funds of the state
48 fair board.

49 Sec. _____. Section 173.12, Code 1989, is amended to
50 read as follows:

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1 173.12 SALARY OF TREASURER.

2 The treasurer shall receive such compensation for
3 services as the board may fix, not to exceed five
4 hundred dollars a year, and shall be paid a ~~forty-~~
5 ~~dollar~~ per diem as specified in section 7E.6 and shall
6 be reimbursed for actual and necessary expenses
7 incurred while engaged in official duties.

8 Sec. _____. Section 175.3, subsection 4, Code 1989,
9 is amended to read as follows:

10 4. The appointed members of the authority are
11 entitled to receive ~~forty dollars a~~ per diem as
12 specified in section 7E.6 for each day spent in
13 performance of duties as members, and shall be
14 reimbursed for all actual and necessary expenses
15 incurred in the performance of duties as members.

16 Sec. _____. Section 175A.3, subsection 4, Code 1989,
17 is amended to read as follows:

18 4. The members of the authority appointed pursuant
19 to subsection 1 are entitled to receive ~~forty dollars~~
20 a per diem as specified in section 7E.6 for each day
21 spent in performance of duties as members, and shall
22 be reimbursed for all actual and necessary expenses
23 incurred in the performance of duties as members.

24 Sec. _____. Section 217.4, Code 1989, is amended to
25 read as follows:

26 217.4 MEETINGS OF COUNCIL.

27 The council shall meet at least monthly.

28 Additional meetings shall be called by the chairperson
29 or upon written request of any three members thereof
30 as necessary to carry out the duties of the council.

31 The chairperson shall preside at all meetings or in
32 the absence of the chairperson the vice chairperson
33 shall preside. The members of the council shall be
34 paid a per diem of ~~forty dollars per day~~ as specified
35 in section 7E.6 and their reasonable and necessary
36 expenses.

37 Sec. _____. Section 220.2, subsection 1, paragraph
38 c, Code 1989, is amended to read as follows:

39 c. Members of the board are entitled to receive
40 ~~forty dollars a~~ per diem as specified in section 7E.6
41 for each day spent in performance of duties as members
42 and shall be reimbursed for all actual and necessary
43 expenses incurred in the performance of duties as
44 members.

45 Sec. _____. Section 220.2, subsection 4, Code 1989,
46 is amended to read as follows:

47 4. Members of the authority are entitled to
48 receive ~~forty dollars a~~ per diem as specified in
49 section 7E.6 for each day spent in performance of
50 duties as members, and shall be reimbursed for all

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1 actual and necessary expenses incurred in the
2 performance of duties as members.

3 Sec. _____. Section 225C.5, subsection 3, Code 1989,
4 is amended to read as follows:

5 3. Members of the commission shall qualify by
6 taking the oath of office prescribed by law for state
7 officers. At its first meeting of each year, the
8 commission shall organize by electing a chairperson
9 and a vice chairperson for terms of one year.
10 Commission members are entitled to forty dollars a per
11 diem as specified in section 7E.6 and reimbursement
12 for actual and necessary expenses incurred while
13 engaged in their official duties, to be paid from
14 funds appropriated to the department.

15 Sec. _____. Section 246.803, subsection 2, Code
16 1989, is amended to read as follows:

17 2. Biennially, the industries board shall organize
18 by election of a chairperson and a vice chairperson,
19 as soon as reasonably possible after the new
20 appointees have been named. Other meetings shall be
21 held at the call of the chairperson or of any three
22 members, as necessary to enable the industries board
23 to discharge its duties. Board members shall be
24 reimbursed for expenses actually and necessarily
25 incurred in the discharge of their duties, and those
26 members not state employees shall also be entitled to
27 forty dollars a per diem as specified in section 7E.6
28 for each day they are so engaged.

29 Sec. _____. Section 249A.4, subsection 8, unnumbered
30 paragraph 2, Code Supplement 1989, is amended to read
31 as follows:

32 For each council meeting, other than those held
33 during the time the general assembly is in session,
34 each legislative member of the council shall be
35 reimbursed for actual traveling and other necessary
36 expenses and shall receive a per diem of forty dollars
37 as specified in section 7E.6 for each day in
38 attendance, as shall the public representatives,
39 regardless of whether the general assembly is in
40 session.

41 Sec. _____. Section 249D.13, Code 1989, is amended
42 to read as follows:

43 **249D.13 MEETINGS – OFFICERS.**

44 Members of the commission shall elect from the
45 commission's membership a chairperson, and other
46 officers as commission members deem necessary, who
47 shall serve for a period of two years. The commission
48 shall meet at regular intervals at least six times
49 each year and may hold special meetings at the call of
50 the chairperson or at the request of a majority of the

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1 commission membership. The commission shall meet at
 2 the seat of government or such other place as the
 3 commission may designate. Members shall be paid ~~forty~~
 4 ~~dollars~~ a per diem as specified in section 7E.6 and
 5 shall receive reimbursement for actual expenses for
 6 their official duties.

7 Sec. _____. Section 258A.7, subsection 3, Code 1989,
 8 is amended to read as follows:

9 3. Licensees appointed to serve on a hearing panel
 10 pursuant to section 258A.6, subsection 2, shall be
 11 compensated at the rate of forty dollars specified in
 12 section 7E.6 for each day of actual duty, and shall be
 13 reimbursed for actual expenses reasonably incurred in
 14 the performance of duties.

15 Sec. _____. Section 261.4, Code 1989, is amended to
 16 read as follows:

17 261.4 FUNDS – COMPENSATION AND EXPENSES OF
 18 COMMISSION.

19 The director of revenue and finance shall keep an
 20 accounting of all funds received and expended by the
 21 commission. The members of the commission, except
 22 those members who are employees of the state, shall be
 23 paid a forty-dollar per diem as specified in section
 24 7E.6 and shall be reimbursed for actual and necessary
 25 expenses. All per diem and expense moneys paid to
 26 nonlegislative members shall be paid from funds
 27 appropriated to the commission. Legislative members
 28 of the commission shall receive payment pursuant to
 29 section 2.10 and section 2.12.

30 Sec. _____. Section 307B.6, subsection 4, Code 1989,
 31 is amended to read as follows:

32 4. Members of the board are entitled to receive
 33 forty dollars a per diem as specified in section 7E.6
 34 for each day spent in performance of their functions
 35 and duties as members and reimbursement for all actual
 36 and necessary expenses incurred in the performance of
 37 their functions and duties as members.

38 Sec. _____. Section 333A.3, subsection 2, Code 1989,
 39 is amended to read as follows:

40 2. Each member is entitled to reimbursement for
 41 actual and necessary expenses incurred in the
 42 performance of committee duties. Each member, except
 43 officers and employees of the state and full-time
 44 elected county officials, is entitled to receive a per
 45 diem of forty dollars as specified in section 7E.6 for
 46 each day spent in the performance of committee duties.

47 Sec. _____. Section 442A.5, subsection 4, Code 1989,
 48 is amended to read as follows:

49 4. The appointed members of the authority receive
 50 forty dollars a per diem as specified in section 7E.6

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1 for each day spent in performance of duties as
2 members, and shall be reimbursed for all actual and
3 necessary expenses incurred in the performance of
4 duties as members.

5 Sec. _____. Section 455B.444, unnumbered paragraph
6 2, Code 1989, is amended to read as follows:

7 Temporary members who may be appointed under this
8 section shall serve on the commission only during
9 discussion and proceedings relating to the application
10 for a site license which the temporary members were
11 appointed to consider and shall vote only on questions
12 relating to the issuance of that site license.

13 Temporary members shall serve on the commission until
14 final action is taken on the application for the site
15 license which the temporary members were appointed to
16 consider. Temporary members who are not public
17 employees shall receive ~~forty dollars~~ a per diem as
18 specified in section 7E.6 and actual and necessary
19 expenses incurred in performance of their official
20 duties. Temporary employees who are public employees
21 shall receive reimbursement for expenses only. Per
22 diem and expenses under this section shall be paid by
23 the state.

24 Sec. _____. Section 543A.4, subsection 1, Code
25 Supplement 1989, is amended to read as follows:

26 1. The Iowa grain indemnity fund board is
27 established to advise the department on matters
28 relating to the fund and to perform the duties
29 provided it in this chapter. The board is composed of
30 the secretary of agriculture or a designee who shall
31 serve as president; the commissioner of insurance or a
32 designee who shall serve as secretary; the state
33 treasurer or a designee who shall serve as treasurer;
34 and four representatives of the grain industry
35 appointed by the governor, subject to confirmation by
36 the senate, two of whom shall be representatives of
37 producers and who shall be actively participating
38 producers, and two of whom shall be representatives of
39 grain dealers and warehouse operators and who shall be
40 actively participating grain dealers and warehouse
41 operators, each of whom shall be selected from a list
42 of three nominations made by the secretary of
43 agriculture. The term of membership of the grain
44 industry representatives is three years, and the
45 representatives are eligible for reappointment.
46 However, only actively participating producers, and
47 grain dealers and warehouse operators are eligible for
48 reappointment. The grain industry representatives are
49 entitled to ~~forty dollars~~ a per diem as specified in
50 section 7E.6 for each day spent in the performance of

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1 the duties of the board, plus actual expenses incurred
2 in the performance of those duties. Four members of
3 the board constitute a quorum, and the affirmative
4 vote of four members is necessary for any action taken
5 by the board, except that a lesser number may adjourn
6 a meeting. A vacancy in the membership of the board
7 does not impair the rights of a quorum to exercise all
8 the rights and perform all the duties of the board.

9 Sec. _____. Section 568.9, Code 1989, is amended to
10 read as follows:

11 568.9 COMMISSIONERS' COMPENSATION AND EXPENSES.

12 Commissioners, for their services in making such
13 appraisement shall be paid a ~~forty-dollar~~ per diem as
14 specified in section 7E.6 and shall be reimbursed for
15 actual and necessary expenses. All per diem moneys
16 paid to the commissioners shall be paid from funds
17 appropriated to the secretary of state.

18 Sec. _____. Section 601A.4, Code 1989, is amended to
19 read as follows:

20 601A.4 COMPENSATION AND EXPENSES — RULES.

21 Commissioners shall be paid a ~~forty-dollar~~ per diem
22 as specified in section 7E.6 and shall be reimbursed
23 for actual and necessary expenses incurred while on
24 official commission business. All per diem and
25 expense moneys paid to commissioners shall be paid
26 from funds appropriated to the commission. The
27 commission shall adopt, amend or rescind such rules as
28 ~~shall~~ be necessary for the conduct of its meetings. A
29 quorum shall consist of four commissioners.

30 Sec. _____. Section 601K.54, Code 1989, is amended
31 to read as follows:

32 601K.54 MEETINGS OF THE COMMISSION.

33 The commission shall meet at least six times each
34 year, and shall hold special meetings on the call of
35 the chairperson. The commission shall adopt rules
36 pursuant to chapter 17A as it deems necessary for the
37 commission and division. The members of the
38 commission shall receive a per diem of ~~forty dollars~~
39 as specified in section 7E.6 and be reimbursed for
40 actual expenses while engaged in their official
41 duties. Members may also be eligible to receive
42 ~~compensation~~ as provided in section 7E.6. Legislative
43 members of the commission shall receive payment
44 pursuant to sections 2.10 and 2.12.

45 Sec. _____. Section 602.1513, Code 1989, is amended
46 to read as follows:

47 602.1513 PER DIEM COMPENSATION.

48 The supreme court shall set the per diem
49 compensation under sections 602.1511 and 602.1512 at
50 forty dollars a rate per day not exceeding the rate

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1 specified in section 7E.6.

2 Sec. _____. Section 602.10106, Code 1989, is amended
3 to read as follows:

4 602.10106 OATH — COMPENSATION.

5 The members thus appointed shall take and subscribe
6 an oath to be administered by one of the judges of the
7 supreme court to faithfully and impartially discharge
8 the duties of the office. The members shall, in
9 addition to receiving actual and necessary expenses,
10 set the per diem compensation for themselves and the
11 temporary examiners appointed under section 602.10107
12 at a rate not exceeding forty dollars the per diem
13 specified in section 7E.6 for each day actually
14 engaged in the discharge of their duties. ~~Such The~~
15 duties shall include the traveling to and from the
16 place of examination, the preparation and conducting
17 of examinations, and the reading of the examination
18 papers. The per diem authorized under this section
19 shall be reasonably apportioned in relation to the
20 funds appropriated to the board.

21 Sec. _____. Section 679B.7, Code 1989, is amended to
22 read as follows:

23 679B.7 COMPENSATION AND EXPENSES.

24 The members of the board shall be paid a ~~forty-~~
25 ~~dollar~~ per diem as specified in section 7E.6 and shall
26 be reimbursed for actual and necessary expenses, these
27 moneys to be payable out of the state treasury upon
28 warrants drawn by the director of revenue and
29 finance.”

Amendment H — 6145 was adopted.

Jochum of Dubuque moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question “Shall the bill pass?” (S.F. 2422)

The ayes were, 79:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brand
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harper
Hatch	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Knapp	Koenigs	Lageschulte	Lundby

Lykam	May	McKinney	Mertz
Metcalf	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Petersen, D. F.	Peterson, M. K.	Poncy
Renaud	Rosenberg	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Wise	Mr. Speaker	
		Avenson	

The nays were, 17:

Banks	Bennett	Branstad	De Groot
Halvorson, R. A.	Harbor	Iverson	Kistler
Kremer	Maulsby	McKean	Miller
Pellett	Plasier	Renken	Royer
Van Maanen			

Absent or not voting, 4:

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

IMMEDIATE MESSAGE (Senate File 2422)

Arnould of Scott asked and received unanimous consent that Senate File 2422 be immediately messaged to the Senate.

CONFERENCE COMMITTEE APPOINTED (House File 731)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 731: Hibbard of Madison, Chair; Fogarty of Palo Alto, Branstad of Winnebago, Eddie of Buena Vista and Osterberg of Linn.

CONFERENCE COMMITTEE APPOINTED (House File 2559)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2559: Chapman of Linn, Chair; Brand of Benton, Bennett of Ida, De Groot of Lyon and Tabor of Jackson.

ADOPTION OF THE REPORT OF THE
CONFERENCE COMMITTEE
(Senate File 2306).

Ollie of Clinton called up for consideration the report of the conference committee on Senate File 2306 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 2306

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 2306, a bill for an act relating to open enrollment, including the general intent, notification dates, exceptions to notification dates, board action on requests, counting of pupils for state foundation aid purposes, student expulsion or suspension, qualification for transportation, and participation of laboratory schools, and providing an effective date, respectfully make the following report:

1. That the Senate recedes from its amendment, H—5908.
2. That the House recedes from its amendment, S—5534.
3. That Senate File 2306, as amended, passed, and reprinted by the Senate, is amended as follows:
 1. Page 1, line 1, by inserting after the figure “2,” the following: “3,”.
 2. Page 1, line 28, by striking the words and figure “November 1 deadline” and inserting the following: “deadline of October 30 of the previous year”.
 3. Page 1, line 29, by inserting after the word “deadline” the following: “or if the request is to enroll a child in kindergarten in a public school in another district”.
 4. Page 1, line 34, by inserting after the word “year” the following: “and shall transmit any approved request within five days after board action on the request”.
 5. Page 1, line 35, by inserting after the word “year” the following: “unless the board of the receiving district has acted on the request”.
 6. Page 2, line 15, by striking the words “ten fifteen” and inserting the following: “ten”.
 7. Page 3, by striking lines 15 and 16, and inserting the following: “permitted to appeal the decision of the board either directly to the director of the department of education or to the state board under chapter 290, but not to both. If the matter is to be heard by the director, or the director’s designee, the matter shall be heard de”.
 8. Page 3, line 18, by striking the words “by the director, or the director’s designee”.
 9. Page 3, by inserting before line 22, the following:

“Each district shall provide notification to the parent or guardian relating to the transmission or denial of the request. A district of residence shall provide for notification of transmission or denial to a parent or guardian within three days of board action

on the request. A receiving district shall provide notification to a parent or guardian, within fifteen days of receipt of board action on the request, of whether the child will be enrolled in that district or whether the request is to be denied."

10. Page 3, by striking lines 33 through 35 and inserting the following: "district within five days of the receipt of the request. The new receiving district shall".

11. Page 5, line 7, by inserting after the word "years." the following: "If a request to transfer is due to a change in family residence, change in the state in which the family residence is located, a change in a child's parents' marital status, a guardianship proceeding, placement in foster care, adoption, participation in a foreign exchange program, or participation in a substance abuse or mental health treatment program, and the child, who is the subject of the request, is not currently using any provision of open enrollment, the parent or guardian of the child shall have the option to have the child remain in the child's original district of residence under open enrollment with no interruption in the child's educational program. If a parent or guardian exercises this option, the child's new district of residence is not required to pay the lower of the two district costs per pupil or other costs to the receiving district until the start of the first full year of enrollment of the child."

12. By striking page 6, line 33 through page 7, line 2, and inserting the following:

"If a child, for which a request to transfer has been filed with a district, has been suspended or expelled in the district, the receiving district named in the request may refuse the request the child shall not be permitted to transfer until the child has been reinstated in the sending district. Once the child has been reinstated, however, the child shall be permitted to transfer in the same manner as if the child had not been suspended by the sending district. If a child, for whom a request to transfer has been filed with a district, is expelled in the district, the child shall be permitted to transfer to a receiving district under this section if the child applies for and is reinstated in the sending district. However, if the child applies for reinstatement but is not reinstated in the sending district, the receiving district may deny the request to transfer. The parent or guardian of the child shall be permitted to appeal the decision of the receiving district to the director of the department of education. If the director rules in favor of permitting the transfer, the child shall be permitted to transfer, but the transfer shall be conditioned upon the expiration of the expulsion period without the student incurring a new violation."

13. Page 8, line 9, by inserting before the word "participation" the following: "or".

14. Page 8, line 11, by inserting after the word "circumstances" the following: "consistent with the definition of good cause".

15. Page 8, by striking lines 15 and 16 and inserting the following: "reorganization plan, or a similar set of circumstances consistent with the definition of good cause. If the good cause relates to a change".

16. Page 8, line 29, by inserting after the word "notwithstanding" the following: "the enrollment loss provisions and, if a district has a minority enrollment of less than ten percent of the total district student population, the desegregation provisions of".

17. Page 8, line 32, by inserting after the figure "1990" the following: "and the board of the district of residence shall grant the request. Children who are the subject of requests, which are filed prior to August 1, 1990, and which meet the good cause

requirements for a change in the status of the children's resident district due to rejection of a whole grade sharing agreement, are not subject to the restrictions on athletic participation contained in section 282.18 if the district to which the child is to transfer under the request is or was a participant in a whole grade sharing agreement".

18. Page 8, by inserting after line 32, the following: "If a pupil transfers for the balance of the 1989-1990 school year, or for succeeding years, as a result of the filing of a request prior to August 1, 1990, the sending district shall pay to the receiving district for the balance of the 1989-1990 school year, if that year is covered by the request, and for the 1990-1991 school year, only the state aid portion of the lower district cost per pupil of the two districts."

19. Page 8, by inserting before line 33, the following:

"Sec. 100. Section 279.19A, subsection 3, unnumbered paragraph 1, Code Supplement 1989, is amended to read as follows:

The board of directors of a school district may require an employee who has resigned from an extracurricular contract to accept, as a condition of employment under section 279.13, the extracurricular contract for the subsequent no longer than one additional school year if all the following conditions apply:

Sec. ____ . JOINT STUDY.

The state board of education and the board of educational examiners shall review current rules and educational requirements relating to extracurricular contracts and licensing or endorsement requirements for teaching and nonteaching personnel who perform duties relating to school athletic programs. The state board of education and the board of educational examiners shall develop recommendations for uniform rules relating to the education and licensing of persons performing duties relating to school athletic programs and submit the recommendations in a report to the general assembly by January 1, 1992.

Sec. ____ . CODIFICATION.

The Code editor shall divide section 282.18 into appropriate subsections and paragraphs."

20. Page 8, line 34, by inserting after the word "Act," the following: "except for section 1 of this Act".

21. Page 9, by inserting after line 1, the following:

"Sec. ____ .

Section 100 of this Act takes effect July 1, 1993."

22. By renumbering, relettering, or redesignating and correcting internal references as necessary.

ON THE PART OF THE HOUSE:

C. ARTHUR OLLIE, Chair
JANET ADAMS
HORACE DAGGETT
PHILIP WISE

ON THE PART OF THE SENATE:

LARRY MURPHY, Chair
C. JOSEPH COLEMAN
WALLY HORN

The motion prevailed and the conference committee report was adopted.

Ollie of Clinton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2306)

The ayes were, 87:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brand	Branstad	Buhr
Carpenter	Chapman	Clark	Cphoon
Connors	Corbett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Hammond	Hanson, D. R.
Harbor	Harper	Hatch	Hester
Hibbard	Holveck	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	May	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schnekloth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Swartz	Tabor	Teaford	Trent
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, 7:

Brown	Daggett	Hansen, S. D.	Maulsby
McKean	Svoboda	Tyrrell	

Absent or not voting, 6:

Brammer	Halvorson, R. N.	Haverland	Hermann
Neuhauser	Stueland		

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

IMMEDIATE MESSAGE (Senate File 2306)

Arnould of Scott asked and received unanimous consent that Senate File 2306 be immediately messaged to the Senate.

The House stood at ease at 10:16 p.m., until the fall of the gavel.

The House resumed session at 11:29 p.m., Speaker Avenson in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Daggett of Adams, for the remainder of the evening, on request of Van Maanen of Mahaska.

SENATE AMENDMENT CONSIDERED

Brown of Lucas called up for consideration **House File 2495**, a bill for an act relating to the establishment, maintenance, and operation of storm water drainage systems and the payment of rates or charges, amended by the Senate, and moved that the House concur in the following Senate amendment H—6164:

H—6164

- 1 Amend House File 2495, as passed by the House, as
- 2 follows:
- 3 1. Page 2, by inserting after line 20 the
- 4 following:
- 5 "Sec. _____. NEW SECTION. 384.84A SPECIAL
- 6 ELECTION.
- 7 1. The governing body of a city may institute
- 8 proceedings to issue revenue bonds for storm water
- 9 drainage construction projects under section 384.84,
- 10 subsection 1, by causing notice of the proposed
- 11 project, with a description of the proposed project
- 12 and a description of the formula for the determination
- 13 of the rate or rates applied to users for payment of
- 14 the bonds, and a description of the bonds and maximum
- 15 rate of interest and the right to petition for an
- 16 election if the project meets the requirement of
- 17 subsection 2, to be published at least once in a
- 18 newspaper of general circulation within the city at
- 19 least thirty days before the meeting at which the
- 20 governing body proposes to take action to institute
- 21 proceedings for issuance of revenue bonds for the
- 22 storm water drainage construction project.
- 23 2. If, before the date fixed for taking action to
- 24 authorize the issuance of revenue bonds for the storm
- 25 water drainage construction project, a petition signed
- 26 by three percent of the qualified electors of the
- 27 city, asking that the question of issuing revenue
- 28 bonds for the storm water drainage construction

29 project be submitted to the qualified electors of the
30 city, the council, by resolution, shall declare the
31 project abandoned or shall direct the county
32 commissioner of elections to call a special election
33 upon the question of issuing the bonds for the storm
34 water drainage construction project if the cost of the
35 project and population of the city meet one of the
36 following criteria:

37 a. The project cost is seven hundred fifty
38 thousand dollars or more in a city having a population
39 of five thousand or less.

40 b. The project cost is one million five hundred
41 thousand dollars or more in a city having a population
42 of more than five thousand but not more than seventy-
43 five thousand.

44 c. The project cost is two million dollars or more
45 in a city having a population of more than seventy-
46 five thousand.

47 3. The proposition of issuing revenue bonds for a
48 storm water drainage construction project under this
49 section is not approved unless the vote in favor of
50 the proposition is equal to a majority of the votes

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1 cast on the proposition.

2 4. If a petition is not filed, or if a petition is
3 filed and the proposition is approved at an election,
4 the council may issue the revenue bonds.

5 5. If a city is required by the federal
6 environmental protection agency to file application
7 for storm water sewer discharge or storm water
8 drainage system under the federal Clean Water Act of
9 1987, this section does not apply to that city with
10 respect to improvements and facilities required for
11 compliance with EPA regulations, or any city that
12 enters into a chapter 28E agreement to implement a
13 joint storm water discharge or drainage system with a
14 city that is required by the federal environmental
15 protection agency to file application for storm water
16 discharge or storm water drainage system."

The motion prevailed and the House concurred in the Senate amendment H-6164.

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

On the question "Shall the bill pass?" (H.F. 2495)

The ayes were, 95:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Hermann	Hester
Hibbard	Holveck	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schnekloth	Schrader	Shearer
Sherzan	Shoning	Shultz	Siegrist
Spear	Spenner	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 5:

Brammer	Daggett	Haverland	Pellett
Stueland			

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

SENATE AMENDMENT CONSIDERED

Hatch of Polk called up for consideration **Senate File 2423**, a bill for an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for educational and cultural programs of this state, providing effective dates, and providing retroactive applicability, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—6156 to the House amendment:

H-6156

- 1 Amend the House amendment, S-5881, to Senate File
2 2423, as amended, passed, and reprinted by the Senate,
3 as follows:
- 4 1. Page 1, by striking lines 3 and 4.
 - 5 2. Page 1, line 6, by striking the figure
6 "250,000" and inserting the following: "286,600".
 - 7 3. Page 1, by inserting after line 19, the
8 following:
9 "_____. Page 9, by striking lines 11 and 12, and
10 inserting the following: "before selection of any
11 system or systems. Funds appropriated in this
12 subsection may be"."
 - 13 4. Page 1, by striking lines 22 through 29, and
14 inserting the following:
15 "_____. Page 10, by striking lines 4 through 6, and
16 inserting the following: "appropriated in this
17 subsection, of the \$3,200,215 available, \$25,000 shall
18 be used to develop guidelines for school lunch and
19 breakfast programs and to plan a nutrition pilot
20 project, if a pilot project to establish model
21 nutrition".
 - 22 5. Page 3, by inserting after line 22 the
23 following:
24 "_____. Page 17, by striking lines 6 through 27."
 - 25 6. Page 3, by inserting after line 28, the
26 following:
27 "_____. Page 28, by inserting after line 17, the
28 following:
29 "As a condition, limitation, and qualification of
30 the funds appropriated in this subsection, in cases
31 where a resident student of the school for the deaf or
32 the Braille and sight-saving school is physically or
33 sexually abused or assaulted and is physically removed
34 from the school by a court order pursuant to a finding
35 by the court that the child has been sexually or
36 physically abused or assaulted, payment for placement
37 of the student in another facility for the deaf or
38 blind, either in state or out of state, shall be made
39 by the school from which the student is removed out of
40 funds allocated for the operation of the school.
41 Before a student is placed at another facility, the
42 school from which the student is removed shall be
43 consulted, and the placement shall reflect, as nearly
44 as possible, comparable education, accessibility, and
45 cost. Students placed at another facility under this
46 paragraph shall not be returned to the school for the
47 deaf or the Braille and sight-saving school until the
48 court rules that the student will not be adversely
49 affected if returned to the school. If the student is
50 counted by the Iowa school for the deaf or the Braille

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1 and sight-saving school, for the purpose of generating
2 school foundation aid for the student, those funds
3 generated by the student shall be forwarded to the
4 facility in which the student is placed and the school
5 for the deaf or the Braille and sight-saving school
6 shall pay the difference between the funds generated
7 by the student and the cost of tuition, room, and
8 board at the other facility.””

9 7. Page 3, by striking lines 38 and 39, and
10 inserting the following:

11 “_____. Page 29, by inserting after line 34, the
12 following:”

13 8. Page 4, line 20, by striking the figure
14 “250,000” and inserting the following: “125,000”.

15 9. Page 5, by striking lines 28 through 48, and
16 inserting the following:

17 “Sec._____. SUPPLEMENTAL ENROLLMENT PAYMENTS.

18 1. There is appropriated from the general fund of
19 the state to the school budget review committee for
20 the fiscal year beginning July 1, 1990, and ending
21 June 30, 1991, the amount of \$150,000, or so much
22 thereof as is necessary to make supplemental
23 enrollment payments to school districts, for
24 compensation for enrollment losses which are greater
25 than 5 percent of the district’s certified enrollment
26 for the previous year due to enrollment of the
27 district’s resident children in another school
28 district during the school year beginning July 1,
29 1990, under 1990 Iowa Acts, Senate File 2306, section
30 2, if Senate File 2306 is enacted by the general
31 assembly.

32 A supplemental enrollment payment for a child under
33 this section is equal to the state aid transmitted to
34 the receiving district for that child for that fiscal
35 year.

36 A school district eligible for supplemental
37 enrollment payments under this section shall make
38 application for payment to the school budget review
39 committee not later than September 1, 1990. If the
40 moneys appropriated in this section are insufficient
41 to make all supplemental payments, the school budget
42 review committee shall prorate the payments to school
43 districts.

44 2. If moneys appropriated exceed the amount
45 required to make supplemental enrollment payments to
46 school districts under subsection 1, school districts
47 receiving supplemental enrollment payments under
48 subsection 1, and school districts which have
49 experienced losses of less than 5 percent of the
50 district’s certified enrollment for the previous year

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1 but have experienced enrollment loss due to enrollment
 2 of the district's resident children in another school
 3 district during the school year beginning July 1,
 4 1990, under Senate File 2306, section 2, shall be
 5 eligible to receive supplemental enrollment payments
 6 under this section, if the district applies for the
 7 payments to the school budget review committee by
 8 October 15, 1990. If necessary, the school budget
 9 review committee shall prorate the payments to school
 10 districts under this subsection.

11 Sec. 100.

12 Notwithstanding 1990 Iowa Acts, Senate File 2306,
 13 if Senate File 2306 is enacted by the general
 14 assembly, parents filing requests for open enrollment
 15 under the good cause exception provisions of that Act
 16 shall file the request for open enrollment by June 30,
 17 1990.

18 Sec. _____. DEPARTMENTAL STUDY.

19 The department of education shall conduct a study
 20 relating to the costs associated with extended year
 21 special education based on reteaching periods for
 22 acquired critical skills of varying lengths. The
 23 department, in conducting the study, shall solicit
 24 testimony from experts and review national studies and
 25 data relating to extended year special education. The
 26 department shall submit its findings, along with any
 27 recommendations, in a report to the general assembly
 28 by December 1, 1990."

29 _____. Page 34, by striking lines 19 and 20, and
 30 inserting the following: "the state board of regents,
 31 based upon duties".

32 _____. Page 34, line 24, by inserting after the
 33 word "area." the following: "However, in establishing
 34 classifications and allocating positions to
 35 classifications, with respect to positions within the
 36 division of area schools in the department of
 37 education, the department shall ensure that
 38 classifications are designed to attract persons with
 39 superior qualifications in the field of higher
 40 education to that division."

41 _____. Page 35, by striking lines 11 through 13,
 42 and inserting the following: "excluding employees of
 43 the state board of regents, after consultation with
 44 the governor and appointing".

45 _____. Page 35, line 16, by inserting after the
 46 word "commission." the following: "Pay plans for
 47 positions in the division of area schools, department
 48 of education, shall be designed to attract persons
 49 with superior qualifications in the field of higher
 50 education to that division."

Page 4

- 1 _____ Page 35, by striking lines 23 through 25,
2 and inserting the following: "branch, excluding
3 employes of the state board of regents, shall be paid
4 at one of the rates set forth in the".
- 5 10. Page 6, by striking line 4.
- 6 11. Page 9, line 12, by inserting after the word
7 "to" the following: "an accredited higher education
8 institution for".
- 9 12. Page 9, line 31, by inserting after the word
10 "need." the following: "Grants awarded shall be
11 distributed to the appropriate accredited higher
12 education institution for payment of educational
13 expenses, including tuition, room, board, and
14 mandatory fees, with any balance to be distributed to
15 the student for whom the grant is awarded."
- 16 13. Page 10, line 17, by inserting after the word
17 "program" the following: "except a federal, state, or
18 institutional work-study program".
- 19 14. Page 10, line 21, by striking the word
20 "state's".
- 21 15. Page 10, line 22, by striking the words
22 "contribution to" and inserting the following: "aid
23 for".
- 24 16. Page 10, line 24, by striking the words
25 "tuition and mandatory fees" and inserting the
26 following: "student's financial need".
- 27 17. Page 10, by striking lines 37 through 41, and
28 inserting the following: "for grants, and determining
29 priority of grants. If resources are insufficient to
30 award grants to all eligible applicants, the
31 commission shall give priority to students who have
32 the greatest demonstrated financial need. In
33 determining".
- 34 18. Page 11, by striking lines 18 through 20, and
35 inserting the following:
36 "Sec. _____ **NEW SECTION.** 261.98 ACCESS TO
37 **EDUCATION PROGRAM.**
38 An access to education program is established".
- 39 19. Page 11, line 29, by striking the words
40 "pilot project" and inserting the following:
41 "program".
- 42 20. Page 11, line 34, by striking the words
43 "pilot project" and inserting the following:
44 "program".
- 45 21. Page 11, line 35, by striking the words
46 "pilot project" and inserting the following:
47 "program".
- 48 22. Page 12, by inserting after line 24, the
49 following:
50 " _____ Page 53, by striking lines 11 through 14."

Page 5

- 1 23. Page 12, by striking lines 42 and 43.
- 2 24. Page 12, by inserting before line 44 the
- 3 following:
- 4 _____ Page 56, line 34, by striking the word and
- 5 figure "and 67" and inserting the following: "67, and
- 6 100".
- 7 25. By numbering, renumbering, and changing
- 8 internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—6156.

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

On the question "Shall the bill pass?" (S.F. 2423)

The ayes were, 68:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brand
Brown	Buhr	Chapman	Cohoon
Connors	Doderer	Dvorsky	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Hatch	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	May	McKinney
Mertz	Muhlbauer	Murphy	Neuhauser
Nielsen	Osterberg	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Wise	Mr. Speaker
			Avenson

The nays were, 26:

Banks	Bennett	Branstad	Carpenter
Clark	Corbett	De Groot	Diemer
Eddie	Halvorson, R. A.	Hanson, D. R.	Harbor
Harper	Hermann	Hester	Iverson
Maulsby	McKean	Metcalf	Miller
Petersen, D. F.	Plasier	Renken	Royer
Schnekloth	Van Maanen		

Absent or not voting, 6:

Brammer
Pellett

Daggett
Stueland

Haverland

Ollie

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

IMMEDIATE MESSAGE
(Senate File 2423)

Arnould of Scott asked and received unanimous consent that Senate File 2423 be immediately messaged to the Senate.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Senate Concurrent Resolution 133, a concurrent resolution relating to the state board of regents' ten-year building program and providing for the financing of certain building and remodeling projects.

Fiscal Note is not required.

Recommended **Do Pass** April 6, 1990.

ADOPTION OF SENATE CONCURRENT RESOLUTION 133

Hatch of Polk called up for consideration Senate Concurrent Resolution 133, as follows:

- 1 Senate Concurrent Resolution 133
- 2 By Committee On Appropriations
- 3 A Concurrent Resolution relating to the state board of
- 4 regents' ten-year building program and providing for
- 5 the financing of certain building and remodeling
- 6 projects.
- 7 *Whereas*, pursuant to section 262A.3, the state
- 8 board of regents prepared and within seven days after
- 9 the convening of the Seventy-third General Assembly of
- 10 the State of Iowa, Second Session, submitted to the
- 11 Seventy-third General Assembly, Second Session, for
- 12 approval the proposed ten-year building program for
- 13 each institution of higher learning under the
- 14 jurisdiction of the board, containing a list of the
- 15 buildings and facilities which the board deems
- 16 necessary to further the educational objectives of the

17 institutions, together with an estimate of the cost of
18 each of the buildings and facilities and an estimate
19 of the maximum amount of bonds which the board expects
20 to issue under chapter 262A for the fiscal period
21 beginning July 1, 1990, and ending June 30, 1992; and

22 *Whereas*, the projects contained in the building
23 program are deemed necessary for the proper
24 performance of the instructional, research, and
25 service functions of the institutions; and

26 *Whereas*, section 262A.4 provides that the state
27 board of regents, after authorization by a
28 constitutional majority of each house of the general
29 assembly and approval by the governor, may undertake
30 and carry out at the institutions of higher learning

Page 2

1 under the jurisdiction of the board any project as
2 defined in chapter 262A; and

3 *Whereas*, chapter 262A authorizes the state board of
4 regents to borrow money and to issue and sell
5 negotiable revenue bonds to pay all or any part of the
6 cost of carrying out projects at any institution
7 payable solely from and secured by an irrevocable
8 pledge of a sufficient portion of the student fees and
9 charges and institutional income received by the
10 particular institution; and

11 *Whereas*, to further the educational objectives of
12 the institutions, the state board of regents requests
13 authorization to undertake and carry out certain
14 projects at this time and to finance their cost by
15 borrowing money and issuing negotiable bonds under
16 chapter 262A in a total amount not to exceed
17 \$41,300,000, the remaining cost of the projects to be
18 financed by capital appropriations or by federal or
19 other funds lawfully available; *Now Therefore*,

20 *Be It Resolved By The Senate, The House Concurring*,
21 That the proposed ten-year building program submitted
22 by the state board of regents for each institution of
23 higher learning under its jurisdiction is approved.

24 *Be It Further Resolved*, That no commitment is
25 implied or intended by approval to fund any portion of
26 the proposed ten-year building program submitted by
27 the state board of regents beyond the portion that is
28 approved by the Seventy-third General Assembly, Second
29 Session, and the governor.

30 *Be It Further Resolved*, That during the fiscal

Page 3

1 period which commences July 1, 1990, and which ends
2 June 30, 1992, the maximum amount of bonds which the
3 state board of regents expects to issue under chapter

4 262A unless additional bonding is authorized is
 5 \$41,300,000, all or any part of which may be issued
 6 during the fiscal year ending June 30, 1991, and if
 7 all that amount should not be issued during the fiscal
 8 year ending June 30, 1991, any remaining balance may
 9 be issued during the fiscal year ending June 30, 1992,
 10 and this plan of financing is approved.

11 *Be It Further Resolved*, That the state board of
 12 regents is authorized to undertake and carry out the
 13 following projects and to pay all or any part of the
 14 cost of carrying out the projects by borrowing money
 15 and issuing negotiable revenue bonds under chapter
 16 262A in a total amount not to exceed \$41,300,000:

17 State Board of Regents

18 Fire and life safety deficiency corrections at the
 19 three state universities to be distributed by the
 20 state board of regents from the initial proceeds of the
 21 negotiable revenue bonds issued pursuant to this reso-
 22 lution

23	\$	6,000,000
24 <u>State University of Iowa</u>		
25 Academic building construction		
26 Cost of issuance of bonds		
27	\$	24,000,000
28 <u>Iowa State University of Science and Technology</u>		
29 Sweeney hall remodeling		
30 Cost of issuance of bonds		

Page 4

1	\$	6,600,000
2 <u>University of Northern Iowa</u>		
3 Seerley hall remodeling		
4 Cost of issuance of bonds		
5	\$	4,700,000
6 Total	\$	\$41,300,000

Wise of Lee in the chair at 12:15 a.m., Saturday, April 7, 1990.

Speaker Avenson in the chair at 12:24 a.m.

Hatch of Polk moved the adoption of Senate Concurrent Resolu-
tion 133.

A non-record roll call was requested.

The ayes were 55, nays 33.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE
(Senate Concurrent Resolution 133)

Arnould of Scott asked and received unanimous consent that Senate Concurrent Resolution 133 be immediately messaged to the Senate.

CONFERENCE COMMITTEE REPORT FILED

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the conference committee report on the following bill has been received and is on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

Senate File 149, a bill for an act relating to the compulsory attendance and truancy laws and providing penalties.

ON THE PART OF THE HOUSE:

PATRICIA HARPER, Chair
JANET ADAMS
RAY LAGESCHULTE
DON SHOULTZ

ON THE PART OF THE SENATE:

PATRICK DELUHERY, Chair
CHARLES BRUNER
JOY CORNING
WALLY HORN

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Thursday evening, April 5, 1990. Had I been present, I would have voted "aye" on House Files 121, 2407, 2440, 2548, 2551; Senate Files 514, 2011, 2324, 2403, 2406, 2412, 2430 and "nay" on Senate File 2057.

FULLER of Hardin

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 5, 1990, he approved and transmitted to the Secretary of State the following bills:

House File 2321, an act relating to the acquisition and possession of firearms, increasing penalties for certain offenses, and providing an effective date.

Senate File 368, an act relating to procedures for accepting offers from federal agencies for full or partial cession or retrocession of federal jurisdiction over lands in federal enclaves within the state.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2425

Human Resources: Teaford, Chair; Haverland, Kistler, Nielsen and Spenner.

Senate File 2426

State Government: Buhr, Chair; Blanshan and Hanson of Delaware.

Senate File 2428

Appropriations: Hammond, Chair; Carpenter and McKinney.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

House File 2568, a bill for an act relating to the construction contracts for the previously authorized prison construction projects at the Oakdale corrections campus.

Fiscal Note is not required.

Recommended **Do Pass** April 6, 1990.

Senate File 2418, a bill for an act providing for payment in lieu of property taxes on certain state properties under the jurisdiction of the department of natural resources and including applicability dates.

Fiscal Note is not required.

Recommended **Do Pass** April 6, 1990.

Senate File 2420, a bill for an act relating to the transfer of appropriations within and between state departments, institutions, and agencies.

Fiscal Note is not required.

Recommended **Do Pass** April 6, 1990.

Senate File 2427, a bill for an act codifying certain regulatory and budgetary requirements relating to the duties and powers of state agencies and state budget procedures and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 6, 1990.

Senate File 2428, a bill for an act relating to and making appropriations of federal and other nonstate funds including funds made available from federal block 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 or if categorical grants are consolidated into new or existing block grants.

Fiscal Note is not required.

Recommended **Do Pass** April 6, 1990.

COMMITTEE ON HUMAN RESOURCES

Senate File 2425, a bill for an act relating to the care of children when a legally responsible adult is unavailable to provide the care.

Fiscal Note is not required.

Recommended **Do Pass** April 6, 1990.

COMMITTEE ON STATE GOVERNMENT

Senate File 2426, a bill for an act relating to persons who act as the president of the senate, providing for the term of office of the president of the senate, providing authorization for the compensation of the lieutenant governor in executive branch Code provisions, removing the lieutenant governor from membership on the legislative council, making the president of the senate, the speaker pro tempore, and two additional minority party members legislative council members, making changes in the manner of appointment of senate members of certain boards, commissions, agencies, councils, associations, and statutory committees, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 6, 1990.

AMENDMENTS FILED

H—6154	H.F.	2558	Iverson of Wright
H—6155	H.F.	2267	Brammer of Linn
			Doderer of Johnson
			Rosenberg of Story
			Shoultz of Black Hawk
H—6161	H.F.	2166	Senate Amendment
H—6162	H.F.	2564	Senate Amendment

On motion by Arnould of Scott, the House adjourned at 12:32 a.m., Saturday, until 9:00 a.m., Saturday, April 7, 1990.

JOURNAL OF THE HOUSE

Ninetieth Calendar Day — Sixty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Saturday, April 7, 1990

The House met pursuant to adjournment, Speaker Avenson in the chair.

A poem was offered by House Pages Michael Clabaugh, Angela Jones, Veronica Driscoll, Brenda Ehr, Jeff Fuhrman, Darci Wade, Eugenia Hamilton, and Brooke Baysinger, followed with the Lord's Prayer led by Speaker Avenson.

The Journal of Friday, April 6, 1990 was approved.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 7, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 366, a bill for an act authorizing a county to exercise certain governmental powers to protect the public health and welfare, and to levy special assessments against affected property.

Also: That the Senate has on April 7, 1990, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 2500, a bill for an act relating to the enforcement of outdoor recreation and natural resource laws, by defining repeat offenders, by requiring the reporting of hunting accidents, by providing for the suspension of licenses, permits, and certificates, and by providing penalties.

Also: That the Senate has on April 7, 1990, receded from the Senate amendment to the House amendment, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 514, a bill for an act providing a state sales and use tax exemption for certain facilities.

JOHN F. DWYER, Secretary

The House stood at ease at 9:29 a.m., until the fall of the gavel.

The House resumed session at 9:45 a.m., Speaker Avenson in the chair.

RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules to make eligible for consideration all bills appearing on the Saturday, April 7, 1990 addendum to the calendar.

SENATE AMENDMENT CONSIDERED

Sherzan of Polk called up for consideration **House File 658**, a bill for an act relating to savings and loan associations and their regulation by the superintendent of savings and loans, amended by the Senate, and moved that the House concur in the following Senate amendment H—5669:

H—5669

- 1 Amend House File 658, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. Page 1, line 14, by striking the figure "1989"
- 4 and inserting the figure "1990".
- 5 2. Page 2, line 17, by inserting after the word
- 6 "due" the following: "or, alternatively, a rate
- 7 based upon any other independently verifiable index
- 8 approved by the superintendent".

The motion prevailed and the House concurred in the Senate amendment H—5669.

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

On the question "Shall the bill pass?" (H.F. 658)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Iverson	Jesse	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Metcalfe

Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Siegrist
Spear	Spenner	Svoboda	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 6:

Jay	Jochum	Mertz	Shoultz
Stueland	Swartz		

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

Appropriations Calendar

Senate File 2427, a bill for an act codifying certain regulatory and budgetary requirements relating to the duties and powers of state agencies and state budget procedures and providing an effective date, with report of committee recommending passage was taken up for consideration.

Peterson of Carroll moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2427)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Iverson	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Murphy

Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schneklath
Schrader	Sherzan	Shoning	Siegrist
Spear	Spenner	Svoboda	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 6:

Jay	Mertz	Shearer	Shoultz
Stueland	Swartz		

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

IMMEDIATE MESSAGE (Senate File 2427)

Arnould of Scott asked and received unanimous consent that Senate File 2427 be immediately messaged to the Senate.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Fuller of Hardin on request of Peters of Woodbury.

MOTION TO OVERRIDE GOVERNOR'S ITEM VETO LOST

Haverland of Polk called up for consideration **House File 2371**, a bill for an act relating to and making appropriations to the civil rights commission, the department of human rights, the department for the blind, the department of elder affairs, and the Iowa department of public health, and providing an effective date, item vetoed by the Governor on April 4, 1990.

Bisignano of Polk in the chair at 10:27 a.m.

Speaker Avenson in the chair at 10:32 a.m.

Haverland of Polk moved that the House on reconsideration agree to pass House File 2371, the objections of the Governor to the contrary notwithstanding. (See pages 1973 and 1974 of the House Journal for Governor's Item Veto Message.)

On the question "Shall the House on reconsideration pass the bill, the objections of the Governor to the contrary notwithstanding?" (H.F. 2371)

The ayes were, 54:

Adams	'Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Chapman	Connors
Doderer	Dvorsky	Fey	Fogarty
Groninga	Gruhn	Hammond	Hansen, S. D.
Harper	Haverland	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Knapp	Lykam	May	McKinney
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Rosenberg	Schrader
Shearer	Sherzan	Shoultz	Spear
Svoboda	Swartz	Tabor	Teaford
Wise	Mr. Speaker		
	Avenson		

The nays were, 36:

Banks	Bennett	Branstad	Carpenter
Clark	Corbett	Daggett	De Groot
Diemer	Eddie	Garman	Halvorson, R. A.
Hanson, D. R.	Harbor	Hermann	Hester
Iverson	Kistler	Kremer	Lageschulte
Lundby	Maulsby	McKean	Metcalf
Miller	Pellett	Petersen, D. F.	Plasier
Renken	Royer	Schneklloth	Siegrist
Spenner	Trent	Tyrrell	Van Maanen

Absent or not voting, 10:

Beaman	Cphoon	Fuller	Halvorson, R. N.
Hatch	Koenigs	Mertz	Muhlbauer
Shoning	Stueland		

The motion having failed to receive a two-thirds majority is declared to have lost and the Governor's item vetoes are sustained.

CONFERENCE COMMITTEE APPOINTMENT (Senate File 2280)

The Speaker announced that Blanshan of Greene replaces Fuller of Hardin as a member of the conference committee on Senate File 2280.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 7, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2294, a bill for an act relating to the establishment of an Iowa affordable heating program.

Also: That the Senate has on April 7, 1990, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2049, a bill for an act relating to the establishment of standards for the collection, processing, storage, and distribution of human blood, plasma, and blood products, and to the licensing of blood collection and plasmapheresis centers, and providing a penalty.

Also: That the Senate has on April 7, 1990, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 2093, a bill for an act to reduce the markup percentage on state alcoholic liquor sales.

Also: That the Senate has on April 7, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2429, a bill for an act relating to responsibilities for the receipt and disbursement of support payments, satisfaction of a support order by direct payment to the person who is to receive the payment, medical support for children receiving child support, modification of child support orders, child support enforcement, determination of paternity and establishment of past child support obligations, establishing an advisory committee, and providing an effective date for certain provisions.

Also: That the Senate has on April 7, 1990, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 129, a concurrent resolution urging the President of the United States, the Federal Highway Administration of the United States Department of Transportation, and the United States House Public Works and Transportation Committee, and the United States Senate Commerce, Science and Transportation Committee to work toward ascertaining funding for development of a four-lane highway to connect the cities of St. Louis, Missouri, and St. Paul, Minnesota, more commonly referred to as "The Avenue of the Saints."

JOHN F. DWYER, Secretary

Appropriations Calendar

Senate File 2420, a bill for an act relating to the transfer of appropriations within and between state departments, institutions, and agencies, with report of committee recommending passage was taken up for consideration.

Bisignano of Polk in the chair at 10:40 a.m.

Hammond of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2420)

The ayes were, 57:

Adams	Arnould	Avenson, Spkr.	Beatty
Blanshan	Brammer	Brand	Brown
Buhr	Chapman	Cphoon	Connors
Doderer	Dvorsky	Fey	Fogarty
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hibbard	Holveck	Jesse	Jochum
Johnson	Knapp	Koenigs	Lykam
May	McKinney	Mertz	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Poney	Renaud	Rosenberg	Schrader
Shearer	Sherzan	Shoultz	Spear
Svoboda	Tabor	Teaford	Wise
Bisignano			
Presiding			

The nays were, 38:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Hester	Iverson	Kistler	Kremer
Lageschulte	Lundby	Maulsby	McKean
Metcalf	Miller	Pellett	Petersen, D. F.
Plasier	Renken	Royer	Schneklath
Shoning	Siegrist	Spenner	Trent
Tyrrell	Van Maanen		

Absent or not voting, 5:

Black	Fuller	Jay	Stueland
Swartz			

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

IMMEDIATE MESSAGE

(Senate File 2420)

Arnould of Scott asked and received unanimous consent that Senate File 2420 be immediately messaged to the Senate.

Speaker Avenson in the chair at 11:00 a.m.

House File 2568, a bill for an act relating to the construction contracts for the previously authorized prison construction projects at the Oakdale corrections campus, with report of committee recommending passage was taken up for consideration.

Knapp of Dubuque moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2568)

The ayes were, 92:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Garman
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Iverson	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Osterberg	Pavich	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schneklloth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, none.

Absent or not voting, 8:

Brown	Fuller	Groninga	Jay
Ollie	Pellett	Stueland	Swartz

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

Regular Calendar

Senate File 2425, a bill for an act relating to the care of children when a legally responsible adult is unavailable to provide the care, with report of committee recommending passage was taken up for consideration.

Teaford of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2425)

The ayes were, 89:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fogarty	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Haverland	Hermann	Hester	Holveck
Iverson	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Svoboda	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, 1:

Schnekloth

Absent or not voting, 10:

Chapman	Fey	Fuller	Hatch
Hibbard	Jay	Ollie	Schrader
Stueland	Swartz		

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

IMMEDIATE MESSAGE

(House File 2568)

Arnould of Scott asked and received unanimous consent that House File 2568 be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 7, 1990, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2422, a bill for an act relating to the compensation and benefits for faculty, public officials, employees, and certain legislators by providing adjustments for salaries, by specifying properly related matters, and by making appropriations and providing an effective date.

Also: That the Senate has on April 7, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2433, a bill for an act relating to the appropriations from and the reallocation of the moneys in the surplus account of the Iowa plan fund, to certain corporations appropriated moneys from the Iowa plan fund, and authorizing the creation of a disaster recovery program to provide low-interest and guaranteed loans to public and private entities for which an appropriation is made from the Iowa plan fund, and providing an effective date.

Also: That the Senate has on April 7, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2435, a bill for an act relating to human services and making appropriations to the department of human services and other properly related matters, providing for retroactive applicability of certain provisions, and providing an effective date.

JOHN F. DWYER, Secretary

The House stood at ease at 11:17 a.m., until the fall of the gavel.

The House resumed session at 11:36 a.m., Speaker Avenson in the chair.

The House stood at ease at 11:37 a.m., until the fall of the gavel.

The House resumed session at 1:15 p.m., Speaker Avenson in the chair.

SENATE MESSAGE CONSIDERED

Senate File 2429, by Hutchins and Hultman, a bill for an act relating to responsibilities for the receipt and disbursement of support payments, satisfaction of a support order by direct payment to the person who is to receive the payment, medical support for children receiving child support, modification of child support orders, child support enforcement, determination of paternity and establishment of past child support obligations, establishing an advisory committee, and providing an effective date for certain provisions.

Read first time and referred to committee on **judiciary and law enforcement**.

**ADOPTION OF THE REPORT OF THE
CONFERENCE COMMITTEE
(House File 2554)**

Tabor of Jackson called up for consideration the report of the conference committee on House File 2554 and moved the adoption of the conference committee report and the amendments contained therein as follows:

**REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 2554**

To the Speaker of the House of Representatives and the President of the Senate:

We, the undersigned members of the conference committee appointed to resolve the differences between the House of Representatives and the Senate on House File 2554, a bill for an act relating to county tax and services provisions by appropriating funds for state assistance to counties for certain services to the chronically mentally ill, by modifying the mobile home tax reduction for the elderly and disabled, the property tax credit and rent reimbursement for the elderly and disabled, by increasing the amount of credit and reimbursement, creating a family farm tax credit, and providing a penalty, and effective and applicability dates, respectfully make the following report:

1. That the Senate recedes from its amendment, H-6092.

2. That House File 2554, as amended, passed and reprinted by the House, is amended as follows:

1. By striking page 2, line 9, through page 3, line 34, and inserting the following:

"Sec. ____ . NEW SECTION. Section 331.438 MENTAL HEALTH SERVICES EXPENDITURES FROZEN.

In the event the Seventy-fourth General Assembly does not enact legislation to implement a funding formula for state participation in funding of mental health, mental retardation, and developmental disabilities services which takes effect in the fiscal year beginning July 1, 1992, the mental health, mental retardation, and developmental disabilities services expenditures of counties shall be frozen in the amount the counties expended for those services in the fiscal year beginning July 1, 1991. The expenses in excess of the frozen amount shall be paid for by the state in a timely manner that is not disruptive to persons providing or receiving services.

Sec. ____ . Section 333A.3, subsection 3, Code 1989, is amended to read as follows:

3. The committee shall select its own officers and meet at the call of the director of the department of management or at the request of a majority of the board.

Sec. ____ . Section 384.15, subsection 2, Code 1989, is amended to read as follows:

2. Select its officers and meet at the call of the director of the department of management or upon an appeal of the director's decision at the request of a majority of the board.

Sec. 100. Section 425.11, subsection 2, Code Supplement 1989, is amended to read as follows:

2. The word "owner" shall mean the person who holds the fee simple title to the homestead, and in addition shall mean the person occupying as a surviving spouse or the person occupying under a contract of purchase which contract has been recorded in the office of the county recorder of the county in which the property is located, or the person occupying the homestead under devise or by operation of the inheritance laws where the whole interest passes or where the divided interest is shared only by persons related or formerly related to each other by blood, marriage or adoption, or the person occupying the homestead is a shareholder of a family farm corporation that owns the property, or the person occupying the homestead under a deed which conveys a divided interest where the divided interest is shared only by persons related or formerly related to each other by blood, marriage or adoption or where the person occupying the homestead holds a life estate with the reversion interest held by a non-profit corporation organized under chapter 504A, provided that the holder of the life estate is liable for and pays property tax on the homestead or where the person occupying the homestead holds an interest in a horizontal property regime under chapter 499B, regardless of whether the underlying land committed to the horizontal property regime is in fee or as a leasehold interest, provided that the holder of the interest in the horizontal property regime is liable for and pays property tax on the homestead. For the purpose of this chapter the word "owner" shall be construed to mean a bona fide owner and not one for the purpose only of availing the person of the benefits of this chapter. In order to qualify for the homestead tax credit, evidence of ownership shall be on file in the office of the clerk of the district court or recorded in the office of the county recorder at the time the owner files with the assessor a verified statement of the homestead claimed by the owner as provided in section 425.2."

2. Page 4, line 21, by inserting after the word "estate" the following: "and was not claimed as a dependent on any other person's tax return for the base year".

3. Page 9, line 5, by striking the words "thirteen million five hundred thousand" and inserting the following: "ten million".

4. Page 10, by inserting after line 24 the following:
"_____. "Crop" or "crop production" includes pastureland."

5. By striking page 14, line 17 through page 15, line 16, and inserting the following:
"Sec. 200. SPECIAL MENTAL HEALTH SERVICES FUND.

There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the special mental health services fund:
..... \$ 10,500,000

1. A special mental health services fund to reimburse counties for expenditures for mental health, mental retardation, and developmental disabilities services in accordance with this section is established in the office of the treasurer of state. The fund is established to reduce the growth of county expenditures for mental health services.

2. In order to be reimbursed from the special mental health services fund, a county shall document its expenditures for mental health, mental retardation, and developmental disabilities services.

3. The general assembly recognizes the importance of providing appropriate services to persons with disabilities in a community setting and in particular encourages counties to make services from the following categories available to persons with chronic mental illness who have legal settlement within the county:

a. Case management in accordance with standards adopted by the mental health and mental retardation commission.

b. Community-based services intended to prevent institutional placement of persons with chronic mental illness.

c. Support services to assist a person with chronic mental illness in remaining in the community which may include but are not limited to medical support, crisis and emergency intervention, and efforts to improve the person's community living skills.

4. A county's documentation of expenditures shall be submitted in October 1990, with the county's annual application for a share of the general allocation of the state community mental health and mental retardation services fund pursuant to section 225C.10. A county which provides its documentation is entitled to receive the moneys in the special mental health services fund multiplied by a factor equal to the county's proportionate share of the total state population.

5. As soon after July 1, 1991, as reasonably possible, the administrator shall certify to the director of revenue and finance the amount to which a county is entitled from the special mental health services fund and the director of revenue and finance shall issue warrants in the amounts certified, drawn upon the fund in favor of the respective counties.

6. Nothing in this section is intended by the general assembly to be the provision of a fair and equitable funding formula specified in 1985 Iowa Acts, chapter 249, section 9. Nothing in this section shall be construed, is intended, or shall imply a claim of entitlement to any programs or services specified in section 225C.28.

Sec. ____ . COUNTY CHART OF ACCOUNTS.

The department of management, the mental health and mental retardation commission, and the county finance committee shall cooperate in revising the county chart of accounts to structure an accounting system that will provide for the consistent and accurate accounting of expenditures for mental health, mental retardation, and developmental disabilities services and indicate the settings in which the services are provided. The revisions in the chart of accounts applicable to the fiscal year beginning July 1, 1991, shall be completed on or before November 1, 1990.

Sec. ____ . INTERIM STUDY COMMITTEE REQUESTED.

The legislative council is requested to establish an interim study committee to develop a funding formula for state participation in funding of mental health, mental retardation, and developmental disabilities services for fiscal years beginning on or after July 1, 1992. The committee shall develop a funding formula that ties responsibility for funding the services to administrative control and oversight of the services and that ensures financial incentives in the formula are directed toward providing care and services to persons in communities and community settings and that appropriate

services are available to all persons across the state. In its deliberations, the committee may also consider development of a fair and equitable funding formula for the bill of rights contained in chapter 225C. The committee shall submit to the general assembly on January 2, 1991, a report containing its proposal for a funding formula."

6. Page 15, by inserting after line 27 the following:

"Sec. _____.

Section 100 of this Act is effective January 1, 1991, for homestead tax credits allowed for property taxes payable in fiscal years beginning on or after July 1, 1991."

7. Page 15, line 29, by striking the figure "2" and inserting the following: "200".

8. Title page, by striking line 3 and inserting the following: "mental health services, by modifying the homestead tax credit."

ON THE PART OF THE HOUSE:

ON THE PART OF THE SENATE:

DAVID TABOR, Chair
JOHN GRONINGA
JANET METCALF
HUGO SCHNEKLOTH
PHILIP WISE

WILLIAM W. DIELEMAN, Chair
CHARLES BRUNER
RICHARD F. DRAKE
JACK W. HESTER
EMIL J. HUSAK

The motion prevailed and the conference committee report was adopted.

Tabor of Jackson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2554)

The ayes were, 91:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hanson, D. R.	Harbor	Harper
Hatch	Hermann	Hester	Hibbard
Holveck	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Murphy	Nielsen	Ollie	Osterberg
Pavich	Pellet	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schnekloth

Schrader	Shearer	Sherzan	Shoning
Siegrist	Spear	Spenner	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 9:

Chapman	Fuller	Hansen, S. D.	Haverland
Mertz	Neuhauser	Shoultz	Stueland
Svoboda			

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

IMMEDIATE MESSAGE (Senate File 2287)

Arnould of Scott asked and received unanimous consent that Senate File 2287 be immediately messaged to the Senate.

SENATE AMENDMENTS CONSIDERED

Bisignano of Polk called up for consideration **House File 2166**, a bill for an act adding marijuana to the list of secondary noxious weeds, amended by the Senate, and moved that the House concur in the following Senate amendment H-6161:

H-6161

1 Amend House File 2166, as passed by the House, as
 2 follows:
 3 1. By striking everything after the enacting
 4 clause and inserting the following:
 5 "Section 1. Section 80.9, subsection 2, Code 1989,
 6 is amended by adding the following new paragraph:
 7 NEW PARAGRAPH. g. To identify and eradicate
 8 marijuana plants found growing on public or private
 9 property when growing marijuana plants are reported to
 10 the department, and adopt rules governing the
 11 identification and eradication of marijuana plants in
 12 cooperation with local law enforcement officials.
 13 Sec. 2. Section 317.4, Code 1989, is amended to
 14 read as follows:
 15 317.4 DIRECTION AND CONTROL.
 16 As used in this chapter, "commissioner" means the
 17 county weed commissioner or the commissioner's deputy
 18 within each county. Each commissioner, subject to
 19 direction and control by the county board of
 20 supervisors, shall supervise the control and
 21 destruction of all noxious weeds in the county,

22 including those growing within the limits of cities,
 23 within the confines of abandoned cemeteries, and along
 24 streets and highways unless otherwise provided. A
 25 commissioner shall notify the department of public
 26 safety of the location of marijuana plants found
 27 growing on public or private property. A commissioner
 28 may enter upon any land in the county at any time for
 29 the performance of the commissioner's duties, and
 30 shall hire the labor and equipment necessary subject
 31 to the approval of the board of supervisors.

32 Sec. 3. Section 317.22, Code 1989, is amended to
 33 read as follows:

34 317.22 DUTY OF HIGHWAY MAINTENANCE PERSONNEL.

35 It shall be the duty of all All officers directly
 36 responsible for the care of public highways to shall
 37 make a complaint to the weed commissioners or board of
 38 supervisors, whenever if it shall appear appears that
 39 the provisions of this chapter may not be complied
 40 with in time to prevent the blooming and maturity of
 41 noxious weeds or the unlawful growth of weeds or
 42 marijuana, whether in the streets or highways for
 43 which they are responsible or upon lands adjacent to
 44 the same."

45 2. Title page, by striking line 1, and inserting
 46 the following: "An Act relating to the identification
 47 and eradication of marijuana."

The motion prevailed and the House concurred in the Senate amendment H-6161.

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

On the question "Shall the bill pass?" (H.F. 2166)

The ayes were, 89:

- | | | | |
|----------|---------------|------------------|------------------|
| Adams | Arnould | Banks | Beaman |
| Beatty | Bennett | Bisignano | Black |
| Blanshan | Brammer | Brand | Branstad |
| Brown | Buhr | Carpenter | Clark |
| Cohoon | Connors | Corbett | Daggett |
| De Groot | Diemer | Doderer | Dvorsky |
| Eddie | Fey | Fogarty | Garman |
| Groninga | Gruhn | Halvorson, R. A. | Halvorson, R. N. |
| Hammond | Hanson, D. R. | Harbor | Harper |
| Hatch | Hermann | Hester | Hibbard |
| Holveck | Iverson | Jay | Jochum |
| Johnson | Kistler | Knapp | Koenigs |
| Kremer | Lageschulte | Lundby | Lykam |
| Maulsby | May | McKean | McKinney |

Metcalf	Miller	Muhlbauer	Murphy
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Pony	Renaud	Renken
Rosenberg	Royer	Schrader	Shearer
Shoning	Siegrist	Spear	Spenner
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 11:

Chapman	Fuller	Hansen, S. D.	Haverland
Jesse	Mertz	Neuhauser	Schneklath
Sherzan	Shoultz	Stueland	

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

Hatch of Polk called up for consideration **House File 2294**, a bill for an act relating to the establishment of an Iowa affordable heating program, amended by the Senate, and moved that the House concur in the following Senate amendment H—6168:

H—6168

- 1 Amend House File 2294, as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 5, line 6, by striking the word "state".

The motion prevailed and the House concurred in the Senate amendment H—6168.

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

On the question "Shall the bill pass?" (H.F. 2294)

The ayes were, 90:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Fogarty	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard

Holveck	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schrader
Shearer	Shoning	Siegrist	Spear
Spenner	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 10:

Chapman	Eddie	Fey	Fuller
Maulsby	Petersen, D. F.	Schnekloth	Sherzan
Shultz	Stueland		

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

IMMEDIATE MESSAGE (House File 2554)

Arnould of Scott asked and received unanimous consent that House File 2554 be immediately messaged to the Senate.

Connors of Polk called up for consideration **House File 366**, a bill for an act authorizing a county to exercise certain governmental powers to protect the public health and welfare, and to levy special assessments against affected property, amended by the Senate amendment H-6165 as follows:

H-6165

- 1 Amend House File 366, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 10 through 16.
- 4 2. By relettering paragraphs as required.

Fogarty of Palo Alto offered the following amendment H-6170, to the Senate amendment H-6165, filed by him and Connors of Polk from the floor and moved its adoption:

H-6170

- 1 Amend Senate Amendment, H-6165, to House File 366,
- 2 as amended, passed, and reprinted by the House, as

3 follows:

4 1. Page 1, line 3, by striking the figure "10"

5 and inserting the following: "13".

Amendment H—6170 was adopted.

On motion by Connors of Polk, the House concurred in the Senate amendment H—6165, as amended.

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

On the question "Shall the bill pass?" (H.F. 366)

The ayes were, 93:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklath	Schrader	Shearer
Shoning	Siegrist	Spear	Spenner
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 7:

Chapman	Fuller	Harper	Neuhauser
Sherzan	Shoultz	Stueland	

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

IMMEDIATE MESSAGE
(House File 366)

Arnould of Scott asked and received unanimous consent that House File 366 be immediately messaged to the Senate.

Unfinished Business Calendar

The House resumed consideration of **Senate File 2319**, a bill for an act relating to private farm railway crossings, previously deferred and placed on the unfinished business calendar.

Doderer of Johnson in the chair at 1:50 p.m.

Schneklath of Scott offered the following amendment H-5627 filed by him and Pellett of Cass and moved its adoption:

H-5627

- 1 Amend Senate File 2319 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting after line 13, the
- 4 following:
- 5 "An owner may grant permission for a third party to
- 6 use a private farm crossing for any purpose that does
- 7 not violate a local zoning ordinance, or endanger
- 8 public safety."

A non-record roll call was requested.

The ayes were 25, nays 45.

Amendment H-5627 lost.

Metcalf of Polk offered the following amendment H-6065 filed by her:

H-6065

- 1 Amend Senate File 2319, as amended, passed, and
- 2 reprinted, by the Senate, as follows:
- 3 1. Page 1, by inserting after line 13 the
- 4 following:
- 5 "Sec. _____. Section 327G.21, Code 1989, is amended
- 6 to read as follows:
- 7 327G.21 CONDITION AFTER CHANGE, ALTERATION, OR
- 8 REPAIR - TEMPORARY WAYS - NOTICE.
- 9 When a railroad company changes, alters, or repairs
- 10 a highway, road, street, or alley grade crossing, it
- 11 shall upon completion of the work leave it free from
- 12 obstructions to travel and in good condition. If
- 13 travel will be obstructed while any alterations or
- 14 repairs are being made, the railroad company shall

15 provide safe and convenient temporary ways for the
 16 public to avoid or pass such obstructions. The
 17 railroad company shall provide the department, in the
 18 case of primary highways, the county in which such
 19 crossing is located, in the case of secondary roads,
 20 or the city, in the case of streets and alleys located
 21 within the city, seven days' notice of any change,
 22 alteration, or repair if the highway, road, street, or
 23 alley will be obstructed to the extent that travel is
 24 not permitted. If the highway, road, street, or alley
 25 is obstructed for emergency repairs, or if the
 26 department, county, or city agrees to waive the notice
 27 period, a seven-day notice is not required."

28 2. Title page, line 1, by striking the words
 29 "private farm".

30 3. By renumbering as necessary.

Koenigs of Mitchell rose on a point of order that amendment H-6065 was not germane.

The Speaker ruled the point well taken and amendment H-6065 not germane.

Black of Jasper moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2319)

The ayes were, 57:

Adams	Arnould	Avenson, Spkr.	Beatty.
Bennett	Bisignano	Blanshan	Brammer
Brand	Brown	Carpenter	Clark
Cohoon	Connors	Dvorsky	Fey
Fogarty	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Haverland
Hermann	Holveck	Jay	Knapp
Koenigs	Lundby	Lykam	May
McKinney	Mertz	Metcalf	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Poncy
Renaud	Renken	Rosenberg	Shearer
Sherzan	Spear	Spenner	Svoboda
Swartz	Tabor	Tyrrell	Wise
Doderer			
Presiding			

The nays were, 30:

Banks	Beaman	Black	Branstad
Buhr	Daggett	De Groot	Diemer
Eddie	Garman	Hanson, D. R.	Hester

Hibbard	Iverson	Johnson	Kistler
Kremer	Lageschulte	Maulsby	McKean
Miller	Pellett	Petersen, D. F.	Plasier
Royer	Schneklath	Schrader	Shoning
Trent	Van Maanen		

Absent or not voting, 13:

Chapman	Corbett	Fuller	Groninga
Harbor	Hatch	Jesse	Jochum
Peterson, M. K.	Shoultz	Siegrist	Stueland
Teaford			

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

SENATE MESSAGES CONSIDERED

Senate File 2433, by committee on appropriations, a bill for an act relating to the appropriations from and the reallocation of the moneys in the surplus account of the Iowa plan fund, to certain corporations appropriated moneys from the Iowa plan fund, and authorizing the creation of a disaster recovery program to provide low-interest and guaranteed loans to public and private entities for which an appropriation is made from the Iowa plan fund, and providing an effective date.

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

Senate File 2435, by committee on appropriations, a bill for an act relating to human services and making appropriations to the department of human services and other properly related matters, providing for retroactive applicability of certain provisions, and providing an effective date.

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

The House stood at ease at 2:07 p.m., until the fall of the gavel.

The House resumed session at 2:10 p.m., Doderer of Johnson in the chair.

PRESENTATION TO RETIRING MEMBERS AND LEADERS AND PRESENTATION OF GIFTS

Connors of Polk and Harbor of Mills invited to the well of the House for special recognition members of the House who will be retiring or are candidates for the Iowa Senate. Plaques were presented by Teaford of Black Hawk and Metcalf of Polk to the following members:

Paul W. Johnson, District 31 — 1985-1990
Florence D. Buhr, District 85 — 1983-1990
Donald F. Hermann, District 40 — 1983-1990
David M. Tabor, District 34 — 1983-1990
Thomas H. Fey, District 41 — 1982-1990
Ralph Rosenberg, District 73 — 1982-1990
Vic Stueland, District 37 — 1981-1990
Thomas E. Swartz, District 72 — 1981-1990
Betty Jean Clark, District 29 — 1977-1990
Hugo A. Schnekloth, District 39 — 1977-1990
Wendell C. Pellett, District 97 — 1971-1990

The House rose and expressed its appreciation.

Minority Leader Harold Van Maanen and Majority Leader Robert Arnould were invited to the Speaker's station for a special presentation.

Connors of Polk and Harbor of Mills, assisted by Teaford of Black Hawk and Metcalf of Polk, on behalf of the House, presented plaques to each leader in appreciation of his service and dedication to the Iowa House of Representatives during the Seventy-third General Assembly.

The House rose and expressed its appreciation.

SPECIAL PRESENTATION TO SPEAKER OF THE HOUSE

Doderer of Johnson announced that the Speaker's wife, Diane; children, Eric, Clay and Nicolle; Wilma Avenson, mother of Speaker Avenson, and brothers Jim Avenson and Richie Avenson; as well as other members of his immediate family were present, as the House of Representatives honored the Speaker.

REMARKS BY SPEAKER AVENSON

Speaker Avenson offered the following remarks:

Madam Speaker, Ladies and Gentlemen of the House, I chose to speak from the floor because this is where I'm most comfortable and have always been most comfortable.

Some of the members suggested that I ask Harold to use his desk for the day because I loved that role that he plays and enjoyed it for four years. I deeply respect Harold Van Maanen because he's taken on a tough role very quickly and he's done very well.

In 1972, when I was first elected and in 1973, when I first came to the General Assembly, I was 27 years old and I was part of a freshmen class of 55 members. We controlled the body if we wanted to, we had a majority of the members of the democratic caucus. My first debate was on whether to give Bill Harbor a pay raise as Chief Clerk. I lost.

We had no staff, whatsoever, none. The Speaker had part-time staff, the majority leader had none, the caucus staff was nonexistent, we had the non-partisan legislative service bureau, but that was it. We didn't have a computer; our salaries were very, very low; and we worked that year until the 24th of June with no air conditioning, there wasn't one. This place has changed a lot and I've grown a lot. I've grown a lot both in size, unfortunately in the wrong direction. I've grown a lot in age and I've grown a lot in respect and love for this institution. I have a few thoughts that I want to extend, but first of all I want to thank some people.

I want to thank Diane, for her love, her understanding of my addiction to this place. It's been her help and her partnership and her sacrifice that's made it possible. I want to thank my kids, Eric and Clay and Nicole, and I want to ask them to forgive me for a thousand failings because of this place. I wish that I could take back every moment that I failed to share with them. Eric's first letter as a varsity athlete was given to him while I was here. I wish I could have seen that.

This is a very egocentric place and it's our family that sacrifices. We have to thank them all the time for that. I want to thank my constituents who have surprised me nine times with their support. They're wonderful people and it's a wonderful part of the state. I invite you there anytime.

I want to thank the partisan staff, all of them. They've been a part of making this place grow and develop. I want to thank all of the House staff that goes unnamed; people who are in the well; who are behind the well; who are in all the little cubbyholes that we've chopped up in this place to house them, they do a great job every day. Nothing ever goes wrong and we hardly ever think of thanking them.

I want to thank the lobby, they're honorable people. I've enjoyed working with the third house.

I want to thank the press corps. I think it's sometimes a lot harder to have to listen to us for a living than it is as a member of the House.

I want to thank my own staff, Joe, Cathy and Mark, who I love as brothers and sisters. I want to thank Sharon, Tom, and Mary and Bill and Paulee and the whole partisan staff for providing so much to this system.

Finally, and more importantly than all of them, as far as this day is concerned, I want to thank you, my colleagues, for the tremendous honor that you have given me and all of us that are retiring today. It's more honor than one person could ever expect in a lifetime. This is truly a wonderful place to serve. It's the culmination of what democracy is about, it's what they're doing all over the world now, discovering how this can work. It's a place that isn't very pretty and it's easy to hate and easy to dislike, but it works. It works every day, where ordinary people like you and I do extraordinary people things every day. It's a great, great system and a tremendous honor to even be here for a few years. I've been honored more than most.

I say, and I believe this, "That there is more political courage exercised in this House and that Senate, every day, than there is in the Congress in a month." I'm only half joking about that. We have to stand up and be counted. We have to do what we know is right out here on the floor every day. I thank you for that. I thank you for your courage and your honesty.

The Iowa House is a place that doesn't take much to succeed in. There's no seniority system. It takes hard work and intelligence and honor, and that's it. You can succeed with those three things. That's probably why it's such a wonderful place.

My feelings are a mixture of hesitation and anticipation. I've had rushes of emotion, now, for about a week and they're very strong because I truly love this institution and the people who are here; but, I look forward to other challenges, hopefully in state government, but if not state government, challenges even so.

I believe this is where the action will be for the next few decades, in state government. Congress isn't working as well as it should, I don't think, so it's for us to grab the momentum and do what we need to do for people.

One feeling that I have, and it is absolutely pure, is a feeling of deep honor and deep privilege. We are all honored and privileged people and today I feel both of those emotions very strongly.

It's been an honor to have the opportunity to make things change for the better. It's been an honor to have the opportunity to make a difference. It's been an honor to have a chance to make government work, to speak out, to do what you think is right every day. That's an honor that our constituents give us and I can't thank them enough.

A lot of people talk about things. A lot of institutions talk about things, but we make things work. This body makes a difference, it makes things better. It does it every day. It's a great, great place.

Finally, I'm honored to work with so many friends, so many good people, so many honest people. Decent people, who many feel quite differently than I do about government, about politics, about religion, about many things, but all of you mean well and work hard at doing what you think is right. I thank you for the chance to let me work for you up there. I hope I have conducted the role of Speaker in a way that you didn't feel cut out, in a way that made that job a wholly non-partisan job, I think I did that. Republicans and Democrats sat in that chair and we all made the same rulings, and I think that's the way it should be. Speakers ought to be able to express their partisanship out here or in the caucuses, but not up there. I think that's the way it should stay.

I don't have a lot of advice about things you should do. I'd have some advice about what I hope you don't do. I hope you don't change. I hope you don't become something different than what this House is right now. I hope you stay close together, packed together. I hope you have to look each other in the eye every day of the week. I hope you don't cloister yourselves, off in some cold, new office building. I hope you have to sit next to each other and work out your differences. I hope you have to be so close that friendship is the most important emotion here. I hope you don't change very much, because this place really does work well.

I hope you don't stop thinking for yourselves. Even though I said we didn't have staff, and I'm glad we do have staff, I think it's very important that legislators know what they represent, know what they stand for, and represent and stand for those things every day; tell the staff what to prepare for and research, and not let the opposite take place that's taking place in other institutions. I have a pet peeve, that's that some people choose to run against this institution. Don't run against the place that nurtures you. We have enough troubles with our public image without members talking about the legislature. It's a wonderful body. You ought to educate people about how well it works.

Finally, let me say this. I was told this by Grumpy Fischer, and not many of you know Grumpy. Grumpy was sometimes — he expressed his feelings differently than most of us, and very strongly. After being dressed down, as a matter of fact, by Grumpy Fischer, for opposing Bill Harbor's pay raise, Grumpy came over with a smile on his face and shook my hand and slapped me on the back and said, "There, I showed you, didn't I." He did. He said, "But I'm not mad at you, I'm a friend."

That's something you ought to remember. Never say anything to any of your colleagues that prevents you being able to shake their hand and work with them the next day. He taught me an invaluable lesson in the first couple of weeks that I was in the General Assembly and I think that's still a lesson that everybody ought to learn and relearn. Never let these emotions and feelings take you so far that you can't work with that member the next day. There's nothing that's worth the loss of a friendship. There's nothing worth the loss of your honor or your integrity. None of these issues are that important, even though at the moment we feel very, very strong about them. Remember that there's always tomorrow, and another year and that bill can pass some other time.

I hope you remain bold. I think the last eight years have been eight bold years. When we took on some of the toughest problems this state has ever faced. We took on an environment that was starting to slip; an economy that was in a shambles; a state government that was losing morale; an educational system that was starting to move in the wrong direction, and we solved those problems together. As a body, I think we've shown unusual innovation, unusual willingness to look at new ideas and deal with people who have new ideas and try to make them into something better for the people of the state. I think that's something that we ought to remain, a laboratory for the nation. I think we can be a leader, here in Iowa, if this body just maintains the attitude it's had for the eight years that we're willing to try new things and new ideas and we're willing to make them into something better for the people of this state.

I'm proud that this institution is stronger than it was before my watch. I'm proud that we have moved forward and made progress. I'm proud that we have staff now, and the technology to deal with a rapidly changing world. I'm proud of the boldness and I'm proud of our willingness to push forward to make things better.

We have a wonderful state, the best there is. We're blessed with natural resources and decent, hardworking people. To be a part of making it better, even in a small way, has been the privilege of a lifetime. I thank you for that privilege. I love you and I respect you all.

Thank you very much.

PRESENTATION OF GIFT TO SPEAKER AVENSON

Doderer of Johnson invited Speaker Avenson to the Speaker's station for a special presentation.

Black of Jasper, on behalf of the Majority caucus, presented a brass sculpture of the Speaker's black labrador Magic by artist Nick Klipinger.

The House stood at ease at 2:52 p.m., until the fall of the gavel.

The House resumed session at 2:59 p.m., Doderer of Johnson in the chair.

RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for immediate meetings of the committees on appropriations and judiciary and law enforcement.

The House stood at ease at 3:00 p.m., until the fall of the gavel.

The House resumed session at 3:45 p.m., Connors of Polk in the chair.

SENATE AMENDMENT CONSIDERED
House Refused to Concur

Jochum of Dubuque called up for consideration **Senate File 2422**, a bill for an act relating to the compensation and benefits for faculty, public officials, employees, and certain legislators by providing adjustments for salaries, by specifying properly related matters, and by making appropriations and providing an effective date, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-6171 to the House amendment:

H-6171

- 1 Amend the House amendment, S-5987, to Senate File
- 2 2422, as amended, passed, and reprinted by the Senate
- 3 as follows:
- 4 1. Page 1, line 4, by striking the figure
- 5 "76,100" and inserting the following: "76,700".
- 6 2. Page 1, line 6, by striking the figure
- 7 "73,000" and inserting the following: "73,600".
- 8 3. Page 1, line 11, by striking the figure
- 9 "58,500" and inserting the following: "62,800".
- 10 4. Page 1, line 14, by striking the figure
- 11 "58,500" and inserting the following: "62,800".
- 12 5. Page 1, line 17, by striking the figure
- 13 "58,500" and inserting the following: "62,800".
- 14 6. Page 1, line 20, by striking the figure,
- 15 "58,500" and inserting the following: "62,800".
- 16 7. Page 2, by striking lines 17 through 21.
- 17 8. By renumbering, relettering, or redesignating
- 18 and correcting internal references as necessary.

The motion lost and the House refused to concur in the Senate amendment H-6171.

IMMEDIATE MESSAGE
(Senate File 2422)

Arnould of Scott asked and received unanimous consent that Senate File 2422 be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 4, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 209, a bill for an act relating to the limitations on smoking, and providing penalties.

Also: That the Senate has on April 7, 1990, receded from the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 2115, a bill for an act regulating the commercial cleaning of private sewage disposal facilities, by providing for the adoption of standards and the issuance of licenses, providing license fees, providing a civil penalty, and providing effective and applicability dates.

Also: That the Senate has on April 7, 1990, concurred in the House amendment, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 205, a bill for an act relating to the credentialing and regulation of respiratory care practitioners.

JOHN F. DWYER, Secretary

The House stood at ease at 3:52 p.m., until the fall of the gavel.

The House resumed session at 4:37 p.m., Speaker Avenson in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 7, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2235, a bill for an act relating to community action agencies by providing for an annual report and establishing membership requirements for community action agency boards.

Also: That the Senate has on April 7, 1990, adopted the conference committee report and passed Senate File 2402, a bill for an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation, and enforcement, and including allocation and use of moneys from the road use tax fund, primary road fund, and state aviation fund, mandating reports of certain agency purchases and providing expenses for certain members of the Iowa highway research board.

Also: That the Senate has on April 7, 1990, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2416, a bill for an act relating to transfer of the delinquent tax liens and the service of notice of expiration of the right of redemption from tax sales on certain persons with an interest in the real estate, and providing an effective date.

JOHN F. DWYER, Secretary

SENATE AMENDMENT CONSIDERED

Hammond of Story called up for consideration **House File 209**, a bill for an act relating to the limitations on smoking, and providing penalties, amended by the Senate, and moved that the House concur in the following Senate amendment H—6177:

H—6177

- 1 Amend House File 209, as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 1, by striking lines 1 through 33.
- 4 2. Page 3, line 2, by inserting after the word
- 5 "state." the following: "For the purpose of equitable
- 6 and uniform implementation, application, and
- 7 enforcement of state and local laws and regulations,
- 8 the provisions of this chapter shall supersede any
- 9 local law or regulation which is inconsistent with or
- 10 conflicts with the provisions of this chapter."
- 11 3. By renumbering, relettering, or redesignating
- 12 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—6177.

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

On the question "Shall the bill pass?" (H.F. 209)

The ayes were, 90:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fogarty	Garman
Groninga	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper

Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Iverson	Jesse
Jochum	Johnson	Kistler	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pellett	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklath	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, 5:

Gruhn	Jay	Knapp	Pavich
Svoboda			

Absent or not voting, 5:

Fey	Fuller	Mertz	Peters
Stueland			

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

HOUSE INSISTS

Renaud of Polk called up for consideration **Senate File 2093**, a bill for an act to reduce the markup percentage on state alcoholic liquor sales, and moved that the House insist on its amendment, which motion prevailed.

CONFERENCE COMMITTEE APPOINTED (Senate File 2093)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 2093: Renaud of Polk, Chair; Tabor of Jackson, Blanshan of Greene, Carpenter of Polk and Shoning of Woodbury.

IMMEDIATE MESSAGE (Senate File 2093)

Arnould of Scott asked and received unanimous consent that Senate File 2093 be immediately messaged to the Senate.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Kremer of Buchanan, until his return, on request of Tyrrell of Iowa.

ADOPTION OF THE REPORT OF THE
CONFERENCE COMMITTEE
(Senate File 2402)

Cohoon of Des Moines called up for consideration the report of the conference committee on Senate File 2402 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 2402

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 2402, a bill for an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation, and enforcement, and including allocation and use of moneys from the road use tax fund, primary road fund, and state aviation fund, mandating reports of certain agency purchases and providing expenses for certain members of the Iowa highway research board, respectfully make the following report:

1. That the Senate recedes from its amendment, H—5937.
2. That the House recedes from its amendment, S—5680.
3. That Senate File 2402, as amended, passed, and reprinted by the Senate, is amended as follows:
 1. Page 1, line 12, by striking the figure "961,617" and inserting the following: "953,617".
 2. Page 1, line 25, by striking the letter "a."
 3. Page 1, by striking lines 33 and 34.
 4. Page 2, line 4, by striking the figure "320,482" and inserting the following: "307,271".
 5. Page 2, line 5, by striking the figure "13" and inserting the following: "12".
 6. Page 2, line 10, by striking the figure "133,934" and inserting the following: "143,934".
 7. Page 2, by inserting after line 11, the following:

"As a condition, limitation, and qualification of the appropriation in this paragraph, \$10,000 shall be used for the purchase of POW/MIA flags."
 8. Page 2, by striking lines 12 through 18.
 9. Page 3, line 5, by striking the figure "75,000" and inserting the following: "25,000".
 10. Page 3, line 8, by inserting after the word "enforcement," the following: "and for river boat gambling enforcement."

11. Page 3, line 14, by striking the figure "6,557,018" and inserting the following: "6,534,828".

12. Page 3, line 15, by striking the figure "137" and inserting the following: "136".

13. Page 3, line 17, by striking the figure "250,000" and inserting the following: "75,000".

14. Page 3, by inserting after line 17 the following:

"The department of public safety shall prepare a status report for the legislative fiscal committee, the transportation and safety appropriations subcommittee, and the legislative fiscal bureau, on or before November 1, 1990, which details the actual and planned expenditures from the appropriation made in this paragraph."

15. Page 3, line 21, by striking the figure "20,000" and inserting the following: "10,000".

16. Page 4, line 14, by striking the figure "50,000" and inserting the following: "25,000".

17. Page 4, by striking lines 15 through 17.

18. Page 4, by inserting after line 21 the following:

"7. For funding the department's administrative functions to implement the accreditation for law enforcement agencies:
..... \$ 25,000".

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

"The unfunded liability of the peace officers' retirement, accident, and disability system, as of July 1, 1989, is not a liability of funds paid to the state racing and gaming commission under section 99D.14."

20. Page 5, by striking lines 9 and 10.

21. Page 5, line 11, by striking the figure "2".

22. Page 6, by inserting after line 11 the following:

"The unfunded liability of the peace officers' retirement, accident, and disability system, under chapter 97A is not a liability of the road use tax fund as of July 1, 1986."

23. Page 6, line 25, by striking the word "purchase" and inserting the following: "lease/purchase".

24. Page 6, line 28, by striking the figure "300,000" and inserting the following: "350,000".

25. Page 7, line 1, by striking the figure "200,000" and inserting the following: "133,334".

26. Page 7, by striking line 19 and inserting the following:

..... \$ 30,000

9. For the purchase of a new office facility as a law enforcement headquarters for the department:
..... \$ 220,000

Proceeds from the sale of any existing facility shall be deposited in the road use tax fund.

Sec. _____

There is appropriated from use tax receipts collected under chapter 423 prior to deposit in the road use tax fund, to the department of public safety, for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as may be necessary, to be used for the purpose designated:

For the purchase of automated fingerprint information system local remote terminals:
..... \$ 279,800

It is the intent of the general assembly that moneys shall be appropriated from the general fund of the state for the fiscal year beginning July 1, 1991, and ending June 30, 1992, for costs associated with the automated fingerprint information system local remote terminals."

27. Page 7, line 22, by striking the words "general fund of the state" and inserting the following: "road use tax fund".

28. Page 8, line 17, by striking the figure "105,000" and inserting the following: "55,000".

29. Page 9, line 9, by striking the figure "655,900" and inserting the following: "705,900".

30. Page 9, by inserting after line 10 the following:

"As a condition, limitation, and qualification of the appropriation in this paragraph, \$50,000, or so much thereof as is necessary, shall be used to conduct a demonstration study to assess the economic and technical feasibility of establishing an intermodal transportation facility at or near a location on the Mississippi river that has access to year-round navigation. The demonstration study shall be conducted by a regional planning agency. The department shall coordinate the demonstration study with the department of economic development and shall report to the general assembly, not later than March 31, 1991, on the outcome of the study, on the applicability of integrating intermodal transportation analysis into regional economic development studies, and on the contribution that regional planning can make to statewide planning."

31. Page 9, by inserting after line 12, the following:

"Notwithstanding section 8.33, the funds appropriated in this subsection shall remain available for obligation until June 30, 1992, and once obligated shall remain available until expended. Public or private entities willing to donate land for scenic highway projects shall be given preference in project selection if the land is accepted by the department."

32. Page 10, line 33, by striking the figure "2,883" and inserting the following: "2,889".

33. Page 11, by striking lines 5 through 8 and inserting the following:

"(3) For parcel acquisition:
..... \$ 306,000".

34. Page 11, line 25, by striking the figure "2,000,000" and inserting the following: "1,750,000".

35. Page 14, by inserting after line 35 the following:

"Sec. _____ .

The Iowa highway research board may conduct an experimental roadway paving project using recycled rubber in hot asphalt concrete. The materials shall be applied by a company with experience in the use of recycled tire rubber.

Sec. _____ . RULES VALID.

The administrative rules adopted by the state fire marshal pursuant to 1986 Iowa Acts, chapter 1246, section 206, subsection 2, are valid.

Sec. _____ .

Notwithstanding the manual on uniform traffic control devices for streets and highways, the state department of transportation shall adopt rules regulating travel in the left-hand lane of uphill traffic lanes by posting signs which shall state "KEEP RIGHT EXCEPT TO PASS".

Sec. _____ .

The state department of transportation shall contact other states' transportation departments for the purpose of initiating a lawsuit in conjunction with the other states, to seek an injunction to prevent the United States department of transportation from impounding the states' portions of the federal gas tax.

Sec. 399.

Notwithstanding section 8.33, funds appropriated under 1989 Iowa Acts, chapter 317, section 19, subsection 2, shall not revert until after October 1, 1990, and shall remain available for expenditure until such date."

36. Page 16, by striking lines 20 through 31 and inserting the following:

"Sec. _____ . Section 135C.2, subsection 5, paragraph b, Code Supplement 1989, is amended by striking the paragraph and inserting in lieu thereof the following:

b. A facility must be located in an area zoned for single or multiple-family housing and must be constructed in compliance with applicable local housing codes and the rules adopted for the special classification by the state fire marshal in accordance with the concept of the least restrictive environment for the facility residents. The rules adopted by the state fire marshal for the special classification shall be no more restrictive than the rules adopted by the state fire marshal for demonstration waiver project facilities pursuant to 1986 Iowa Acts, chapter 1246, section 206, subsection 2."

37. Page 17, by inserting after line 14 the following:

"Sec. _____ . Section 309.10, unnumbered paragraph 2, Code 1989, is amended to read as follows:

A county shall not use farm-to-market road funds as described in this section unless the total funds that the county transferred or provided during the prior fiscal year pursuant to section 331.429, subsection 1, paragraphs "a", "b", "d", and "e", are at least seventy-five percent of the maximum funds the county could have transferred in the

prior fiscal year pursuant to section 331.429, subsection 1, paragraphs "a" and "b" from the general fund of the county the dollar equivalent of a tax of sixteen and seven-eighths cents per thousand dollars of assessed value on all taxable property in the county and from the rural services fund of the county the dollar equivalent of a tax of three dollars and three-eighths cent per thousand dollars of assessed value on all taxable property not located within the corporate limits of a city in the county.

Sec. _____. Section 312.2, subsection 8, Code Supplement 1989, is amended to read as follows:

8. The treasurer of state, before making any allotments to counties under this section, shall reduce the allotment to a county for the secondary road fund by the amount by which the total funds that the county transferred or provided during the prior fiscal year under section 331.429, subsection 1, paragraphs "a", "b", "d", and "e", are less than seventy-five percent of the maximum funds that the county could have transferred in the prior fiscal year under section 331.429, subsection 1, paragraphs "a" and "b" from the general fund of the county the dollar equivalent of a tax of sixteen and seven-eighths cents per thousand dollars of assessed value on all taxable property in the county and from the rural services fund of the county the dollar equivalent of a tax of three dollars and three-eighths cent per thousand dollars of assessed value on all taxable property not located within the corporate limits of a city in the county. Funds remaining in the secondary road fund of the counties due to a reduction of allocations to counties for failure to maintain a minimum local tax effort shall be reallocated to counties that are not reduced under this subsection pursuant to the allocation provisions of section 312.3, subsection 1, based upon the needs and area of the county. Information necessary to make allocations under this subsection shall be provided by the state department of transportation or the director of the department of management upon request by the treasurer of state.

Sec. _____. Section 312.3, subsection 1, Code 1989, is amended to read as follows:

1. Apportion among the counties in the ratio that the needs of the secondary roads of each county bear to the total needs of the secondary roads of the state for each fiscal year based upon the total needs of secondary roads of the state as shown in the latest quadrennial need study report developed by the state department of transportation, and which is on record at the department, sixty seventy percent of the allocation from road use tax funds which is credited to the secondary road fund of the counties, and apportion among the counties in the ratio that the area of each county bears to the total area of the state, forty thirty percent of the allocation from road use tax funds which is credited to the secondary road fund of the counties. However, for a hold harmless period in a fiscal year each county is guaranteed a hold harmless base year amount. The amount in the secondary road fund of the counties in each fiscal year during the hold harmless period in excess of the sum of the hold harmless base period year amounts allocated to all counties shall be distributed proportionally based on the relative needs and area factors to only those counties entitled to receive more than the hold harmless base year amount.

For the purposes of this subsection:

a. "Hold harmless Base period" means the fiscal years beginning July 1, 1979 and ending June 30, 1985 three-year period ending June 30, 1989.

b. "Base year amount" means the amount of the secondary road fund of the counties received by a county for the fiscal year beginning July 1, 1977. "Local effort" means

the ratio expressed as a percent of the total funds that the county transferred or provided during the base period pursuant to section 331.429, subsection 1, paragraphs "a", "b", "d", and "e", to the maximum funds the county could have transferred during the base period from the general fund of the county the dollar equivalent of a tax of sixteen and seven-eighths cents per thousand dollars of assessed value on all taxable property in the county and from the rural services fund of the county the dollar equivalent of a tax of three dollars and three-eighths cent per thousand dollars of assessed value on all taxable property not located within the corporate limits of a city in the county.

c. "Old formula amount" means the amount of moneys the county would receive if the apportionment to the county under this section was apportioned among the counties in the ratio that the needs of the secondary roads of each county bear to the total needs of the secondary roads of the state as shown by the latest quadrennial need study by the state department of transportation, and which is on record at the department, sixty percent of the allocation from road use tax funds which is credited to the secondary road fund of the counties, and apportioned among the counties in the ratio that the area of each county bears to the total area of the state, forty percent of the allocation from road use tax funds which is credited to the secondary road fund of the counties.

d. (1) The "hold harmless base year amount" for a county for the fiscal year commencing July 1, 1990, is determined by the county's local effort in accordance with the following table:

<u>"LOCAL EFFORT"</u>		<u>COUNTY'S</u>
<u>At</u>	<u>but less</u>	<u>HOLD HARMLESS BASE YEAR AMOUNT</u>
<u>least:</u>	<u>than:</u>	
96%	unlimited	100% of old formula amount
92%	96%	96% of old formula amount
88%	92%	92% of old formula amount
84%	88%	88% of old formula amount
Less than 84%		\$0"

(2) The "hold harmless base year amount" for a county for the fiscal year commencing July 1, 1991, and for each succeeding fiscal year, is the product of the county's hold harmless base year amount in the immediately preceding fiscal year times the sum of one plus one-half of the estimated increase in secondary road fund moneys in the fiscal year expressed as a fraction. Prior to June 30 of each year, the department shall prepare and deliver to the treasurer of state an estimate of the increase of secondary road fund moneys for the next fiscal year to be used in determining the hold harmless base year amount under this subsection.

Sec. ____ . Section 312.5, Code 1989, is amended to read as follows:

312.5 DIVISION OF FARM-TO-MARKET ROAD FUNDS.

1. The road use tax funds credited to the farm-to-market road fund and federal aid secondary road funds received by the state by the treasurer of state are hereby divided as follows, and are to be known respectively as:

- 1 a. Need allotment farm-to-market road funds, sixty seventy percent; and
- 2 b. Area allotment farm-to-market road funds, forty thirty percent.

2. All farm-to-market road funds, except funds which under section 310.20 come from any county's allotment of the road use tax funds, shall be allotted among the counties by the department.

3. Area allotment farm-to-market road funds and federal aid secondary road funds received by the state, shall be allotted among all the counties of the state in the ratio that the area of each county bears to the total area of the whole state.

4. Need allotment farm-to-market road funds shall be allotted among the counties in the ratio that the needs of the farm-to-market roads in each county bear to the total needs of the farm-to-market roads in the state for each fiscal year based upon the total needs of the farm-to-market roads in the state as shown in the latest quadrennial need study report developed by the state department of transportation, and which is on record at the department.

5. Notwithstanding subsections 1 through 4, in a fiscal year each county is guaranteed a hold harmless base year amount. The amount of farm-to-market road funds in each fiscal year in excess of the sum of the hold harmless base year amounts allocated to all counties shall be distributed proportionally based on the relative needs and area factors to only those counties entitled to receive more than the hold harmless base year amount.

For the purposes of this subsection:

a. "Base period" means the three-year period ending June 30, 1989.

b. "Local effort" means the ratio expressed as a percent of the total funds that the county transferred or provided during the base period pursuant to section 331.429, subsection 1, paragraphs "a", "b", "d", and "e", to the maximum funds the county could have transferred during the base period from the general fund of the county the dollar equivalent of a tax of sixteen and seven-eighths cents per thousand dollars of assessed value on all taxable property in the county and from the rural services fund of the county the dollar equivalent of a tax of three dollars and three-eighths cent per thousand dollars of assessed value on all taxable property not located within the corporate limits of a city in the county.

c. "Old formula amount" means the amount of moneys the county would receive if the apportionment to the county under this section was apportioned among the counties with the federal aid secondary road funds being apportioned by one hundred percent area allotment and the road use tax funds credited to the farm-to-market road fund apportioned to the counties with a sixty percent need allotment and forty percent area allotment.

d. (1) The "hold harmless base year amount" for a county for the fiscal year commencing July 1, 1990, is determined by the county's local effort in accordance with the following table:

<u>"LOCAL EFFORT"</u>		<u>COUNTY'S</u>
<u>At</u>	<u>but less</u>	<u>HOLD HARMLESS BASE YEAR AMOUNT</u>
<u>least:</u>	<u>than:</u>	
<u>96%</u>	<u>unlimited</u>	<u>100% of old formula amount</u>
<u>92%</u>	<u>96%</u>	<u>96% of old formula amount</u>
<u>88%</u>	<u>92%</u>	<u>92% of old formula amount</u>
<u>84%</u>	<u>88%</u>	<u>88% of old formula amount</u>
<u>Less than 84%</u>		<u>\$0"</u>

(2) The "hold harmless base year amount" for a county for the fiscal year commencing July 1, 1991, and for each succeeding fiscal year, is the product of the county's hold harmless base year amount in the immediately preceding fiscal year times the sum of one plus one-half of the estimated increase in the farm-to-market road fund moneys in the fiscal year expressed as a fraction. Prior to June 30 of each year the department shall prepare and deliver to the treasurer of state an estimate of the increase of the farm-to-market road fund moneys for the next fiscal year to be used in determining the hold harmless base year amount under this subsection."

38. Page 17, by inserting after line 23 the following:

"Sec. _____. Section 313.2A, subsection 1, Code Supplement 1989, is amended to read as follows:

1. PURPOSE. It is the purpose of this section to enhance opportunities for the development and diversification of the state's economy through the identification and improvement of a network of commercial and industrial highways. The network shall consist of interconnected routes which provide long distance route continuity. The purpose of this highway network shall be to improve the flow of commerce; to make travel more convenient, safe, and efficient; and to better connect Iowa with regional, national, and international markets. The commission shall concentrate a major portion of its annual construction budget on this network of commercial and industrial highways. In order to ensure the greatest possible availability of funds for the improvement of the network, primary highway funds shall not be spent beyond continuing maintenance for improvements to route segments that will be bypassed by the relocation of portions of the commercial and industrial highway network ~~except as provided in subsection 4.~~

Sec. _____. Section 313.2A, subsection 4, Code Supplement 1989, is amended by striking the subsection.

Sec. _____. Section 317.13, Code Supplement 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The program of weed control shall include a program of permits for the burning, mowing, or spraying of roadsides by private individuals. The county board of supervisors shall allow only that burning, mowing, or spraying of roadsides by private individuals that is consistent with the adopted integrated roadside vegetation management plan. This paragraph applies only to those roadside areas of a county which are included in an integrated roadside vegetation management plan."

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

"Sec. _____. Section 321L.2, subsection 3, unnumbered paragraph 2, Code Supplement 1989, is amended to read as follows:

A handicapped person who owns a motor vehicle for which the handicapped person has been issued radio operator registration plates under section 321.34, subsection 3, or registration plates as a seriously disabled veteran under section 321.105 may apply to the department for a handicapped identification sticker to be affixed to the plates. The handicapped identification stickers shall bear the international symbol of accessibility. The handicapped identification stickers shall be acquired by the department and sold at a cost not to exceed five dollars, to eligible handicapped persons upon application on forms prescribed by the department.

Sec. ____ . NEW SECTION. 325.37 ADVERTISING BY MOTOR CARRIERS OF PROPERTY.

Any advertising of available service provided by a motor carrier of property shall contain or display the number of the certificate issued by the department pursuant to this chapter.

Sec. ____ . Section 331.660, Code 1989, is amended to read as follows:

331.660 APPROPRIATION – INDIAN SETTLEMENT OFFICER.

There is appropriated annually from the general fund of the state to the county of Tama the sum of three thousand three hundred sixty-five thousand dollars to be used by the county only for the payment of the salary and expenses of an additional deputy sheriff for the county. The principal duty of the deputy sheriff is to provide law enforcement on the Sac and Fox Indian settlement in the county of Tama. If possible, the deputy sheriff shall reside on the settlement. Additional funds necessary to pay the salary and expenses of the deputy sheriff shall be paid by the county of Tama. The state shall not be held liable for the performance or nonperformance of law enforcement duties pursuant to this section.

Sec. 400. Section 455G.9, subsection 1, paragraph a, subparagraph (1), unnumbered paragraph 2, Code Supplement 1989, as amended by 1990 Iowa Acts, House File 2552, is amended to read as follows:

Total payments for claims pursuant to this subparagraph are limited to no more than six eight million dollars. Claims for eligible retroactive releases shall be prorated if claims filed in a permitted application period or for a particular priority class of applicants exceed six eight million dollars or the then remaining balance of six eight million dollars. If claims remain partially or totally unpaid after total payments equal six eight million dollars, all remaining claims are void, and no entitlement exists for further payment.

Sec. 401. Section 455G.9, subsection 1, paragraph a, Code Supplement 1989, as amended by 1990 Iowa Acts, House File 2552, is amended by inserting the following new subparagraph:

NEW SUBPARAGRAPH. (3) Corrective action for an eligible release reported to the department of natural resources on or after January 1, 1985, but prior to July 1, 1987. Third-party liability is specifically excluded from remedial account coverage. For a claim for a release under this subparagraph, the remedial program shall pay no more than the lesser of twenty-five thousand dollars or one-third of the total costs of corrective action for that release, subsection 4 notwithstanding. For a release to be eligible for coverage under this subparagraph the following conditions must be satisfied:

(a) The owner or operator applying for coverage must be currently engaged in the business for which the tank connected with the release was used prior to the report of the release.

(b) The owner or operator applying for coverage shall not be a person who is maintaining, or has maintained, proof of financial responsibility for federal regulations through self-insurance.

(c) The owner or operator applying for coverage shall not have claimed bankruptcy any time on or after January 1, 1985.

(d) The claim for coverage pursuant to this subparagraph must have been filed with the board prior to September 1, 1990.

(e) The owner or operator at the time the release was reported to the department of natural resources must have been in compliance with then current monitoring requirements, if any, or must have been in the process of compliance efforts with anticipated requirements, including installation of monitoring devices, a new tank, tank improvements or retrofit, or any combination.

Sec. 402. 1990 Iowa Acts, House File 2552, section 43, is amended to read as follows:

SEC. 43.

Provided that amounts reserved for the retroactive portion of the remedial account claims pursuant to section 455G.9, subsection 1, paragraph "a", subparagraph (1), do not exceed ~~six~~ eight million dollars, the administrator shall from the effective date of this Act, through September 1, 1990, reopen applications previously received but denied based upon section 455G.9, subsection 1, paragraph "a", subparagraph (1), subparagraph subdivision (a), Code Supplement 1989, which subparagraph subdivision is repealed by this Act, and may accept new applications under section 455G.9, subsection 1, paragraph "a", subparagraph (1) for that period. If claims reopened or received exceed the remaining balance of unobligated or unreserved funds of the six ~~eight~~ million dollars, the remaining balance shall be prorated among the reopened and newly received claims. If claims remain partially or totally unpaid after total payments under the retroactive portion of the remedial account exceed six million dollars, all remaining claims are void, and no entitlement exists for further payment. If claims paid pursuant to this section do not exceed the remaining balance of unobligated or unreserved funds of the six million dollars, the remaining balance shall be distributed among the claims accepted for payment which were submitted on or before January 31, 1990, by increasing the allowable percentage of payment contained in section 455G.9, subsection 1, paragraph "a", subparagraph (1) by an amount necessary to reduce the remaining balance of the six million dollars allocated for retroactive claims to zero. distributed according to the following priority:

1. Claims reopened or submitted pursuant to section 455G.9, subsection 1, paragraph "a", subparagraph (1), first; provided, however, that payments pursuant to this subsection shall not exceed one million two hundred thousand dollars.

2. Claims submitted pursuant to section 455G.9, subsection 1, paragraph "a", subparagraph (3), second, on a first-come-first-served basis.

3. Claims submitted pursuant to section 455G.9, subsection 1, paragraph "a", subparagraph (3), not previously accepted for payment or paid because the claim was ineligible solely on the basis of section 455G.9, subsection 1, paragraph "a", subparagraph (3), subparagraph subdivision (a), third.

4. If claims paid pursuant to subsections 1, 2, and 3 do not exceed the remaining balance of unobligated or unreserved funds of the eight million dollars, the remaining balance shall be distributed among the claims accepted for payment which were submitted on or before January 31, 1990, by increasing the allowable percentage of payment contained in section 455G.9, subsection 1, paragraph "a", subparagraph (1) by an amount necessary to reduce the remaining balance of the eight million dollars allocated for retroactive claims to zero.

If claims remain partially or totally unpaid after total payments under the retroactive portion of the remedial account equal eight million dollars, all remaining claims are void, and no entitlement exists for further payment."

40. Page 18, by inserting after line 20 the following:

"Sec. _____ .

Sections 399, 400, 401, and 402 of this Act, being deemed of immediate importance, take effect upon enactment."

41. Title page, line 6, by striking the word "purchases and" and inserting the following: "purchases,".

42. Title page, line 7, by inserting after the word "board" the following: ", providing for certain payments from the remedial account of the Iowa comprehensive petroleum underground storage tank fund, and providing an effective date".

43. By renumbering and relettering as necessary.

ON THE PART OF THE HOUSE:

ON THE PART OF THE SENATE:

DENNIS M. COHOON, Chair
 JACK BEAMAN
 DEO A. KOENIGS
 LOUIS J. MUHLBAUER
 DON SHONING

DONALD E. GETTINGS, Chair
 EMIL J. HUSAK
 JIM LIND
 JOE WELSH

A non-record roll call was requested.

The ayes were 43, nays 30.

The motion prevailed and the conference committee report was adopted.

Cohoon of Des Moines moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2402)

The ayes were, 65:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Brammer	Brand
Buhr	Chapman	Cohoon	Connors
Corbett	Daggett	Diemer	Doderer
Dvorsky	Fey	Groninga	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Knapp	Koenigs	Lageschulte	Lundby
Lykam	McKinney	Metcalf	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Peterson, M. K.	Poney	Renaud	Rosenberg

Schnekloth	Schrader	Shearer	Sherzan
Shoning	Siegrist	Spear	Svoboda
Swartz	Tabor	Teaford	Wise
Mr. Speaker Avenson			

The nays were, 31:

Banks	Bennett	Blanshan	Branstad
Brown	Carpenter	Clark	De Groot
Eddie	Fogarty	Garman	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hanson, D. R.	Harbor
Iverson	Kistler	Maulsby	May
McKean	Mertz	Miller	Petersen, D. F.
Plasier	Renken	Royer	Spenner
Trent	Tyrrell	Van Maanen	

Absent or not voting, 4:

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

IMMEDIATE MESSAGE

(Senate File 2402)

Arnould of Scott asked and received unanimous consent that Senate File 2402 be immediately messaged to the Senate.

Appropriations Calendar

Senate File 2428, a bill for an act relating to and making appropriations of federal and other nonstate funds including funds made available from federal block 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 or if categorical grants are consolidated into new or existing block grants, with report of committee recommending passage was taken up for consideration.

Hammond of Story offered the following amendment H-6167 filed from the floor by Hammond, Hatch and Jochum and moved its adoption:

H-6167

- 1 Amend Senate File 2428, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 8, by inserting after line 1 the follow-
- 4 ing:
- 5 "1A. If 1990 Iowa Acts, House File 2294, is
- 6 enacted, of the funds appropriated under subsection 1,

7 \$3,500,000 shall be used to fund the affordable
 8 heating program.
 9 1B. Not more than \$1,000,000 of the funds
 10 appropriated under subsection 1 shall be used for
 11 assessment and resolution of energy problems."
 12 2. Page 8, by striking lines 22 and 23 and
 13 inserting the following: "federal fiscal year
 14 beginning October 1, 1990, 15 percent of the funds
 15 appropriated".

Amendment H—6167 was adopted.

Hammond of Story offered the following amendment H—6174
 filed by her from the floor and moved its adoption:

H—6174

1 Amend Senate File 2428, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 9, line 4, by striking the figure
 4 "31,974,906" and inserting the following:
 5 "32,101,333".
 6 2. Page 9, line 14, by striking the figure
 7 "1,844,952" and inserting the following: "1,852,247".
 8 3. Page 9, line 30, by striking the figure
 9 "12,652,703" and inserting the following:
 10 "12,680,027".
 11 4. Page 9, line 32, by striking the figure
 12 "147,084" and inserting the following: "147,666".
 13 5. Page 9, line 34, by striking the figure
 14 "4,684,324" and inserting the following: "4,702,845".
 15 6. Page 10, line 1, by striking the figure
 16 "1,365,329" and inserting the following: "1,370,727".
 17 7. Page 10, line 3, by striking the figure
 18 "11,152,614" and inserting the following:
 19 "11,219,416".
 20 8. Page 10, line 5 by striking the figure
 21 "127,900" and inserting the following: "128,405".

Amendment H—6174 was adopted.

Hammond of Story moved that the bill be read a last time now
 and placed upon its passage which motion prevailed and the bill was
 read a last time.

On the question "Shall the bill pass?" (S.F. 2428)

The ayes were, 92:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark

Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Svoboda	Tabor	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, none.

Absent or not voting, 8:

Bisignano	Fuller	Hibbard	Kremer
Schneklath	Stueland	Swartz	Teaford

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

IMMEDIATE MESSAGE

(Senate File 2428)

Arnould of Scott asked and received unanimous consent that Senate File 2428 be immediately messaged to the Senate.

Unfinished Business Calendar

The House resumed consideration of **Senate File 431**, a bill for an act amending the pesticide Act of Iowa, by providing requirements for pesticide dealers and applicators, providing registration requirements, and providing for fees and civil penalties, previously deferred and placed on the unfinished business calendar.

Black of Jasper in the chair at 5:34 p.m.

Johnson of Winneshiek asked and received unanimous consent to withdraw amendment H — 5656 filed by the committee on energy and environmental protection, placing out of order the following amendments, to the committee amendment H — 5656:

- H—5808 filed by Koenigs of Mitchell on March 22, 1990.
 H—5710 filed by Eddie of Buena Vista on March 15, 1990.
 H—5725 filed by Kremer of Buchanan on March 15, 1990.
 H—5764 filed by Johnson of Winneshiek on March 20, 1990.
 H—5687 filed by Petersen of Muscatine, et al., on March 14, 1990.
 H—5691 filed by Banks of Plymouth on March 14, 1990.
 H—5725 filed by Kremer of Buchanan on March 15, 1990.

The following amendments were withdrawn by unanimous consent:

- H—5692 filed by Eddie of Buena Vista on March 14, 1990.
 H—5726 filed by Kremer of Buchanan on March 15, 1990.
 H—5898 filed by Gruhn of Dickinson on March 27, 1990, placing out of order amendment H—6002, to amendment H—5898, filed by Gruhn of Dickinson on March 30, 1990.

Johnson of Winneshiek offered the following amendment H—6173 filed by him from the floor and moved its adoption:

H—6173

- 1 Amend Senate File 431, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking page 1, line 1 through page 2,
- 4 line 28.
- 5 2. By striking page 5, line 34 through page 7,
- 6 line 5.
- 7 3. Title page, line 2, by striking the words "and
- 8 applicators".
- 9 4. Title page, lines 3 and 4, by striking the
- 10 words "and civil penalties".

Amendment H—6173 was adopted.

Johnson of Winneshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 431)

The ayes were, 91:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Blanshan
Brammer	Brand	Brown	Buhr
Carpenter	Chapman	Clark	Cohoon
Connors	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond

Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renken
Rosenberg	Royer	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Black	
		Presiding	

The nays were, none.

Absent or not voting, 9:

Bisignano	Branstad	Fuller	Hibbard
Kremer	Mertz	Renaud	Schnekloth
Stueland			

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

IMMEDIATE MESSAGE (Senate File 431)

Arnould of Scott asked and received unanimous consent that Senate File 431 be immediately messaged to the Senate.

Speaker Avenson in the chair at 5:52 p.m.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Senate File 2429, a bill for an act relating to responsibilities for the receipt and disbursement of support payments, satisfaction of a support order by direct payment to the person who is to receive the payment, medical support for children receiving child support, modification of child support orders, child support enforcement, determination of paternity and establishment of past child support obligations, establishing an advisory committee, and providing an effective date for certain provisions.

Fiscal Note is not required.

Recommended **Do Pass** April 7, 1990.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 7, 1990, appointed the conference committee to Senate File 2093, a bill for an act to reduce the markup percentage on state alcoholic liquor sales, and the members of the Senate are: The Senator from Linn, Senator Horn, Chair; the Senator from Palo Alto, Senator Kibbie; the Senator from Lee, Senator Fraise; the Senator from Muscatine, Senator Rife; the Senator from Boone, Senator Nystrom.

JOHN F. DWYER, Secretary

Regular Calendar

Senate File 2429, a bill for an act relating to responsibilities for the receipt and disbursement of support payments, satisfaction of a support order by direct payment to the person who is to receive the payment, medical support for children receiving child support, modification of child support orders, child support enforcement, determination of paternity and establishment of past child support obligations, establishing an advisory committee, and providing an effective date for certain provisions, with report of committee recommending passage was taken up for consideration.

Hansen of Woodbury in the chair at 6:02 p.m.

Halvorson of Webster offered the following amendment H-6172 filed from the floor by Halvorson of Webster, Brand, Corbett, Daggett and Jay and moved its adoption:

H-6172

- 1 Amend the Senate File 2429, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 22, by striking lines 14 and 15, and
- 4 inserting the following:
- 5 "k. Changes in technology related to determination
- 6 of paternity, subject to the following conditions and
- 7 limitations:
- 8 (1) (a) For orders entered before July 1, 1990, a
- 9 petition to modify must be filed by July 1, 1991,
- 10 provided that the child is under the age of nineteen
- 11 years at the time the petition to modify is filed.
- 12 (b) For orders entered on or after July 1, 1990, a
- 13 petition to modify must be filed within five years of
- 14 the date of entry of the dissolution decree or the
- 15 order establishing paternity, provided that the child
- 16 is under the age of nineteen years at the time the

17 petition to modify is filed.
 18 (2) Any modification of child support brought
 19 under this lettered paragraph can be made retroactive
 20 only to the date on which the notice of the pending
 21 petition for modification is served on the opposing
 22 party.

23 (3) The cost of testing related to the
 24 determination of paternity shall be paid by the person
 25 requesting the modification.

26 1. Other factors the court determines to be
 27 relevant in an individual case."

A non-record roll call was requested.

The ayes were 50, nays 33.

Amendment H—6172 was adopted.

Haverland of Polk offered the following amendment H—6175 filed by him from the floor and moved its adoption:

H—6175

1 Amend Senate File 2429, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 23, by striking lines 3 through 11, and
 4 inserting the following:
 5 "NEW SUBSECTION. 8A. Notwithstanding subsection
 6 8, a substantial change of circumstances exists when
 7 the court order for child support deviates from the
 8 child support guidelines established pursuant to
 9 section 598.21, subsection 4 for a reason other than
 10 that stated in the original order, unless the
 11 provisions of the guidelines themselves have changed
 12 since the entry or subsequent modification of the
 13 original order. Upon application for a modification
 14 of an order for child support where services are being
 15 received pursuant to chapter 252B, the court shall act
 16 in accordance with section 598.21, subsection 4."

Amendment H—6175 was adopted.

Chapman of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2429)

The ayes were, 93:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter

Chapman	Clark	Cohoon	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Iverson
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklath	Schrader	Shearer
Sherzan	Shoning	Shoultz	Spear
Spenner	Svoboda	Swartz	Teaford
Trent	Tyrrell	Van Maanen	Wise
Hansen, S. D.			
Presiding			

The nays were, 2:

Hibbard Jay

Absent or not voting, 5:

Fuller	Jesse	Siegrist	Stueland
Tabor			

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 7, 1990, adopted the conference committee report and passed House File 2554, a bill for an act relating to county tax and services provisions by appropriating funds for state assistance to counties for certain services to the chronically mentally ill, by modifying the mobile home tax reduction for the elderly and disabled, the property tax credit and rent reimbursement for the elderly and disabled, by increasing the amount of credit and reimbursement, creating a family farm tax credit, and providing a penalty, and effective and applicability dates.

JOHN F. DWYER, Secretary

**ADOPTION OF THE REPORT OF THE
CONFERENCE COMMITTEE
(House File 2416)**

Harper of Black Hawk called up for consideration the report of the conference committee on House File 2416 and moved the adoption of the conference committee report and the amendments contained therein as follows:

**REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 2416**

To the Speaker of the House of Representatives and the President of the Senate:

We, the undersigned members of the conference committee appointed to resolve the differences between the House of Representatives and the Senate on House File 2416, a bill for an act relating to corporal punishment, respectfully make the following report:

1. That the Senate recedes from its amendment, H-5719.
2. That House File 2416, as amended, passed, and reprinted by the House, is amended as follows:

1. By striking everything after the enacting clause and inserting the following:

"Section 1. Section 280.21, Code Supplement 1989, is amended to read as follows:

280.21 CORPORAL PUNISHMENT.

An employee of an accredited public school district, accredited nonpublic school, or area education agency shall not inflict, or cause to be inflicted, corporal punishment upon a student. For purposes of this section, "corporal punishment" means the intentional physical punishment of a student. An employee's physical contact with the body of a student is justified shall not be considered corporal punishment if it is reasonable and necessary under the circumstances and is not designed or intended to cause pain or if the employee uses reasonable force, as defined under section 704.1, for the protection of the employee, the student, or other students; to obtain the possession of a weapon or other dangerous object within a student's control; or for the protection of property. The department of education shall adopt rules to implement this section.

Sec. 2.

By September 1, 1990, the department of education shall adopt rules to be included in 281 I.A.C. ch. 102, and rules in another chapter, entitled "Corporal Punishment Ban," in order to implement section 280.21, as amended in this Act."

ON THE PART OF THE HOUSE:

PATRICIA HARPER, Chair
RON CORBETT
MARK HAVERLAND
STEWART IVERSON
C. ARTHUR OLLIE

ON THE PART OF THE SENATE:

LARRY MURPHY, Chair
JOY CORNING
WALLY HORN
JEAN LLOYD-JONES
MAGGIE TINSMAN

The motion prevailed and the conference committee report was adopted.

Harper of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2416)

The ayes were, 92:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fogarty	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Iverson	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellet	Peters
Petersen, D. F.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schnekloth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Spear	Spenner	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Hansen, S. D. Presiding

The nays were, none.

Absent or not voting, 8:

Chapman	Fey	Fuller	Jay
Jesse	Peterson, M. K.	Siegrist	Stueland

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

IMMEDIATE MESSAGE (House File 2416)

Arnould of Scott asked and received unanimous consent that House File 2416 be immediately messaged to the Senate.

Speaker Avenson in the chair at 6:34 p.m.

ADOPTION OF THE REPORT OF THE
CONFERENCE COMMITTEE
(House File 2559)

Chapman of Linn called up for consideration the report of the conference committee on House File 2559 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 2559

To the Speaker of the House of Representatives and the President of the Senate:

We, the undersigned members of the conference committee appointed to resolve the differences between the House of Representatives and the Senate on House File 2559, a bill for an act relating to the process by which a taxpayer appeals a decision of the local board of review to the district court and providing for the reinstatement of appeals dismissed and providing an effective date, respectfully make the following report:

1. That the Senate recedes from its amendment, H-6142.

2. That House File 2559 passed by the House, is amended as follows:

1. Page 1, line 14, by inserting after the word "by" the following: "filing".

2. Page 1, by striking lines 15 through 33 and inserting the following: "written notice to that effect to the chairperson or presiding officer of the board of review and served as an original 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 after the filing of notice under subsection 1 with the clerk of district court."

3. Page 2, by inserting after line 7 the following:

"Any rights of appeals reinstated as a result of this section shall be exercised by filing of notice of appeal by June 30, 1991, as provided for in section 441.38, subsection 1 and served as provided for in section 441.38, subsection 2."

ON THE PART OF THE HOUSE:

KAY CHAPMAN, Chair
WILLIAM BRAND
WAYNE BENNETT
KENNETH DE GROOT
DAVID TABOR

ON THE PART OF THE SENATE:

JIM RIORDAN, Chair
DONALD V. DOYLE
EUGENE FRAISE
JACK W. HESTER
JOHN E. SOORHOLTZ

The motion prevailed and the conference committee report was adopted.

Chapman of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2559)

The ayes were, 92:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Poncy
Renaud	Renken	Rosenberg	Schnekloth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Swartz	Tabor	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, none.

Absent or not voting, 8:

Fuller	Jay	Jesse	Muhlbauer
Plasier	Royer	Stueland	Teaford

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

IMMEDIATE MESSAGE

(House File 2559)

Arnould of Scott asked and received unanimous consent that House File 2559 be immediately messaged to the Senate.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 7, 1990, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2153, a bill for an act relating to and making a commitment to the environment, agriculture, and natural resources by making appropriations from Iowa lottery revenues and providing for an income tax credit for establishing permanent grass and buffer zones including erosion control structures, and providing effective and applicability dates.

JOHN F. DWYER, Secretary

The House stood at ease at 6:55 p.m., until the fall of the gavel.

The House resumed session at 7:12 p.m., Speaker Avenson in the chair.

SENATE AMENDMENT CONSIDERED

Swartz of Marshall called up for consideration **Senate File 2153**, a bill for an act relating to and making a commitment to the environment, agriculture, and natural resources by making appropriations from Iowa lottery revenues and providing for an income tax credit for establishing permanent grass and buffer zones including erosion control structures, and providing effective and applicability dates, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-6182 to the House amendment:

H-6182

- 1 Amend the House amendment, S-5915, to Senate File
- 2 2153, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 2, line 28, by striking the word "Fifty-
- 5 nine" and inserting the following: "Fifty-nine and
- 6 five-tenths".
- 7 2. Page 3, by striking lines 23 through 27 and
- 8 inserting the following:
- 9 "f. Three and five-tenths percent to the

10 groundwater protection fund created in section 455E.11
 11 to provide grants to counties for rural water testing
 12 under section 455B.172, subsection 5."

13 3. Page 3, line 41, by striking the word "Two"
 14 and inserting the following: "One and five-tenths".

15 4. Page 4, by striking lines 22 through 24, and
 16 inserting the following: "water protection fund
 17 pursuant to section 467F.4 and may also qualify for
 18 cost-sharing funds pursuant to section 467A.48."

19 5. Page 4, by striking lines 43 through 50 and
 20 inserting the following:

21 "_____. Fourteen and one-tenth percent, to the Iowa
 22 energy center of which up to one-third, not to exceed
 23 one hundred fifty thousand dollars, may be used for
 24 administration costs of the center and the remainder
 25 shall be used for transportation studies and projects
 26 which enhance energy efficiency and self-sufficiency.

27 _____ Fourteen and one-tenth percent, to the
 28 department of agriculture and land stewardship, for
 29 on-farm alternative fuels demonstration projects."

30 6. Page 5, line 1, by striking the words "Twenty-
 31 five and four-tenths" and inserting the following:
 32 "Twenty-two and three-tenths".

33 7. Page 5, by inserting after line 27, the
 34 following:

35 "_____. Six and two-tenths percent to the department
 36 of natural resources for the administration of energy
 37 efficiency programs and projects created in this Act
 38 or in Senate File 2403, if enacted by the Seventy-
 39 third General Assembly, 1990 Session."

40 8. Page 5, line 31, by striking the word "Four"
 41 and inserting the following: "Three".

42 9. Page 5, line 35, by inserting after the word
 43 "water" the following: "and for the state rural well
 44 water survey in conjunction with the department of
 45 natural resources".

46 10. Page 5, line 41, by striking the words
 47 "Spring Brook" and inserting the following:
 48 "Springbrook".

49 11. Page 5, line 48, by striking the words "Two
 50 hundred" and inserting the following: "One hundred

Page 2

1 fifty".

2 12. Page 6, line 28, by striking the words "Four
 3 hundred" and inserting the following: "Three hundred
 4 twenty-five".

5 13. Page 6, line 43, by striking the words "fifty
 6 thousand" and inserting the following: "thirty-three
 7 thousand three hundred thirty-three".

8 14. Page 6, line 45, by striking the words

9 "twenty-five thousand" and inserting the following:
10 "sixteen thousand six hundred sixty-seven".

11 15. Page 6, lines 47 and 48 by striking the words
12 "twenty-five thousand" and inserting the following:
13 "sixteen thousand six hundred sixty-seven".

14 16. Page 6, by inserting after line 48 the fol-
15 lowing:

16 "(4) Jones county, the sum of thirty-three
17 thousand three hundred thirty-three dollars.
18 _____. One hundred thousand dollars, to the depart-
19 ment of natural resources to be used in grant programs
20 for towns with a population of three thousand five
21 hundred or less for the construction of swimming
22 pools.

23 _____. One hundred thousand dollars, to the
24 Poweshiek rural water association for costs relating
25 to the laying of water pipelines to cross the Iowa
26 river.

27 _____. Twenty-five thousand dollars, to the depart-
28 ment of natural resources for a pilot project on
29 energy efficiency and savings from computerizing
30 energy use."

31 17. Page 7, by inserting after line 23 the
32 following:

33 "_____. The agency or entity to which moneys are
34 appropriated or which oversee a fund to which moneys
35 are appropriated under this section may use some of
36 those moneys for administrative costs relating to the
37 use of those moneys, including additional full-time
38 equivalent positions. The acquisition of additional
39 full-time equivalent positions authorized under this
40 subsection are not subject to any freeze, set by the
41 governor, or the limit, set by the general assembly,
42 on the number of full-time equivalent positions that
43 such agency or entity may have. The agency or entity
44 that adds additional full-time equivalent positions
45 shall report the fact and the purpose at the end of
46 the applicable quarter to the fiscal committee of the
47 legislative council."

48 18. Page 9, line 42, by inserting after the word
49 "insufficiency." the following: "However, the moneys
50 in the security account that have not been spent for

Page 3

1 such payments by March 1 of the fiscal year shall be
2 immediately transferred to the general fund of the
3 state."

4 19. Page 9, by striking lines 43 through 50.

5 20. Page 11, line 13, by inserting after the word
6 "district." the following: "This subsection shall not
7 create a lien against the property of a person who is

- 8 not a rural water subscriber.”
- 9 21. Page 11, by striking lines 14 through 24.
- 10 22. Page 11, by inserting before line 25 the
- 11 following:
- 12 “_____ By striking page 10, line 31 through page
- 13 12, line 9.”
- 14 23. Page 12, by striking lines 11 through 36.
- 15 24. By striking page 16, line 41 through page 17,
- 16 line 4.
- 17 25. Page 22, line 25, by striking the words “Two
- 18 of the” and inserting the following: “The”.
- 19 26. Page 22, line 31, by inserting after the word
- 20 “pounds.” the following: “Conditionally exempt small
- 21 quantity generators which deliver their hazardous
- 22 wastes to the site shall not be required to obtain a
- 23 permit to transport the hazardous waste to the site.”
- 24 27. Page 23, by inserting after line 8, the
- 25 following:
- 26 “Sec. _____. Section 467A.48, subsection 1, Code
- 27 Supplement 1989, is amended to read as follows:
- 28 1. a. An owner or occupant of land in this state
- 29 is not required to establish any new permanent or
- 30 temporary soil and water conservation practice unless
- 31 public or other cost-sharing funds have been
- 32 specifically approved for that land and actually made
- 33 available to the owner or occupant.
- 34 b. The owner or occupant of land is eligible to
- 35 receive state cost-sharing funds to establish a
- 36 permanent grass and buffer zone, including an erosion
- 37 control structure or an erosion control practice to
- 38 mitigate the effects of concentrated runoff on surface
- 39 water quality.
- 40 c. The amount of cost-sharing funds made available
- 41 shall not exceed seventy-five fifty percent of the
- 42 estimated cost as established by the commissioners of
- 43 a permanent soil and water conservation practice, or
- 44 seventy-five fifty percent of the actual cost,
- 45 whichever is less, or an amount set by the committee
- 46 for a temporary soil and water conservation practice,
- 47 except as otherwise provided by law with respect to
- 48 land classified as agricultural land under
- 49 conservation cover.
- 50 The amount of cost-sharing funds made available to

Page 4

- 1 establish a permanent grass and buffer zone may be up
- 2 to one hundred percent of the estimated cost as
- 3 established by the commissioners or one hundred
- 4 percent of the actual cost, whichever is less.
- 5 **PARAGRAPH DIVIDED.** The commissioners shall
- 6 establish the estimated cost of permanent soil and

7 water conservation practices in the district based
 8 upon one and two-tenths of the average cost of the
 9 practices installed in the district during the
 10 previous year. The average costs shall be reviewed
 11 and approved by the commissioners each calendar year."

12 28. Page 24, by inserting after line 27 the
 13 following:

14 "_____. Page 17, by striking lines 25 through 27."

15 29. Page 24, lines 37 and 38, by striking the
 16 words "for city storm water drainage systems,".

17 30. By renumbering, relettering, or redesignating
 18 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-6182.

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

On the question "Shall the bill pass?" (S.F. 2153)

The ayes were, 80:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Buhr
Chapman	Clark	Cphoon	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Fey	Fogarty
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	May	McKean	McKinney
Mertz	Metcalf	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Wise	Mr. Speaker
			Avenson

The nays were, 16:

Banks	Bennett	Carpenter	Eddie
Garman	Hermann	Iverson	Maulsby
Miller	Petersen, D. F.	Plasier	Renken
Royer	Schneklath	Spenner	Van Maanen

Absent or not voting, 4:

Fuller Pavich Pellett Stueland

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

The House stood at ease at 7:50 p.m., until the fall of the gavel.

The House resumed session at 8:30 p.m., Speaker Avenson in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 7, 1990, adopted the conference committee report and passed House File 2416, a bill for an act relating to corporal punishment.

Also: That the Senate has on April 7, 1990, adopted the conference committee report and passed House File 2559, a bill for an act relating to the process by which a taxpayer appeals a decision of the local board of review to the district court and providing for the reinstatement of appeals dismissed and providing an effective date.

JOHN F. DWYER, Secretary

SENATE AMENDMENT CONSIDERED

Buhr of Polk called up for consideration **House File 2235**, a bill for an act relating to community action agencies by providing for an annual report and establishing membership requirements for community action agency boards, amended by the Senate amendment H-6178 as follows:

H-6178

- 1 Amend House File 2235, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. Section 601K.91, Code 1989, is amended
- 6 by adding the following new subsection 1, and
- 7 renumbering subsequent subsections:
- 8 **NEW SUBSECTION. 1.** "Commission" means the
- 9 commission on community action agencies."
- 10 2. Page 1, by striking lines 1 through 5, and
- 11 inserting the following:
- 12 "Sec. _____. Section 601K.92, Code 1989, is amended
- 13 to read as follows:
- 14 **601K.92 DIRECTOR ADMINISTRATOR DUTIES.**
- 15 The administrator shall:
- 16 1. Administer the division.
- 17 2. Implement programs required in the division.

18 3. Adopt rules pursuant to chapter 17A to
 19 administer the division.
 20 4 3. Issue an annual report to the governor and
 21 general assembly on January 15 of each year regarding
 22 the community action programs conducted within the
 23 state.
 24 Sec. _____. NEW SECTION. 601K.92A COMMISSION
 25 ESTABLISHED.
 26 1. The commission on community action agencies is
 27 created, composed of nine members appointed by the
 28 governor, subject to confirmation by the Senate. The
 29 membership of the commission shall reflect the
 30 composition of local community action agency boards as
 31 follows:
 32 a. One-third of the members shall be elected
 33 officials.
 34 b. One-third of the members shall be
 35 representatives of business, industry, labor,
 36 religious, welfare, and educational organizations, or
 37 other major interest groups.
 38 c. One-third of the members shall be persons who,
 39 according to federal guidelines, have incomes at or
 40 below poverty level.
 41 2. Commission members shall serve three-year terms
 42 which shall begin and end pursuant to section 69.19.
 43 Vacancies on the commission shall be filled for the
 44 remainder of the term of the original appointment.
 45 Members whose terms expire may be reappointed.
 46 Members of the commission shall receive actual
 47 expenses for their services. Members may also be
 48 eligible to receive compensation as provided in
 49 section 7E.6. The membership of the commission shall
 50 also comply with the political party affiliation and

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1 gender balance requirements of sections 69.16 and
 2 69.16A.
 3 3. The commission shall select from its membership
 4 a chairperson and other officers as it deems
 5 necessary. A majority of the members of the
 6 commission shall constitute a quorum.
 7 Sec. _____. NEW SECTION. 601K.92B DUTIES OF THE
 8 COMMISSION.
 9 The commission shall:
 10 1. Meet at least quarterly to review the progress
 11 of programs of the division.
 12 2. Adopt rules pursuant to chapter 17A as it deems
 13 necessary for the commission and division, including
 14 rules concerning programs and policies for all bureaus
 15 of the division.
 16 3. Supervise the collection of data relative to

17 the scope of services provided by the community action
18 agencies.

19 4. Recommend legislation to the governor and the
20 general assembly designed to improve the status of
21 low-income persons in the state."

22 3. Page 1, by striking lines 25 and 26.

23 4. Page 1, by inserting after line 27 the
24 following:

25 "Sec. _____. CONTINGENCY – CREATION OF COMMISSION
26 ON COMMUNITY ACTION AGENCIES.

27 If the commission on community action agencies is
28 established, the provisions of 1990 Iowa Acts, House
29 File 2294, creating the affordable heating program
30 advisory council, shall not be implemented."

31 5. By renumbering, relettering, or redesignating
32 and correcting internal references as necessary.

Buhr of Polk offered the following amendment H–6180, to the Senate amendment H–6178, filed by her and Carpenter of Polk from the floor and moved its adoption:

H–6180

1 Amend the Senate amendment, H–6178, to House File
2 2235, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 2, by striking lines 25 through 30 and
5 inserting the following:

6 "Sec. _____

7 The provisions of 1990 Iowa Acts, House File 2294,
8 creating the affordable heating program advisory
9 council, are repealed July 1, 1992."

Amendment H–6180 was adopted.

On motion by Buhr of Polk, the House concurred in the Senate amendment H–6178, as amended.

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

On the question "Shall the bill pass?" (H.F. 2235)

The ayes were, 95:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer

Dvorsky	Eddie	Fey	Fogarty
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hester	Holveck	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklath	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 5:

Fuller	Hermann	Hibbard	Plasier
Stueland			

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

IMMEDIATE MESSAGES
(House File 2235 and Senate File 2153)

Arnould of Scott asked and received unanimous consent that House File 2235 and Senate File 2153 be immediately messaged to the Senate.

**ADOPTION OF THE REPORT OF THE
CONFERENCE COMMITTEE**
(House File 2534)

Jesse of Jasper called up for consideration the report of the conference committee on House File 2534 and moved the adoption of the conference committee report and the amendments contained therein as follows:

**REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 2534**

To the Speaker of the House of Representatives and the President of the Senate:

We, the undersigned members of the conference committee appointed to resolve the differences between the House of Representatives and the Senate on House File 2534, a bill for an act relating to sanitary disposal projects, respectfully make the following report:

1. That the House recedes from its amendment, S-5914.

2. That the Senate recedes from its amendment, H-5745.

3. That House File 2534, as amended, passed, and reprinted by the House, is amended as follows:

1. By striking everything after the enacting clause, and inserting the following:

"Section 1. **NEW SECTION. 455B.305A LOCAL APPROVAL OF SANITARY LANDFILL AND INFECTIOUS WASTE INCINERATOR PROJECTS.**

1. Prior to the siting of a proposed, new sanitary landfill or infectious waste incinerator, a city, county, or private agency, with the exception of a private agency disposing of waste which the agency generates on property owned by the agency as of January 1, 1990, shall submit a request for local siting approval to the city council or county board of supervisors which governs the city or county in which the proposed site is to be located. The city council or county board of supervisors shall approve or disapprove the site for each sanitary landfill or infectious waste incinerator.

2. An applicant for siting approval shall submit information to the city council or county board of supervisors to demonstrate compliance with the requirements prescribed by this chapter regarding a sanitary landfill or infectious waste incinerator. Siting approval shall be granted only if the proposed project meets all of the following criteria:

a. The project is necessary to accommodate the solid waste management needs of the area which the project is intended to serve.

b. The project is designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected.

c. The project is located so as to minimize incompatibility with the character of the surrounding area and to minimize the effect on the value of the surrounding property. The city council or county board of supervisors shall consider the advice of the appropriate planning and zoning commission regarding the application.

d. The plan of operations for the project is designed to minimize the danger to the surrounding area from fire, spills, or other operational accidents.

e. The traffic patterns to or from the project are designed in order to minimize the impact on existing traffic flows.

f. Information regarding the previous operating experience of a private agency applicant and its subsidiaries or parent corporation in the area of solid waste management or related activities are made available to the city council or county board of supervisors.

g. The department of natural resources has been consulted by the city council or board of supervisors prior to the approval.

3. No later than fourteen days prior to a request for siting approval, the applicant shall cause written notice of the request to be served either in person or by restricted certified mail on the owners of all property within the proposed local site area not solely owned by the applicant, and on the owners of all property within one thousand feet in each direction of the lot line of the proposed local site property if the proposed local site is within the city limits, or within two miles in each direction of the lot line of the proposed local site property if the proposed local site is outside of the city limits. The owners shall be identified based upon the authentic tax records of the county in which the project is to be located.

Written notice shall be published in the official newspaper of the county in which the site is located. The notice shall state the name and address of the applicant, the location of the proposed site, the nature and size of the development, the nature of the activity proposed, the probable life of the proposed activity, the date when the request for site approval will be submitted, and a description of the right of persons to comment on the request.

4. An applicant shall file a copy of its request with the department and with the city council or the county board of supervisors in which the proposed site is located. The request shall include the substance of the applicant's proposal and all documents, if any, submitted as of that date to the department pertaining to the proposed project. All documents or other materials pertaining to the proposed project on file with the city council or county board of supervisors shall be made available for public inspection at the office of the city council or county board of supervisors and may be copied upon payment of the actual cost of reproduction.

Any person may file written comment with the city council or county board of supervisors concerning the appropriateness of the proposed site for its intended purpose. The city council or county board of supervisors shall consider any comment received or postmarked not later than thirty days after the date of the last public hearing.

5. At least one public hearing shall be held by the city council or county board of supervisors no sooner than ninety days but no later than one hundred twenty days from receipt of the request for siting approval. A hearing shall be preceded by published notice in an official newspaper of the county of the proposed site, including in any official newspaper located in the city of the proposed site. The public hearing shall develop a record sufficient to form the basis of an appeal of the decision.

6. Decisions of the city council or the county board of supervisors shall be in writing, specifying the reasons for the decision. The written decision of the city council or the county board of supervisors shall be available for public inspection at the office of the city council or county board of supervisors and may be copied upon payment of the actual cost of reproduction. Final action shall be taken by the city council or the county board of supervisors within one hundred eighty days after the filing of the request for site approval.

At any time prior to completion by the applicant of the presentation of the applicant's factual evidence and an opportunity for questioning by the city council or the county board of supervisors and members of the public, the applicant may file not more than one amended application upon payment of additional fees pursuant to subsection 9. The time limitation for final action on an amended application shall be extended for an additional ninety days.

7. Construction of a project which is granted local siting approval under this section shall commence within one calendar year from the date upon which it was granted or the permit shall be nullified. If the local siting decision is appealed, the one-year period shall begin on the date upon which the appeal process is concluded.

8. The local siting approval, criteria, and appeal procedures provided for in this section and in section 455B.305B are the exclusive local siting procedures and appeal procedures. Local zoning, ordinances, or other local land use requirements may be considered in such siting decisions.

9. A city council or a county board of supervisors shall charge an applicant for siting approval, under this section, a fee to cover the reasonable and necessary costs incurred by the city or county in the siting approval process.

10. An applicant shall not file a request for local siting approval which is substantially the same as a request which was denied within the preceding two years pursuant to a finding against the applicant under the established criteria.

Sec. 2. NEW SECTION. 455B.305B APPEAL FROM DECISION.

1. If the city council or the county board of supervisors does not approve a siting request under section 455B.305A, the applicant, within sixty days of notice of the decision, may petition for a hearing before the commission or the commission's designee to contest the decision. The city council or the county board of supervisors shall appear as respondent in the hearing. At the hearing, the burden of proof shall be on the petitioner. In making its orders and determinations under this section, the commission or the commission's designee shall consider the written decision and reasons for the decision of the city council or the county board of supervisors and the transcribed record of the hearing held pursuant to section 455B.305A. The commission or the commission's designee shall transmit a copy of its decision to the office of the city council or the county board of supervisors where it shall be available for public inspection and copied upon payment of the actual cost of reproduction. Final action by the commission or the commission's designee shall be taken within one hundred twenty days.

2. If the city council or the county board of supervisors grants approval under section 455B.305A, a third party other than the applicant who participated in the public hearing conducted by the city council or the county board of supervisors, may petition the commission or the commission's designee within sixty days of filing of the written decision at the office of the city council or county board of supervisors for a hearing to contest the approval. Unless the commission or the commission's designee determines that the petition is duplicitous or frivolous, the commission or the commission's designee shall hear the petition in accordance with the procedures of subsection 1. The burden of proof shall be on the petitioner, and the city council or the county board of supervisors and the applicant shall be named as correspondents.

The commission or the commission's designee shall transmit a copy of its decision to the office of the city council or the county board of supervisors where it shall be available for public inspection and may be copied upon payment of the actual cost of reproduction.

3. Any person who files a petition to contest a decision of the city council or the county board of supervisors shall pay a reasonable filing fee.

4. Judicial review may be sought of actions of the commission or the commission's designee in accordance with chapter 17A.

Sec. 3. NEW SECTION. 455B.315 RADIOACTIVE MATERIALS – PROHIBITED DEPOSIT IN SANITARY LANDFILLS.

A person shall not dispose of, and a sanitary landfill shall not accept for final disposal, radioactive materials, as defined as of January 1, 1990, pursuant to section 136C.1.

Sec. 4. Section 455D.9, subsection 2, Code Supplement 1989, is amended to read as follows:

2. The department shall assist local communities in the development of collection systems for yard waste generated from residences and shall assist in the establishment of local composting facilities. By July 1, 1990, Within one hundred twenty days of the adoption of rules by the department regarding yard waste, each city and county shall, by ordinance, require persons within the city or county to separate yard waste from other solid waste generated. Municipalities which provide a collection system for solid waste shall provide for a collection system for yard waste which is not composted.

Sec. 5. MORATORIUM – COMMERCIAL INFECTIOUS WASTE INCINERATORS.

The department of natural resources shall not grant a permit for the construction or operation of a commercial infectious waste incinerator prior to July 1, 1991. The moratorium does not apply to a hospital licensed pursuant to chapter 135B which accepts waste from other infectious waste generators if the total amount of infectious waste accepted from other generators is less than sixty-six percent of the infectious waste incinerated.

Sec. 6. DEAD ANIMAL DISPOSAL – RULES – REPORT REQUIRED.

1. The disposal of dead animals is an issue of great importance to the state both in terms of protection of animal populations from the transmission of diseases and the protection of groundwater from contamination. The preference for the disposal of dead animals is rendering. If rendering is not possible, or the operator is unwilling to accept dead animals, then land disposal is an acceptable option.

2. The department of natural resources shall provide the Iowa state university of science and technology extension service with copies of the rules related to the on-farm disposal of dead animals. The department of natural resources shall also cooperate in the preparation and circulation of information which explains how to comply with the rules and encourages the practice as an alternative to disposal of dead animals at a landfill.

At the October 1990 meeting of the administrative rules review committee of the legislative council, the department of natural resources shall provide a report on the implementation of the rules and shall report on changes which are being made to address problems which have been identified.

Sec. 7. RETROACTIVITY.

Section 5 of this Act is retroactively applicable to January 1, 1990.

Sec. 8. REPEAL.

Section 2 of this Act is repealed effective June 30, 1991.

Sec. 9. EFFECTIVE DATE.

This Act, being deemed of immediate importance, takes effect upon enactment."

2. Title page, line 1, by striking the words "sanitary disposal projects" and inserting the following: "waste disposal, providing a retroactive applicability date, and providing an effective date".

ON THE PART OF THE HOUSE:

GLEN JESSE, Chair
BRADLY BANKS
JIM LYKAM
DAN PETERSEN
RALPH ROSENBERG

ON THE PART OF THE SENATE:

PAT DELUHERY, Chair
MICHAEL E. GRONSTAL
PAUL D. PATE
BERL E. PRIEBE
JOHN E. SOORHOLTZ

The motion prevailed and the conference committee report was adopted.

Jesse of Jasper moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2534)

The ayes were, 96:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cphoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hester	Hibbard	Holveck	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poney	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, none.

Absent or not voting, 4:

Fuller Hermann Ollie Stueland

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

Hanson of Delaware in the chair at 8:45 p.m.

ADOPTION OF SENATE CONCURRENT RESOLUTION 123

Svoboda of Tama called up for consideration Senate Concurrent Resolution 123, relating to manipulative practices by the Chicago Board of Trade and the Commodity Futures Commission causing hardship on agricultural economies, and emphasizing the need to support fair and equitable pricing of agricultural commodities.

The motion prevailed and the resolution was adopted.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 7, 1990, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 366, a bill for an act authorizing a county to exercise certain governmental powers to protect the public health and welfare, and to levy special assessments against affected property.

Also: That the Senate has on April 7, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 656, a bill for an act relating to reducing pollution by products purchased by the state, and by setting requirements for procurement by the department of general services, the state board of regents, the state department of transportation, and the commission for the blind.

Also: That the Senate has on April 7, 1990, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 2057, a bill for an act relating to prohibited interests in public contracts.

Also: That the Senate has on April 7, 1990, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 2235, a bill for an act relating to community action agencies by providing for an annual report and establishing membership requirements for community action agency boards.

Also: That the Senate has on April 7, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2268, a bill for an act relating to discovery and the statute of limitations in a civil action involving sexual abuse, sexual assault, or sexual harassment and providing for the Act's applicability.

Also: That the Senate has on April 7, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2504, a bill for an act relating to criminal and child abuse record checks concerning facilities providing care to children.

Also: That the Senate has on April 7, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2557, a bill for an act relating to the filing of liens against property for nonpayment of city utility or enterprise charges.

Also: That the Senate has on April 7, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2567, a bill for an act relating to and making appropriations from the energy conservation trust.

Also: That the Senate has on April 7, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2568, a bill for an act relating to the construction contracts for the previously authorized prison construction projects at the Oakdale corrections campus.

Also: That the Senate has on April 7, 1990, insisted on its amendment to Senate File 2422, a bill for an act relating to the compensation and benefits for faculty, public officials, employees, and certain legislators by providing adjustments for salaries, by specifying properly related matters, and by making appropriations and providing an effective date, and the members of the Conference Committee on the part of the Senate are: The Senator from Polk, Senator Kinley, Chair; the Senator from Marion, Senator Dieleman; the Senator from Polk, Senator Szymoniak; the Senator from Black Hawk, Senator Lind; the Senator from Black Hawk, Senator Corning.

Also: That the Senate has on April 7, 1990, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2428, a bill for an act relating to and making appropriations of federal and other nonstate funds including funds made available from federal block 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 or if categorical grants are consolidated into new or existing block grants.

Also: That the Senate has on April 7, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2432, a bill for an act relating to the drug testing of certain individuals as required pursuant to certain federal regulations.

JOHN F. DWYER, Secretary

RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for an immediate meeting of the committee on appropriations.

The House stood at ease at 8:46 p.m., until the fall of the gavel.

The House resumed session at 9:56 p.m., Speaker Avenson in the chair.

IMMEDIATE MESSAGE

(House File 2534)

Arnould of Scott asked and received unanimous consent that House File 2534 be immediately messaged to the Senate.

MOTION TO RECONSIDER LOST

(Senate File 2429)

Chapman of Linn called up for consideration the motion to reconsider Senate File 2429, filed by her from the floor on April 7, 1990, and moved to reconsider the vote by which Senate File 2429, a bill for an act relating to responsibilities for the receipt and disbursement of support payments, satisfaction of a support order by direct payment to the person who is to receive the payment, medical support for children receiving child support, modification of child support orders, child support enforcement, determination of paternity and establishment of past child support obligations, establishing an advisory committee, and providing an effective date for certain provisions, passed the House and was placed on its last reading on April 7, 1990.

A non-record roll call was requested.

The ayes were 14, nays 45.

The motion to reconsider lost.

IMMEDIATE MESSAGE

(Senate File 2425)

Arnould of Scott asked and received unanimous consent that Senate File 2425 be immediately messaged to the Senate.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hermann of Scott, for the remainder of the day, on request of Iverson of Wright.

CONFERENCE COMMITTEE APPOINTED
(Senate File 2422)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 2422: Jochum of Dubuque, Chair; Miller of Cherokee, Hansen of Woodbury, Halvorson of Clayton and Arnould of Scott.

RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules to immediately consider Senate File 2433, not eligible for debate today.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Senate File 2433, a bill for an act relating to the appropriations from and the reallocation of the moneys in the surplus account of the Iowa plan fund, to certain corporations appropriated moneys from the Iowa plan fund, and authorizing the creation of a disaster recovery program to provide low-interest and guaranteed loans to public and private entities for which an appropriation is made from the Iowa plan fund, and providing an effective date.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-6191 April 7, 1990.

Appropriations Calendar

Senate File 2433, a bill for an act relating to the appropriations from and the reallocation of the moneys in the surplus account of the Iowa plan fund, to certain corporations appropriated moneys from the Iowa plan fund, and authorizing the creation of a disaster recovery program to provide low-interest and guaranteed loans to public and private entities for which an appropriation is made from the Iowa plan fund, and providing an effective date, with report of committee recommending amendment and passage was taken up for consideration.

Swartz of Marshall offered the following amendment H-6191 filed by the committee on appropriations and moved its adoption:

H-6191

1 Amend Senate File 2433, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 11, lines 6 and 7, by striking the words
 4 "two million" and inserting the following: "one
 5 million five hundred thousand".
 6 2. Page 12, by inserting after line 3, the
 7 following:
 8 "_____. To the department of public defense, the sum
 9 of five hundred thousand dollars for construction of a
 10 STARC armory at Camp Dodge to house national guard
 11 units and to use the basement area to continue state
 12 government activities which include the state
 13 alternate emergency operations center, the Iowa
 14 communications network primary "HUB", and associated
 15 disaster service divisions required to maintain
 16 continuity of state government."

The committee amendment H-6191 was adopted.

Swartz of Marshall moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2433)

The ayes were, 53:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Brand	Buhr
Chapman	Cohoon	Connors	Doderer
Dvorsky	Fey	Groninga	Gruhn
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Hibbard	Holveck	Jay
Jochum	Johnson	Knapp	Koenigs
Lykam	May	McKinney	Mertz
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Schrader	Sherzan	Spear	Svoboda
Swartz	Tabor	Teaford	Wise
Mr. Speaker			
Avenson			

The nays were, 40:

Banks	Beaman	Bennett	Black
Branstad	Carpenter	Clark	Corbett
Daggett	De Groot	Diemer	Eddie
Fogarty	Garman	Halvorson, R. A.	Halvorson, R. N.
Hanson, D. R.	Harbor	Hester	Iverson
Kistler	Kremer	Lageschulte	Lundby
Maulsby	McKean	Metcalfe	Miller

Pellett	Petersen, D. F.	Plasier	Renken
Royer	Schneklath	Shoning	Siegrist
Spenner	Trent	Tyrrell	Van Maanen

Absent or not voting, 7:

Brown	Fuller	Hermann	Jesse
Shearer	Shoultz	Stueland	

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

IMMEDIATE MESSAGE
(Senate File 2433)

Arnould of Scott asked and received unanimous consent that Senate File 2433 be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Connors of Polk called up for consideration **House File 2557**, a bill for an act relating to the filing of liens against property for nonpayment of city utility or enterprise charges, amended by the Senate, and moved that the House concur in the following Senate amendment H—6183:

H—6183

- 1 Amend House File 2557, as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 1, line 30, by striking the words "one or
- 4 more of the utility or enterprise" and inserting the
- 5 following: "water".
- 6 2. Page 1, line 30, by inserting after the word
- 7 "are" the following: "separately metered and".
- 8 3. Page 1, line 34, by inserting after the word
- 9 "charges" the following: "and a deposit not exceeding
- 10 the usual cost of ninety days of water service is paid
- 11 to the utility or enterprise".
- 12 4. By striking page 1, line 35 through page 2,
- 13 line 1, and inserting the following: "or enterprise
- 14 shall acknowledge the notice and deposit. A written".
- 15 5. Page 2, line 5, by inserting after the word
- 16 "notice" the following: "and deposit. When the
- 17 tenant moves from the rental property, the utility or
- 18 enterprise shall return the deposit if the water
- 19 service charges are paid in full and the lien
- 20 exemption shall be lifted from the rental property".
- 21 6. Page 2, line 6, by striking the words "utility
- 22 or enterprise" and inserting the following: "water".
- 23 7. Page 2, line 7, by inserting after the word
- 24 "delinquent." the following: "When one or more of the
- 25 utility or enterprise services become delinquent, the

26 utility or enterprise shall give delinquency notice to
 27 the landlord who has filed a request containing the
 28 name and address of the person to be notified when the
 29 tenant is notified of the delinquency.”
 30 8. Page 2, line 11, by inserting after the word
 31 “record” the following: “who has filed a request
 32 containing the name and address of the person to be
 33 notified”.

The motion prevailed and the House concurred in the Senate amendment H—6183.

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

On the question “Shall the bill pass?” (H.F. 2557)

The ayes were, 92:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Brammer	Brand	Branstad	Buhr
Carpenter	Chapman	Clark	Cohoon
Connors	Corbett	Daggett	De Groot
Diemer	Dvorsky	Eddie	Fey
Fogarty	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hester	Hibbard	Holveck
Iverson	Jay	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schnekloth
Schrader	Rosner	Sherzan	Shoning
Siegrist	Spear	Spenner	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, none.

Absent or not voting, 8:

Blanshan	Brown	Doderer	Fuller
Hermann	Jesse	Shoultz	Stueland

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

Hansen of Woodbury in the chair at 11:30 p.m.

SENATE AMENDMENT CONSIDERED

Schrader of Marion called up for consideration **House File 656**, a bill for an act relating to reducing pollution by products purchased by the state, and by setting requirements for procurement by the department of general services, the state board of regents, the state department of transportation, and the commission for the blind, amended by the Senate, and moved that the House concur in the following Senate amendment H—6187:

H—6187

1 Amend House File 656, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 1, by inserting after the word
4 "Code" the following: "Supplement".

5 2. Page 1, by striking lines 6 through 12 and
6 inserting the following: "product. The department of
7 general services shall also purchase, whenever the
8 price is reasonably competitive and the quality
9 intended, and in keeping with the schedule established
10 in this subsection, soybean-based inks and starch-
11 based plastics, including but not limited to starch-
12 based plastic garbage can liners".

13 3. Page 1, line 19, by striking the figure "1990"
14 and inserting the following: "1991".

15 4. Page 1, by inserting before line 21 the
16 following:

17 "_____. By July 1, 1991, a minimum of twenty-five
18 percent of the purchases of inks, other than inks
19 which are used for newsprint printing services, and
20 which are used internally or contracted for by the
21 department of general services, shall be soybean-based
22 to the extent formulations for such inks are
23 available. The percentage of purchases by the
24 department of the soybean-based inks, to the extent
25 formulations for such inks are available, shall
26 increase by July 1, 1992, to fifty percent of the
27 total purchases of the inks, and shall increase by
28 July 1, 1993, to one hundred percent of the total
29 purchases of the inks."

30 5. Page 1, by striking lines 24 through 30 and
31 inserting the following: "liners. The percentage
32 purchased shall increase by five percent annually
33 until fifty percent of the purchases of garbage can
34 liners are purchases of starch-based plastic garbage
35 can liners."

36 6. Page 2, line 11, by striking the words "based,
37 and methods of disposing of the inks and liners" and

38 inserting the following: "based".

39 7. Page 2, line 12, by inserting after the word
40 "Code" the following: "Supplement".

41 8. Page 2, by striking lines 15 through 22 and
42 inserting the following: "personal, belonging to the
43 institutions. The board shall purchase or require the
44 purchase of, whenever the price is reasonably
45 competitive and the quality intended, and in keeping
46 with the schedule established in this subsection,
47 soybean-based inks and starch-based plastics,
48 including but not limited to starch-based plastic
49 garbage can liners."

50 9. Page 2, line 28, by striking the figure "1990"

Page 2

1 and inserting the following: "1991".

2 10. Page 2, by inserting after line 30 the
3 following:

4 "_____. By July 1, 1991, a minimum of twenty-five
5 percent of the purchases of inks, other than inks
6 which are used for newsprint printing services, and
7 which are used internally or contracted for by the
8 board shall be soybean-based to the extent
9 formulations for such inks are available. The
10 percentage of purchases by the board of the soybean-
11 based inks, to the extent formulations for such inks
12 are available, shall increase by July 1, 1992, to
13 fifty percent of the total purchases of the inks, and
14 shall increase by July 1, 1993, to one hundred percent
15 of the total purchases of the inks."

16 11. By striking page 2, line 33 through page 3,
17 line 5, and inserting the following: "starch-based
18 plastic garbage can liners. The percentage purchased
19 shall increase by five percent annually until fifty
20 percent of the purchases of garbage can liners are
21 purchases of starch-based plastic garbage can liners."

22 12. Page 3, by striking lines 6 and 7 and
23 inserting the following:

24 "c. The board shall report to the general assembly
25 on January February 1 of each year, the".

26 13. Page 3, by striking lines 19 and 20 and
27 inserting the following: "liners purchased which are
28 starch-based."

29 14. Page 3, line 21, by inserting after the word
30 "Code" the following: "Supplement".

31 15. Page 3, by striking lines 23 and 24 and
32 inserting the following:

33 "NEW PARAGRAPH. d. The department of natural
34 resources shall".

35 16. Page 4, by striking lines 1 and 2 and
36 inserting the following:

37 "NEW PARAGRAPH. h. The department of natural
38 resources shall cooperate with the".

39 17. Page 4, line 4, by inserting after the word
40 "Code" the following: "Supplement".

41 18. Page 4, by striking lines 6 through 13 and
42 inserting the following:

43 "4. a. Provide centralized purchasing services
44 for the department, in co-operation with the
45 department of general services. The administrator
46 shall, whenever the price is reasonably competitive
47 and the quality intended, purchase soybean-based inks
48 and starch-based plastics, including but not limited
49 to starch-based garbage can liners, and shall purchase
50 these items in accordance with the schedule

Page 3

1 established in section 18.18. However, the
2 administrator need not purchase garbage can liners in
3 accordance with the schedule if the liners are
4 utilized by a facility approved by the environmental
5 protection commission created under section 455A.6,
6 for purposes of recycling.

7 b. The administrator shall ~~also, in conjunction~~
8 with recommendations made by the department of natural
9 resources, purchase do all of the following:

10 (1) Purchase and use recycled printing and writing
11 paper in accordance with the schedule established in
12 section 18.18; shall establish and in conjunction with
13 recommendations made by the department of natural
14 resources.

15 (2) Establish a wastepaper recycling program by
16 January 1, 1990, in accordance with recommendations
17 made by the department of natural resources and the
18 requirements of section 18.20; shall comply.

19 (3) Comply with the recycling goal, recycling
20 schedule, and ultimate termination of purchase and use
21 of polystyrene products for the purpose of storing,
22 packaging, or serving food for immediate consumption
23 pursuant to section 455D.16; and shall, in accordance
24 with section 18.6, require.

25 (4) Require in accordance with section 18.6
26 product content statements, the provision of
27 information regarding on-site review of waste
28 management in product bidding and contract procedures,
29 and compliance with requirements regarding procurement
30 specifications."

31 19. Page 4, by striking lines 14 and 15 and
32 inserting the following:

33 "c. The department shall report to the general
34 assembly by February 1 of each year, the following:".

35 20. Page 4, by striking lines 26 and 27 and

36 inserting the following: "percentage of liners
37 purchased which are starch-based."

38 21. Page 4, line 28, by inserting after the word
39 "Code" the following: "Supplement".

40 22. By striking page 4, line 34 through page 5,
41 line 1 and inserting the following: "this subsection,
42 whenever, the price is reasonably competitive and the
43 quality intended, purchase soybean-based inks and
44 starch-based plastics, including but not limited to
45 starch-based garbage can liners."

46 23. Page 5, line 7, by striking the figure "1990"
47 and inserting the following: "1991".

48 24. Page 5, by striking lines 12 through 18 and
49 inserting the following: "be starch-based plastic
50 garbage can liners. The percentage purchased shall

Page 4

1 increase by five percent annually until fifty percent
2 of the purchases of garbage can liners are purchases
3 of starch-based plastic garbage can liners.

4 _____. By July 1, 1991, a minimum of twenty-five
5 percent of the purchases of inks, other than inks
6 which are used for newsprint printing services, and
7 which are used internally or contracted for by the
8 commission, shall be soybean-based to the extent
9 formulations for such inks are available. The
10 percentage of purchases by the commission of the
11 soybean-based inks, to the extent formulations for
12 such inks are available, shall increase by July 1,
13 1992, to fifty percent of the total purchases of the
14 inks, and shall increase by July 1, 1993, to one
15 hundred percent of the total purchases of the inks."

16 25. Page 5, by striking lines 19 and 20 and
17 inserting the following:

18 "c. The commission shall report to the general
19 assembly on January February 1 of each year, the".

20 26. Page 5, by striking lines 32 and 33 and
21 inserting the following: "percentage of liners
22 purchased which are starch-based."

23 27. Page 5, line 34, by inserting after the word
24 "Code" the following: "Supplement".

25 28. Page 6, by striking lines 1 and 2 and
26 inserting the following:

27 "NEW PARAGRAPH. d. The department of natural
28 resources shall".

29 29. Page 6, by striking lines 15 and 16 and
30 inserting the following:

31 "NEW PARAGRAPH. g. The department of natural
32 resources shall cooperate with the".

33 30. Page 6, by striking lines 18 through 21.

34 31. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H—6187.

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

On the question "Shall the bill pass?" (H.F. 656)

The ayes were, 93:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Dvorsky
Eddie	Fey	Fogarty	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hester	Hibbard
Holveck	Iverson	Jay	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schnekloth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Hansen, S. D.			
Presiding			

The nays were, none.

Absent or not voting, 7:

Clark	Doderer	Fuller	Hermann
Jesse	Jochum	Stueland	

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

Speaker Avenson in the chair at 11:37 p.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Pellett of Cass, for the remainder of the evening, on request of Van Maanen of Mahaska.

SENATE AMENDMENTS CONSIDERED

Beatty of Warren called up for consideration **House File 2268**, a bill for an act relating to discovery and the statute of limitations in a civil action involving sexual abuse, sexual assault, or sexual harassment and providing for the Act's applicability, amended by the Senate, and moved that the House concur in the following Senate amendment H—6188:

H—6188

- 1 Amend House File 2268 as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 25, by inserting after the word
- 4 "child" the following: ", but not discovered until
- 5 after the injured person is of the age of majority,".

The motion prevailed and the House concurred in the Senate amendment H—6188.

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

On the question "Shall the bill pass?" (H.F. 2268)

The ayes were, 90:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Brammer	Brand	Brown	Buhr
Chapman	Clark	Cohoon	Connors
Corbett	Daggett	De Groot	Diemer
Dvorsky	Eddie	Fey	Fogarty
Garman	Groninga	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hester
Hibbard	Holveck	Iverson	Jay
Jesse	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier

Poncy	Renaud	Renken	Rosenberg
Royer	Schnekloth	Schrader	Shearer
Sherzan	Shoning	Shoultz	Spear
Spenner	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 10:

Blanshan	Branstad	Carpenter	Doderer
Fuller	Gruhn	Hermann	Jochum
Siegrist	Stueland		

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

Jay of Appanoose called up for consideration **House File 2517**, a bill for an act establishing a youthful offenders program by transferring authority over the facilities of the state training school at Eldora to the department of corrections, providing for the establishment of replacement facilities under the department of human services, providing for other related matters, and providing an effective date, amended by the Senate amendment H—5817 as follows:

H—5817

- 1 Amend House File 2517 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting the following:
- 5 "Section 1. Section 135H.6, subsection 5, Code
- 6 Supplement 1989, is amended by striking the subsection
- 7 and inserting in lieu thereof the following:
- 8 5. The department of human services has submitted
- 9 written approval of the application based on the
- 10 department of human services' determination of need.
- 11 The department of human services shall identify the
- 12 location and number of children in the state who
- 13 require the services of a psychiatric medical
- 14 institution for children. Approval of an application
- 15 shall be based upon the location of the proposed
- 16 psychiatric institution relative to the need for
- 17 services identified by the department of human
- 18 services and an analysis of the applicant's ability to
- 19 provide services and support consistent with
- 20 requirements under chapter 232, particularly regarding
- 21 community-based treatment. If the proposed
- 22 psychiatric institution is not freestanding from a
- 23 facility licensed under chapter 135B or 135C, approval

24 under this subsection shall not be given unless the
25 department of human services certifies that the
26 proposed psychiatric institution is capable of
27 providing a resident with a living environment similar
28 to the living environment provided by a licensee which
29 is freestanding from a facility licensed under chapter
30 135B or 135C. Unless a psychiatric institution was
31 accredited to provide psychiatric services by the
32 joint commission on the accreditation of health care
33 organizations under the commission's consolidated
34 standards for residential settings prior to June 1,
35 1989, the department of human services shall not
36 approve an application for a license under this
37 chapter until the federal health care financing
38 administration has approved a state Title XIX plan
39 amendment to include coverage of services in a
40 psychiatric medical institution for children. In
41 addition, either of the following conditions must be
42 met:

43 a. The department of human services shall not give
44 approval to an application which would cause the total
45 number of beds licensed under this chapter to exceed
46 three hundred sixty beds, except as provided in
47 paragraph "b", with not more than three hundred of the
48 beds licensed under chapter 237 before January 1,
49 1989, and not more than sixty of the beds licensed
50 under chapter 237 on or after January 1, 1989.

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1 b. The department of human services shall not give
2 approval to an application which would cause the total
3 number of beds licensed under this chapter after June
4 30, 1990, which specialize in providing substance
5 abuse treatment to children to exceed seventy beds.

6 Sec. 2. Section 135H.6, subsection 6, Code
7 Supplement 1989, is amended to read as follows:

8 6. The proposed psychiatric institution is under
9 the direction of an agency which has operated a
10 facility licensed under section 237.3, subsection 2,
11 paragraph "a", subparagraph (3), for three years or of
12 an agency which has operated a facility for three
13 years providing psychiatric services exclusively to
14 children or adolescents and the facility meets or
15 exceeds requirements for licensure under section
16 237.3, subsection 2, paragraph "a", subparagraph (3).

17 Sec. 3. Section 217.8, Code 1989, is amended to
18 read as follows:

19 217.8 DIVISION OF CHILD AND FAMILY SERVICES.

20 The administrator of the division of child and
21 family services shall be qualified by training,
22 experience and education in the field of welfare and

23 social problems. The administrator shall be entrusted
24 is charged with the administration of programs
25 involving neglected, dependent and delinquent
26 children, child welfare, aid to dependent children,
27 and aid to disabled persons and shall administer and
28 be in control of the Iowa juvenile home, the state
29 training school, and other related programs
30 established for the general welfare of families,
31 adults and children as directed by the director.

32 Sec. 4. Section 218.9, unnumbered paragraph 2,
33 Code 1989, is amended by striking the paragraph.

34 Sec. 5. Section 220.3, Code 1989, is amended by
35 adding the following new subsection:

36 NEW SUBSECTION. 13A. There is a need in areas of
37 the state to establish facilities providing
38 residential housing or treatment facilities for
39 juveniles requiring a more enhanced level of services
40 than those services currently available in the state's
41 existing foster care system.

42 Sec. 6. NEW SECTION. 220.155 RESIDENTIAL
43 TREATMENT FACILITIES.

44 1. The authority may issue its bonds and notes and
45 loan the proceeds of the bonds or notes to a nonprofit
46 corporation for the purpose of financing the
47 acquisition or construction of residential housing or
48 treatment facilities serving juveniles or handicapped
49 or disabled persons.

50 2. The authority may enter into a loan agreement

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1 with a nonprofit corporation for the purpose of
2 financing the acquisition or construction of
3 residential housing or treatment facilities serving
4 juveniles or handicapped or disabled persons and shall
5 provide for payment of the loan and security for the
6 loan as the authority deems advisable.

7 3. In the resolution authorizing the issuance of
8 the bonds or notes pursuant to this section, the
9 authority may provide that the related principal and
10 interest are limited obligations payable solely out of
11 the revenues derived from the debt obligation,
12 collateral, or other security furnished by or on
13 behalf of the nonprofit corporation, and the principal
14 or interest does not constitute an indebtedness of the
15 authority or a charge against the authority's general
16 credit or general fund.

17 4. The powers granted the authority under this
18 section are in addition to the authority's other
19 powers under this chapter. All other provisions of
20 this chapter, except section 220.28, subsection 4,
21 apply to bond or notes issued pursuant to, and powers

22 granted to the authority under this section, except to
23 the extent the provisions are inconsistent with this
24 section.

25 Sec. 7. Section 232.52, subsection 2, paragraph e,
26 Code 1989, is amended to read as follows:

27 e. An order transferring the guardianship of the
28 child, subject to the continuing jurisdiction of the
29 court for the purposes of section 232.54, to the
30 director of the department of human services for
31 purposes of placement in the state training school or
32 other facility provided that the child is at least
33 twelve years of age and the court finds the placement
34 to be in the best interests of the child or necessary
35 for the protection of the public, and that the child
36 has been found to have committed an act which is a
37 forcible felony, as defined in section 702.11, or the
38 court finds any three of the following conditions
39 exist:

40 (1) The child is at least twelve fifteen years of
41 age; and.

42 (2) The court finds such placement to be in the
43 best interests of the child or necessary to the
44 protection of the public. The child has committed an
45 act which would be an aggravated misdemeanor or a
46 felony if the act were committed by an adult.

47 (3) The child has previously been found to have
48 committed a delinquent act.

49 (4) The child has previously been placed outside
50 the child's home.

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1 Sec. 8. Section 232.52, Code 1989, is amended by
2 adding the following new subsection:

3 NEW SUBSECTION. 8. a. Upon receipt of an
4 application from the director of the department of
5 human services, the court shall enter an order to
6 temporarily transfer a child who has been placed in
7 the state training school pursuant to subsection 2,
8 paragraph "e", to a facility which has been designated
9 to be an alternative placement site for the state
10 training school, provided the court finds both of the
11 following conditions exist:

12 (1) There is insufficient time to file a motion
13 and hold a hearing for a substitute dispositional
14 order under section 232.54.

15 (2) Immediate removal of the child from the state
16 training school is necessary to safeguard the child's
17 physical or emotional health.

18 b. If the court finds the conditions in paragraph
19 "a" exist and there is insufficient time to provide
20 notice as required under rule of juvenile procedure

21 4.6, the court may enter an ex parte order temporarily
 22 transferring the child to the alternative placement
 23 site.

24 c. Within three days of the child's transfer, the
 25 director shall file a motion for a substitute
 26 dispositional order under section 232.54 and the court
 27 shall hold a hearing concerning the motion within
 28 fourteen days of the child's transfer.

29 Sec. 9. Section 232.54, Code 1989, is amended by
 30 adding the following new subsection:

31 NEW SUBSECTION. 6. With respect to a temporary
 32 transfer order made pursuant to section 232.52,
 33 subsection 8, if the court finds that removal of a
 34 child from the state training school is necessary to
 35 safeguard the child's physical or emotional health,
 36 the court shall grant the director's motion for a
 37 substitute dispositional order to place the child in a
 38 facility which has been designated to be an
 39 alternative placement site for the state training
 40 school.

41 Sec. 10. Section 232.102, subsection 3, Code 1989,
 42 is amended to read as follows:

43 3. After a dispositional hearing and upon written
 44 findings of fact based upon evidence in the record
 45 that an alternative placement set forth in subsection
 46 1, paragraph "b" has previously been made and is not
 47 appropriate the court may enter an order transferring
 48 the guardianship of the court for the purposes of
 49 subsection 7, to the ~~commissioner~~ director of human
 50 services for the purposes of placement in the Iowa

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1 Juvenile Home juvenile home at Toledo.

2 Sec. 11. Section 232.102, Code 1989, is amended by
 3 adding the following new subsection:

4 NEW SUBSECTION. 3A. a. Upon receipt of an
 5 application from the director of the department of
 6 human services, the court shall enter an order to
 7 temporarily transfer a child who has been placed in
 8 the Iowa juvenile home at Toledo pursuant to
 9 subsection 3, to a facility which has been designated
 10 to be an alternative placement site for the juvenile
 11 home, provided the court finds both of the following
 12 conditions exist:

13 (1) There is insufficient time to file a motion
 14 and hold a hearing for a new dispositional order under
 15 section 232.103.

16 (2) Immediate removal of the child from the
 17 juvenile home is necessary to safeguard the child's
 18 physical or emotional health.

19 b. If the court finds the conditions in paragraph

20 "a" exist and there is insufficient time to provide
21 notice as required under rule of juvenile procedure
22 4.6, the court may enter an ex parte order temporarily
23 transferring the child to the alternative placement
24 site.

25 c. Within three days of the child's transfer, the
26 director shall file a motion for a new dispositional
27 order under section 232.103 and the court shall hold a
28 hearing concerning the motion within fourteen days of
29 the child's transfer.

30 Sec. 12. Section 232.103, Code 1989, is amended by
31 adding the following new subsection:

32 NEW SUBSECTION. 7. With respect to a temporary
33 transfer order made pursuant to section 232.102,
34 subsection 3A, if the court finds that removal of a
35 child from the Iowa juvenile home is necessary to
36 safeguard the child's physical or emotional health,
37 the court shall grant the director's motion for a new
38 dispositional order to place the child in a facility
39 which has been designated to be an alternative
40 placement site for the juvenile home.

41 Sec. 13. Section 232.142, subsection 3, Code 1989,
42 is amended to read as follows:

43 3. Approved A county or multicounty juvenile homes
44 home approved pursuant to this section shall be
45 entitled to receive financial aid from the state in
46 the amount and in such a manner as determined approved
47 by the director. Aid paid by the state shall not
48 exceed be at least ten percent and not more than fifty
49 percent of the total cost of the establishment,
50 improvements, operation, and maintenance of such a the

Page 6

1 home.

2 Sec. 14. NEW SECTION. 237.14 ENHANCED FOSTER
3 CARE SERVICES.

4 The department shall provide for enhanced foster
5 care services by establishing supplemental per diem or
6 performance-based contracts which include payment of
7 costs relating to payments of principal and interest
8 for bonds and notes issued pursuant to section 220.155
9 with facilities licensed under this chapter which
10 provide special services to children who would
11 otherwise be placed in a state juvenile institution or
12 an out-of-state program. Before completion of the
13 department's budget estimate as required by section
14 8.23, the department shall determine and include in
15 the estimate the amount which should be appropriated
16 for enhanced foster care services for the forthcoming
17 fiscal year in order to provide sufficient services.

18 Sec. 15. Section 242.1, Code 1989, is amended to

19 read as follows:

20 242.1 OFFICIAL DESIGNATION.

21 The training school for juvenile delinquents at
22 Eldora and the unit for delinquent juveniles at the
23 Iowa juvenile home at Toledo shall together be known
24 as the "state training school". For the purpose of
25 this chapter the word "administrator" or "director"
26 shall mean means the administrator of the division of
27 child and family services director of the department
28 of human services.

29 Sec. 16. Section 242.2, Code 1989, is amended by
30 striking the section and inserting in lieu thereof the
31 following:

32 242.2 SUPERINTENDENT — POWERS AND DUTIES.

33 The superintendent has charge and custody of the
34 juveniles committed to the state training school. The
35 superintendent shall administer the state training
36 school and direct the staff in order to provide a
37 positive living experience designed to prepare the
38 juveniles for a productive future.

39 Sec. 17. Section 242.4, Code 1989, is amended by
40 striking the section and inserting in lieu thereof the
41 following:

42 242.4 EDUCATION AND TRAINING.

43 The state training school shall provide a positive
44 living experience for older juveniles who require
45 secure custody and who live at the state training
46 school for an extended period of time. The education
47 and training programs provided to the juveniles shall
48 reflect the age level and extended period of stay by
49 focusing upon appropriate developmental skills to
50 prepare the juveniles for productive living.

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1 Sec. 18. Section 244.1, subsection 1, Code 1989,
2 is amended to read as follows:

3 1. "Administrator" or "director" means the
4 administrator of the division of child and family
5 services director of the department of human services.

6 Sec. 19. Section 244.4, Code 1989, is amended to
7 read as follows:

8 244.4 PROCEDURE.

9 The procedure for commitment to said homes shall be
10 the same as the home is as provided by chapter 232.

11 Sec. 20. STATE JUVENILE INSTITUTIONS — POPULATION
12 GUIDELINES.

13 The judicial department, in consultation with the
14 department of human services, shall develop population
15 guidelines to indicate the number of children which
16 may be placed at the state training school or the Iowa
17 juvenile home at any one time. Within the population

18 guidelines, the judicial department shall allocate to
19 each judicial district a number of children which may
20 be placed in a juvenile institution from the district.
21 The judicial department shall develop procedures to
22 manage the number of children placed in a juvenile
23 institution within the population guideline
24 established for the institution. The guidelines,
25 allocations, and procedures required by this section
26 shall be implemented on or before January 1, 1991.

27 Sec. 21. DEVELOPMENT OF CHILDREN'S PROGRAMS IN
28 COMMUNITY SETTINGS AND OTHER CONCERNS RELATING TO
29 JUVENILE JUSTICE.

30 1. a. The department of human services and the
31 supreme court, in consultation with existing providers
32 of services, 4 members of the general assembly equally
33 representing the house and senate and both political
34 parties, and experts in child welfare and juvenile
35 justice, shall conduct a study identifying the types
36 of residential programs which should be developed,
37 either by enhancing reimbursement of foster care
38 services or of psychiatric medical institutions for
39 children, to serve the children who are currently in
40 the following placements: the Iowa juvenile home,
41 out-of-state facilities at high cost to the state, and
42 the state training school when the children could be
43 served in community settings if the proper type of
44 program were available. The recommendations of the
45 juvenile justice advisory committee, established by
46 the legislative council in 1989, regarding the state
47 training school and the Iowa juvenile home shall be
48 considered. In addition, the need to develop specific
49 programs to serve children who are sexual abuse
50 perpetrators, substance abusers, or have a dual

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1 diagnosis, and the regions of the states where the
2 specific programs should be located in order to serve
3 children in community settings, shall be identified.
4 The department and the supreme court shall complete
5 the study of the items required under this section on
6 or before June 1, 1990.

7 b. Based upon the study findings, the department
8 shall request proposals to develop a total of 120
9 additional residential placement slots in community
10 settings and the slots shall be available on or before
11 October 1, 1991. The department shall work with the
12 Iowa finance authority and service providers to
13 finance the development of resources for these slots
14 at the lowest possible cost. The requests for
15 proposals shall be issued on or before July 1, 1990.

16 c. Notwithstanding the provisions of section

17 135H.6, subsection 5, psychiatric medical institution
 18 for children beds developed under this section are not
 19 subject to the limit upon the number of beds which may
 20 be provided under psychiatric medical institution for
 21 children licensure.

22 2. The study group established in subsection 1
 23 shall continue to study the state juvenile justice
 24 system and related issues and shall perform other
 25 tasks when the tasks listed in subsection 1 are com-
 26 pleted. The study group shall conduct a review and
 27 develop recommendations regarding certain aspects of
 28 the system and perform the tasks designated in this
 29 subsection, and report to the governor and to the
 30 legislative council as recommendations are developed
 31 and tasks are performed and submit a final report no
 32 later than December 1, 1991. The system aspects
 33 studied and tasks performed shall include but are not
 34 limited to the following:

35 a. The study group shall seek public-private
 36 partnerships to modernize the educational and
 37 vocational programs offered at the state juvenile
 38 institutions.

39 b. The study group shall develop potential
 40 placement and program criteria for the state juvenile
 41 home, based upon the expectation that the home will
 42 continue to serve as a coeducational juvenile facility
 43 for 90 youth but shall consider that residential
 44 treatment program expansions may eliminate the need
 45 for placements of children found to be in need of
 46 assistance (CHINA) at the home and that the population
 47 and population needs may change.

48 c. The study group shall explore the need for
 49 transitional programs for youth who turn 18 years of
 50 age while part of the juvenile system, including the

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1 potential for developing a youthful offenders facility
 2 to deal with youth up to age 21. As part of this
 3 study, the study group shall review the merit of
 4 converting the state training school at Eldora to this
 5 purpose, and the potential for establishing a number
 6 of regional facilities to serve the population which
 7 is currently served at the state training school at
 8 Eldora. The study group also is directed to explore
 9 the needs for aftercare and extended supervision of
 10 youth who leave the juvenile system at age 18.

11 **Sec. 22. EFFECTIVE DATES.**

12 1. Sections 1, 2, 5, 6, 14, and 21 of this Act,
 13 being deemed of immediate importance, take effect upon
 14 enactment.

15 2. Section 7 of this Act takes effect October 1,

16 1991."

17 2. Title page, by striking lines 1 through 6 and
18 inserting the following: "An Act relating to the care
19 and treatment of juveniles and other persons by
20 establishing certain dispositional requirements
21 concerning the state juvenile institutions and their
22 administration, providing for financing and funding of
23 certain facilities serving juveniles and other
24 persons, and providing effective dates."

Jay of Appanoose offered the following amendment H—6185, to the Senate amendment H—5817, filed by him and Rosenberg of Story from the floor and moved its adoption:

H—6185

1 Amend the amendment, H—5817, to House File 2517, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 2, line 36, by inserting after the word
5 "There" the following: "is a need to provide for
6 early intensive intervention on behalf of juveniles
7 which is designed to meet the juveniles' needs and
8 prevent future antisocial and criminal behavior and
9 there".

10 2. Page 3, line 28, by inserting after the word
11 "jurisdiction" the following: "and custody".

12 3. Page 3, by striking lines 42 through 44, and
13 inserting the following: "The court finds such
14 placement to be in the best interests of the child or
15 necessary to the protection of the public. The child
16 has committed an".

17 4. Page 3, line 45, by inserting after the word
18 "which" the following: "is a crime against a person
19 and which".

20 5. Page 3, line 49, by inserting after the word
21 "placed" the following: "in a treatment facility".

22 6. Page 4, line 10, by striking the word "both"
23 and inserting the following: "that all".

24 7. Page 4, by inserting after line 17, the
25 following:

26 "(3) That reasonable attempts to notify the
27 parents, guardian ad litem, and attorney for the child
28 have been made."

29 8. Page 4, line 35, by inserting after the word
30 "health" the following: "and is in the best interests
31 of the child".

32 9. Page 5, line 11, by striking the word "both"
33 and inserting the following: "that all".

34 10. Page 5, by inserting after line 18, the
35 following:

36 "(3) That reasonable attempts to notify the

37 parents, guardian ad litem, and attorney for the child
38 have been made.”

39 11. Page 5, line 36, by inserting after the word
40 “health” the following: “and is in the best interests
41 of the child”.

42 12. Page 6, by inserting after line 28 the
43 following:

44 “Sec. 100. Section 242.1, Code 1989, as amended by
45 this Act, is amended by striking the section and
46 inserting in lieu thereof the following:

47 242.1 OFFICIAL DESIGNATION.

48 1. Effective January 1, 1992, a diagnosis and
49 evaluation center and other units are established at
50 Eldora to provide to juvenile delinquents a program

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1 which focuses upon appropriate developmental skills,
2 treatment, placements, and rehabilitation.

3 2. The diagnosis and evaluation center which is
4 used to identify appropriate treatment and placement
5 alternatives for juveniles and any other units for
6 juvenile delinquents which are located at Eldora and
7 the unit for juvenile delinquents at Toledo shall
8 together be known as the “state training school”. For
9 the purposes of this chapter “director” means the
10 director of human services and “superintendent” means
11 the administrator in charge of the diagnosis and
12 evaluation center for juvenile delinquents and other
13 units at Eldora and the unit for juvenile delinquents
14 at Toledo.”

15 13. Page 7, line 31, by inserting after the word
16 “with” the following: “a planning group consisting
17 of”.

18 14. Page 7, line 34, by inserting after the word
19 “parties,” the following: “attorneys who are
20 experienced in representing juveniles and in juvenile
21 law,”.

22 15. Page 7, line 35, by striking the words
23 “conduct a study” and inserting the following:
24 “develop a plan”.

25 16. Page 8, line 5, by striking the words “study
26 of” and inserting the following: “plan involving”.

27 17. Page 8, line 7, by striking the words “study
28 findings” and inserting the following: “plan”.

29 18. Page 8, line 22, by striking the word “study”
30 and inserting the following: “planning”.

31 19. Page 8, line 23, by striking the words
32 “continue to study” and inserting the following:
33 “also develop a plan for”.

34 20. Page 8, line 26, by striking the word “study”
35 and inserting the following: “planning”.

36 21. Page 8, by striking lines 32 through 34 and
37 inserting the following: "later than December 1,
38 1991. The plan and planning activities for the state
39 juvenile justice system shall include but are not
40 limited to all of the following:".

41 22. Page 8, line 35, by striking the words "The
42 study group shall seek" and inserting the following:
43 "Seeking".

44 23. By striking page 8, line 48 through page 9,
45 line 10 and inserting the following:

46 "d. Developing a plan for converting the state
47 training school at Eldora, or parts of the facility,
48 to a statewide diagnosis and evaluation center used to
49 identify appropriate treatment and placement
50 alternatives. The plan shall include provisions,

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1 including estimated costs, to establish regional
2 secure treatment facilities for youth who require
3 intensive treatment in this type of setting for
4 extended periods of time. The planning group shall
5 consider potential locations for the facilities near
6 areas of the state in which a wide variety of support
7 services, work and training opportunities, and
8 educational program support are available.

9 Sec. _____. YOUTHFUL OFFENDERS PROGRAM.

10 1. Effective July 1, 1992, a youthful offenders
11 program is established within the department of
12 corrections to provide for the control, treatment, and
13 rehabilitation of offenders who are 18 to 21 years of
14 age.

15 2. The department of corrections shall work with a
16 task force which shall include representatives of the
17 supreme court, the department of human services, and
18 the criminal and juvenile justice planning division of
19 the department of human rights to develop a proposal
20 to establish a youthful offenders program within adult
21 corrections which shall be submitted to the general
22 assembly and the governor on or before January 2,
23 1991. The program shall be targeted to persons who
24 are 18 to 21 years of age and have committed a first
25 offense and youth who turn 18 years of age while under
26 the jurisdiction of the juvenile court by providing
27 aftercare and extended supervision of the youth
28 through age 21. The task force proposal shall provide
29 a comprehensive description of the program, including
30 characteristics of persons to be referred to the
31 program, a survey of existing state institutions to
32 identify facilities which may be converted to house
33 the program, recommended sentencing criteria and
34 options including deferral of sentence, and

35 recommendations relating to the court's ability to
 36 place individuals directly in the program."
 37 24. Page 9, line 16, by striking the figure
 38 "1991." and inserting the following: "1991.
 39 3. Section 100 of this Act takes effect January 1,
 40 1992."
 41 25. Page 9, line 19, by inserting after the word
 42 "juveniles" the following: ", youthful offenders,".
 43 26. Page 9, line 24, by inserting after the word
 44 "persons," the following: "establishing a youthful
 45 offenders program in the department of corrections."

Amendment H—6185 was adopted.

On motion by Jay of Appanoose, the House concurred in the Senate amendment H—5817, as amended.

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

On the question "Shall the bill pass?" (H.F. 2517)

The ayes were, 86:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Brown
Buhr	Chapman	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hester	Hibbard
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Poncy	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 14:

Branstad	Carpenter	Clark	Cohon
Fey	Fogarty	Fuller	Hermann
Holveck	Murphy	Plasier	Stueland
Swartz	Tabor		

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 7, 1990, adopted the conference committee report and passed House File 2534, a bill for an act relating to sanitary disposal projects.

JOHN F. DWYER, Secretary

**IMMEDIATE MESSAGE
(House File 2517)**

Arnould of Scott asked and received unanimous consent that House File 2517 be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Schrader of Marion called up for consideration **House File 2567**, a bill for an act relating to and making appropriations from the energy conservation trust, amended by the Senate amendment H-6189 as follows:

H-6189

1 Amend House File 2567 as passed by the House as
2 follows:

3 1. Page 1, by striking lines 29 through 33 and
4 inserting the following: "advisory group shall assist
5 the soil conservation division of the department of
6 agriculture and land stewardship in the project design
7 and implementation, with representation consisting of
8 the energy and geological resources division of the
9 department of natural resources and the".

10 2. Page 1, line 35, by striking the figure
11 "600,000" and inserting the figure "500,000".

12 3. Page 2, by inserting after line 10 the
13 following:

14 "3. To the department of economic development for
15 the energy-related activities of the amorphous
16 semiconductor project at Iowa state university of
17 science and technology, from the Stripper well fund:
18\$ 500,000".

19 4. Page 2, by inserting after line 10 the fol-

20 lowing:

21 "4. To the state department of transportation to
22 conduct, through a contract with a regional planning
23 agency, a demonstration study to assess the economic
24 and technical feasibility of establishing an
25 intermodal transportation facility at or near a
26 location on the Mississippi river that has access to
27 year-round navigation, from the Exxon fund.

28\$ 25,000

29 Moneys appropriated under this subsection shall
30 only be appropriated in an amount which does not
31 exceed the balance of moneys returned from payments on
32 the revolving loan used to fund the Quad Cities
33 intermodal project, at the time of execution of the
34 contract with the regional planning agency. The
35 department shall coordinate the demonstration study
36 with the department of economic development and shall
37 report to the general assembly, not later than March
38 31, 1991, on the outcome of the study, on the
39 applicability of integrating intermodal transportation
40 analysis into regional economic development studies,
41 and on the contribution that regional planning can
42 make to statewide planning."

43 5. Page 2, line 13, by striking the figure
44 "\$300,000" and inserting the figure "\$200,000".

45 6. By renumbering, relettering, or redesignating
46 and correcting internal references as necessary.

Schrader of Marion offered the following amendment H—6194, to the Senate amendment H—6189, filed by him from the floor and moved its adoption:

H—6194

1 Amend the amendment, H—6189, to House File 2567, as
2 passed by the House, as follows:

3 1. Page 1, by inserting after line 2, the
4 following:

5 "_____. Page 1, by striking line 19, and inserting
6 the following:

7 2. To the department of agriculture and land
8 stewardship for the establishment and implementation
9 of not less".

10 2. Page 1, by striking lines 10 and 11.

11 3. Page 1, line 18, by striking the figure
12 "500,000" and inserting the following: "300,000".

13 4. Page 1, by inserting after line 18, the
14 following:

15 "As a condition, limitation, and qualification of
16 the appropriation made in this subsection, the
17 department of economic development shall provide a
18 complete report of the current status of the project

19 which shall include the degree of financial or other
 20 participation by Iowa state university of science and
 21 technology and the other participants in the project.
 22 The report shall be submitted to the fiscal committee
 23 of the legislative council no later than October 1,
 24 1990."

25 5. Page 1, by striking lines 43 and 44.

A non-record roll call was requested.

The ayes were 24, nays 9.

Amendment H—6194 was adopted.

On motion by Schrader of Marion, the House concurred in the Senate amendment H—6189, as amended.

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

On the question "Shall the bill pass?" (H.F. 2567)

The ayes were, 87:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Brammer
Brand	Branstad	Buhr	Carpenter
Chapman	Clark	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Haverland	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Payich	Peters	Petersen, D. F.
Peterson, M. K.	Poncy	Renaud	Renken
Rosenberg	Royer	Schneklloth	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, 3:

Banks	Garman	Iverson
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Absent or not voting, 10:

Blanshan	Brown	Cohoon	Fuller
Hatch	Hermann	Pellett	Plasier
Stueland	Swartz		

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

IMMEDIATE MESSAGE
(House File 2567)

Arnould of Scott asked and received unanimous consent that House File 2567 be immediately messaged to the Senate.

SENATE MESSAGE CONSIDERED

Senate File 2432, by Hutchins and Hultman, a bill for an act relating to the drug testing of certain individuals as required pursuant to certain federal regulations.

Read first time and referred to committee on **judiciary and law enforcement**.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 7, 1990, adopted the conference committee report and passed Senate File 2093, a bill for an act to reduce the markup percentage on state alcoholic liquor sales.

JOHN F. DWYER, Secretary

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Senate File 2435, a bill for an act relating to human services and making appropriations to the department of human services and other properly related matters, providing for retroactive applicability of certain provisions, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-6190** April 7, 1990.

Appropriations Calendar

Senate File 2435, a bill for an act relating to human services and making appropriations to the department of human services and other properly related matters, providing for retroactive applicability of certain provisions, and providing an effective date, with report of committee recommending amendment and passage was taken up for consideration by unanimous consent.

The House stood at ease at 12:04 a.m., until the fall of the gavel.

The House resumed session and consideration of Senate File 2435 at 12:59 a.m., Speaker Avenson in the chair.

Hammond of Story offered the following amendment H-6190 filed by the committee on appropriations and moved its adoption:

H-6190

- 1 Amend Senate File 2435, as passed by the Senate, as
- 2 follows:
- 3 1. Page 45, line 24, by striking the word "For"
- 4 and inserting the following: "a. For".
- 5 2. Page 45, by inserting after line 34 the
- 6 following:
- 7 "b. If the ending balance in the general fund of
- 8 the state for the fiscal year beginning July 1, 1989,
- 9 and ending June 30, 1990, is \$100,000,000 or more,
- 10 effective January 1, 1991, the cost reimbursement rate
- 11 for residential care facilities reimbursed by the
- 12 department shall be increased by \$.37 per day over the
- 13 maximum cost reimbursement rate in effect on December
- 14 31, 1990. The flat reimbursement rate for facilities
- 15 electing not to file semiannual cost reports shall be
- 16 increased by \$.27 per day over the flat reimbursement
- 17 rate in effect on December 31, 1990. The maximum
- 18 reimbursement rate for providers reimbursed under the
- 19 in-home health-related care program shall be increased
- 20 by 2 percent over the rates in effect on December 31,
- 21 1990."
- 22 3. Page 45, line 35, by striking the word "For"
- 23 and inserting the following: "a. For".
- 24 4. Page 46, by inserting after line 11 the
- 25 following:
- 26 "b. If the ending balance in the general fund of
- 27 the state for the fiscal year beginning July 1, 1989,
- 28 and ending June 30, 1990, is \$100,000,000 or more,
- 29 effective January 1, 1991, services provided by social
- 30 service providers reimbursed by the department rates
- 31 shall be increased by 2 percent over the unreduced
- 32 rates in effect on December 31, 1990, except for

33 family foster care provider rates which shall remain
 34 at the rates in effect on December 31, 1990.
 35 Increases in rates for foster group care and shelter
 36 care services shall not exceed \$1.42 per day over the
 37 maximum rate in effect on December 31, 1990. The
 38 reimbursement rate increase for providers whose cost
 39 reimbursement is below the maximum rate on January 1,
 40 1991, shall be the maximum increase provided to
 41 providers whose cost reimbursement is at the maximum
 42 rate on January 1, 1991."

43 5. Page 47, by inserting after line 11 the
 44 following:

45 "Sec. _____. CONTINGENCY APPROPRIATION INCREASE.

46 If the ending balance in the general fund of the
 47 state for the fiscal year beginning July 1, 1989, and
 48 ending June 30, 1990, is \$100,000,000 or more,
 49 effective January 1, 1991, there is appropriated from
 50 the general fund of the state to the department of

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1 human services for the fiscal period beginning January
 2 1, 1991, and ending June 30, 1991, the following
 3 amounts, to be used for increased reimbursement rates
 4 for providers of services reimbursed under section 31,
 5 subsections 2 and 3, of this Act:

- 6 1. For state supplementary assistance:
- 7\$ 207,331
- 8 2. For protective and state child care assistance:
- 9\$ 84,720
- 10 3. For foster care:
- 11\$ 482,498
- 12 4. For home-based services:
- 13\$ 99,888
- 14 5. For community-based programs
- 15\$ 16,508
- 16 6. For supplementation of federal social services
- 17 block grant funds and for allocation to the various
- 18 counties for the purchase of local services:
- 19\$ 134,356
- 20 7. For development and coordination of volunteer
- 21 services:
- 22\$ 1,164".
- 23 6. By renumbering as necessary.

The committee amendment H-6190 was adopted.

Hammond of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2435)

The ayes were, 95:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hester	Hibbard	Holveck	Iverson
Jay	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poney	Renaud	Renken	Rosenberg
Royer	Schneklath	Schrader	Shearer
Sherzan	Shoning	Shultz	Siegrist
Spear	Spenner	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 5:

Fuller	Hermann	Jesse	Pellett
Stueland			

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

IMMEDIATE MESSAGE (Senate File 2435)

Arnould of Scott asked and received unanimous consent that Senate File 2435 be immediately messaged to the Senate.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hanson of Delaware and McKean of Jones, for the remainder of the day, on request of Van Maanen of Mahaska.

SENATE AMENDMENT CONSIDERED

Teaford of Black Hawk called up for consideration **House File 2504**, a bill for an act relating to criminal and child abuse record checks concerning facilities providing care to children, amended by the Senate, and moved that the House concur in the following Senate amendment H—6193:

H—6193

- 1 Amend House File 2504, 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. 125.14A PERSONNEL OF A**
- 6 **LICENSED PROGRAM ADMITTING JUVENILES.**
- 7 1. If a person is being considered for licensure
- 8 under this chapter, or for employment involving direct
- 9 responsibility for a child or with access to a child
- 10 when the child is alone, by a program admitting
- 11 juveniles subject to licensure under this chapter, or
- 12 if a person will reside in a facility utilized by such
- 13 a program, and if the person has been convicted of a
- 14 crime under a law of any state or has a record of
- 15 founded child abuse, the department of human services
- 16 and the program for an employee of the program shall
- 17 perform an evaluation to determine whether the crime
- 18 or founded child abuse warrants prohibition of
- 19 licensure, employment, or residence in the facility.
- 20 The evaluation shall be performed in accordance with
- 21 procedures adopted for this purpose by the department
- 22 of human services.
- 23 2. If the department of human services determines
- 24 that a person has committed a crime or has a record of
- 25 founded child abuse and is licensed, employed by a
- 26 program licensed under this chapter, or resides in a
- 27 licensed facility the department shall notify the
- 28 program that an evaluation will be conducted to
- 29 determine whether prohibition of the person's
- 30 licensure, employment, or residence is warranted.
- 31 3. In an evaluation, the department of human
- 32 services and the program for an employee of the
- 33 program shall consider the nature and seriousness of
- 34 the crime or founded child abuse in relation to the
- 35 position sought or held, the time elapsed since the
- 36 commission of the crime or founded child abuse, the
- 37 circumstances under which the crime or founded child
- 38 abuse was committed, the degree of rehabilitation, the
- 39 likelihood that the person will commit the crime or
- 40 founded child abuse again, and the number of crimes or
- 41 founded child abuses committed by the person involved.

42 The department of human services has final authority
43 in determining whether prohibition of the person's
44 licensure, employment, or residence is warranted.
45 4. If the department of human services determines
46 that the person has committed a crime or has a record
47 of founded child abuse which warrants prohibition of
48 licensure, employment, or residence, the person shall
49 not be licensed under this chapter to operate a
50 program admitting juveniles and shall not be employed

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1 by a program or reside in a facility admitting
2 juveniles licensed under this chapter.
3 Sec. 2. Section 135H.7, subsection 2, Code
4 Supplement 1989, is amended by striking the subsection
5 and inserting in lieu thereof the following:
6 2. a. If a person is being considered for
7 licensure under this chapter, or for employment
8 involving direct responsibility for a child or with
9 access to a child when the child is alone, by a
10 licensed psychiatric institution, or if a person will
11 reside in a facility utilized by a licensee, and if
12 the person has been convicted of a crime under a law
13 of any state or has a record of founded child abuse,
14 the department of human services and the licensee for
15 an employee of the licensee shall perform an
16 evaluation to determine whether the crime or founded
17 child abuse warrants prohibition of licensure,
18 employment, or residence in the facility. The
19 evaluation shall be performed in accordance with
20 procedures adopted for this purpose by the department
21 of human services.
22 b. If the department of human services determines
23 that a person has committed a crime or has a record of
24 founded child abuse and is licensed, employed by a
25 psychiatric institution licensed under this chapter,
26 or resides in a licensed facility the department shall
27 notify the program that an evaluation will be
28 conducted to determine whether prohibition of the
29 person's licensure, employment, or residence is
30 warranted.
31 c. In an evaluation, the department of human
32 services and the licensee for an employee of the
33 licensee shall consider the nature and seriousness of
34 the crime or founded child abuse in relation to the
35 position sought or held, the time elapsed since the
36 commission of the crime or founded child abuse, the
37 circumstances under which the crime or founded child
38 abuse was committed, the degree of rehabilitation, the
39 likelihood that the person will commit the crime or
40 founded child abuse again, and the number of crimes or

41 founded child abuses committed by the person involved.
42 The department of human services has final authority
43 in determining whether prohibition of the person's
44 licensure, employment, or residence is warranted.
45 4. If the department of human services determines
46 that the person has committed a crime or has a record
47 of founded child abuse which warrants prohibition of
48 licensure, employment, or residence, the person shall
49 not be licensed under this chapter to operate a
50 psychiatric institution and shall not be employed by a

Page 3

1 psychiatric institution or reside in a facility
2 licensed under this chapter.
3 Sec. 3. Section 235A.15, subsection 2, paragraph
4 c, Code Supplement 1989, is amended by adding the
5 following new subparagraphs:
6 NEW SUBPARAGRAPH. (6) To an administrator of a
7 child foster care facility licensed under chapter 237
8 if the information concerns a person employed or being
9 considered for employment by the facility.
10 NEW SUBPARAGRAPH. (7) To an administrator of a
11 child day care facility registered or licensed under
12 chapter 237A if the information concerns a person
13 employed or being considered for employment by or
14 living in the facility.
15 NEW SUBPARAGRAPH. (8) To the superintendent of
16 the Iowa Braille and sight-saving school if the
17 information concerns a person employed or being
18 considered for employment or living in the school.
19 NEW SUBPARAGRAPH. (9) To the superintendent of
20 the school for the deaf if the information concerns a
21 person employed or being considered for employment or
22 living in the school.
23 Sec. 4. Section 235A.15, subsection 2, paragraph
24 e, Code Supplement 1989, is amended by adding the
25 following new subparagraphs:
26 NEW SUBPARAGRAPH. (7) To a legally constituted
27 child protection agency in another state if the agency
28 is conducting a records check of a person who is
29 providing care to a child in the other state.
30 NEW SUBPARAGRAPH. (8) To the legally authorized
31 protection and advocacy agency recognized in section
32 135C.2, if a person identified in the information as a
33 victim or a perpetrator of abuse resides in or
34 receives services from a facility or agency because
35 the person is diagnosed as having a developmental
36 disability or a mental illness.
37 Sec. 5. Section 235A.18, subsection 2, unnumbered
38 paragraph 1, Code Supplement 1989, is amended to read
39 as follows:

40 Child abuse information which cannot be determined
41 by a preponderance of the evidence to be founded or
42 unfounded shall be expunged one year after the receipt
43 of the initial report of abuse and child abuse
44 information which is determined by a preponderance of
45 the evidence to be unfounded shall be expunged six
46 months after the receipt of the initial report of
47 abuse when it is determined to be unfounded, as a
48 result of any of the following:

49 Sec. 6. Section 235A.18, subsection 3, Code
50 Supplement 1989, is amended to read as follows:

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1 3. However, if a correction of child abuse
2 information is requested under section 235A.19 and the
3 issue is not resolved at the end of the one-year or
4 six-month period, the information shall be retained
5 until the issue is resolved and if the child abuse
6 information is not determined to be founded, the
7 information shall be expunged at the appropriate time
8 under subsection 2.

9 Sec. 7. Section 237.8, subsection 2, Code
10 Supplement 1989, is amended by striking the subsection
11 and inserting in lieu thereof the following:

12 2. a. If a person is being considered for
13 licensure under this chapter, or for employment
14 involving direct responsibility for a child or with
15 access to a child when the child is alone, by a
16 licensee under this chapter, or if a person will
17 reside in a facility utilized by a licensee, and if
18 the person has been convicted of a crime under a law
19 of any state or has a record of founded child abuse,
20 the department and the licensee for an employee of the
21 licensee shall perform an evaluation to determine
22 whether the crime or founded child abuse warrants
23 prohibition of licensure, employment, or residence in
24 the facility. The evaluation shall be performed in
25 accordance with procedures adopted for this purpose by
26 the department.

27 b. If the department determines that a person has
28 committed a crime or has a record of founded child
29 abuse and is licensed, employed by a licensee, or
30 resides in a licensed facility the department shall
31 notify the licensee that an evaluation will be
32 conducted to determine whether prohibition of the
33 person's licensure, employment, or residence is
34 warranted.

35 c. In an evaluation, the department and the
36 licensee for an employee of the licensee shall
37 consider the nature and seriousness of the crime or
38 founded child abuse in relation to the position sought

39 or held, the time elapsed since the commission of the
40 crime or founded child abuse, the circumstances under
41 which the crime or founded child abuse was committed,
42 the degree of rehabilitation, the likelihood that the
43 person will commit the crime or founded child abuse
44 again, and the number of crimes or founded child
45 abuses committed by the person involved. The
46 department has final authority in determining whether
47 prohibition of the person's licensure, employment, or
48 residence is warranted.

49 d. If the department determines that the person
50 has committed a crime or has a record of founded child

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1 abuse which warrants prohibition of licensure,
2 employment, or residence, the person shall not be
3 licensed under this chapter and shall not be employed
4 by a licensee or reside in a licensed facility.

5 Sec. 8. Section 237A.5, subsection 2, Code 1989,
6 is amended by striking the subsection and inserting in
7 lieu thereof the following:

8 2. a. If a person is being considered for
9 licensure or registration under this chapter, or for
10 employment involving direct responsibility for a child
11 or with access to a child when the child is alone, by
12 a child day care facility subject to licensure or
13 registration under this chapter, or if a person will
14 reside in a facility, and if the person has been
15 convicted of a crime under a law of any state or has a
16 record of founded child abuse, the department and the
17 licensee or registrant for an employee of the licensee
18 or registrant shall perform an evaluation to determine
19 whether the crime or founded child abuse warrants
20 prohibition of licensure, registration, employment, or
21 residence in the facility. The evaluation shall be
22 performed in accordance with procedures adopted for
23 this purpose by the department.

24 b. If the department determines that a person has
25 committed a crime or has a record of founded child
26 abuse and is licensed, employed by a licensee or
27 registrant or registered under this chapter, or
28 resides in a licensed or registered facility the
29 department shall notify the licensee or registrant
30 that an evaluation will be conducted to determine
31 whether prohibition of the person's licensure,
32 registration, employment, or residence is warranted.

33 c. In an evaluation, the department and the
34 licensee or registrant for an employee of the licensee
35 or registrant shall consider the nature and
36 seriousness of the crime or founded child abuse in
37 relation to the position sought or held, the time

38 elapsed since the commission of the crime or founded
 39 child abuse, the circumstances under which the crime
 40 or founded child abuse was committed, the degree of
 41 rehabilitation, the likelihood that the person will
 42 commit the crime or founded child abuse again, and the
 43 number of crimes or founded child abuses committed by
 44 the person involved. The department has final
 45 authority in determining whether prohibition of the
 46 person's licensure, registration, employment, or
 47 residence is warranted.

48 d. If the department determines that the person
 49 has committed a crime or has a record of founded child
 50 abuse which warrants prohibition of licensure,

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1 registration, employment, or residence, the person
 2 shall not be licensed or registered under this chapter
 3 to operate a child day care facility and shall not be
 4 employed by a licensee or registrant or reside in a
 5 facility licensed or registered under this chapter.

6 Sec. 9. RULES.

7 The department of human services shall adopt rules
 8 pursuant to chapter 17A to implement the provisions of
 9 this Act."

The motion prevailed and the House concurred in the Senate amendment H—6193.

Teaford of Black Hawk moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2504)

The ayes were, 91:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Harbor
Harper	Haverland	Hester	Hibbard
Holveck	Iverson	Jay	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy

Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 9:

Fuller	Hanson, D. R.	Hatch	Hermann
Jesse	McKean	Pellett	Stueland
Swartz			

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

**ADOPTION OF THE REPORT OF THE
CONFERENCE COMMITTEE
(Senate File 2093)**

Renaud of Polk called up for consideration the report of the conference committee on Senate File 2093 and moved the adoption of the conference committee report and the amendments contained therein as follows:

**REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 2093**

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 2093, a bill for an act to reduce the markup percentage on state alcoholic liquor sales, respectfully make the following report:

1. That the Senate concurs in the House amendment, S-5983.

ON THE PART OF THE HOUSE:

DENNIS RENAUD, Chair
EUGENE BLANSHAN
DOROTHY CARPENTER
DAVID TABOR
DON SHONING

ON THE PART OF THE SENATE:

WALLY HORN, Chair
EUGENE FRAISE
JOHN P. KIBBIE
JOHN NYSTROM
JACK RIFE

The motion prevailed and the conference committee report was adopted.

Renaud of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2093)

The ayes were, 68:

Arnould	Beatty	Bisignano	Blanshan
Brown	Buhr	Chapman	Cohoon
Connors	Doderer	Dvorsky	Eddie
Fey	Fogarty	Groninga	Gruhn
Halvorson, R. A.	Hansen, S. D.	Harbor	Harper
Hatch	Haverland	Hester	Hibbard
Jay	Jochum	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	May	McKinney	Mertz
Miller	Muhlbauer	Murphy	Neuhauser
Ollie	Pavich	Peters	Petersen, D. F.
Peterson, M. K.	Poncy	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, 25:

Adams	Banks	Beaman	Bennett
Black	Brammer	Brand	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Garman	Halvorson, R. N.
Hammond	Holveck	Iverson	Johnson
Maulsby	Metcalf	Nielsen	Osterberg
Plasier			

Absent or not voting, 7:

Fuller	Hanson, D. R.	Hermann	Jesse
McKean	Pellett	Stueland	

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

SENATE AMENDMENT CONSIDERED

Teaford of Black Hawk called up for consideration **Senate File 2416**, a bill for an act relating to transfer of the delinquent tax liens and the service of notice of expiration of the right of redemption from tax sales on certain persons with an interest in the real estate, and providing an effective date, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-6179 to the House amendment:

H-6179

- 1 Amend House amendment, S-5959, to Senate File 2416,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking line 9.

The motion prevailed and the House concurred in the Senate amendment H-6179.

Teaford of Black Hawk moved that the bill, as amended by the House, further amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2416)

The ayes were, 90:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Córbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Harbor
Harper	Hatch	Haverland	Hester
Hibbard	Holveck	Iverson	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renken	Rosenberg
Royer	Schneklath	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 10:

Fuller	Hanson, D. R.	Hermann	Jay
Jesse	McKean	Pellett	Renaud
Stueland	Swartz		

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

IMMEDIATE MESSAGES
(Senate Files 2093 and 2416)

Arnould of Scott asked and received unanimous consent that Senate Files 2093 and 2416 be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

McKinney of Dallas called up for consideration **House File 2564**, a bill for an act relating to making appropriations for substance abuse treatment, prevention, education, and enforcement programs, establishing an evaluation mechanism for substance abuse treatment programs, and providing civil penalties, amended by the Senate amendment H-6162 as follows:

H-6162

- 1 Amend House File 2564, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 1 through 9.
- 4 2. Page 1, by inserting after line 25, the
- 5 following:
- 6 "Applicants for grants to be made pursuant to this
- 7 program shall include with the application a letter of
- 8 support from a comprehensive prevention program funded
- 9 through the division serving the district within which
- 10 a part of the school district is situated."
- 11 3. By striking page 1, line 26, through page 3,
- 12 line 11.
- 13 4. Page 3, line 19, by striking the figure
- 14 "1,633,000" and inserting the following: "1,212,208".
- 15 5. Page 3, by inserting after line 27, the
- 16 following:
- 17 "As a further condition, limitation, and
- 18 qualification of this appropriation, the division,
- 19 when allocating this amount in a manner which will
- 20 effectively reduce the waiting period, shall give
- 21 priority to persons released or discharged from a
- 22 facility under the direction of the department of
- 23 corrections who were in treatment programs and who are
- 24 identified by the parole board to be in need of
- 25 further treatment, women of childbearing age, and
- 26 juveniles.
- 27 As a further condition, limitation, and
- 28 qualification of this appropriation, the division of
- 29 substance abuse and the department of corrections
- 30 shall cooperate in developing a continuum of care
- 31 related to substance abuse treatment of inmates and
- 32 persons released or discharged from a facility.
- 33 2. For the division of substance abuse for
- 34 providing aftercare services for persons completing

35 substance abuse treatment:
 36\$ 250,000
 37 3. For the division of substance abuse for
 38 providing substance abuse prevention programs:
 39\$ 300,000
 40 4. For the division of substance abuse to initiate
 41 demonstration projects in the two urban areas
 42 currently experiencing the highest incidence of
 43 infants born with addiction problems, as determined by
 44 the division, to provide outreach services, and
 45 prenatal and postnatal services and treatment for
 46 these infants, mothers with substance abuse problems,
 47 and women of childbearing age:
 48\$ 200,000
 49 5. For the council on chemically exposed infants
 50 established pursuant to section 235C.1:

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1\$ 50,000
 2 6. For the division of substance abuse for
 3 planning and establishing a program of identification,
 4 treatment, and education of students whose mothers
 5 were addicted to or used controlled substances while
 6 pregnant, in grades kindergarten through 3 in a school
 7 district, as determined by the division, experiencing
 8 a high incidence of such students:
 9\$ 100,000
 10 As a condition, limitation, and qualification of
 11 this appropriation, a pilot project shall be
 12 established for the identification and education of
 13 elementary students whose mothers were addicted to or
 14 used controlled substances during pregnancy resulting
 15 in the children experiencing special learning and
 16 behavioral problems. The drug enforcement and abuse
 17 prevention coordinator shall monitor the program and
 18 receive reports required to be made concerning the
 19 program. Persons responsible for the program shall
 20 report to the drug enforcement and abuse prevention
 21 coordinator concerning progress in establishing the
 22 program and the expenditures made. The coordinator
 23 shall provide such reports to the general assembly.
 24 The program, to the extent possible, shall include
 25 medical and psychiatric research with the university
 26 of Iowa, educational research with the university of
 27 northern Iowa, an educational program for parents of
 28 the children including programs for parents confined
 29 in a county jail or committed to the custody of the
 30 director of the department of corrections, a child
 31 care educational program to address the problems of
 32 parenting such children, a program for the care and
 33 education of such children before and after school,

34 creation of a mentor program with jobs and local
35 businesses, a treatment program for parents, and team
36 teacher training.

37 Persons responsible for the program shall
38 coordinate and encourage the involvement of other
39 programs and service providers within the community in
40 developing this program."

41 6. Page 3, line 33, by striking the figure "1.50"
42 and inserting the following: "2.50".

43 7. Page 4, by inserting after line 5, the
44 following:

45 "Notwithstanding section 8.33, funds appropriated
46 by this subsection shall not revert."

47 8. Page 4, line 26, by striking the figure
48 "50,000" and inserting the following: "31,792".

49 9. By striking page 4, line 34, through page 5,
50 line 15, and inserting the following:

Page 3

1 "2. For the division of narcotics for the salaries
2 and support of additional full-time equivalent
3 positions:
4 \$ 75,000".

5 10. Page 5, line 20, by striking the words "up to
6 an additional 10 full-time" and inserting the
7 following: "additional".

8 11. Page 5, by inserting after line 21, the
9 following:

10 "Sec. _____.

11 There is appropriated from the road use tax fund to
12 the department of public safety for the fiscal year
13 beginning July 1, 1990, and ending June 30, 1991, the
14 following amount, or so much thereof as is necessary,
15 to be used for the following purpose:

16 For use by the department to provide additional law
17 enforcement officials to initiate project D.A.R.E.
18 (drug abuse resistance education) within local
19 communities, and for not more than the following full-
20 time equivalent positions:

21 \$ 52,500
22 FTEs 4.00

23 As a condition, limitation, and qualification of
24 this appropriation, the department shall use the
25 amount appropriated in this subsection to match and
26 obtain available federal funds, the total amount of
27 these funds to be used to employ 4 additional members
28 of the highway safety patrol to assist with the
29 initiation of project D.A.R.E. within local
30 communities."

31 12. Page 5, line 29, by striking the figure "1."

32 13. Page 5, line 31, by striking the figure

33 "10,000" and inserting the following: "59,000".

34 14. Page 6, by striking lines 3 through 34.

35 15. Page 7, line 21, by striking the figure
36 "197,000" and inserting the following: "73,500".

37 16. Page 8, by inserting after line 22, the
38 following:

39 "4. For the prosecuting attorney training program:
40 \$ 73,500

41 5. For reimbursement payments to law enforcement
42 officers under the guaranteed loan payment program
43 pursuant to section 261.51, if enacted by the Seventy-
44 third General Assembly, 1990 Session:

45 \$ 50,000

46 6. Notwithstanding section 8.33, funds
47 appropriated by this section shall not revert."

48 17. Page 8, line 30, by inserting after the word
49 "delays" the following: "and for training of judges".

50 18. By striking page 9, line 34, through page 10.

Page 4

1 line 23, and inserting the following: "be given to
2 the extent possible, to reducing substance abuse
3 waiting lists, providing aftercare for persons
4 completing substance abuse treatment, providing
5 additional substance abuse prevention specialists,
6 dual diagnosis, for early identification and
7 intervention of children born afflicted with a
8 substance addiction, and for increasing provider
9 salaries. Of the funds used for reducing substance
10 abuse waiting lists, priority shall be given to
11 persons released or discharged from an institution
12 under the direction of the department of corrections
13 who were in treatment programs and who are identified
14 by the board of parole to be in need of further
15 treatment, women of childbearing age, and juveniles."

16 19. Page 11, by striking lines 26 through 29 and
17 inserting the following:

18 "a. One physician licensed in this state who has
19 substantial experience in substance abuse treatment
20 and who is certified by the association of specialists
21 in addiction medicine."

22 20. By striking page 11, line 32 through page 12,
23 line 8, and inserting the following:

24 "c. Two persons, one who is a certified substance
25 abuse counselor and one who is a director of a
26 substance abuse treatment provider. One shall be
27 appointed to represent such private persons and
28 entities and one shall be appointed to represent such
29 public persons and entities.

30 d. One person representing the master's degree
31 program in substance abuse counseling, division of

32 counselor education, college of education at the state
33 university of Iowa.

34 e. Two representatives of the business community.
35 One appointee under this paragraph shall represent the
36 business consumers of health insurance, and the other
37 appointee shall represent providers of such health
38 insurance.

39 f. Four citizens of the state."

40 21. By striking page 13, line 7 through page 19,
41 line 17, and inserting the following:

42 "Sec. _____. NEW SECTION. 125.15B DUTIES OF
43 COUNCIL.

44 Except as otherwise provided by law, the council
45 shall:

46 1. Recommend policy and rule changes to the
47 director necessary to provide for the effective
48 regulation and assessment of treatment providers in-
49 this state and the effective administration of this
50 chapter.

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1 2. Receive and review the information contained in
2 the provider reports received by the department.
3 After review and evaluation of such reports, if the
4 council determines that additional information is
5 necessary, the council may recommend to the director a
6 contractor for the purpose of data collection related
7 to the evaluation of providers subject to the
8 provisions of this chapter and for the collection of
9 patient data pursuant to section 125.15C, or other
10 information deemed relevant by the council.

11 3. Recommend standards to the department to be
12 established pursuant to section 125.15E for all
13 programs and make any recommendations to the
14 department concerning appropriate changes.

15 Sec. _____. NEW SECTION. 125.15C REQUIRED
16 REPORTING.

17 Unless otherwise provided, a substance abuse
18 treatment provider, regardless of whether the provider
19 is licensed by the commission on substance abuse,
20 shall report to the department on forms provided by
21 the department, information relating to all patients
22 applying for and admitted to treatment and discharged
23 from such treatment as required by department rule.
24 The provider shall provide all information requested
25 which is available to the treatment provider. The
26 department, after consultation with the advisory
27 council, shall adopt rules providing for the
28 information to be reported to the department and the
29 advisory council.

30 Sec. _____. NEW SECTION. 125.15D DATA CONTRACTOR.

31 The department, after consultation with and upon
32 recommendation of the advisory council, may contract
33 with an independent data collector to survey substance
34 abuse treatment providers required to report
35 information under section 125.15C, and shall provide
36 information required to be reported pursuant to
37 section 125.15C, and any other information collected
38 as determined by the department, to the council.

39 Sec. _____. NEW SECTION. 125.15E DATA PROVIDED TO
40 HEALTH DATA COMMISSION.

41 The department shall also forward all data reported
42 pursuant to section 125.15C and any other information
43 collected as determined by the department to the state
44 health data commission.

45 Sec. _____. NEW SECTION. 125.15F MEASUREMENT
46 STANDARDS.

47 The department, after consultation with the
48 advisory council shall adopt rules establishing
49 minimum standards of measurement relating to the
50 effectiveness of substance abuse treatment programs.

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1 Sec. _____. NEW SECTION. 125.15G PROGRAM
2 SANCTIONS.

3 1. A treatment provider which fails to meet the
4 minimum standards established pursuant to section
5 125.15F shall be reviewed by the advisory council.
6 Within thirty days after the advisory council has
7 concluded its review, the advisory council shall
8 provide recommendations for program changes, or may
9 recommend other appropriate action to be taken
10 pursuant to this section, if any, to the Iowa
11 department of public health. The department, upon
12 affirming the recommendations of the advisory council,
13 shall forward to the provider program recommendations
14 as recommended by the advisory council, or other
15 recommendations deemed appropriate by the department,
16 and stay further action against the provider, for a
17 period of up to one year during which time, the
18 advisory council shall continue to review the provider
19 and new patient data shall be collected for review.

20 2. If the advisory council finds that a substance
21 abuse treatment provider has continued to fail to meet
22 the minimum standards established pursuant to section
23 125.15F during any period granted pursuant to
24 subsection 1, the council shall report such findings
25 to the department and, upon affirming such finding,
26 the department may do any of the following:

27 a. Withhold funding for the substance abuse
28 treatment provider relating to the substance abuse
29 treatment program.

30 b. Recommend to the director of human services
 31 that medical assistance funding relating to the
 32 substance abuse treatment programs of the provider be
 33 withheld.

34 c. Recommend to the appropriate licensing
 35 authority that the license of the substance abuse
 36 treatment provider be suspended or revoked relating to
 37 the relevant substance abuse treatment programs of the
 38 provider.

39 d. Stay further action against the substance abuse
 40 treatment provider for up to one additional year,
 41 during which time the department shall continue
 42 intensified review of the provider's programs.

43 e. Add the provider to a list of providers failing
 44 to meet the minimum standards and make the list
 45 available to the public, third-party payors for health
 46 services, local governmental bodies, and substance
 47 abuse treatment provider accreditation entities.

48 3. Notwithstanding subsections 1 and 2, the
 49 department may find that the provider serves a
 50 particularly difficult patient population and that the

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1 public health and welfare would be furthered by
 2 continuing to fund the program or by continuing to
 3 allow operation of the program. In such a case, the
 4 department shall adopt by rule a new measurement
 5 standard for the provider, after consultation with the
 6 advisory council.

7 Sec. _____. NEW SECTION. 125.15H CONFIDENTIALITY
 8 OF INFORMATION.

9 1. Information received by the department
 10 contained in the reports required pursuant to section
 11 125.15C is subject to the confidentiality provisions
 12 of sections 125.37 and 125.93.

13 However, a summary of data concerning a program
 14 which has been sanctioned pursuant to section 125.15F,
 15 subsection 2 or 3, shall be made available, as
 16 appropriate, by the department.

17 2. Beginning July 1, 1993, to the extent permitted
 18 by state and federal law, a summary of data concerning
 19 the success of all substance abuse treatment programs
 20 shall be made available by the department upon the
 21 request of any interested person.

22 Sec. _____. NEW SECTION. 125.15I EXEMPLARY
 23 PROVIDERS - PREFERENTIAL TREATMENT.

24 The department, in consultation with the advisory
 25 council, shall adopt rules defining exemplary
 26 substance abuse treatment programs and providing for
 27 the recognition of exemplary substance abuse treatment
 28 programs. In adopting such rules the department shall

29 consider patient populations and other appropriate
30 factors.

31 Additionally, to the extent permitted by applicable
32 state and federal requirements relating to substance
33 abuse treatment funding, the department shall
34 preferentially consider such exemplary substance abuse
35 treatment providers in subsequent funding grant
36 applications.

37 Sec. _____. NEW SECTION. 125.15J FALSIFICATION OF
38 REPORT DATA.

39 A substance abuse treatment provider required to
40 provide information to the department pursuant to
41 section 125.15C, who intentionally falsifies any
42 diagnosis of a patient admitted to treatment to avoid
43 review pursuant to section 125.15F, or who fails to
44 report information to the department is subject to a
45 civil penalty of five thousand dollars per false
46 diagnosis or per failure to make such report, in
47 addition to any other appropriate action which may be
48 taken by the department or the council. Such
49 penalties shall be collected by the department and
50 deposited in the general fund of the state.

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1 In addition to the civil penalty provided in this
2 section, the department shall also make a list of
3 providers committing violations of this section
4 available to the public, third-party payors for health
5 services, local government bodies, and substance abuse
6 treatment provider accreditation entities.

7 Sec. _____. NEW SECTION. 125.15K PROGRAMS EXCLUDED -
8 PENALTY."

9 22. Page 19, line 22, by striking the figure
10 "125.15J" and inserting the following: "125.15I".

11 23. Page 19, line 27, by striking the figure
12 "125.15J" and inserting the following: "125.15I".

13 24. Page 19, by inserting after line 33, the
14 following:

15 "Sec. _____.

16 Rules to be adopted by the department pursuant to
17 sections 125.15C, 125.15E, and 125.15H shall be
18 effective July 1, 1991. Until such time as rules
19 relating to information to be reported are adopted
20 pursuant to section 125.15C and forms for such
21 reporting are made available, the department shall use
22 the current substance abuse management information
23 system form for all providers subject to the reporting
24 requirements.

25 Sec. _____. Section 232.73, Code 1989, is amended to
26 read as follows:

27 232.73 IMMUNITY FROM LIABILITY.

28 A person participating in good faith in the making
29 of a report, or photographs, or X rays, or in the
30 performance of a medically relevant test pursuant to
31 this chapter, or aiding and assisting in an
32 investigation of a child abuse report pursuant to
33 section 232.71, shall have immunity from any
34 liability, civil or criminal, which might otherwise be
35 incurred or imposed. The person shall have the same
36 immunity with respect to participation in good faith
37 in any judicial proceeding resulting from the report
38 or relating to the subject matter of the report.

39 As used in this section and section 232.77,
40 "medically relevant test" means a test that produces
41 reliable results of exposure to cocaine, heroin,
42 amphetamine, methamphetamine, or other illegal drugs,
43 or combinations or derivatives thereof, including a
44 drug urine screen test.

45 Sec. _____. Section 232.77, Code 1989, is amended to
46 read as follows:

47 232.77 PHOTOGRAPHS AND, X RAYS, AND MEDICALLY
48 RELEVANT TESTS.

49 1. Any person who is required to report a case of
50 child abuse may take or cause to be taken, at public

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1 expense, photographs or X rays of the areas of trauma
2 visible on a child. Any health practitioner may, if
3 medically indicated, cause to be performed
4 radiological examination of the child. Any person who
5 takes any photographs or X rays pursuant to this
6 section shall notify the department of human services
7 that such photographs or X rays have been taken, and
8 shall retain such photographs or X rays for a
9 reasonable time thereafter. Whenever such person is
10 required to report under section 232.69, in that
11 person's capacity as a member of the staff of a
12 medical or other private or public institution, agency
13 or facility, that person shall immediately notify the
14 person in charge of such institution, agency, or
15 facility or that person's designated delegate of the
16 need for photographs or X rays.

17 2. If a health practitioner discovers in a child
18 under one year of age physical or behavioral symptoms
19 of the effects of exposure to cocaine, heroin,
20 amphetamine, methamphetamine, or other illegal drugs,
21 or combinations or derivatives thereof, which were not
22 prescribed by a health practitioner, or if the health
23 practitioner has determined through examination of the
24 natural mother of the child that the child was exposed
25 in utero, the health practitioner may perform or cause
26 to be performed a medically relevant test, as defined

27 in section 232.73, on the child. The practitioner
 28 shall report any positive results of such a test on
 29 the child to the department, unless the natural mother
 30 has shown good faith in seeking appropriate care and
 31 treatment. The department shall begin an
 32 investigation pursuant to section 232.71 upon receipt
 33 of such a report. The positive result shall
 34 constitute a showing of probable cause under section
 35 232.71, subsection 3, but shall not be used in any
 36 criminal prosecution of the natural mother of the
 37 child, and shall not represent grounds for a
 38 determination of child abuse.

39 Sec. _____. NEW SECTION. 235C.1 COUNCIL CREATED -
 40 PURPOSE.

41 A council on chemically exposed infants is
 42 established as a subcommittee of the committee on
 43 maternal and child health of the community health
 44 division of the Iowa department of public health. The
 45 purpose of the council is to help the state develop
 46 and implement policies to reduce the likelihood that
 47 infants will be born chemically exposed, and to assist
 48 those who are born chemically exposed to grow and
 49 develop in a safe environment.

50 As used in this chapter, a "chemically exposed

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1 infant" is an infant who shows evidence of exposure to
 2 or the presence of alcohol, cocaine, heroin,
 3 amphetamine, methamphetamine, or other illegal drugs
 4 or combinations or derivatives thereof which were not
 5 prescribed by a health practitioner.

6 Sec. _____. NEW SECTION. 235C.2 MEMBERSHIP.

7 The council on chemically exposed infants shall be
 8 composed of the following members:

9 1. Two members of the Iowa department of public
 10 health selected by the director of the Iowa department
 11 of public health, one from the division of substance
 12 abuse, and one from the division of family and
 13 community health.

14 2. The director of the department of human
 15 services or the director's designee as a nonvoting ex
 16 officio member.

17 3. The department coordinator of the department of
 18 human rights or the coordinator's designee as a
 19 nonvoting ex officio member.

20 4. The director of the department of education or
 21 the director's designee as a nonvoting ex officio
 22 member.

23 5. The chairperson of the state maternal and child
 24 health advisory council or the chairperson's designee.

25 6. A physician selected by the board of the Iowa

26 medical society with expertise in the care of the
27 mother and a physician selected by the board of the
28 Iowa medical society with expertise in the care of the
29 infant.

30 7. A hospital administrator selected by the board
31 of the Iowa hospital association.

32 8. A representative from a community health center
33 located in Iowa selected by the Iowa/Nebraska primary
34 care association.

35 9. A representative from a maternal and child
36 health center selected by the governor.

37 10. A representative from a substance abuse
38 treatment program, selected by the governor.

39 11. Two citizen members, selected by the governor.

40 12. A representative from the governor's alliance
41 on substance abuse selected by the alliance.

42 13. A representative from the university of Iowa
43 medical school selected by the director of the medical
44 school.

45 14. A representative from a community-based
46 substance abuse prevention program, selected by the
47 governor.

48 15. A representative from the juvenile court,
49 selected by the chief justice of the Iowa supreme
50 court.

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1 16. An attorney who practices in the area of
2 juvenile law, selected by the Iowa state bar
3 association.

4 The council shall be staffed by the Iowa department
5 of public health. The council shall elect its own
6 chairperson.

7 Sec. _____. NEW SECTION. 235C.3 COUNCIL DUTIES.

8 The council shall be responsible for the following
9 activities:

10 1. DATA COLLECTION. The council shall assemble
11 relevant materials regarding the extent to which
12 infants born in Iowa are chemically exposed, the
13 services currently available to meet the needs of
14 infants born who are chemically exposed, and the costs
15 incurred in caring for infants born who are chemically
16 exposed, including both costs borne directly by the
17 state and costs borne by society.

18 2. PREVENTION AND EDUCATION. The council, after
19 reviewing the data collected pursuant to subsection 1,
20 and after reviewing education and prevention programs
21 employed in Iowa and in other states, shall make
22 recommendations to the appropriate division to develop
23 a state prevention and education campaign, including
24 the following components:

25 a. A broad-based public education campaign
26 outlining the dangers inherent in substance use during
27 pregnancy.

28 b. A health professional training campaign,
29 including recommendations concerning the curriculum
30 offered at the college of medicine at the state
31 university of Iowa, providing assistance in the
32 identification of women at risk of substance abuse
33 during pregnancy and strategies to be employed in
34 assisting those women to maintain healthy lifestyles
35 during pregnancy. Included in this education campaign
36 shall be guidelines to health professionals offering
37 information on assessment, laboratory testing,
38 medication use, and referrals.

39 c. A targeted public education campaign directed
40 toward high-risk populations.

41 d. A technical assistance program for developing
42 support programs to identified high-risk populations,
43 including pregnant women who previously have given
44 birth to chemically exposed infants or currently are
45 using substances dangerous to the health of the fetus.

46 e. An education program for use within the school
47 system, including training materials for school
48 personnel to assist those personnel in identification,
49 care, and referral.

50 3. IDENTIFICATION. The council shall develop

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1 recommendations regarding state programs or policies
2 to increase the identification of chemically exposed
3 infants.

4 4. TREATMENT SERVICES. The council shall seek to
5 improve effective treatment services within the state
6 for chemically exposed infants. As part of this
7 responsibility, the council shall make recommendations
8 to the addiction treatment effectiveness advisory
9 council established in section 125.15A. Such
10 recommendations shall include, but are not limited to,
11 the following:

12 a. Identification of programs available within the
13 state for serving chemically exposed infants and their
14 families.

15 b. Recommended ways to enhance funding for
16 effective treatment programs, including the use of
17 state health care programs and services under the
18 medical assistance program and the maternal and child
19 health programs.

20 c. Identification of means to serve children who
21 were chemically exposed infants when the children
22 enter the school system.

23 As an additional part of this responsibility, the

24 council shall determine whether a problem exists with
25 respect to substance abuse treatment providers and
26 physicians discriminating against pregnant women in
27 providing treatment or prenatal care.

28 5. CARE AND PLACEMENT. The council shall work
29 with the department of human services to expand
30 appropriate placement options for chemically exposed
31 infants who have been abandoned by their parents or
32 cannot safely be returned home. As part of this
33 responsibility, the council shall do all of the
34 following:

35 a. Assist the department of human services in
36 developing rules to establish specialized foster care
37 services that can attract foster parents to care for
38 chemically exposed infants.

39 b. Identify additional services, such as
40 therapeutic day care services, that may be needed to
41 effectively care for chemically exposed infants.

42 c. Review the need for residential programs
43 designed to meet the needs of chemically exposed
44 infants.

45 As an additional part of the responsibility, the
46 council shall determine whether a problem exists with
47 respect to substance abuse treatment providers and
48 physicians discriminating against pregnant women in
49 providing treatment or prenatal care.

50 6. AWARDS OF GRANTS AND DEVELOPMENT OF PILOT

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1 PROGRAMS. From funds appropriated for this purpose,
2 the council shall award grants or develop pilot
3 programs to achieve the purposes of the council.

4 7. ANNUAL REPORT. The council shall annually
5 report to the governor and members of the general
6 assembly on the progress it has made toward meeting
7 its responsibilities.

8 The council shall meet at least twice annually, and
9 may establish such subcommittees and task forces as
10 are necessary to achieve its purpose.

11 8. CONFIDENTIALITY OF INFORMATION. Data collected
12 pursuant to this chapter shall be confidential to the
13 extent necessary to protect the identity of persons
14 who are the subjects of the data collection."

15 25. Page 19, by inserting after line 33 the
16 following:

17 "Sec. 100. NEW SECTION. 125.32A DISCRIMINATION
18 PROHIBITED.

19 Any substance abuse treatment program receiving
20 state funding under this chapter or any other chapter
21 of the Code shall not discriminate against a person
22 seeking treatment solely because the person is

23 pregnant, unless the program in each instance
 24 identifies and refers the person to an alternative and
 25 acceptable treatment program for the person."

26 26. Page 20, line 1, by striking the word "Shall"
 27 and inserting the following: "May".

28 27. Page 20, line 3, by striking the word
 29 "directed" and inserting the following:
 30 "recommended".

31 28. Page 21, by striking lines 12 through 26, and
 32 inserting the following:

33 "Sec. _____. Section 602.1612, subsection 1, Code
 34 1989, is amended to read as follows:

35 1. Justices of the supreme court, judges of the
 36 court of appeals, district judges, and district
 37 associate judges who are retired by reason of age or
 38 who are drawing benefits under section 602.9106, and
 39 senior judges who have retired under section 602.9207
 40 or who have relinquished senior judgeship under
 41 section 602.9208, subsection 1, may with their consent
 42 be assigned by the supreme court or by the chief judge
 43 in the case of district associate judges to temporary
 44 judicial duties on a court in this state if the
 45 assignment is deemed necessary by the supreme court to
 46 expedite the administration of justice. A retired
 47 justice or judge shall not be assigned to temporary
 48 judicial duties on any court superior to the highest
 49 court to which that justice or judge had been
 50 appointed prior to retirement, and shall not be

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1 assigned for temporary duties with the supreme court
 2 or the court of appeals except in the case of a
 3 temporary absence of a member of one of those courts.

4 Sec. _____. Section 602.9202, Code 1989, is amended
 5 by adding the following new subsection:

6 NEW SUBSECTION. 5. "Date of retirement" means the
 7 date that the annuitant is eligible to receive a
 8 retirement annuity under this part.

9 Sec. _____. Section 602.9206, unnumbered paragraph
 10 1, Code 1989, is amended to read as follows:

11 Section 602.1612 does not apply to a senior judge
 12 but does apply to a retired senior judge. During the
 13 tenure of a senior judge, if the judge is able to
 14 serve, the judge may be assigned by the supreme court
 15 to temporary judicial duties on courts of this state
 16 without salary for an aggregate of thirteen weeks out
 17 of each twelve-month period, and for additional weeks
 18 with the judge's consent. A senior judge shall not be
 19 assigned to judicial duties on a court superior to the
 20 highest court to which the judge was appointed prior
 21 to retirement, and shall not be assigned to the court

22 of appeals or the supreme court except to serve in the
23 temporary absence of a member of that court. While
24 serving on temporary assignment, a senior judge has
25 and may exercise all of the authority of the office to
26 which the judge is assigned, shall continue to be paid
27 the judge's annuity as senior judge, shall be
28 reimbursed for the judge's actual expenses to the
29 extent expenses of a district judge are reimbursable
30 under section 602.1509, may, if permitted by the
31 assignment order, appoint a temporary court reporter,
32 who shall be paid the remuneration and reimbursement
33 for actual expenses provided by law for a reporter in
34 the court to which the senior judge is assigned, and,
35 if assigned to the court of appeals or the supreme
36 court, shall be given the assistance of a law clerk
37 and a secretary designated by the court administrator
38 of the judicial department from the court
39 administrator's staff. Each order of temporary
40 assignment shall be filed with the clerks of court at
41 the places where the senior judge is to serve.

42 Sec. _____. Section 911.2, Code 1989, is amended to
43 read as follows:

44 911.2 SURCHARGE.

45 When a court imposes a fine or forfeiture for a
46 violation of a state law, or of a city or county
47 ordinance except an ordinance regulating the parking
48 of motor vehicles, the court shall assess an
49 additional penalty in the form of a surcharge equal to
50 fifteen twenty percent of the fine or forfeiture

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1 imposed. In the event of multiple offenses, the
2 surcharge shall be based upon the total amount of
3 fines or forfeitures imposed for all offenses. When a
4 fine or forfeiture is suspended in whole or in part,
5 the surcharge shall be reduced in proportion to the
6 amount suspended.

7 The surcharge is subject to the provisions of
8 chapter 909 governing the payment and collection of
9 fines, as provided in section 909.8.

10 Sec. _____. Section 911.3, Code 1989, is amended to
11 read as follows:

12 911.3 DISPOSITION OF SURCHARGE.

13 When a court assesses a surcharge under section
14 911.2, the clerk of the district court shall transmit
15 ninety twenty-five percent of the surcharge collected
16 to the treasurer of state to be deposited pursuant to
17 section 321J.17. Ninety percent of the remainder of
18 the surcharge collected shall be transmitted to the
19 treasurer of state by the fifteenth day of the
20 following month. The treasurer of state shall deposit

21 one third of the that money in the law enforcement
 22 training reimbursement fund established under section
 23 384.15 and the remaining two thirds of the that money
 24 in the general fund of the state. The clerk of the
 25 district court shall transmit ten percent of the
 26 remainder of the surcharge to the county treasurer or
 27 shall remit ten percent of the remainder of the
 28 surcharge to the city that was the plaintiff in any
 29 action for deposit in the general fund of the city.

30 Sec. _____. Section 912.2A, subsection 1, Code
 31 Supplement 1989, is amended to read as follows:

- 32 1. A crime victim assistance board is established,
- 33 and shall consist of the following members to be
- 34 appointed pursuant to rules adopted by the department:
 - 35 a. A county attorney or assistant county attorney.
 - 36 b. A person Two persons engaged full time in law
 - 37 enforcement.
 - 38 c. A public defender or an attorney practicing
 - 39 primarily in criminal defense.
 - 40 d. A hospital medical staff person involved with
 - 41 emergency services.
 - 42 e. A public member who has received victim
 - 43 services.
 - 44 f. A victim service provider.
 - 45 g. A person licensed pursuant to chapter 154B or
 - 46 154C.
 - 47 h. A person representing the elderly.
- 48 Board members shall be reimbursed for expenses
- 49 actually and necessarily incurred in the discharge of
- 50 their duties.

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1 Sec. 101. ALCOHOL AND DRUG ABUSE AND MENTAL HEALTH
 2 SERVICES APPROPRIATION.

3 1. There is appropriated from the fund created by
 4 section 8.41 to the Iowa department of public health
 5 for the federal fiscal year beginning October 1, 1990,
 6 the following amount:
 7 \$ 7,804,000

8 Funds appropriated by this section are the
 9 anticipated funds to be received from the federal
 10 government for the designated federal fiscal year
 11 under Pub. L. No. 97-35, Title IX, Subtitle A, and
 12 Pub. L. No. 97-414 which provides for the alcohol and
 13 drug abuse and mental health services block grant.
 14 The department shall expend the funds appropriated by
 15 this section as provided in the federal law making the
 16 funds available and in conformance with chapter 17A.

17 Of the funds appropriated in this section, an
 18 amount not exceeding \$33,133 shall be used for audits.
 19 The auditor of state shall bill the Iowa department of

20 public health for the cost of the audits.
 21 The Iowa department of public health shall pay to
 22 the auditor of state an amount sufficient to pay the
 23 cost of auditing the use and administration of the
 24 state's portion of the funds appropriated in this
 25 subsection from funds appropriated to the department
 26 from the general fund of the state, in addition to the
 27 amount to be used for audits as provided in this
 28 subsection. The auditor of state shall bill the Iowa
 29 department of public health for the costs of the
 30 audit.

31 2. 10 percent of the remaining funds, as allowed
 32 pursuant to Pub. L. No. 97-35, Title IX, Subtitle A,
 33 and which are appropriated in subsection 1 shall be
 34 transferred to the division of mental health, mental
 35 retardation, and developmental disabilities within the
 36 department of human services and allocated for
 37 community mental health centers with priority being
 38 given to dual diagnosis. Of this amount, 10 percent
 39 shall be used to provide services and programs for
 40 severely emotionally disturbed children and
 41 adolescents, and 55 percent shall be used to develop
 42 and provide community mental health services and
 43 programs not available on October 1, 1988. New
 44 services developed between October 1, 1984, and
 45 October 1, 1988, with alcohol, drug abuse, and mental
 46 health services block grant funds may be treated as
 47 new services.

48 3. An amount not exceeding 5 percent of the funds
 49 in excess of \$2,839,000 appropriated in subsection 1
 50 shall be used by the Iowa department of public health

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1 for administrative expenses.

2 4. 10 percent of the funds appropriated in
 3 subsection 1 shall be used to provide alcohol and drug
 4 abuse services to women.

5 5. After deducting the funds allocated in
 6 subsections 1, 2, 3, and 4, the remaining funds
 7 appropriated in subsection 1 shall be allocated
 8 according to the following percentages to supplement
 9 appropriations for the following programs within the
 10 Iowa department of public health:

11 a. Drug abuse treatment programs 38.89 percent

12 Of the amount appropriated under this paragraph, at
 13 least \$1,358,000 must be used for intravenous drug
 14 abusers unless a waiver is granted from the federal
 15 government.

16 b. Alcohol abuse treatment programs 38.89 percent

17 c. Alcohol and drug abuse prevention
 18 programs 22.22 percent

19 As a condition, limitation, and qualification of
 20 the appropriation in this section, and the allocations
 21 in subsection 5, paragraphs "a" and "b", priority
 22 shall be given to maintaining existing services,
 23 reducing the treatment waiting lists, including
 24 increasing provider salaries, providing aftercare
 25 services, and providing early intervention in the
 26 treatment of infants affected by cocaine.

27 As a condition, limitation, and qualification of
 28 the appropriation in this section, and the allocations
 29 in subsection 5, paragraph "c", priority shall be
 30 given to maintaining existing services, funding
 31 additional prevention specialists, and increasing
 32 provider salaries.

33 Sec. 102. DRUG CONTROL AND SYSTEM IMPROVEMENT
 34 GRANT PROGRAM APPROPRIATION.

35 1. There is appropriated from the fund created in
 36 section 8.41 to the governor's substance abuse
 37 coordinator for the federal fiscal year beginning
 38 October 1, 1990, the following amount:
 39

\$ 4,860,000

40 Funds appropriated by this subsection are the
 41 anticipated funds to be received from the federal
 42 government for the designated fiscal year under Pub.
 43 L. No. 100-690 which provides for the drug control and
 44 system improvement grant program. The coordinator
 45 shall expend the funds appropriated by this subsection
 46 as provided in the federal law making the funds
 47 available and in conformance with chapter 17A.

48 2. An amount not exceeding 5 percent of the funds
 49 appropriated in subsection 1 shall be used by the
 50 governor's substance abuse coordinator for

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1 administrative expenses. From the funds set aside by
 2 this subsection for administrative expenses, the
 3 coordinator shall pay to the auditor of state an
 4 amount sufficient to pay the cost of auditing the use
 5 and administration of the state's portion of the funds
 6 appropriated in subsection 1. The auditor of state
 7 shall bill the governor's substance abuse coordinator
 8 for the cost of the audit.

9 3. Priority for the funding of programs with funds
 10 appropriated in subsection 1 shall be given, to the
 11 extent possible, to programs which accomplish any of
 12 the following:

13 a. Expand analysis capabilities at the state
 14 criminalistics laboratory.

15 b. The formation of multijurisdictional task
 16 forces, created for the purpose of cooperating jointly
 17 in enforcement efforts related primarily to controlled

- 18 substances, counterfeit substances, or simulated
19 controlled substances.
- 20 c. Expand prosecutorial capabilities at the county
21 and state level for drug-related offenses.
- 22 d. Establish or continue training programs for law
23 enforcement officers, prosecutors, judges, probation
24 officers, correctional officers, staff working with
25 juvenile offenders, substance abuse prevention and
26 treatment providers, and members of the community,
27 which emphasize multidisciplinary understanding of
28 drug abuse, including prevention and intervention
29 policies.
- 30 e. Establish or continue treatment programs for
31 prison-based populations and juvenile rehabilitation
32 programs.
- 33 f. Establish or continue project D.A.R.E. (drug
34 abuse resistance education).
- 35 g. Other programs authorized under the drug
36 control and system improvement grant program.
- 37 Sec. _____. PROCEDURE FOR REDUCED FEDERAL FUNDS.
- 38 1. If the funds received from the federal
39 government for the block grants specified in sections
40 101 and 102 of this Act are less than the amounts
41 appropriated, the funds actually received shall be
42 prorated by the governor for the various programs, for
43 which each block grant is available according to the
44 percentages that each program is to receive as
45 specified in this Act. However, if the governor
46 determines that the funds allocated by the percentages
47 will not be sufficient to effect the purposes of a
48 particular program, or if the appropriation is not
49 allocated by percentage, the governor may allocate the
50 funds in a manner which will effect to the greatest

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- 1 extent possible the purposes of the various programs
2 for which the block grants are available.
- 3 2. Before the governor implements the actions
4 provided for in subsection 1, the following procedures
5 shall be taken:
- 6 a. The chairpersons and ranking members of the
7 senate and house standing committees on
8 appropriations, the appropriate chairpersons and
9 ranking members of subcommittees of those committees,
10 and the director of the legislative fiscal bureau
11 shall be notified of the proposed action.
- 12 b. The notice shall include the proposed
13 allocations, and information on the reasons why
14 particular percentages or amounts of funds are
15 allocated to the individual programs, the departments
16 and programs affected, and other information deemed

17 useful. Chairpersons notified shall be allowed at
18 least 2 weeks to review and comment on the proposed
19 action before the action is taken.

20 Sec. _____. PROCEDURE FOR INCREASED FEDERAL FUNDS.

21 If funds received from the federal government in
22 the form of block grants exceed the amounts
23 appropriated in sections 101 and 102 of this Act, the
24 excess shall be prorated to the appropriate programs
25 according to the percentages specified in those
26 sections, except additional funds shall not be
27 prorated for administrative expenses.

28 Sec. _____. PROCEDURE FOR CONSOLIDATED, CATEGORICAL,
29 OR EXPANDED FEDERAL BLOCK GRANTS.

30 Notwithstanding section 8.41, federal funds made
31 available to the state which are authorized for the
32 federal fiscal year beginning October 1, 1990,
33 resulting from the federal government consolidating
34 former categorical grants into block grants, or which
35 expand block grants included in Pub. L. No. 97-35, to
36 include additional programs formerly funded by
37 categorical grants, which are not otherwise
38 appropriated by the general assembly, are appropriated
39 for the programs formerly receiving the categorical
40 grants, subject to the conditions of this section.
41 The governor shall, whenever possible, allocate from
42 the block grant to each program in the same proportion
43 as the amount of federal funds received by the program
44 during the 1990 federal fiscal year as modified by the
45 1990 Session of the Seventy-third Iowa General
46 Assembly for the state fiscal year beginning July 1,
47 1990, compared to the total federal funds received in
48 the federal fiscal year by all programs consolidated
49 into the block grant. However, if one agency did not
50 have categorical funds appropriated for the federal

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1 fiscal year beginning October 1, 1989, but had
2 anticipated applying for funds during the federal
3 fiscal year beginning October 1, 1990, the governor
4 may allocate the funds in order to provide funding.

5 If the amount received in the form of a
6 consolidated or expanded block grant is less than the
7 total amount of federal funds received for the
8 programs in the form of categorical grants for the
9 1990 federal fiscal year, state funds appropriated to
10 the program by the general assembly to match the
11 federal funds shall be reduced by the same proportion
12 of the reduction in federal funds for the program.
13 State funds released by the reduction shall be
14 deposited in a special fund in the state treasury and
15 are available for appropriation by the general

16 assembly. The governor shall notify the chairpersons
 17 and ranking members of the senate and house standing
 18 committees on appropriations, the appropriate
 19 chairpersons and ranking members of the subcommittees
 20 of those committees, and the director of the
 21 legislative fiscal bureau before making the allocation
 22 of federal funds or any proportional reduction of
 23 state funds under this section. The notice shall
 24 state the amount of federal funds to be allocated to
 25 each program, the amount of federal funds received by
 26 the program during the 1990 federal fiscal year, the
 27 amount by which state funds for the program will be
 28 reduced according to this section, and the amount of
 29 state funds received by the program during the 1990
 30 fiscal year. Chairpersons notified shall be allowed
 31 at least 2 weeks to review and comment on the proposed
 32 action before the action is taken.

33 If the amount received in the form of a
 34 consolidated or expanded block grant is more than the
 35 total amount of federal funds received for the
 36 programs in the form of categorical grants for the
 37 1990 federal fiscal year, the excess funds shall be
 38 deposited in the special fund created in section 8.41
 39 and are subject to the provisions of that section.

40 Sec. _____. IOWA DEPARTMENT OF PUBLIC HEALTH.

41 There is appropriated from the federal grants,
 42 receipts, and funds and other nonstate grants,
 43 receipts, and funds, available in whole or in part for
 44 the fiscal year beginning July 1, 1990, and ending
 45 June 30, 1991, to the Iowa department of public
 46 health, the following amounts, to be used as set forth
 47 in the grants, receipts, or conditions accompanying
 48 the receipt of the funds for the purposes designated:

49 1. For drug free schools and comprehensive
 50 prevention services, to high-risk youth, grant number

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1 S186A90067:
 2 \$ 1,346,000
 3 2. For the drug abuse treatment waiting list
 4 reduction grant program, grant number ADH000020-01:
 5 \$ 279,647
 6 Sec. _____. DEPARTMENT OF EDUCATION.
 7 There is appropriated from federal grants,
 8 receipts, and funds, available in whole or in part for
 9 the fiscal year beginning July 1, 1990, and ending
 10 June 30, 1991, to the department of education, the
 11 following amount, to be used for the purposes
 12 designated:
 13 \$ 3,500,000
 14 It is the intent of the general assembly that of

15 the funds appropriated in this section and provided to
16 school districts, the highest priority shall be given
17 to the extent possible, to providing funding for
18 implementation of human growth and development
19 curriculum.

20 It is also the intent of the general assembly that
21 of the funds appropriated in this section and provided
22 to school districts, priority shall be given to the
23 extent possible, to providing funding for curriculum
24 development and training, and other related programs.
25 It is also the intent of the general assembly that to
26 the extent possible, funds provided to the school
27 districts by this section be used for projects with
28 demonstrated success.

29 The department of education, in consultation with
30 the division of substance abuse of the Iowa department
31 of public health, shall survey all school districts in
32 the state for the purpose of evaluating and assessing
33 the extent to which substance abuse education is being
34 provided to students in grades kindergarten through
35 12. The department, in consultation with the
36 division, shall issue a request for proposals for the
37 purpose of contracting with an entity to conduct a
38 longitudinal study for a minimum of twenty-five years
39 to study, evaluate, and assess the effectiveness of
40 the substance abuse education programs provided, to
41 the extent possible, and to determine if peer groups
42 exposed to certain types of prevention programs, when
43 normed for socioeconomic and other pertinent factors,
44 exhibit different incidences of substance abuse and
45 use than the general population. The study shall also
46 include follow-up information concerning students
47 participating in such programs, including students who
48 subsequently drop out of school. The department shall
49 recognize successful programs and provide information
50 concerning such programs to other districts making

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1 application for these funds. The department shall
2 report the findings of the joint survey and study to
3 the general assembly no later than January 15, 1991.
4 The department shall monitor school district programs
5 and report to the general assembly by December of each
6 year concerning the impact of the programs funded with
7 these funds."

8 29. Page 22, by striking lines 27 through 31, and
9 inserting the following: "waiting lists with priority
10 to be given to persons released or discharged from an
11 institution under the direction of the department of
12 corrections who were in treatment programs and who are
13 identified by the board of parole to be in need of

14 further treatment, women of childbearing age, and
 15 juveniles. Effective July 1, 1990, existing services
 16 shall be maintained, \$1,528,702 shall be used to
 17 reduce substance abuse treatment waiting lists with
 18 priority to be given to persons released or discharged
 19 from an institution under the direction of the
 20 department of corrections who were in treatment
 21 programs and who are identified by the board of parole
 22 to be in need of further treatment, women of
 23 childbearing age, and juveniles."

24 30. Page 23, by inserting after line 34, the
 25 following:

26 "Sec. _____. 1989 Iowa Acts, chapter 310, section 4,
 27 is amended by adding the following new subsections:
 28 **NEW SUBSECTION. 4.** Priority for the funding of
 29 programs with funds appropriated in subsection 1 shall
 30 be given, to the extent possible, to programs which
 31 accomplish any of the following:

- 32 a. Expand analysis capabilities at the state
- 33 criminalistics laboratory.
- 34 b. The formation of multijurisdictional task
- 35 forces, created for the purpose of cooperating jointly
- 36 in enforcement efforts related primarily to controlled
- 37 substances, counterfeit substances, or simulated
- 38 controlled substances.
- 39 c. Expand prosecutorial capabilities at the county
- 40 and state level for drug-related offenses.
- 41 d. Establish or continue training programs for law
- 42 enforcement officers, prosecutors, judges, probation
- 43 officers, correctional officers, staff working with
- 44 juvenile offenders, substance abuse prevention and
- 45 treatment providers, and members of the community,
- 46 which emphasize multidisciplinary understanding of
- 47 drug abuse, including prevention and intervention
- 48 policies.
- 49 e. Establish or continue treatment programs for
- 50 prison-based populations and juvenile rehabilitation

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- 1 programs.
- 2 f. Establish or continue project D.A.R.E. (drug
- 3 abuse resistance education).
- 4 g. Other programs authorized under the drug
- 5 control and system improvement grant program.
- 6 **NEW SUBSECTION. 5.** The governor's alliance on
- 7 substance abuse shall design a study to evaluate long-
- 8 term outcomes of projects funded by this grant program
- 9 and shall use this study as a factor when awarding
- 10 federal funds. The alliance shall collect program
- 11 evaluations and document the effectiveness of the
- 12 various programs funded under this grant program. The

13 department shall make this information available to
 14 applicants and grantees and report to the general
 15 assembly, no later than December 15, 1990, concerning
 16 the effectiveness of programs funded."

17 31. Page 24, by inserting after line 8 the fol-
 18 lowing:

19 "Sec. _____. Section 100 of this Act takes effect
 20 January 1, 1992."

21 32. Title page, line 4, by inserting after the
 22 word "penalties" the following: "and an effective
 23 date".

24 33. By renumbering, relettering, or redesignating
 25 and correcting internal references as necessary.

McKinney of Dallas offered the following amendment H-6195,
 to the Senate amendment H-6162, filed by him from the floor and
 moved its adoption:

H-6195

1 Amend the Senate amendment, H-6162, to House File
 2 2564, as amended, passed, and reprinted by the House,
 3 as follows:

4 1. Page 1, by striking lines 4 through 6, and
 5 inserting the following:

6 "_____. Page 1, lines 12 and 13, by striking the
 7 words "to be deposited in the youth 2000 community
 8 fund established in section 256.44".

9 _____. Page 1, by striking lines 23 through 25, and
 10 inserting the following: "appropriation, grants shall
 11 be awarded for collaborative efforts within the
 12 community receiving the grant, and such grants shall
 13 not exceed \$2,500. As a further condition,
 14 limitation, and qualification of this appropriation,
 15 funding shall be provided for contracting on a
 16 competitive basis with a nonprofit organization to
 17 provide technical assistance to communities pursuant
 18 to section 256.43.

19 Applicants for grants to be made pursuant to
 20 this".

21 2. Page 1, line 10, by striking the words "a part
 22 of the school district" and inserting the following:
 23 the community".

24 3. Page 1, by striking lines 11 and 12, and
 25 inserting the following:

26 "_____. By striking page 2, line 23, through page
 27 3, line 11."

28 4. Page 1, line 14, by striking the figure
 29 "1,212,208" and inserting the following: "1,162,208".

30 5. Page 1, line 39, by striking the figure
 31 "300,000" and inserting the following: "200,000".

32 6. Page 1, line 41, by striking the words "two

33 urban areas" and inserting the following: "urban
34 area".

35 7. Page 1, by striking line 48, and inserting the
36 following:

37 ".....\$ 125,000

38 The drug enforcement and abuse prevention
39 coordinator shall monitor the program and receive
40 reports required to be made concerning the program.
41 Persons responsible for the program shall report to
42 the drug enforcement and abuse prevention coordinator
43 concerning progress in establishing the program and
44 the expenditures made."

45 8. Page 2, by striking lines 1 through 40 and
46 inserting the following:

47 ".....\$ 50,000".

48 9. Page 2, line 48, by striking the figure
49 "31,792" and inserting the following: "56,292".

50 10. By striking page 2, line 49, through page 3,

Page 2

1 line 31, and inserting the following:

2 "____. Page 5, line 2, by striking the figure
3 "52,500" and inserting the following: "28,000".

4 _____. Page 5, by inserting after line 21, the
5 following:

6 "4. For the division of narcotics for funding drug
7 enforcement operations to be used for the purchase of
8 illegal substances in furtherance of these enforcement
9 operations:

10\$ 125,000

11 As a condition, limitation, and qualification of
12 this appropriation, the department shall use the
13 amount appropriated in this subsection to match and
14 obtain available federal funds, the total amount of
15 these funds to be used for the purchase of illegal
16 substances in furtherance of these enforcement
17 operations." "

18 11. Page 3, by striking line 34, and inserting
19 the following:

20 "____. Page 6, line 8, by striking the figure
21 "150,000" and inserting the following: "125,000".

22 12. Page 3, by striking lines 45 and 46, and
23 inserting the following:

24 ".....\$ 25,000

25 6. For salaries, support, maintenance, and
26 technical assistance for the purpose of reducing court
27 delays and for the training of judges:

28\$ 25,000

29 As a condition, limitation, and qualification of
30 this appropriation, the drug enforcement and abuse
31 prevention coordinator, in cooperation with the

32 judicial department, shall use this amount to match
 33 and obtain available federal funds, the total amount
 34 of these funds to be used for the purpose of reducing
 35 court delays.

36 7. Notwithstanding section 8.33, funds”.

37 13. Page 3, by striking lines 48 and 49, and
 38 inserting the following:

39 “_____. By striking page 8, line 29, through page
 40 9, line 3, and inserting the following:

41 “Notwithstanding section 602.6201, for an
 42 additional”.”

43 14. Page 4, by striking line 18, and inserting
 44 the following:

45 “a. Two physicians licensed in this state who
 46 have”.

47 15. Page 4, by striking lines 30 through 39 and
 48 inserting the following:

49 “d. One person representing a master's degree
 50 program in substance abuse counseling, with research

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1 expertise in the field of substance abuse treatment.

2 e. Two representatives of the business community
 3 who shall represent the business consumers of health
 4 insurance.

5 f. Two representatives of providers of health
 6 insurance. At least one representative shall
 7 represent health maintenance organizations or
 8 preferred provider organizations.

9 g. Three citizens of the state who do not provide
 10 health services or health insurance or other fiscal
 11 intermediary services.

12 Members appointed to the advisory council pursuant
 13 to paragraphs “a” through “d” shall be appointed so
 14 that an equal number shall be appointed to represent
 15 public substance abuse treatment providers as are
 16 appointed to represent private substance abuse
 17 treatment providers.”

18 16. By striking page 4, line 40, through page 8,
 19 line 8, and inserting the following:

20 “_____. By striking page 13, line 7, through page
 21 19, line 17, and inserting the following:

22 “Sec. _____. NEW SECTION. 125.15B DUTIES OF
 23 COUNCIL.

24 1. Except as otherwise provided by law, the
 25 council shall:

26 a. Recommend policy and rule changes to the
 27 director necessary to provide for the effective
 28 regulation and assessment of treatment providers in
 29 this state and the effective administration of this
 30 chapter.

31 b. Receive, review, and make recommendations to
32 the department based upon the information contained in
33 the provider reports received by the department.

34 c. Shall study whether or not a problem currently
35 exists with inappropriate transfers of patients by
36 either providers or third-party payors, and, if so,
37 make appropriate recommendations to the department.

38 2. The council may recommend to the director a
39 contractor for the purpose of data collection related
40 to the evaluation of providers subject to the
41 provisions of this chapter and for the collection of
42 patient data.

43 Sec. _____. NEW SECTION. 125.15C REQUIRED
44 REPORTING.

45 Unless otherwise provided, a substance abuse
46 treatment provider, regardless of whether the provider
47 is licensed by the commission on substance abuse,
48 shall report to the department on forms provided by
49 the department, information relating to all patients
50 admitted to treatment, receiving treatment, or

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1 discharged from treatment, and again at a specified
2 time after completing or ending such treatment as
3 required by departmental rule. The provider shall
4 provide all information requested which is available
5 to the provider. The department, after consultation
6 with the advisory council, shall adopt rules providing
7 for the information to be reported to the department
8 and the advisory council.

9 In addition to receiving the reports required under
10 this section, the division of substance abuse, for
11 good cause, shall have access to the records of a
12 substance abuse treatment provider for the purpose of
13 auditing and inspecting the programs to assure
14 compliance with the requirements of sections 125.15B
15 through 125.15M.

16 For the period beginning July 1, 1990, and ending
17 June 30, 1991, the form to be used for the reporting
18 required under section 125.15C for all providers shall
19 be the substance abuse management information system
20 form used by the division of substance abuse. No
21 later than July 1, 1991, the department, in
22 consultation with the advisory council, shall require
23 the reporting of additional information relating to
24 the following addiction related symptoms of a patient:

- 25 1. Physical diseases associated with the use of
26 substances.
- 27 2. Organic brain dysfunction.
- 28 3. Symptomatic major psychosis.
- 29 4. Suicide attempts.

30 5. Other symptoms as deemed appropriate by the
31 advisory council and adopted by the department for the
32 purpose of determining patient severity at the time of
33 admission to treatment.

34 Sec. _____. NEW SECTION. 125.15D DATA CONTRACTOR.

35 The department, after consultation with and upon
36 recommendation of the advisory council, may contract
37 with an independent data collector to survey substance
38 abuse treatment providers required to report
39 information under section 125.15C, and shall provide
40 such information required to be reported pursuant to
41 section 125.15C, and any other information collected
42 as determined by the department, to the council.

43 Sec. _____. NEW SECTION. 125.15E DATA PROVIDED TO
44 HEALTH DATA COMMISSION.

45 The department shall also forward all data reported
46 pursuant to section 125.15C and any other information
47 collected as determined by the department to the state
48 health data commission.

49 Sec. _____. NEW SECTION. 125.15F MEASUREMENT
50 STANDARDS.

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1 The department, after consultation with the
2 advisory council, shall adopt rules establishing
3 minimum standards of outcome measurement of patients
4 ending or completing treatment relating to the
5 effectiveness of substance abuse treatment programs,
6 which shall primarily include, but not be limited to,
7 the following:

- 8 1. Abstinence.
- 9 2. Arrest rate.
- 10 3. Improved socioeconomic status.

11 Sec. _____. NEW SECTION. 125.15G TYPES OF
12 PROGRAMS.

13 For purposes of review of substance abuse treatment
14 programs, all programs providing substance abuse
15 treatment and subject to the requirements of section
16 125.15A through 125.15M, shall be divided into class 1
17 and class 2 programs based upon a patient severity
18 index as determined by the advisory council. The
19 patient severity index must include factors relating
20 to medical severity, psychological dysfunction, age,
21 recidivism, arrest rate, and other pertinent factors.
22 The department, after consultation with the advisory
23 council, shall adopt rules relating to the definition
24 of class 1 and class 2 programs.

25 Sec. _____. NEW SECTION. 125.15H PROVIDER REVIEW
26 - MINIMUM STANDARDS.

27 No later than July 1, 1992, the department, after
28 consultation with the advisory council, shall adopt

29 rules providing for the minimum standards to be met by
30 all providers.

31 Sec. _____. INTERIM RULES.

32 For the period beginning July 1, 1990, and ending
33 June 30, 1992, all treatment providers shall meet the
34 following minimum standards:

35 A success rate equal to seventy-five percent of the
36 average success rate of the top fifty percent of
37 treatment providers within the same class in each of
38 the following categories:

39 1. Abstinence.

40 2. Arrest rate.

41 3. Improved socioeconomic status.

42 A treatment provider who fails to attain the
43 required minimum success rate in any of the three
44 categories shall be subject to intensified review by
45 the department.

46 Sec. _____. NEW SECTION. 125.15I PROVIDER
47 SANCTIONS.

48 1. A treatment provider which fails to meet the
49 minimum standards established pursuant to section
50 125.15F shall be reviewed by the advisory council.

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1 Within thirty days after the advisory council has
2 concluded its review, the advisory council shall
3 provide recommendations for program changes, or may
4 recommend other appropriate action to be taken
5 pursuant to this section, if any, to the Iowa
6 department of public health. The department, upon
7 affirming the recommendations of the advisory council,
8 shall forward to the provider program recommendations
9 as recommended by the advisory council, or other
10 recommendations deemed appropriate by the department,
11 and may stay further action against the provider, for
12 a period of up to one year during which time, the
13 advisory council shall continue to review the provider
14 and new patient data shall be collected for review.

15 2. The advisory council may appoint one or more
16 quality improvement task forces for the purpose of
17 providing expert review and advice for improving the
18 success rate of providers failing to meet the minimum
19 standards required pursuant to section 125.15H. A
20 task force shall consist of three substance abuse
21 professionals from programs in the top fifty percent
22 of all providers in the same class as the provider
23 that fails to meet the standards. A task force shall
24 review a provider that fails to meet the minimum
25 standards and make recommendations for change to the
26 provider being reviewed and notify the advisory
27 council as to those recommendations. Both public and

28 private providers shall be represented on a quality
29 improvement task force. Persons serving on a quality
30 improvement task force may be reimbursed for expenses
31 incurred in performance of the duties of the task
32 force. A task force shall cooperate with the division
33 of substance abuse and the technical assistance
34 program.

35 3. If the advisory council finds that a substance
36 abuse treatment provider has failed to meet the
37 minimum standards established pursuant to section
38 125.15F and action by the advisory council is not
39 recommended pursuant to subsection 1, the advisory
40 council may do any of the following:

41 a. Recommend to the director of public health that
42 funding for the substance abuse treatment provider
43 relating to the substance abuse treatment programs of
44 the provider be withheld.

45 b. Recommend to the director of human services
46 that medical assistance funding relating to the
47 substance abuse treatment programs of the provider be
48 withheld.

49 c. Recommend to the appropriate licensing
50 authority that the license of the substance abuse

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1 treatment provider be suspended or revoked relating to
2 the substance abuse treatment programs of the
3 provider.

4 4. Notwithstanding subsections 1 through 3, the
5 advisory council may find that the program serves a
6 particularly difficult patient population and that the
7 public health and welfare would be furthered by
8 continuing to fund the program. In such a case, the
9 advisory council, upon an affirmative vote of two-
10 thirds of the members of the council shall recommend
11 that a new measurement standard be established by the
12 department, by rule, for the program.

13 5. If the advisory council has acted pursuant to
14 subsection 1 and the director accepts such
15 recommendation and stays action against the provider,
16 at the end of that year the advisory council may
17 recommend to the department an additional extension of
18 the period of intensified review for up to one
19 additional year.

20 6. If the advisory council has acted pursuant to
21 subsection 1, 2, or 3 and no action has been taken
22 pursuant to subsection 4 or 5, the department shall
23 include the substance abuse treatment provider on a
24 list of providers failing to meet the minimum
25 standards which shall be provided to the public,
26 third-party payors for health services, local govern-

27 ment bodies, and substance abuse treatment provider
28 accreditation entities.

29 Sec. _____. NEW SECTION. 125.15J CONFIDENTIALITY
30 OF INFORMATION.

31 1. Information received by the department
32 contained in the reports required pursuant to section
33 125.15I is subject to the confidentiality provisions
34 of sections 125.37 and 125.93.

35 However, a summary of data concerning a program
36 which has been sanctioned pursuant to section 125.15I,
37 subsection 2 or 3, shall be made available, as
38 appropriate, by the department.

39 2. Beginning July 1, 1993, to the extent permitted
40 by state and federal law, a summary of data concerning
41 the success of all substance abuse treatment programs
42 shall be made available by the department upon the
43 request of any interested person.

44 Sec. _____. NEW SECTION. 125.15K EXEMPLARY
45 PROVIDERS - PREFERENTIAL TREATMENT.

46 The department, in consultation with the advisory
47 council, shall adopt rules defining exemplary
48 substance abuse treatment programs and providing for
49 the recognition of exemplary substance abuse treatment
50 programs. In adopting such rules the department shall

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1 consider patient populations and other appropriate
2 factors.

3 Additionally, to the extent permitted by applicable
4 state and federal requirements relating to substance
5 abuse treatment funding, the department shall
6 preferentially consider such exemplary substance abuse
7 treatment providers in subsequent funding grant
8 applications.

9 Sec. _____. NEW SECTION. 125.15L FALSIFICATION OF
10 REPORT DATA.

11 A substance abuse treatment provider required to
12 provide information to the department pursuant to
13 section 125.15C, who intentionally falsifies any
14 diagnosis of a patient admitted to treatment to avoid
15 review pursuant to section 125.15H, who intentionally
16 fails to report information to the department, or who
17 falsifies such report, is subject to a civil penalty
18 of five thousand dollars per false diagnosis, per
19 failure to make such report, or per falsification of
20 such report, in addition to any other appropriate
21 action which may be taken by the department or the
22 council. Such penalties shall be collected by the
23 department and deposited in the general fund of the
24 state.

25 In addition to the civil penalty provided in this

26 section, the department shall also make a list of
 27 providers committing violations of this section
 28 available to the public, third-party payors for health
 29 services, local government bodies, and substance abuse
 30 treatment provider accreditation entities.
 31 Sec. _____. NEW SECTION. 125.15M PROGRAMS EXCLUDED
 32 — PENALTY.” ”
 33 17. Page 8, line 10, by striking the figure
 34 “125.15I” and inserting the following: “125.15L”.
 35 18. Page 8, line 12, by striking the figure
 36 “125.15I” and inserting the following: “125.15L”.
 37 19. Page 8, by striking lines 15 through 24.
 38 20. By striking page 13, line 33, through page
 39 14, line 42, and inserting the following:
 40 ““Sec. _____. Section 911.2, Code 1989, is amended
 41 to”.
 42 21. Page 21, line 19, by inserting after the word
 43 “curriculum” the following: “related to substance
 44 abuse”.
 45 22. Page 21, by striking lines 23 and 24, and
 46 inserting the following: “extent possible, to provide
 47 funding for substance abuse curriculum development and
 48 training, development of student assistance teams, and
 49 other related programs.”
 50 23. Page 22, by striking lines 3 through 7, and

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1 inserting the following: “the general assembly no
 2 later than January 15, 1991.” ”
 3 24. Page 23, line 13, by striking the word
 4 “department” and inserting the following: “alliance”.
 5 25. Page 23, by striking lines 17 through 23.
 6 26. Renumber as necessary.

Amendment H—6195 was adopted.

On motion by McKinney of Dallas, the House concurred in the Senate amendment H—6162, as amended.

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

On the question “Shall the bill pass?” (H.F. 2564)

The ayes were, 92:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman

Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Harbor
Harper	Hatch	Haverland	Hester
Hibbard	Holveck	Iverson	Jay
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, none.

Absent or not voting, 8:

Fuller	Hanson, D. R.	Hermann	Jesse
McKean	Pellett	Schneklath	Stueland

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

IMMEDIATE MESSAGES (House Files 2564 and 2504)

Arnould of Scott asked and received unanimous consent that House Files 2564 and 2504 be immediately messaged to the Senate.

RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for an immediate meeting of the committee on appropriations.

The House stood at ease at 1:36 a.m., until the fall of the gavel.

The House resumed session at 2:43 a.m., Speaker Avenson in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 8, 1990, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 2567, a bill for an act relating to and making appropriations from the energy conservation trust.

Also: That the Senate has on April 8, 1990, adopted the conference committee report and passed Senate File 2280, a bill for an act relating to and making appropriations to various state agencies including certain state elected officials, the executive council, the department of general services, the department of personnel, the department of revenue and finance, the office of state-federal relations, and the department of management, increasing certain fees, changing the procurement program, and providing for repeals of certain provisions.

Also: That the Senate has on April 8, 1990, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2429, a bill for an act relating to responsibilities for the receipt and disbursement of support payments, satisfaction of a support order by direct payment to the person who is to receive the payment, medical support for children receiving child support, modification of child support orders, child support enforcement, determination of paternity and establishment of past child support obligations, establishing an advisory committee, and providing an effective date for certain provisions.

Also: That the Senate has on April 8, 1990, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2433, a bill for an act relating to the appropriations from and the reallocation of the moneys in the surplus account of the Iowa plan fund, to certain corporations appropriated moneys from the Iowa plan fund, and authorizing the creation of a disaster recovery program to provide low-interest and guaranteed loans to public and private entities for which an appropriation is made from the Iowa plan fund, and providing an effective date.

Also: That the Senate has on April 8, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2436, a bill for an act relating to the creation of a health and safety capital improvement fund, providing for the transfer of appropriated funds, authorizing the issuance of bonds, and providing an effective date.

JOHN F. DWYER, Secretary

INTRODUCTION OF BILL

House File 2569, by committee on appropriations, a bill for an act relating to and making appropriations to finance state government and its obligations, and providing effective dates.

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

SENATE MESSAGE CONSIDERED

Senate File 2436, by committee on appropriations, a bill for an act relating to the creation of a health and safety capital improvement

fund, providing for the transfer of appropriated funds, authorizing the issuance of bonds, and providing an effective date.

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

RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for an immediate meeting of the committee on appropriations.

The House stood at ease at 2:45 a.m., until the fall of the gavel.

The House resumed session at 3:20 a.m., Speaker Avenson in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-seven members present, thirty-three absent.

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (Senate File 2280)

Renaud of Polk called up for consideration the report of the conference committee on Senate File 2280 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 2280

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and House of Representatives on Senate File 2280, a bill for an act relating to and making appropriations to various state agencies including certain state elected officials, the executive council, the department of general services, the department of personnel, the department of revenue and finance, the office of state-federal relations, and the department of management, increasing certain fees, changing the procurement program, and providing for repeals of certain provisions, respectfully make the following report:

1. That the Senate recedes from its amendment, H-5938.
2. That the House amendment, S-5672, to Senate File 2280, as amended, passed, and reprinted by the Senate, is amended as follows:

1. Page 2, by inserting after line 1 the following:

"_____ Page 7, by inserting after line 7 the following:

"11. In carrying out the requirements of 1990 Iowa Acts, Senate File 2212, section 24, relating to the acquisition or construction of expanded prison facilities, the department of general services may include the architectural and engineering costs of the project as a part of the total costs of the project to be financed by lease-purchase arrangements.

12. If personnel reductions are required in the department of general services resulting from budget reductions, the layoffs shall be made only after service contracts with private parties have been reviewed and reduced or canceled where possible. Personnel reductions shall be distributed among management employees, nonmanagement employees who are not members of a bargaining unit, and nonmanagement employees who are members of a bargaining unit in the same proportion as the proportion to total employees represented by each group. The department shall retain those employees most essential to the department's mission. The department shall report to the co-chairpersons and ranking members of the joint administration appropriations subcommittee concerning any personnel reductions to demonstrate how the department has complied with the requirements of this subsection."

2. Page 2, line 11, by striking the figure "1,224,000" and inserting the following: "1,331,000".

3. Page 2, by striking lines 32 and 33, and inserting the following:

"_____. Page 12, by striking lines 10 through 22."

4. Page 2, by striking lines 36 and 37.

5. Page 2, line 39, by striking the figure "6,259,000" and inserting the following: "6,047,156".

6. Page 2, line 41, by striking the figure "1,712,000" and inserting the following: "1,654,000".

7. Page 2, line 43, by striking the figure "1,304,000" and inserting the following: "1,260,000".

8. Page 2, line 45, by striking the figure "1,878,000" and inserting the following: "1,814,000".

9. Page 2, line 47, by striking the figure "740,000" and inserting the following: "715,000".

10. Page 3, by striking lines 16 through 22 and inserting the following:

"Sec. _____. LAYOFF AND RECALL PROCEDURES.

The department of personnel in consultation with the department of management, the department of revenue and finance, and the department of general services, shall establish a program for employees of those departments whose positions are terminated as a result of this Act. The departments shall give a preference to qualified persons previously employed whose jobs were terminated as a result of this Act when hiring to fill vacant positions according to existing outplacement procedures established by the department of personnel and recall procedures established by public employee collective bargaining agreements.

Sec. _____ .

There is appropriated from the general fund of the state to the department of general services and the department of revenue and finance for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amounts, or so much thereof as is necessary, to be used for the purpose designated:

For allocation, upon approval of the department of management, to avoid layoffs, if, after implementing efficiencies and other methods to achieve savings as directed by the department of management, the governor, and the department directors, funds appropriated by this Act are insufficient to otherwise avoid layoffs:

1. Department of general services:

..... \$ 250,000

2. Department of revenue and finance:

..... \$ 250,000

Sec. ____ . Section 7.17, Code 1989, is amended to read as follows:

7.17 OFFICE OF ADMINISTRATIVE RULES CO-ORDINATOR.

The governor shall establish the office of the administrative rules co-ordinator, and appoint its staff, which shall be a part of the governor's office. The administrative rules co-ordinator shall receive all notices and rules promulgated pursuant to chapter 17A and provide the governor with an opportunity to review and object to any rule as provided in chapter 17A. The administrative rules co-ordinator in consultation with the Code editor shall prescribe a uniform style and form by which an agency shall prepare and file a rule pursuant to chapter 17A which shall correlate each rule to a uniform numbering system devised by the administrative rules co-ordinator. The administrative rules co-ordinator shall review all submitted rules for style and form and may return or revise a rule which is not in proper style and form. In prescribing the style, and form, the administrative rules co-ordinator shall require that the agency include a reference to the statute which the rules are intended to implement."

____. Page 19, by inserting after line 26, the following:

"Sec. ____ . Section 13.7, Code 1989, is amended to read as follows:

13.7 SPECIAL COUNSEL.

Compensation shall not be allowed to any person for services as an attorney or counselor to an executive department of the state government, or the head thereof, or to a state board or commission. However, the executive council may employ legal assistance, at a reasonable compensation, in a pending action or proceeding to protect the interests of the state, but only upon a sufficient showing, in writing, made by the attorney general, that the department of justice cannot for reasons stated by the attorney general perform the service, which reasons and action of the council shall be entered upon its records. When the attorney general determines that the department of justice cannot perform legal service in an action or proceeding, the executive council shall request the department involved in the action or proceeding to recommend legal counsel to represent the department. If the attorney general concurs with the department that the person recommended is qualified and suitable to represent the department, the person recommended shall be employed. If the attorney general does not concur in the recommendation, the department shall submit a new recommendation. This section does not affect the general counsel for the utilities board of the department of commerce, the legal counsel for the board of optometry examiners, or the legal counsel of the division of job service of the department of employment services.

Sec. _____. Section 17A.2, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 11. "ARC number" means the identification number assigned by the governor's administrative rules coordinator to each rulemaking document.

Sec. _____. Section 17A.4, subsection 1, paragraph a, Code 1989, is amended to read as follows:

a. Give notice of its intended action by submitting three copies of the notice to the administrative rules co-ordinator, who shall assign an ARC number to each rulemaking document and forward two copies to the Code editor for publication in the "Iowa Administrative Bulletin" created pursuant to section 17A.6. Any notice of intended action shall be published at least thirty-five days in advance of the action. The notice shall include a statement of either the terms or substance of the intended action or a description of the subjects and issues involved, and the time when, the place where, and the manner in which interested persons may present their views thereon.

Sec. _____. Section 17A.5, subsection 1, Code Supplement 1989, is amended to read as follows:

1. Each agency shall file in the office of the administrative rules co-ordinator three certified copies of each rule adopted by it. Two copies of each rule shall be forwarded to the Code editor by the administrative rules co-ordinator. The administrative rules co-ordinator shall assign an ARC number to each rulemaking document and forward two copies to the Code editor. The administrative rules co-ordinator shall keep a permanent register of the rules open to public inspection.

Sec. _____. Section 17A.6, Code Supplement 1989, is amended by adding the following new subsections:

NEW SUBSECTION. 7. The Iowa administrative code shall be cited as (agency identification number) IAC, (chapter, rule, subrule, lettered paragraph, or numbered subparagraph).

NEW SUBSECTION. 8. The Iowa administrative bulletin shall be cited as IAB (volume), (number), (publication date), (page number), (ARC number).

Sec. _____. Section 18.136, Code Supplement 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. It is the intent of the general assembly that during the implementation of parts I and II of the system, the department of general services shall employ a consultant to report to it on the impact of changing technology on the potential cost and capabilities of the system. It is also the intent of the general assembly that the department of education shall study new techniques in distant teaching. These reports shall be made available to the general assembly.

Sec. 101. Section 18.137, unnumbered paragraph 1, Code Supplement 1989, is amended to read as follows:

There is created in the office of the treasurer of state a temporary fund to be known as the state communications network fund. There is appropriated, ~~contingent upon the certification from the department of management of financial resources adequate to fund the expenditure,~~ to the state communications network fund for each the fiscal year of the fiscal period beginning July 1, 1989, and ending June 30, ~~1994~~ 1990,

the sum of ten five million dollars from funds in the general fund of the state not otherwise appropriated. Any moneys remaining in the fund on June 30 of a fiscal year, of moneys appropriated from the general fund of the state for that fiscal year, shall revert to the general fund of the state, except that those funds needed to provide the state matching funds pursuant to section 18.136 shall not revert, notwithstanding section 8.33. There is appropriated from the general fund of the state to the state communications network fund for each fiscal year of the fiscal period beginning July 1, 1991, and ending June 30, 1996, the sum of five million dollars. Notwithstanding section 8.33, unobligated and unencumbered moneys from the appropriation for a fiscal year remaining on June 30 of that fiscal year shall not revert to the general fund of the state but shall remain available for expenditure during the next following fiscal year. There shall also be deposited into the state communications network fund proceeds from bonds issued for purposes of projects authorized pursuant to section 18.136, matching funds received from the area schools and the local school boards, funds received from leases pursuant to section 18.134, and other moneys by law credited to or designated by a person for deposit into the fund. Notwithstanding the requirements of section 18.136, subsection 1, for the fiscal year beginning July 1, 1990, and ending June 30, 1991, thirty-one thousand dollars of moneys in the state communications network fund may be expended for the state's share of the cost for the design of a disaster recovery facility to be built in conjunction with the Iowa communications network facility and emergency operation center. The department of general services may increase its fees for data processing in order to collect an additional amount not exceeding two hundred thousand dollars during the fiscal year beginning July 1, 1991, to pay for the state's share of the cost of construction of the disaster recovery facility."

_____. Page 20, by inserting before line 1, the following:

"Sec. _____. Section 90A.7, Code 1989, is amended to read as follows:

90A.7 WRITTEN REPORT FILED - TAX.

1. Every person conducting a boxing or wrestling match or charging an admission fee for viewing of a closed-circuit boxing or wrestling match in this state shall, within twenty-four hours after such match, furnish to the commissioner a written report, duly verified, showing the number of tickets sold for such boxing or wrestling match, and the amount of gross proceeds thereof of such boxing or wrestling match, and such other matters as the commissioner may prescribe; and shall also within the said same time period pay to the treasurer of state a tax of five percent of its total gross receipts, after deducting any federal admission state sales tax, from the sale of tickets of admission to such boxing or wrestling match.

2. Moneys collected pursuant to subsection 1 in excess of the amount of moneys needed to administer this chapter are appropriated and shall be used by the state commissioner of athletics to award grants to organizations which promote amateur boxing matches in this state.

3. The state commissioner of athletics shall adopt rules pursuant to chapter 17A to establish procedures for the submission of applications for grants to be awarded pursuant to subsection 2, and for the awarding of grants pursuant to subsection 2.

4. An advisory board composed of three members of the golden gloves association of America, incorporated - Iowa branch, appointed by the association, and three members of the United States of America amateur boxing federation - Iowa branch, appointed by the federation, shall advise the state commissioner of athletics regarding the awarding of grants pursuant to subsection 2.

Sec. _____. Section 97B.49, subsection 16, paragraph d, Code 1989, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (3A) As used in subparagraph (3), "correctional officer" includes any employee of the Iowa department of corrections whose primary purpose is, through ongoing direct inmate contact, to enforce and maintain discipline, safety, and security within a correctional facility and any employee of that department whose primary purpose is to provide security within a correctional facility.

Sec. _____. Section 258A.3, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 5. The board of optometry examiners may retain a competent attorney to serve as its legal counsel as it finds necessary for the full and efficient discharge of its duties. The legal counsel retained by the board of optometry examiners shall be the attorney for, and legal advisor of, the board of optometry examiners while retained. The legal counsel is exempt from the merit provisions of chapter 19A. The legal counsel retained by the board of optometry examiners shall provide necessary legal advice to the board and may represent the board in disciplinary hearings or in actions instituted in a state or federal court challenging the validity of a rule or order of the board.

Sec. _____. Section 303.79, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 11. If the narrowcast system advisory committee determines that an expansion of the number of sites utilizing distance learning would benefit the implementation of the state educational telecommunications system by demonstrating its capabilities to a greater number of individuals, the advisory committee may recommend that the board establish a demonstration program. Notwithstanding section 18.136, the board may allocate not more than one hundred thousand dollars from the state communications network fund for each of the fiscal years beginning July 1, 1990, and July 1, 1991, to be used to equip additional classrooms."

_____. Page 20, by inserting after line 9, the following:

"Sec. 201. Section 524.1213, subsection 9, Code Supplement 1989, is amended to read as follows:

9. The resulting bank of a merger or consolidation shall not retain any united community bank office or any other bank office within the municipality or urban complex in which the principal office of the resulting bank is located if the resulting bank then would have a greater number of bank offices within that municipality or urban complex than is expressly permitted by section 524.1202, subsection 2."

_____. Page 22, by inserting after line 28, the following:

"Sec. 202. 1990 Iowa Acts, House File 685, section 3, subsection 1, is amended to read as follows:

1. "Acquire", except in section 524.1802, subsection 1, means to directly or indirectly acquire twenty-five percent or more of the voting securities or other capital stock of, or power to control in any manner the election of a majority of the directors of, over one or more banks conducting a banking business in this state or one or more bank holding companies located in this state or controlling one or more banks conducting a banking business in this state.

Sec. 203. 1990 Iowa Acts, House File 685, section 3, is amended by adding the following new subsections:

NEW SUBSECTION. 1A. "Bank conducting a banking business in this state" means a state bank or national bank that has its principal place of business in this state and that is authorized to engage and actually is engaged in receiving money for demand deposit, receiving money for time deposit, paying checks, and making commercial loans.

NEW SUBSECTION. 4A. "Control" means control as defined and described in the federal Bank Holding Company Act of 1956, 12 U.S.C. § 1841(a)(2)(A) and (B), as amended to January 1, 1990.

Sec. 204. 1990 Iowa Acts, House File 685, is amended by adding the following new section:

SEC. _____ NEW SECTION. 524.1851A RIGHTS RESERVED.

Notwithstanding any other provision of this division, a bank holding company described in section 524.1805 may engage in any acquisition or transaction in which it could lawfully engage in the absence of this division.

Sec. 205. 1990 Iowa Acts, House File 685, section 4, is amended to read as follows:

SEC. 4. NEW SECTION. 524.1852 ACQUISITIONS.

1. A regional bank holding company may directly or indirectly acquire an interest in the voting securities or other capital stock of, or power to control in any manner the election of any of the directors of obtain interests not constituting control in, one or more banks conducting a banking business in this state or in one or more bank holding companies located in this state or controlling one or more banks conducting a banking business in this state.

2. ~~Notwithstanding subsection 1, a~~ regional bank holding company shall not directly or indirectly acquire twenty-five percent or more of the voting securities or other capital stock of, or power to control in any manner the election of a majority of the directors of, acquire one or more banks conducting a banking business in this state or one or more bank holding companies located in this state or controlling one or more banks conducting a banking business in this state without except upon the prior approval of the superintendent and compliance with the application procedures and acquisition conditions, limitations, and requirements of this division.

Sec. 206. 1990 Iowa Acts, House File 685, section 6, subsection 5, paragraph 1, is amended to read as follows:

1. Will on balance have a positive effect upon the community interests of the communities served by the bank or banks to be acquired. In considering community interest factors, the superintendent may investigate in addition to the effects of the acquisition on shareholders or depositors, the effects of the acquisition on employees, suppliers, creditors, short-term and long-term impact upon community interests, and community development. ~~The superintendent shall consider the short-term and long-term impact upon community interests of the proposed acquisition, including the possibility that community interests may be best served by the continued independence of the bank or bank holding company to be acquired.~~

Sec. 207. 1990 Iowa Acts, House File 685, section 6, subsection 8, is amended by striking the subsection and inserting in lieu thereof the following:

8. Approval shall be conditioned upon the applicant entering into a contract with the superintendent providing that any bank located in this state and owned or controlled by the applicant will be operated in a manner that conforms to any actions, promised to be undertaken by the applicant in its application, to correct any deficiencies in the procedures or operations of the acquired bank, including requirements of subsection 5, which promises were necessary to allow the superintendent to approve the application. As part of such contract, the applicant shall agree that the applicant, as well as any Iowa bank or Iowa bank holding company acquired by the applicant, shall provide reports to and permit examinations of its records by the superintendent to the extent necessary to ensure compliance with the promises referred to in the application.

Sec. 208. 1990 Iowa Acts, House File 685, section 8, subsection 3, is amended to read as follows:

3. The superintendent may assess a civil penalty to a bank holding company in violation of a condition up to five thousand hundred dollars per violation, but not to exceed a total of two hundred fifty ten thousand dollars per year.

Sec. 209. 1990 Iowa Acts, House File 685, section 13, subsection 2, is amended to read as follows:

2. An authorization for a state bank chartered in this state, to engage in activities regulated under title 20, if any, does not grant the bank a regional bank holding company that acquires a state bank under section 524.1852 or any state bank owned or controlled by that bank holding company or any subsidiary or affiliate the ability or right to engage in such activities outside of this state.

Sec. 210. 1990 Iowa Acts, House File 685, is amended by adding the following new section:

SEC. _____. NEW SECTION. 524.1862 PROHIBITED ACQUISITIONS.

Unless expressly authorized by federal law in the absence of the enactment of this division, a foreign bank, as defined in 12 U.S.C. § 3101, or an out-of-state bank holding company that is directly or indirectly owned or controlled by a foreign bank shall not make any type of acquisition described or referred to in section 524.1852, and shall divest itself of any interest acquired in violation of this section. The superintendent may prosecute any action or proceeding necessary to compel compliance with this section.

Sec. _____ .

There is appropriated from the banking revolving fund to the banking division of the department of commerce for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, for the purpose designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions, in connection with the implementation, administration, and enforcement of interstate banking:

.....	\$ 50,000
.....	FTEs 2.00

Sec. _____. RESALE OF COMMUNICATION SERVICES.

It is the intent of the general assembly that the department of general services shall not provide or resell communication services to agencies other than accredited nonpublic schools, nonprofit institutions of higher education eligible for tuition grants, state agencies, school corporations, city libraries, regional libraries as provided in chapter 303B, and county libraries as provided in chapter 358B."

_____. Page 22, by striking lines 29 and 30, and inserting the following:

"Sec. _____. EFFECTIVE DATES.

1. This section and sections 101 and 201 of this Act, being deemed of immediate importance, take effect upon enactment. All other sections of this Act take effect July 1, 1990.

2. Sections 202 through 210 of this Act shall have the same effect as if originally enacted in 1990 Iowa Acts, House File 685.

3. Section 210 of this Act is repealed effective January 1, 1992.

4. Sections 30, 31, 32, and 34 of this Act are repealed effective July 1, 1996."

_____. Title page, line 6, by inserting after the word "management," the following: "and to the state communications network fund, specifying the duties of the administrative rules coordinator, providing for the appropriation of wrestling and boxing taxes, providing for interstate banking, providing legal counsel to certain state agencies, providing for other related matters, providing penalties for violations,"."

ON THE PART OF THE HOUSE:

DENNIS L. RENAUD, Chair
JANET L. ADAMS
EUGENE H. BLANSHAN
JOSEPH M. KREMER

ON THE PART OF THE SENATE:

MICHAEL E. GRONSTAL, Chair
WILLIAM W. DIELEMAN
CALVIN O. HULTMAN
JOHN W. JENSEN
JOHN P. KIBBIE

A non-record roll call was requested.

The ayes were 41, nays 35.

The motion prevailed and the conference committee report was adopted.

Renaud of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 75 was invoked.

On the question "Shall the bill pass?" (S.F. 2280)

The ayes were, 52:

Adams	Arnould	Beaman	Bisignano
Black	Blanshan	Carpenter	Chapman
Cohoon	Connors	Corbett	Diemer
Dvorsky	Fey	Fogarty	Groninga

Gruhn	Halvorson, R. N.	Hansen, S. D.	Harper
Hatch	Haverland	Jay	Jochum
Johnson	Knapp	Lundby	Lykam
May	McKinney	Mertz	Metcalf
Muhlbauer	Murphy	Neuhauser	Nielsen
Pavich	Peters	Peterson, M. K.	Poncy
Renaud	Schrader	Sherzan	Shoultz
Spear	Spenner	Swartz	Tabor
Teaford	Tyrrell	Wise	Mr. Speaker
			Avenson

The nays were, 37:

Banks	Beatty	Bennett	Brand
Branstad	Brown	Buhr	Clark
Daggett	Doderer	Eddie	Garman
Halvorson, R. A.	Hammond	Hester	Hibbard
Holveck	Iverson	Jesse	Kistler
Koenigs	Kremer	Lageschulte	Maulsby
Miller	Ollie	Osterberg	Petersen, D. F.
Plasier	Renken	Rosenberg	Royer
Shearer	Siegrist	Svoboda	Trent
Van Maanen			

Absent or not voting, 11:

Brammer	De Groot	Fuller	Hanson, D. R.
Harbor	Hermann	McKean	Pellett
Schneklath	Shoning	Stueland	

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

IMMEDIATE MESSAGE

(Senate File 2280)

Arnould of Scott asked and received unanimous consent that Senate File 2280 be immediately messaged to the Senate.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Senate File 2436, a bill for an act relating to the creation of a health and safety capital improvement fund, providing for the transfer of appropriated funds, authorizing the issuance of bonds, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 8, 1990.

Appropriations Calendar

Senate File 2436, a bill for an act relating to the creation of a health and safety capital improvement fund, providing for the transfer of appropriated funds, authorizing the issuance of bonds, and providing an effective date, with report of committee recommending passage was taken up for consideration by unanimous consent.

McKinney of Dallas moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2436)

The ayes were, 53:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brand	Brown
Buhr	Chapman	Cohoon	Connors
Diemer	Dvorsky	Fey	Fogarty
Groninga	Gruhn	Hansen, S. D.	Harper
Hatch	Haverland	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Knapp	Koenigs	Lykam	May
McKinney	Murphy	Neuhauser	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Rosenberg	Schrader
Shearer	Sherzan	Shoultz	Svoboda
Swartz	Tabor	Teaford	Wise
Mr. Speaker			
Avenson			

The nays were, 32:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
Eddie	Garman	Halvorson, R. A.	Halvorson, R. N.
Hester	Iverson	Kistler	Kremer
Lageschulte	Lundby	Maulsby	Mertz
Miller	Nielsen	Petersen, D. F.	Plasier
Renken	Royer	Siegrist	Spear
Spenner	Trent	Tyrrell	Van Maanen

Absent or not voting, 15:

Brammer	De Groot	Doderer	Fuller
Hammond	Hanson, D. R.	Harbor	Hermann
McKean	Metcalf	Muhlbauer	Pellett
Schneklath	Shoning	Stueland	

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

IMMEDIATE MESSAGE

(Senate File 2436)

Arnould of Scott asked and received unanimous consent that Senate File 2436 be immediately messaged to the Senate.

Regular Calendar

Senate File 2426, a bill for an act relating to persons who act as the president of the senate, providing for the term of office of the president of the senate, providing authorization for the compensation of the lieutenant governor in executive branch Code provisions, removing the lieutenant governor from membership on the legislative council, making the president of the senate, the speaker pro tempore, and two additional minority party members legislative council members, making changes in the manner of appointment of senate members of certain boards, commissions, agencies, councils, associations, and statutory committees, and providing an effective date, with report of committee recommending passage was taken up for consideration.

Buhr of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2426)

The ayes were, 87:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	Daggett
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hester	Hibbard	Holveck	Iverson
Jay	Jesse	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schrader	Shearer	Sherzan	Shoultz

Siegrist	Spear	Spenner	Svoboda
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 13:

Brammer	De Groot	Fuller	Hanson, D. R.
Harbor	Hermann	Jochum	McKean
Pellett	Schnekloth	Shoning	Stueland
Swartz			

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

IMMEDIATE MESSAGE (Senate File 2426)

Arnould of Scott asked and received unanimous consent that Senate File 2426 be immediately messaged to the Senate.

The House stood at ease at 4:26 a.m., until the fall of the gavel.

The House resumed session at 5:10 a.m., Speaker Avenson in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lageschulte of Bremer, for the remainder of the session, on request of Spenner of Henry.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 8, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2213, a bill for an act relating to the regulation of banks to conform to changes in federal law contained in the Financial Institutions Reform, Recovery and Enforcement Act of 1989.

Also: That the Senate has on April 8, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2393, a bill for an act relating to minimum liability limits for motor carriers and related procedures.

Also: That the Senate has on April 8, 1990, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 2517, a bill for an act establishing a youthful offenders program by transferring authority over the facilities of the state training school at Eldora to the department of corrections, providing for the establishment of replacement facilities under the department of human services, providing for other related matters, and providing an effective date.

Also: That the Senate has on April 8, 1990, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 2564, a bill for an act relating to making appropriations for substance abuse treatment, prevention, education, and enforcement programs, establishing an evaluation mechanism for substance abuse treatment programs, and providing civil penalties.

Also: That the Senate has on April 8, 1990, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2435, a bill for an act relating to human services and making appropriations to the department of human services and other properly related matters, providing for retroactive applicability of certain provisions, and providing an effective date.

JOHN F. DWYER, Secretary

CONSIDERATION OF BILLS Appropriations Calendar

House File 2569, a bill for an act relating to and making appropriations to finance state government and its obligations, and providing effective dates, was taken up for consideration.

Bisignano of Polk offered the following amendment H—6196 filed by him from the floor and moved its adoption:

H—6196

- 1 Amend House File 2569 as follows:
- 2 1. By striking page 11, line 26 through page 12,
- 3 line 23, and inserting the following:
- 4 "Sec. 702. EFFECTIVE DATE.
- 5 Section 701 of this Act takes effect September 1,
- 6 1991."

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 40, nays 45.

Amendment H—6196 lost.

Trent of Muscatine offered the following amendment H—6197 filed by him from the floor and moved its adoption:

H-6197

1 Amend House File 2569 as follows:
 2 1. Page 18, by inserting after line 13 the fol-
 3 lowing:
 4 "Sec. _____. 1990 Iowa Acts, Senate File 2327,
 5 section 1, subsection 1, is amended to read as
 6 follows:
 7 1. GENERAL ADMINISTRATION
 8 For salaries, support, maintenance, miscellaneous
 9 purposes, and for not more than the following full-
 10 time equivalent positions:
 11 \$ 815,706
 12 1,040,706
 13 FTEs 21.00
 14 25.50
 15 Sec. _____. 1990 Iowa Acts, Senate File 2327,
 16 section 1, subsection 12, paragraph a, is amended to
 17 read as follows:
 18 a. Small business program:
 19 \$ 151,314
 20 207,559
 21 FTEs 2.00
 22 3.50".
 23 2. Page 18, line 14, by striking the words and
 24 figure "section 9, is" and inserting the following:
 25 "sections 7, 9, 18 through 22, and 30 through 35,
 26 are".

Amendment H-6197 was adopted.

Peterson of Carroll offered the following amendment H-6198 filed from the floor by Peterson of Carroll and Carpenter of Polk and moved its adoption:

H-6198

1 Amend House File 2569 as follows:
 2 1. Page 22, by inserting after line 24 the
 3 following:
 4 "Sec. _____. Section 232.147, subsection 3,
 5 paragraph c, Code 1989, is amended to read as follows:
 6 c. The child's parent, guardian or custodian,
 7 court-appointed special advocate, and guardian ad
 8 litem."
 9 2. Page 24, by striking lines 3 through 7.
 10 3. Page 24, line 21, by inserting after the word
 11 "court:" the following: "A senior judge shall not be
 12 assigned to judicial duties on the supreme court
 13 unless the judge has been appointed to serve on the
 14 supreme court prior to retirement."
 15 4. By striking page 27, line 30 through page 28,
 16 line 4.
 17 5. By renumbering as necessary.

Amendment H—6198 was adopted.

Hammond of Story offered the following amendment H—6199 filed by her from the floor and moved its adoption:

H—6199

- 1 Amend House File 2569 as follows:
- 2 1. Page 3, by inserting after line 27 the
- 3 following:
- 4 "Sec. 2. STUDY REQUIRED.
- 5 Notwithstanding section 8.33, the department of
- 6 human services shall complete by January 2, 1991, the
- 7 studies required pursuant to 1989 Iowa Acts, chapter
- 8 318, section 1, subsection 5, and the funds
- 9 appropriated for this purpose that remain unencumbered
- 10 and unobligated on June 30, 1990, shall not revert to
- 11 the general fund but shall remain available for the
- 12 purposes designated during the fiscal year beginning
- 13 July 1, 1990."
- 14 2. Page 3, line 29, by striking the word and
- 15 figure "Section 201" and inserting the following:
- 16 "Sections 201 and 2".
- 17 3. Page 3, line 30, by striking the word "takes"
- 18 and inserting the following: "take".

Amendment H—6199 was adopted.

The following amendment H—6200 filed by Jochum of Dubuque from the floor was adopted by unanimous consent:

H—6200

- 1 Amend House File 2569 as follows:
- 2 1. Title page, line 2, by inserting after the
- 3 word "government" the following: ", its regulatory
- 4 functions,".

Jochum of Dubuque moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2569)

The ayes were, 70:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brand
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Daggett
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Hester	Hibbard

Holveck	Iverson	Jay	Jesse
Jochum	Johnson	Knapp	Koenigs
Lundby	Lykam	May	McKinney
Mertz	Muhlbauer	Murphy	Nielsen
Ollie	Osterberg	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Shoultz
Spear	Spenner	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Wise	Mr. Speaker		
	Avenson		

The nays were, 16:

Banks	Bennett	Branstad	Corbett
Garman	Halvorson, R. A.	Kistler	Kremer
Maulsby	Metcalf	Miller	Petersen, D. F.
Plasier	Royer	Siegrist	Van Maanen

Absent or not voting, 14:

Brammer	De Groot	Fuller	Hanson, D. R.
Harbor	Hermann	Lageschulte	McKean
Neuhauser	Pellett	Renken	Schnekloth
Shoning	Stueland		

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

IMMEDIATE MESSAGE

(House File 2569)

Arnould of Scott asked and received unanimous consent that House File 2569 be immediately messaged to the Senate.

Unfinished Business Calendar

The House resumed consideration of **Senate File 2372**, a bill for an act relating to the 1991 redistricting process for the election of senators in conformity with article III, section 6 of the Constitution of the State of Iowa, previously deferred and placed on the unfinished business calendar.

Pavich of Pottawattamie asked and received unanimous consent to withdraw the committee amendment H-5596 filed on March 12, 1990.

Pavich of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2372)

The ayes were, 83:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	Daggett
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Garman	Groninga
Gruhn	Halvorson, R. A.	Hammond	Hansen, S. D.
Harper	Haverland	Hester	Hibbard
Holveck	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lundby	Lykam
Maulsby	May	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Nielsen	Ollie	Osterberg	Pavich
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poney	Renaud	Rosenberg	Royer
Schrader	Shearer	Sherzan	Shoultz
Siegrist	Spear	Spenner	Svoboda
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, 1:

Halvorson, R. N.

Absent or not voting, 16:

Brammer	De Groot	Fuller	Hanson, D. R.
Harbor	Hatch	Hermann	Lageschulte
McKean	Neuhauser	Pellett	Renken
Schneklath	Shoning	Stueland	Swartz

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

IMMEDIATE MESSAGE (Senate File 2372)

Arnould of Scott asked and received unanimous consent that Senate File 2372 be immediately messaged to the Senate.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 8, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2536, a bill for an act relating to the regulation of persons providing courses of instruction for profit, by revising requirements for corporate surety bonds, and repealing certain disclosure requirements.

JOHN F. DWYER, Secretary

RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for an immediate meeting of the committee on judiciary and law enforcement.

The House stood at ease at 5:36 a.m., until the fall of the gavel.

The House resumed session at 5:58 a.m., Speaker Avenson in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 8, 1990, adopted the conference committee report and passed Senate File 2413, a bill for an act relating to certain specific crimes and the disposition of offenders by providing for payment of sexual abuse medical examinations, providing for workers' compensation coverage and the liability of certain persons performing community service, providing for notification of the parents of persons under age eighteen discovered to be in possession of alcohol or drugs, providing for a term of confinement for distribution of illegal drugs within one thousand feet of a public park, providing for the reporting and identification of certain precursor drugs, providing for the disposition of certain juvenile offenders, establishing institutional reading room requirements, providing for the diversion of certain offenders to treatment facilities, providing that certain persons serving mandatory minimum sentences serve a portion of their sentence on work release, establishing a penalty for certain persons who cause a serious injury to another while operating a motor vehicle, providing for certain offenders to serve their sentence on consecutive days, providing for posttreatment services as a condition of probation, establishing a tax on marijuana and controlled substances, providing an expansion of the business deduction for businesses employing individuals on parole, probation, work release, or convicted of a felony, establishing penalties for participation in criminal gang activity, providing for the nonbailability of certain offenders, providing requirements for presentence investigations, providing for early release of offenders participating in certain treatment or for certain property offenders, making certain changes relating to conditions of parole and work release, authorizing parole and probation officers to discharge certain offenders, making certain changes relating to the victim reparation program, establishing a pilot project for the chemical testing of persons arrested for felony offenses, and providing penalties.

JOHN F. DWYER, Secretary

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (Senate File 2413)

Jay of Appanoose called up for consideration the report of the conference committee on Senate File 2413 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 2413

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 2413, an act relating to certain specific crimes and the disposition of offenders by providing for payment of sexual abuse medical examinations, providing for workers' compensation coverage and the liability of certain persons performing community service, providing for notification of the parents of persons under age eighteen discovered to be in possession of alcohol or drugs, providing for a term of confinement for distribution of illegal drugs within one thousand feet of a public park, providing for the reporting and identification of certain precursor drugs, providing for the disposition of certain juvenile offenders, establishing institutional reading room requirements, providing for the diversion of certain offenders to treatment facilities, providing that certain persons serving mandatory minimum sentences serve a portion of their sentence on work release, establishing a penalty for certain persons who cause a serious injury to another while operating a motor vehicle, providing for certain offenders to serve their sentence on consecutive days, providing for posttreatment services as a condition of probation, establishing a tax on marijuana and controlled substances, providing an expansion of the business deduction for businesses employing individuals on parole, probation, work release, or convicted of a felony, establishing penalties for participation in criminal gang activity, providing for the nonbailability of certain offenders, providing requirements for presentence investigations, providing for early release of offenders participating in certain treatment or for certain property offenders, making certain changes relating to conditions of parole and work release, authorizing parole and probation officers to discharge certain offenders, making certain changes relating to the victim reparation program, establishing a pilot project for the chemical testing of persons arrested for felony offenses, and providing penalties, respectfully make the following report:

1. That the House recedes from its amendment, S—5888.
2. That Senate File 2413, as amended, passed, and reprinted by the Senate, is amended as follows:
 1. Page 1, line 24, by inserting after the word "services" the following: "or an inmate providing services pursuant to a chapter 28E agreement entered into pursuant to section 246.703,".
 2. Page 1, line 32, by inserting after the word "services," the following: "or an inmate providing services pursuant to a chapter 28E agreement entered into pursuant to section 246.703,".
 3. Page 2, line 7, by inserting after the word "services," the following: "or in connection with the provision of services pursuant to a chapter 28E agreement entered into pursuant to section 246.703,".
 4. Page 2, line 25, by inserting after the word "services," the following: "or in connection with the provision of services pursuant to a chapter 28E agreement entered into pursuant to section 246.703,".
 5. Page 2, by striking lines 31 and 32, and inserting the following:

"A peace officer shall make a reasonable effort to identify a person under the age of eighteen discovered to be in possession of".

6. Page 2, line 34, by inserting after the figure "123.47" the following: "and if the person is not referred to juvenile court".

7. Page 3, line 13, by striking the word "counterfiet" and inserting the following: "counterfeit".

8. Page 4, by striking lines 13 and 14, and inserting the following:

"A peace officer shall make a reasonable effort to identify a person under the age of eighteen discovered to be in possession of a".

9. Page 4, line 16, by inserting after the word "chapter," the following: "and if the person is not referred to juvenile court".

10. Page 9, line 17, by striking the word "- PENALTY" and inserting the following: "- PENALTY".

11. Page 10, by inserting after line 28, the following:

"Sec. _____. Section 232.2, subsection 6, paragraph d, Code Supplement 1989, is amended to read as follows:

d. Who has been, or is imminently likely to be, sexually abused by the child's parent, guardian, custodian or other member of the household in which the child resides.

Sec. _____. Section 232.8, subsection 1, unnumbered paragraph 2, Code 1989, is amended to read as follows:

Violations by a child of provisions of chapter 106, 106A, 109, 109A, 110, 110A, 110B, 111, 321, or 321G which would be simple misdemeanors if committed by an adult, and violations by a child of county or municipal curfew or traffic ordinances, and violations by a child of section 123.47, are excluded from the jurisdiction of the juvenile court and shall be prosecuted as simple misdemeanors as provided by law. The court may advise appropriate juvenile authorities and may refer violations of section 123.47 to the juvenile court when there is reason to believe the child regularly abuses alcohol and may be in need of treatment. The court shall notify the parents or legal guardians of a child who appears before it for a violation of section 123.47. A child convicted of a violation excluded from the jurisdiction of the juvenile court under this unnumbered paragraph shall be sentenced pursuant to section 805.8, where applicable, and pursuant to section 903.1, subsection 3, for all other violations."

12. Page 11, by inserting after line 5, the following:

"Sec. _____. Section 232.19, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Notwithstanding any other provision of this chapter, a child shall not be placed in detention as a result of a violation by that child of section 123.47."

13. Page 11, line 11, by inserting after the word "alcohol" the following: "or controlled substance".

14. Page 11, by inserting after line 19, the following:

"Sec. _____. Section 232.82, Code 1989, is amended to read as follows:

232.82 REMOVAL OF SEXUAL OFFENDERS AND PHYSICAL ABUSERS FROM THE RESIDENCE PURSUANT TO COURT ORDER.

1. Notwithstanding section 561.15, if it is alleged by a person authorized to file a petition under section 232.87, subsection 2, or by the court on its own motion, that a parent, guardian, custodian, or an adult member of the household in which a child resides has committed a sexual offense with or against the child, pursuant to chapter 709 or section 726.2, or a physical abuse as defined by section 232.2, subsection 38, the juvenile court may enter an ex parte order requiring the alleged sexual offender or physical abuser to vacate the child's residence upon a showing that probable cause exists to believe that the sexual offense or physical abuse has occurred and that substantial evidence exists to believe that the presence of the alleged sexual offender or physical abuser in the child's residence presents a danger to the child's life or physical, emotional, or mental health.

2. If an order is entered under subsection 1 and a petition has not yet been filed under this chapter, the petition shall be filed under section 232.87 by the county attorney, the department of human services, or a juvenile court officer within three days of the entering of the order.

3. The juvenile court may order on its own motion, or shall order upon the request of the alleged sexual offender or physical abuser, a hearing to determine whether the order to vacate the residence should be upheld, modified, or vacated. The juvenile court may in any later child in need of assistance proceeding uphold, modify, or vacate the order to vacate the residence.

Sec. _____. Section 232.116, subsection 1, Code Supplement 1989, is amended by adding a new paragraph:

NEW PARAGRAPH. 1. The court finds that both of the following have occurred:

(1) The child has been adjudicated a child in need of assistance pursuant to section 232.96 after finding that the child has been physically or sexually abused as a result of the acts or omissions of a parent.

(2) The parent found to have physically or sexually abused the child has been imprisoned for such abuse against the child, the child's sibling, or any other child in the household and the court finds it is unlikely that the parent will be released within five years."

15. Page 11, by striking line 23, and inserting the following: "of suitable space for reading material for inmates. For purposes of this section, "suitable reading materials" does not include material depicting or describing the genitals, sex acts, masturbation, excretory functions, or sadomasochistic abuse which the average person, taking the material as a whole and applying contemporary community standards with respect to what is suitable material for inmates, would find appeals to the prurient interest and is patently offensive; and the material, taken as a whole, lacks serious literary, scientific, political, or artistic value. The".

16. Page 12, line 3, by inserting after the word "paragraph" the following: " "b" or".

17. Page 12, by inserting after line 14, the following:

"Sec. _____. Section 246.703, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The director may enter into a chapter 28E agreement with a county board of supervisors or county conservation board to provide inmate services for environmental maintenance including but not limited to brush and weed cutting, tree planting, and erosion control. The board of supervisors or conservation board shall reimburse the department of corrections for the allowance paid the inmates by the director. The supervision, security, and transportation of inmates used pursuant to the chapter 28E agreement shall be provided by the department of corrections."

18. Page 12, line 19, by inserting after the word "inmate's" the following: "mandatory minimum".

19. By striking page 12, line 20, through page 13, line 28, and inserting the following: "sentence performing labor in the program. Duties, if possible, shall consist of physical labor in plain view of the public. However, an inmate shall not be required to perform work which is beyond an inmate's physical ability, which constitutes a physical hardship, or which is dangerous or threatening to the inmate's life or health, medically prohibited, or unduly painful.

Sec. _____. Section 321J.2, subsection 2, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A minimum term of imprisonment in a county jail or community-based correctional facility imposed on a person convicted of a second or subsequent offense under paragraph "b" or "c" shall be served on consecutive days. However, if the sentencing court finds that service of the full minimum term on consecutive days would work an undue hardship on the person, or finds that sufficient jail space is not available and is not reasonably expected to become available within four months after sentencing to incarcerate the person serving the minimum sentence on consecutive days, the court may order the person to serve not less than forty-eight consecutive hours of the minimum term and to perform a specified number of hours of unpaid community service as deemed appropriate by the sentencing court.

Sec. _____. Section 321J.3, subsection 1, Code 1989, is amended to read as follows:

1. On a conviction for a violation of section 321J.2, the court may order the defendant to attend a course for drinking drivers under section 321J.22. If the defendant submitted to a chemical test on arrest for the violation of section 321J.2 and the test indicated an alcohol concentration of .20 or higher, or if the defendant is charged with a second or subsequent offense, the court shall order the defendant, on conviction, to undergo a substance abuse evaluation and the court may shall order the defendant to follow the recommendations proposed in the substance abuse evaluation for appropriate substance abuse treatment for the defendant. Court-ordered substance abuse treatment is subject to the periodic reporting requirements of section 125.86. If a defendant is committed by the court to a substance abuse treatment facility, the administrator of the facility shall report to the court when it is determined that the defendant has received the maximum benefit of treatment at the facility and the defendant shall be released from the facility. The time for which the defendant is committed for treatment shall be credited against the defendant's sentence. The court may prescribe the length of time for the evaluation and treatment or it may request that the area school

conducting the course for drinking drivers which the person is ordered to attend or the treatment program to which the person is committed immediately report to the court when the person has received maximum benefit from the course for drinking drivers or treatment program or has recovered from the person's addiction, dependency, or tendency to chronically abuse alcohol or drugs. Upon successfully completing or attending a course for drinking drivers or an ordered substance abuse treatment program, the person may be placed on probation for six months and as a condition of probation, shall attend a program providing posttreatment services relating to substance abuse as approved by the court. A person committed under this section who does not possess sufficient income or estate to make payment of the costs of the treatment in whole or in part shall be considered a state patient and the costs of treatment shall be paid as provided in section 125.44. A defendant who fails to carry out the order of the court or who fails to successfully complete or attend a course for drinking drivers or an ordered substance abuse treatment program shall be confined in the county jail for twenty days in addition to any other imprisonment ordered by the court or may be ordered to perform unpaid community service work, and shall be placed on probation for one year with a violation of this probation punishable as contempt of court. In addition to any other condition of probation, the person shall attend a program providing substance abuse prevention services or posttreatment services related to substance abuse as ordered by the court. The person shall report to the person's probation officer as ordered concerning proof of attendance at the treatment program or posttreatment program ordered by the court. Failure to attend or complete the program shall be considered a violation of probation and is punishable as contempt of court.

Sec. 200. NEW SECTION. 321J.4A SURRENDER OF REGISTRATION AND PLATES.

1. Upon a plea or verdict of guilty of a third or subsequent violation of section 321J.2, the court shall issue an impoundment order requiring the surrender to the court of the registration certificate and registration plates of all of the following:

a. All vehicles registered to the defendant, or jointly to the defendant and the defendant's spouse.

b. All vehicles owned by the defendant, or jointly by the defendant and the defendant's spouse.

c. All vehicles leased to the defendant, or jointly to the defendant and the defendant's spouse. This paragraph does not apply to a rental vehicle which is one of a fleet of two or more vehicles rented for periods of four months or less.

2. For purposes of this subsection, a conviction for, deferred judgment for, or plea of guilty to, a violation of section 321J.2, which occurred more than six years prior to the date of the most recent violation charged, shall not be considered in determining that the most recent violation is a third or subsequent violation.

3. If the court issues an impoundment order, the registration certificate and registration plates shall be surrendered to the court either three days after the order is issued or on the date specified by the court, whichever is later. The court shall forward surrendered registration certificates to the county recorder within seven days after surrender. The court may destroy the surrendered registration plates. Except as provided in subsection 5, new registration plates shall not be issued to the defendant or owner until the driver's license of the violator has been reissued or reinstated. The court shall notify the director within ten days after issuing an impoundment order.

4. a. A defendant or an owner may apply to the director for new registration plates, which must bear a special series of numbers or letters so as to be readily identified by traffic law enforcement officers. Application for and acceptance of special plates constitutes implied consent for law enforcement officers to stop the vehicle bearing special plates at any time. The director shall authorize the issuance of special plates if any of the following apply:

(1) A member of the defendant's household has a valid driver's license.

(2) The defendant or owner has a temporary restricted license pursuant to section 321J.20.

The director may issue the special plates on payment of a fifty dollar fee for each vehicle for which special plates are requested.

b. Until the driver's license of the defendant is reinstated or reissued, the defendant shall inform the department that an impoundment order is in effect when requesting any new registration plates.

5. A registered owner shall not sell a motor vehicle during the time its registration plates and registration certificate have been ordered surrendered or during the time its registration plates bear a special series number, unless the registered owner applies to the department for consent to transfer title to the motor vehicle. If the department is satisfied that the proposed sale is in good faith and for valid consideration, that the registered owner will be deprived of custody and control of the motor vehicle, and that the sale is not for the purpose of circumventing the provisions of this section, the department may certify its consent to the county recorder. The county recorder shall then transfer the registration certificate to the new owner upon proper application and issue new registration plates. After the registration plates and registration certificate have been ordered surrendered to the court under this section, if the title to the motor vehicle is transferred by the cancellation of a conditional sales contract, a sale upon execution, or by decree or order of a court of competent jurisdiction, the department shall order the registration certificate surrendered to the new registered owner. The county recorder shall then transfer the registration certificate and issue new registration plates to the new registered owner.

6. This section is not intended to change or modify taxation of motor vehicles or the time within which a motor vehicle tax must be paid.

7. a. A person who fails to surrender any registration plates or a registration certificate to the court upon demand under this section or who fails to comply with this section is guilty of a simple misdemeanor and contempt of court.

b. A person who operates a motor vehicle on a street or highway at a time when a court has ordered the surrender of its registration plate and registration certificate is guilty of a simple misdemeanor as a separate and distinct offense from any other penalty imposed in connection with driving while under a license suspension or revocation.

8. The director may adopt such rules as may be necessary or convenient for the implementation and administration of this section.

Sec. _____. Section 356.26, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The district court may also grant by order to any person sentenced to a county jail the privilege of a sentence of in-home detention where the county sheriff has certified to the court that the jail has an in-home detention program. The department of corrections shall report to the legislative fiscal bureau on a semiannual basis concerning utilization of in-home detention, including the counties which have established such programs and the number of prisoners allowed in-home detention privileges."

20. Page 20, line 6, by striking the word "-- REFUNDS" and inserting the following: "-- REFUNDS".

21. Page 22, by inserting after line 34, the following:

"Sec. 104. Section 602.6405, subsection 1, Code 1989, is amended to read as follows:

1. Magistrates have jurisdiction of simple misdemeanors, including traffic and ordinance violations, and preliminary hearings, search warrant proceedings, county and municipal infractions, and small claims. ~~They also Magistrates~~ have jurisdiction to exercise the powers specified in sections 644.2 and 644.12, and to hear complaints or preliminary informations, issue warrants, order arrests, make commitments, and take bail. ~~They also Magistrates~~ have jurisdiction over violations of section 123.47 involving persons eighteen years of age, and section 123.49, subsection 2, paragraph "h". Magistrates have jurisdiction to conduct hearings authorized under section 809.4 and section 809.10, subsection 2."

22. By striking page 22, line 35 through page 23, line 6, and inserting the following:

"Sec. _____. Section 707.6A, Code Supplement 1989, is amended to read as follows:

707.6A HOMICIDE OR SERIOUS INJURY BY VEHICLE.

1. A person commits a class "~~D~~" "C" felony when the person unintentionally causes the death of another by either of the following means:

a. Operating a motor vehicle while under the influence of alcohol or a other drug or a combination of such substances or while having an alcohol concentration, as defined in section 321J.1, subsection 1, of .10 or more, in violation of section 321J-2. Upon a plea or verdict of guilty of a violation of this paragraph, the court shall order the state department of transportation to revoke the defendant's motor vehicle license or non-resident operating privileges for a period of six years. The defendant shall surrender to the court any Iowa license or permit and the court shall forward it to the department with a copy of the revocation order.

b. Driving a motor vehicle in a reckless manner with willful or wanton disregard for the safety of persons or property, in violation of section 321.277.

2. A person commits ~~an aggravated misdemeanor~~ a class "D" felony when the person unintentionally causes the death of another by operating a motor vehicle in any of the following manners:

a. Drag racing, in violation of section 321.278.

b. Eluding or attempting to elude a pursuing law enforcement vehicle, in violation of section 321.279.

3. A person commits an aggravated misdemeanor when the person unintentionally causes a serious injury, as defined in section 321J.1, subsection 8, by either of the means described in subsection 1 of this section.

3 4. As used in this section, "motor vehicle" includes any vehicle defined as a motor vehicle in section 321.1.

5. Except for the purpose of sentencing under section 321J.2, subsection 2, a conviction or deferral of judgment for a violation of this section, where a violation of section 321J.2 is admitted or proved, shall be treated as a conviction or deferral of judgment for a violation of section 321J.2 for the purposes of chapters 321, 321A, and 321J, and section 907.3, subsection 1."

23. Page 24, by inserting after line 15, the following:

"Sec. _____. Section 809.10, subsection 3, Code 1989, is amended to read as follows:

3. Upon a finding by the court that the property is forfeitable, the court shall may as a matter of equity enter an order transferring title to the property to the state.

Sec. _____. NEW SECTION. 809.17 PROCEEDS APPLIED TO VARIOUS PROGRAMS.

Except as provided in section 809.21, proceeds from the disposal of seized or forfeited property pursuant to this chapter may be transferred in whole or in part to the victim reparation fund created in pursuant to chapter 912 at the discretion of the recipient agency, political subdivision, or department."

24. Page 26, by striking lines 4 through 7, and inserting the following:

"1. A brief personal and social history of the defendant.

2. The defendant's criminal record."

25. Page 26, by inserting after line 33, the following:

"Sec. _____. Section 903.1, subsection 3, unnumbered paragraph 1, Code 1989, is amended to read as follows:

3. A person under eighteen years of age convicted of a simple misdemeanor under chapter 106, 106A, 109, 109A, 110, 110A, 110B, 111, 321, or 321G, ~~section 123.47,~~ or a violation of a county or municipal curfew or traffic ordinance, except for an offense subject to section 805.8, may be required to pay a fine, not to exceed one hundred dollars, as fixed by the court, or may be required to perform community service as ordered by the court."

26. Page 27, line 10, by striking the words "substance abuse" and inserting the following: "treatment".

27. Page 27, line 21, by inserting after the word "service." the following: "The board shall not make community service a uniform or mandatory requirement for all or substantially all parolees or work release inmates but shall exercise discretion in ordering community service as a condition of parole or work release. The board shall report to the general assembly on the implementation of community service as a condition of parole or work release. The report shall be submitted on or before January 1, 1991."

28. Page 35, by striking line 16, and inserting the following:

"The department of public safety shall study the feasibility and usefulness of implementing a pilot program for".

29. Page 35, line 22, by striking the word "program" and inserting the following: "study".

30. Page 35, by striking lines 24 through 26, and inserting the following: "prevention coordinator who shall consult with the department of public safety to accomplish the purposes described in this section."

31. By striking page 35, line 27, through page 36, line 11, and inserting the following:

"Sec. ____ . ALTERNATIVE DRUG TESTING FOR OFFICERS.

The department of public safety shall develop a plan for the implementation of alternative drug testing programs for law enforcement, parole, and probation officers. The plan shall be submitted to the general assembly by January 15, 1991, in a form which could be adopted and implemented by the department of public safety or individual law enforcement agencies throughout the state."

32. Page 36, by striking lines 16 through 20, and inserting the following:

"Sec. ____ . Section 200 takes effect July 1, 1991."

33. By renumbering, relettering, and redesignating as necessary.

ON THE PART OF THE HOUSE:

DANIEL JAY, Chair
MICHAEL PETERSON
GARY SHERZAN
BILL TRENT

ON THE PART OF THE SENATE:

MICHAEL E. GRONSTAL, Chair
LINN FUHRMAN
MARK R. HAGERLA
RICHARD VARN

The motion prevailed and the conference committee report was adopted.

Jay of Appanoose moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2413)

The ayes were, 84:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Daggett	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Hester	Hibbard
Holveck	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lundby	Lykam

Maulsby	May	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Pavich
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Pony	Renaud	Rosenberg	Royer
Schrader	Shearer	Sherzan	Shoultz
Siegrist	Spear	Spenner	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, none.

Absent or not voting, 16:

Brammer	Connors	Corbett	De Groot
Fuller	Hanson, D. R.	Harbor	Hermann
Lageschulte	McKean	Osterberg	Pellett
Renken	Schneklath	Shoning	Stueland

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

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Senate File 2432, a bill for an act relating to the drug testing of certain individuals as required pursuant to certain federal regulations.

Fiscal Note is not required.

Recommended **Do Pass** April 8, 1990.

Regular Calendar

Senate File 2432, a bill for an act relating to the drug testing of certain individuals as required pursuant to certain federal regulations, with report of committee recommending passage was taken up for consideration by unanimous consent.

Jay of Appanoose moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2432)

The ayes were, 68:

Adams	Arnould	Banks	Beaman
Bennett	Black	Branstad	Carpenter
Chapman	Clark	Cohoon	Daggett
Diemer	Dvorsky	Eddie	Fey
Fogarty	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Harper	Haverland
Hester	Holveck	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Koenigs	Kremer	Lundby	Maulsby
May	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Rosenberg	Royer	Schrader	Sherzan
Shoultz	Siegrist	Spear	Spenner
Svoboda	Swartz	Tabor	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, 15:

Beatty	Bisignano	Brown	Buhr
Doderer	Hammond	Hansen, S. D.	Hatch
Hibbard	Knapp	Lykam	Murphy
Peters	Shearer	Teaford	

Absent or not voting, 17:

Blanshan	Brammer	Brand	Connors
Corbett	De Groot	Fuller	Hanson, D. R.
Harbor	Hermann	Lageschulte	McKean
Pellett	Renken	Schnekloth	Shoning
Stueland			

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

MOTION TO RECONSIDER PREVAILED
(Senate File 2412)

Jay of Appanoose called up for consideration the motion to reconsider Senate File 2412, filed on April 5, 1990, and moved to reconsider the vote by which Senate File 2412, a bill for an act relating to the regulation of certain charitable organizations, providing a fee, and providing a penalty, passed the House and was placed on its last reading on April 5, 1990.

A non-record roll call was requested.

The ayes were 54, nays none.

The motion prevailed and Senate File 2412 was reconsidered.

Murphy of Dubuque offered the following amendment H-6181 filed by Jay of Appanoose and Murphy of Dubuque and moved its adoption:

H-6181

1 Amend Senate File 2412, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, lines 7 and 8, by striking the words
4 "in an aggregate, annual amount or value of twenty-
5 five thousand dollars or more."

6 2. By striking page 2, line 12 through page 3,
7 line 26, and inserting the following:

8 "122.2 REGISTRATION PERMIT REQUIRED -- FEE --
9 EXPIRATION.

10 1. a. A professional commercial fund-raiser shall
11 not solicit contributions for charitable purposes in
12 this state unless the professional commercial fund-
13 raiser has registered with the attorney general, has
14 provided the attorney general with a listing of the
15 professional commercial fund-raiser's clients, and has
16 obtained a registration permit from the attorney
17 general. The attorney general may require that
18 registration information be updated on a quarterly
19 basis.

20 b. The attorney general shall prescribe and
21 furnish the registration permit application form which
22 shall include provisions for financial disclosure
23 information concerning contributions received and
24 disbursements made during the previous year by the
25 professional commercial fund-raiser applying for
26 registration. Financial disclosure information shall
27 not include an applicant's donor lists.

28 c. In lieu of filing the financial disclosure
29 information at the time of registration, the
30 professional commercial fund-raiser may file a
31 statement with its permit application where it agrees
32 to provide, without cost, the financial disclosure
33 information required to be disclosed pursuant to this
34 subsection to a person or government entity requesting
35 the information within one day of the request. The
36 statement shall include the telephone number, mailing
37 address, and names of persons to be contacted to
38 obtain the financial disclosure information of the
39 fund-raiser. Failure to provide this information upon
40 request shall be a violation of this chapter.

41 2. A charitable organization shall provide, upon
42 request and without cost to the requesting party,
43 financial disclosure information concerning
44 contributions received and disbursements for the

45 organization's last complete fiscal year, or, if the
 46 organization has not completed a full fiscal year, for
 47 its current fiscal year, to the attorney general or a
 48 person requesting the information within five days of
 49 the request.

50 3. a. If a professional commercial fund-raiser or

Page 2

1 charitable organization fails to provide financial
 2 information as required or requested, the fund-raiser
 3 or organization shall file the financial disclosure
 4 information with the attorney general within seven
 5 days of its failure to have provided the disclosure
 6 information and, thereafter, file, if required by the
 7 attorney general, annual financial disclosure
 8 information with the attorney general.

9 b. The attorney general may seek an injunction
 10 pursuant to section 714.16 prohibiting the
 11 professional commercial fund-raiser or charitable
 12 organization from soliciting contributions until the
 13 required financial information has been disclosed to
 14 the attorney general, person, or government entity
 15 making the request.

16 4. The client lists of a professional commercial
 17 fund-raiser, if required to be filed as part of the
 18 application for registration, shall be confidential
 19 and may be used only for law enforcement purposes.

20 5. The attorney general shall collect a fee of ten
 21 dollars for each registration permit issued. A permit
 22 shall expire twelve months following the date of
 23 issuance.

24 6. The attorney general may make reasonable rules
 25 to enforce the provisions of this chapter."

26 3. Page 3, lines 33 and 34, by striking the words
 27 "first placing on file with the attorney general
 28 written".

29 4. Page 4, by striking lines 1 through 3 and
 30 inserting the following: "solicitation."

31 5. Page 4, by striking lines 15 through 24.

32 6. By renumbering as necessary.

Amendment H-6181 was adopted.

Murphy of Dubuque moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2412)

The ayes were, 81:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brand	Branstad	Buhr

Carpenter	Chapman	Clark	Cohoon
Daggett	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Haverland
Hester	Hibbard	Holveck	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lundby	Lykam	Maulsby	May
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Petersen, D. F.	Peterson, M. K.	Poncy	Renaud
Rosenberg	Royer	Schrader	Shearer
Sherzan	Siegrist	Spear	Spenner
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 19:

Brammer	Brown	Connors	Corbett
De Groot	Fuller	Hanson, D. R.	Harbor
Hatch	Hermann	Lageschulte	McKean
Pellet	Plasier	Renken	Schnekloth
Shoning	Shoultz	Stueland	

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

IMMEDIATE MESSAGE
(Senate File 2412)

Groninga of Cerro Gordo asked and received unanimous consent that Senate File 2412 be immediately messaged to the Senate.

**ADOPTION OF THE REPORT OF THE
CONFERENCE COMMITTEE**
(House File 2329)

Pavich of Pottawattamie called up for consideration the report of the conference committee on House File 2329 and moved the adoption of the conference committee report and the amendments contained therein as follows:

**CONFERENCE COMMITTEE REPORT ON
HOUSE FILE 2329**

To the Speaker of the House of Representatives and the President of the Senate:

We, the undersigned members of the conference committee appointed to resolve the differences between the House of Representatives and the Senate on House File 2329, a bill for an act relating to elections and election procedures, respectfully make the following report:

1. That the House recedes from its amendment, S—5723.
2. That the Senate recedes from its amendment, H—5701.
3. That House File 2329, as amended, passed, and reprinted by the House, is amended to read as follows:

1. By striking everything after the enacting clause and inserting the following:

“Section 1. Section 39.2, subsections 1 and 2, Code 1989, are amended to read as follows:

1. All special elections which are authorized or required by law, unless the applicable law otherwise requires, shall be held on Tuesday. No A special election may shall not be held, on the first or and second Tuesday Tuesdays preceding and following the primary and the general elections.

A special election shall not be held in conjunction with the primary election. A special election shall not be held in conjunction with a school election unless the special election is for a school district or merged area school.

2. A Except as otherwise provided in subsection 1, a special election may be held on the same day as a regularly scheduled election if the two elections are not in conflict within the meaning of section 47.6, subsection 2. A special election may be held on the same day as a regularly scheduled election with which it does so conflict if the commissioner who is responsible for conducting the elections concludes that to do so will cause no undue difficulties.

Sec. 2. Section 43.18, unnumbered paragraph 3, Code 1989, is amended to read as follows:

I am aware that I am required to organize a candidate's committee which shall file an organization statement and disclosure reports if it receives my committee or I receive contributions, makes make expenditures, or incurs incur indebtedness in excess of two hundred fifty dollars for the purpose of supporting my candidacy for public office. This paragraph does not apply to candidates for federal offices.

.....
(Signed)

Sec. 3. Section 43.49, unnumbered paragraph 1, Code 1989, is amended to read as follows:

On the Monday or Tuesday following the primary election, the board of supervisors shall meet, open and canvass the returns from each voting precinct in the county, and make abstracts thereof, stating in words written at length:

Sec. 4. Section 43.67, unnumbered paragraph 3, Code Supplement 1989, is amended to read as follows:

I am aware that I am required to organize a candidate's committee which shall file an organization statement and disclosure reports if it receives my committee or I receive contributions, makes make expenditures, or incurs incur indebtedness in excess

of two hundred fifty dollars for the purpose of supporting my candidacy for public office. This paragraph does not apply to candidates for federal offices.

.....
(Signed)

Sec. 5. Section 43.78, subsection 4, Code Supplement 1989, is amended to read as follows:

4. Political party candidates for a vacant seat in the United States house of representatives, the board of supervisors, the elected county offices, or the general assembly which is to be filled at a special election called pursuant to section 69.14 or 69.14A shall be nominated in the manner provided by subsection 1 of this section for filling a vacancy on the general election ballot for the same office. The name of ~~any~~ a candidate so nominated shall be submitted in writing to the state appropriate commissioner, as required by section 43.88, at the earliest practicable time.

Sec. 6. Section 43.115, unnumbered paragraph 1, Code 1989, is amended to read as follows:

All candidates for nominations to be made in primary elections held pursuant to section 43.112 shall file nomination papers with the city clerk ~~not less no later than five p.m. forty days prior to before~~ no later than five p.m. forty days before the date of the election as established by section 43.114, except that candidates for precinct committee member shall file affidavits of candidacy as required by section 420.130. The number of eligible electors signing petitions required for printing the name of a candidate upon the official primary ballot shall be one hundred for an office to be filled by the voters of the entire city and twenty-five for an office to be filled by the voters of a subdivision of the city.

Sec. 7. Section 44.3, subsection 2, unnumbered paragraph 5, Code 1989, is amended to read as follows:

I am aware that I am required to organize a candidate's committee which shall file an organization statement and disclosure reports if it receives my committee or I receive contributions, makes make expenditures, or incurs incur indebtedness in excess of two hundred fifty dollars for the purpose of supporting my candidacy for public office. This paragraph does not apply to candidates for federal offices.

Sec. 8. Section 44.4, Code Supplement 1989, is amended to read as follows:

44.4 NOMINATIONS AND OBJECTIONS – TIME AND PLACE OF FILING.

Nominations made pursuant to this chapter and chapter 45 which are required to be filed in the office of the state commissioner shall be filed in that office not more than ninety-nine days nor later than five o'clock p.m. on the eighty-first day before the date of the general election to be held in November; and those nominations. Nominations made for a special election called pursuant to section 69.14 shall be filed by five p.m. not less than twenty days before the date of an election called upon at least forty days' notice and not less than seven days before the date of an election called upon at least ten days' notice. Nominations made for a special election called pursuant to section 69.14A shall be filed by five p.m. not less than twenty days before the date of the election. Nominations made pursuant to this chapter and chapter 45 which are required to be filed in the office of the commissioner shall be filed in that office not more than ninety-two days nor later than five o'clock p.m. on the sixty-ninth day before the date of the general election. Nominations made pursuant to this chapter or chapter 45 for city office shall be filed not more than seventy-two days nor later than five o'clock p.m. on the forty-seventh day before the city election with the city clerk, who shall process them as provided by law.

Objections to the legal sufficiency of a certificate of nomination or nomination petition or to the eligibility of a candidate may be filed by any person who would have the right to vote for a candidate for the office in question. ~~Such~~ The objections must be filed with the officer with whom the certificate or petition is filed and within the following time:

1. Those filed with the state commissioner, not less than seventy-four days before the date of the election.

2. Those filed with the commissioner, not less than sixty-four days before the date of the election.

3. Those filed with the city clerk, at least forty-two days before the municipal election.

4. In the case of nominations to fill vacancies occurring after the time when an original nomination for ~~any~~ an office is required to be filed, objections shall be filed within three days after the filing of the certificate.

Objections shall be filed no later than five p.m. on the final date for filing.

Sec. 9. Section 45.3, unnumbered paragraph 6, Code Supplement 1989, is amended to read as follows:

I am aware that I am required to organize a candidate's committee which shall file an organization statement and disclosure reports if it ~~receives my committee or I receive contributions, makes make expenditures, or incurs incur~~ indebtedness in excess of two hundred fifty dollars for the purpose of supporting my candidacy for public office. This paragraph does not apply to candidates for federal offices.

Sec. 10. Section 46.22, Code 1989, is amended to read as follows:

46.22 VOTING.

Voting at judicial elections shall be by separate paper ballot, special paper ballot, ballot cards, or by voting machine in the space provided for public measures. If paper ballots are used the election judges shall offer a ballot to each voter. If special paper ballots or ballot cards are used, either a separate ballot or a distinct heading may be used to distinguish the judicial ballot. Separate ballot boxes for the general election ballots and the judicial election ballots ~~shall are~~ not be required. The general election ballot and the judicial election ballot may be voted in the same voting booth.

Sec. 11. Section 46.24, unnumbered paragraph 1, Code 1989, is amended to read as follows:

A judge of the supreme court, court of appeals, or district court including a district associate judge, or a clerk of the district court must receive more affirmative than negative votes to be retained in office. When the poll is closed, the election judges shall publicly canvass the vote forthwith. The board of supervisors shall canvass the returns ~~at its meeting on the Monday or Tuesday~~ after the election, and shall promptly certify the number of affirmative and negative votes on each judge or clerk to the state commissioner of elections.

Sec. 12. Section 47.6, subsection 1, unnumbered paragraph 2, Code Supplement 1989, is amended to read as follows:

If the proposed date of the special election coincides with the date of a regularly scheduled election, the notice shall be given no later than five o'clock p.m. on the last day on which nomination papers may be filed for the regularly scheduled election. Otherwise, the notice shall be given at least ~~thirty~~ thirty-two days in advance of the date of the proposed special election. Upon receiving the notice, the commissioner shall promptly give written approval of the proposed date unless it appears that the special election, if held on that date, would conflict with a regular election or with another special election previously scheduled for that date.

Sec. 13. Section 48.3, Code 1989, is amended to read as follows:

48.3 REGISTRATION FORM.

As an alternative to the method of registration prescribed by section 48.2, a person entitled to register under that section may cause delivery of a completed voter registration form to the commissioner of registration in the person's county of residence. A registration form or the envelope containing one or more registration forms for the use of individual registrants must be postmarked or otherwise delivered by the fifteenth day prior to before an election or received by the county commissioner of registration no later than five p.m. on the date registration closes before an election or the registration will not take effect for that election. A separate registration form shall be signed by each individual registrant. Within five working days after receiving a registration, the commissioner shall send the registrant a receipt of the registration by first class mail marked "do not forward". If the receipt is returned by the postal service the commissioner shall treat the registration as prescribed by section 48.31, subsection 6. An improperly addressed or delivered registration form shall be forwarded to the appropriate county commissioner of registration within two working days after it is received by any other official.

Sec. 14. Section 48.9, Code 1989, is amended to read as follows:

48.9 USE OF UNIVERSITIES' FACILITIES.

The state board of regents shall provide access to the designated public portions of its university residence halls and lounges for a registrar, deputy registrar, mobile deputy registrar, person delivering voter registration forms provided in section 48.3 to register eligible electors, or a candidate. The state board of regents may establish reasonable restrictions on the time, manner and place of access by those registrars, persons and candidates.

Sec. 15. Section 48.11, unnumbered paragraph 2, Code 1989, is amended to read as follows:

Registration shall close in a precinct at five o'clock p.m., ten days before a general or primary election and eleven days before all other elections, except as provided in section 48.3. The commissioner's office shall be open from eight o'clock a.m. until at least five o'clock p.m. on the day registration closes prior to each regularly scheduled election. In counties where mobile deputy registrars have been appointed, the commissioner's office shall remain open until at least six o'clock p.m. on the day registration closes for mobile deputy registrars to deliver completed forms, unless all mobile deputy registrars have turned in their supplies earlier.

Sec. 16. NEW SECTION. 48.23 COMPLETING A VOTER REGISTRATION FORM.

A person offering a voter registration form to another person shall not complete any portion of the form without prior consent from the person being registered.

Sec. 17. Section 49.30, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

49.30 ALL CANDIDATES ON ONE BALLOT – EXCEPTIONS.

The names of all candidates to be voted for in each election precinct, other than presidential electors, shall be printed on one ballot, except that separate ballots are authorized under the following circumstances:

1. For judicial elections, separate ballots or headings shall be used as required by section 46.22.

2. At an election where voting machines are used, and it is impossible to place the names of all candidates on the machine ballot, the commissioner may provide a separate paper ballot for the candidates for judge of the district court and the township offices, or either; one of the paper ballots shall be furnished to each qualified elector.

3. Separate paper ballots may be used for the election of township officers in precincts including both incorporated and unincorporated areas.

Sec. 18. Section 49.31, Code Supplement 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 6. For the purposes of ballot rotation the absentee ballot and special voters precinct shall be considered a separate precinct, unless the office will appear on the ballot in only one precinct other than the absentee ballot and special voters precinct.

Sec. 19. Section 49.33, Code 1989, is amended to read as follows:

49.33 ONE SINGLE SQUARE FOR PRESIDENT AND VICE PRESIDENT CERTAIN PAIRED OFFICES.

Upon the left-hand margin of each separate column of the ballot, immediately opposite the names of the candidates for president and vice president, a single square, the sides of which shall not be less than one-fourth of an inch in length, shall be printed in front of a the bracket enclosing the names of the said candidates for president and vice president, and a separate square of the same size shall be printed in front of the bracket enclosing the names of the candidates for governor and lieutenant governor. The votes for said a team of candidates shall be counted and certified to by the election board in the same manner as the votes for other candidates as a team. Write-in votes may be tabulated for each office separately.

Sec. 20. Section 49.42, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

49.42 FORM OF OFFICIAL BALLOT.

The ballot for the general election shall be arranged in vertical columns or horizontal rows each of which shall be substantially in the following form:

<u>REPUBLICAN</u>	<u>DEMOCRATIC</u>	<u>PROHIBITION</u>	<u>UNION LABOR</u>
(For President, A.... B...., (of Ohio. _(For Vice President, C.... D...., (of New York.	(For President, N.... O...., (of Virginia. _(For Vice President, P.... Q...., (of Indiana.	(For President, A.... B...., (of Maine. _(For Vice President, C.... D...., (of Illinois.	(For President, N.... O...., (of Idaho. _(For Vice President, P.... Q...., (of Ohio.
For United States Senator.	For United States Senator.	For United States Senator.	For United States Senator.
<u>E.... F....</u>	<u>R.... S....</u>	<u>E.... F....</u>	<u>R.... S....</u>
For United States Representative,	For United States Representative,	For United States Representative,	For United States Representative,
<u>G.... H....</u>	<u>T.... U....</u>	<u>G.... H....</u>	<u>T.... U....</u>
(For Governor, I.... J...., _(For Lieutenant (Governor,	(For Governor, V.... W...., _(For Lieutenant (Governor,	(For Governor, I.... J...., _(For Lieutenant (Governor,	(For Governor, V.... W...., _(For Lieutenant (Governor,
(K.... L....	(X.... Y....	(K.... L....	(X.... Y....

Sec. 21. Section 49.80, subsection 3, Code 1989, is amended by striking the sub-section.

Sec. 22. Section 49.99, unnumbered paragraph 1, Code 1989, is amended to read as follows:

The voter may also insert in writing in the proper place the name of any person for whom the voter desires to vote and place a cross or check in the square opposite thereto the name. The If the voter is using a voting system other than an electronic voting system, as defined in section 52.1, the writing of such the name shall constitute a valid vote for the person whose name has been written on the ballot without regard to whether the voter has made a cross or check opposite thereto the name. However, when a write-in vote is cast using an electronic voting system, the ballot must also be marked in the corresponding space in order to be counted. The making of a cross or check in a square opposite a blank without writing a name therein in the blank, shall not affect the validity of the remainder of the ballot.

Sec. 23. Section 49.104, subsection 6, Code 1989, is amended to read as follows:

6. Any persons expressing an interest in a ballot issue to be voted upon at an election except a general or primary election. Any such person shall file a notice of intent to serve as an observer with the commissioner prior to before election day. If more than three such persons file a notice of intent to serve at the same time with respect to ballot issues at any an election, the commissioner shall appoint from those submitting a notice of intent the three persons to who may serve at that time as observers, and shall provide a schedule to all persons who filed notices of intent. The appointees, whenever possible, shall include both opponents and proponents of the ballot issues.

Sec. 24. Section 49.107, subsection 8, Code Supplement 1989, is amended by striking the subsection and inserting in lieu thereof the following:

8. Serving as a member of a challenging committee or observer under section 49.104, subsection 2, 5, or 6, by a precinct election official serving at the polls or by an incumbent officeholder of, or a candidate for, an office being voted for at the election in progress.

Sec. 25. Section 50.21, unnumbered paragraph 1, Code 1989, is amended to read as follows:

The commissioner shall reconvene the election board of the special precinct established by section 53.20 not earlier than noon on the second day following each election which is required by law to be canvassed on the Monday or Tuesday following the election. If the second day following such an election is a legal holiday the special precinct election board may be convened at noon on the day following the election, and if the canvass of the election is required scheduled at any time earlier than the Monday following the election, the special precinct election board shall be reconvened at noon on the day following the election.

Sec. 26. Section 50.24, unnumbered paragraph 1, Code Supplement 1989, is amended to read as follows:

The county board of supervisors shall meet to canvass the vote at ~~nine o'clock~~ on the morning of the first Monday or Tuesday after the day of each election to which this chapter is applicable, unless the law authorizing the election specifies another date for the canvass. If that Monday or Tuesday is a public holiday, section 4.1, subsection 22 controls. Upon convening, the board shall open and canvass the tally lists and shall prepare abstracts stating, in words written at length, the number of votes cast in the county, or in that portion of the county in which the election was held, for each office and on each question on the ballot for the election. The board shall contact the chairperson of the special precinct board before adjourning and include in the canvass any absentee ballots which were received after the polls closed in accordance with section 53.17 and which were canvassed by the special precinct board after election day. The abstract shall further indicate the name of each person who received votes for each office on the ballot, and the number of votes each person named received for that office, and the number of votes for and against each question submitted to the voters at the election.

Sec. 27. Section 50.46, Code 1989, is amended to read as follows:

50.46 SPECIAL ELECTIONS — CANVASS AND CERTIFICATE.

When a special election has been held to fill a vacancy, pursuant to section 69.14, the board of county canvassers shall meet at one o'clock in the afternoon of the second day ~~thereafter~~ after the election, and canvass the votes cast ~~thereat~~ at the election. The commissioner, as soon as the canvass is completed, shall transmit to the state commissioner an abstract of the votes so canvassed, and the state board, within five days after receiving such abstracts, shall canvass the tally lists. A certificate of election shall be issued by the county or state board of canvassers, as in other cases. All the provisions regulating elections, obtaining tally lists, and canvass of votes at general elections, except as to time, shall apply to special elections.

Sec. 28. Section 53.1, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 3. When the elector expects to be unable to go to the polls and vote on election day.

Sec. 29. Section 53.17, subsection 2, Code 1989, is amended to read as follows:

2. The sealed carrier envelope may be mailed to the commissioner. The carrier envelope shall indicate that greater postage than ordinary first class mail may be required. The commissioner shall pay any insufficient postage due on a carrier envelope bearing ordinary first class postage and accept the ballot.

PARAGRAPH DIVIDED. In order for the ballot to be counted, the carrier envelope must be clearly postmarked by an officially authorized postal service not later than the day before the election and received by the commissioner not later than the time established for the canvass by the board of supervisors for that noon on the Monday following the election.

If the law authorizing the election specifies that the supervisors canvass the votes earlier than the Monday following the election, absentee ballots returned through the mail must be received not later than the time established for the canvass by the board of supervisors for that election. The commissioner shall contact the post office serving the commissioner's office at the latest practicable hour prior to before the canvass by the board of supervisors for that election, and shall arrange for absentee ballots received in that post office but not yet delivered to the commissioner's office to be brought to the commissioner's office prior to before the canvass for that election by the board of supervisors.

Sec. 30. Section 53.23, Code 1989, is amended by adding the following new subsection after subsection 4 and renumbering the subsequent subsection:

NEW SUBSECTION. 5. The special precinct election board shall preserve the secrecy of all absentee and special ballots. After the affidavits on the envelopes have been reviewed and the qualifications of the persons casting the ballots have been determined, those that have been accepted for counting shall be opened. The ballots shall be removed from the affidavit envelopes without being unfolded or examined, and then shall be thoroughly intermingled, after which they shall be unfolded and tabulated. If secrecy folders or envelopes are used with special paper ballots, the ballots shall be removed from the secrecy folders after the ballots have been intermingled.

Sec. 31. Section 53.24, Code 1989, is amended to read as follows:

53.24 COUNTIES USING VOTING MACHINES.

In counties which provide the absentee ballot counting special precinct election board with a voting machine machines, the absentee ballot envelopes shall be opened by the counting board and the ballots shall, without being unfolded, be thoroughly intermingled in some proper manner, after which they shall be unfolded and, under the personal supervision of all the precinct election officials of each of the political parties, be registered on the voting machine machines the same as if the absent voter had been present and voted in person, except that a tally of the write-in votes may be kept in the tally list rather than on the machine. When two or more political subdivisions in the county are holding separate elections simultaneously, the commissioner may arrange the machine so that the absentee and special ballots for more than one such election may be recorded on the same machine.

Sec. 32. Section 62.18, Code 1989, is amended to read as follows:

62.18 JUDGMENT.

The court shall pronounce judgment and judge whether the incumbent or any other person was duly elected, and ~~adjudge that the person so declared elected will be~~ is entitled to the certificate. If the court finds that the election resulted in a tie vote for any office, the tie shall be resolved pursuant to section 50.44. ~~If the judgment be~~ is against the incumbent, and the incumbent has already received the certificate, the judgment shall annul ~~it~~ the certificate. ~~If the court find finds~~ that no person was elected, the judgment shall be that the election be set aside.

Sec. 33. Section 69.14A, subsection 2, Code Supplement 1989, is amended by striking the subsection and inserting in lieu thereof the following:

2. a. When a vacancy exists in an elected county office, the board of supervisors shall publish notice as provided in section 331.305 indicating the method, appointment or special election, by which the board intends to fill the vacancy. If appointment is selected by the board, the appointment may be made before publication of the notice, but the appointment shall be made within forty days after the vacancy occurs.

b. When the board is notified, in writing, by the county officer of the officer's wish to vacate an office, the board shall publish notice of the vacancy if the board selects appointment by which to fill the vacancy. Following publication of notice of the vacancy, the board may appoint a prospective appointee, to serve as a deputy, no earlier than fourteen days before the vacancy occurs.

c. If within fourteen days after the date of the notice or within fourteen days after the appointment is made, whichever date is later, a petition requesting a special election to fill the vacancy is filed with the county auditor, the appointment is temporary and a special election shall be called as provided in subsection 3. The petition shall meet the requirements of section 331.306.

Sec. 34. Section 111A.2, Code 1989, is amended to read as follows:

111A.2 PETITION — BOARD MEMBERSHIP.

Upon a petition to the board of supervisors which meets the requirements of section 331.306, the board shall submit to the voters at the next ~~primary or~~ general election the question of whether a county conservation board shall be created as provided for in this chapter. If at the election the majority of votes favors the creation of a county conservation board, the board of supervisors within sixty days after the election shall create a county conservation board to consist of five bona fide residents of the county. The members first appointed shall hold office for the term of one, two, three, four, and five years respectively, as indicated and fixed by the board of supervisors. Thereafter, succeeding members shall be appointed for a term of five years, except that vacancies occurring otherwise than by expiration of term shall be filled by appointment for the unexpired term. When any a member of the board, during the term of office, ceases to be a bona fide resident of the county, the member is disqualified as a member and the office becomes vacant. Members of the board shall be selected and appointed on the basis of their demonstrated interest in conservation matters, and shall serve without compensation, but may be paid their actual and necessary expenses incurred in the performance of their official duties. Members of the county conservation board may be removed for cause by the board of supervisors as provided in section 331.321, subsection 3, if the cause is malfeasance, nonfeasance, or disability, or failure to participate in board activities as set forth by the rules of the conservation board.

Sec. 35. Section 277.4, unnumbered paragraph 1, Code Supplement 1989, is amended to read as follows:

Nomination papers for all candidates for election to office in each school district shall be filed with the secretary of the school board not more than sixty-four days, nor less than forty days ~~prior to before~~ the election. Nomination petitions shall be filed not later than five o'clock p.m. on the last day for filing. If the school board secretary is not readily available during normal office hours, the secretary may designate a full-time employee of the school district who is ordinarily available to accept nomination papers under this section. On the final date for filing nomination papers the office of the school secretary shall remain open until five p.m.

Sec. 36. Section 278.2, unnumbered paragraph 1, Code Supplement 1989, is amended to read as follows:

The board may, and upon the written request of one hundred eligible electors or a number of electors which equals thirty percent of the number of votes cast electors who voted in the last regular school board election, whichever number is greater, shall, direct the county commissioner of elections to provide in the notice of the regular election for the submission of any proposition authorized by law to the voters. When the board has directed the commissioner to submit to the voters a proposition authorized by section 278.1, subsection 8 or 9, it shall not thereafter direct the commissioner to submit at the same election any other proposition under either of ~~these~~ those subsections.

Sec. 37. Section 279.1, unnumbered paragraph 1, Code 1989, is amended to read as follows:

The board of directors of each school corporation shall meet and organize at the first regular meeting after a the canvass for the regular school election at some suitable place to be designated by the secretary. Notice of the place and hour of such the meeting shall be given by the secretary to each member and each member-elect of the board.

Sec. 38. Section 280.9A, Code 1989, is amended to read as follows:

280.9A HISTORY AND GOVERNMENT REQUIRED — VOTER REGISTRATION.

1. The board of directors of each local public school district and the authorities in charge of each nonpublic school shall require that all students in grades nine through twelve complete, as a condition of graduation, instruction in American history and the governments of Iowa and the United States, including instruction in voting statutes and procedures, voter registration requirements, the use of paper ballots and voting machines in the election process, and the method of acquiring and casting an absentee ballot.

2. The board of directors of each local public school district and the authorities in charge of each nonpublic school shall submit a list of currently enrolled full-time and part-time students who have attained the age of eighteen years or will attain the age of eighteen years within six months, twice each calendar year, to the county commissioner of elections in the county or counties in which the public school district or nonpublic school is located. The list shall be submitted on September 30 and March 30 of each school year and shall list the student's name, address, and date of birth. The county commissioner of elections may use this list to send a voter registration form to the student.

Sec. 39. Section 359.8, Code Supplement 1989, is amended to read as follows:

359.8 DIVISION — EFFECT.

If the petition is signed by a majority of the eligible qualified electors of the township residing without the corporate limits of ~~such the~~ city, the board of supervisors shall divide the township into two townships, as petitioned; but, except for election purposes, including the appointment of precinct election officers officials rendered necessary by the change, the division shall not take effect until the first day of January following the next general election which is not a Sunday or a legal holiday.

Sec. 40. Section 376.4, unnumbered paragraph 5, Code Supplement 1989, is amended to read as follows:

If the city clerk is not readily available during normal office hours, the city clerk shall designate other employees or officials of the city who are ordinarily available to accept nomination papers under this section. On the final date for filing nomination papers the office of the city clerk shall remain open until five p.m.

PARAGRAPH DIVIDED. The city clerk shall accept the petition for filing if on its face it appears to have the requisite number of signatures and if it is timely filed. The city clerk shall note upon each petition and affidavit accepted for filing the date and time that the petition was they were filed.

Sec. 41. Section 467A.5, subsection 3, Code Supplement 1989, is amended to read as follows:

3. At each general election a successor shall be chosen for each commissioner whose term will expire in the succeeding January. Nomination of candidates for the office of commissioner shall be made by petition in accordance with chapter 45, except that each candidate's nominating petition shall be signed by at least twenty-five eligible electors of the district. The petition form shall be furnished by the county commissioner of elections. Every candidate shall file with the nomination papers an affidavit stating the candidate's name, the candidate's residence, that the person is a candidate and is eligible for the office of commissioner, and that if elected the candidate will qualify for the office. The signed petitions shall be filed with the county commissioner of elections not later than five o'clock p.m. on the ~~fifty-fifth~~ sixty-ninth day prior to before the general election. The votes for the office of district commissioner shall be canvassed in the same manner as the votes for county officers, and the returns shall be certified to the commissioners of the district. A plurality ~~shall be~~ is sufficient to elect commissioners, and ~~no~~ a primary election for the office shall not be held. If the canvass shows that the two candidates receiving the highest and the second highest number of votes for the office of district commissioner are both residents of the same township, the board shall certify as elected the candidate who received the highest number of votes for the office and the candidate receiving the next highest number of votes for the office who is not a resident of the same township as the candidate receiving the highest number of votes.

Sec. 42. Section 48.19, subsection 2, if enacted in 1990 Iowa Acts, House File 2009, is amended to read as follows:

2. If the commissioner is unable to make available to a county precinct the information required of an eligible elector who registers through special late registration procedures, on the election register of a county precinct or through the provision of a separate listing of the eligible electors who register through special late registration procedures, an eligible elector may obtain from the commissioner of registration

a form of affidavit prescribed by the state commissioner of elections to serve as evidence of special late registration. If the affidavit is completed by the elector and notarized by the commissioner of registration or the commissioner's designee, the elector is deemed registered under special late registration procedures and may present the affidavit at the elector's polling place on election day as proof that the elector is registered to vote. The election officials of the elector's precinct shall accept the elector's affidavit of special late registration and shall proceed as if the elector's name were listed in the election register. The election officials shall preserve all affidavits submitted pursuant to this section and forward them to the commissioner of registration at the time the election register is returned. A registration under this section is subject to verification as provided in section 48.3.

Sec. 43. Sections 48.27 and 359.22, Code 1989, are repealed.

Sec. 44. 1990 Iowa Acts, chapter 1007, being House File 2001 of the Seventy-third General Assembly, is amended by adding the following new section:

SEC. 3. EFFECTIVE DATE.

This Act, being deemed of immediate importance, takes effect upon the enactment of 1990 Iowa Acts, House File 2329, if enacted by the Seventy-third General Assembly, and is retroactively applicable to voting booths and electronic voting systems approved by the board of examiners and furnished before the enactment of this Act.

Sec. 45. EFFECTIVE DATE.

1. Section 44 and this section of this Act, being deemed of immediate importance, take effect upon enactment.

2. All other sections of this Act take effect July 1, 1990."

2. Title page, line 1, by inserting after the word "procedures" the following: ", and providing effective and applicability dates".

ON THE PART OF THE HOUSE:

ON THE PART OF THE SENATE:

EMIL PAVICH, Chair
ROD HALVORSON
MARY LUNDBY
DONALD KNAPP
GREGORY SPENNER

MICHAEL E. GRONSTAL, Chair
JOHN P. KIBBIE
JEAN LLOYD-JONES

The motion prevailed and the conference committee report was adopted.

Pavich of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2329)

The ayes were, 79:

Adams
Beatty
Brand

Arnould
Bisignano
Branstad

Banks
Black
Brown

Beaman
Blanshan
Buhr

Carpenter	Chapman	Clark	Cohoon
Daggett	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hester	Hibbard	Holveck	Iverson
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lundby
Lykam	May	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poney	Renaud	Rosenberg	Royer
Schrader	Shearer	Sherzan	Shoultz
Siegrist	Spear	Spenner	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Wise	Mr. Speaker	
		Avenson	

The nays were, 3:

Bennett	Garman	Van Maanen
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Absent or not voting, 18:

Brammer	Connors	Corbett	De Groot
Fuller	Hanson, D. R.	Harbor	Hermann
Jay	Lageschulte	Maulsby	McKean
Murphy	Pellett	Renken	Schneklath
Shoning	Stueland		

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

IMMEDIATE MESSAGE (House File 2329)

Groninga of Cerro Gordo asked and received unanimous consent that House File 2329 be immediately messaged to the Senate.

The House stood at ease at 6:25 a.m., until the fall of the gavel.

The House resumed session at 8:17 a.m., Speaker Avenson in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 8, 1990, adopted the conference committee report and passed House File 2287, a bill for an act relating to a subsequent employer's unemployment benefit contribution rate upon the purchase or transference of a small business.

JOHN F. DWYER, Secretary

The House stood at ease at 8:18 a.m., until the fall of the gavel.

The House resumed session at 8:55 a.m., Speaker Avenson in the chair.

SENATE AMENDMENT CONSIDERED

Spenner of Henry called up for consideration **House File 2536**, a bill for an act relating to the regulation of persons providing courses of instruction for profit, by revising requirements for corporate surety bonds, and repealing certain disclosure requirements, amended by the Senate, and moved that the House concur in the following Senate amendment H-6201:

H-6201

1 Amend House File 2536, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 3, by inserting after line 5 the
4 following:

5 "Sec. _____. Section 714.23, Code 1989, is amended
6 to read as follows:

7 714.23 REFUND POLICIES.

8 1. A person offering a course of instruction at
9 the postsecondary level, for profit, that is more than
10 four months in length and leads to a degree, diploma,
11 or license, shall make a pro rata refund of eighty-
12 five no less than ninety percent of the tuition for a
13 terminating student to the appropriate agency based
14 upon the ratio of completed number of scheduled school
15 days to the total sixty percent of the scheduled
16 school days of the school term or course.

17 2. Notwithstanding the provisions of subsection 1,
18 the following refund policy shall apply:

19 a. If a terminating student has completed sixty
20 percent or more of a school term or course that is
21 more than four months in length, the person offering
22 the course of instruction is not required to refund
23 tuition for the student. However, if, at any time, a
24 student terminates a school term or course that is
25 more than four months in length due to the student's
26 physical incapacity or due to the transfer of the
27 student's spouse's employment to another city, the
28 terminating student shall receive a refund of tuition
29 in an amount which equals the amount of tuition
30 multiplied by the ratio of the remaining number of
31 school days to the total school days of the school
32 term or course.

33 b. A refund of ninety percent of the tuition for a
34 terminating student to the appropriate agency based
35 upon the ratio of completed number of school days to

36 the total school days of the school term or course.
 37 This paragraph applies to those persons offering
 38 courses of instruction at the postsecondary level, for
 39 profit, whose cohort default rate for students under
 40 the Stafford loan program as defined by the United
 41 States department of education is more than one
 42 hundred ten percent of the national average cohort
 43 default rate for that program for that period or six
 44 percent, whichever is higher.

45 3. However, if If the financial obligations of a
 46 student are for three or fewer months duration, this
 47 section does not apply.

48 4. Refunds shall be paid to the appropriate agency
 49 within thirty days following the student's
 50 termination.

Page 2

1 If the student terminates later than three weeks
 2 after the course of instruction has commenced, the
 3 person offering the course of instruction cannot admit
 4 a student to replace the student for which a refund
 5 was received for the remaining portion of the school
 6 term or course.

7 5. A student who terminates a course of instruc-
 8 tion or term shall not be charged any fee or other
 9 monetary penalty for terminating a course of
 10 instruction or term other than a reduction in tuition
 11 refund as specified in this section.

12 6. A violation of this section is a simple
 13 misdemeanor."

14 2. Page 3, line 10, by inserting after the word
 15 "student" the following: ", the college aid
 16 commission, and in the case of a school licensed under
 17 section 157.8, the board of cosmetology examiners or
 18 in the case of a school licensed under section 158.7,
 19 the board of barber examiners,".

20 3. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-6201.

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

On the question "Shall the bill pass?" (H.F. 2536)

The ayes were, 74:

Adams
Beatty

Arnould
Bennett

Banks
Bisignano

Beaman
Black

Blanshan	Brand	Branstad	Brown
Carpenter	Chapman	Clark	Cohoon
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Garman	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Harper	Hatch	Haverland	Hester
Hibbard	Holveck	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lykam
Maulsby	May	McKinney	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Royer	Schrader	Sherzan
Shoultz	Siegrist	Spear	Spenner
Tabor	Teaford	Trent	Van Maanen
Wise	Mr. Speaker Avenson		

The nays were, none.

Absent or not voting, 26:

Brammer	Buhr	Connors	Corbett
Daggett	De Groot	Fuller	Halvorson, R. A.
Hanson, D. R.	Harbor	Hermann	Lageschulte
Lundby	McKean	Mertz	Pellett
Petersen, D. F.	Plasier	Renken	Schneklath
Shearer	Shoning	Stueland	Svoboda
Swartz	Tyrrell		

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 8, 1990, adopted the conference committee report and passed House File 2329, a bill for an act relating to elections and election procedures.

Also: That the Senate has on April 8, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2569, a bill for an act relating to and making appropriations to finance state government, its regulatory functions, and its obligations, and providing effective dates.

JOHN F. DWYER, Secretary

REMARKS BY MAJORITY LEADER ARNOULD

Arnould of Scott offered the following remarks:

Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The hour is late, we are all tired, and we have probably all heard as many speeches as we care to hear tonight. But, if you will indulge me just briefly, I would like to take just a few minutes to thank you all for the hard work you have put in this session.

We began early this year, in the middle of December — in order to make this a shorter session. We did not quite make our original goal of adjourning last weekend — but since that was April Fools' Day, it is probably wise that we waited one more week.

We have had some long and difficult days this session as we do every year. But we have also had moments of laughter and joy. As the Speaker has noted — it is not always pretty — but I believe we can leave here with the satisfaction of knowing that we have served the state and our constituents well over these last two years.

I would like to thank the Minority Leader — Mr. Van Maanen — for the courtesy he has shown me this year. He had the difficult task of stepping in as we prepared for this session and he has earned our respect for the job he has done.

This session is especially bittersweet for me. It is never easy to say goodbye to one's colleagues. Florence, David, Ralph — Beje, Wendell, Vic — Hugo, Don — Paul, both Toms; we will miss your collective wisdom — your dedication — and your sense of humor. Most of all we will miss your friendship. I wish you all well in your future endeavors, and hope you will visit us often.

Mr. Speaker, Don, it is hard to believe that you will not return to this chamber as Speaker next year. You have made a truly unique imprint on this body and, in the years to come, future Speakers will be judged by the high standards you have set.

As we close this session down, I want to thank each and every member for your untiring efforts again this year. It is often difficult to put aside one's own personal agenda for the betterment of this chamber and the good of the state, but each of you has been put in that position more than once this year. Very few people understand the hard work and difficult decisions that are required of a legislator. But we have done good work this year, and I believe that the public appreciates our efforts.

We are all grateful to those who work with us — Joe and those who work in the Clerk's office — Deanna, Liz, Peg, Laura, Jane and Eileen. Paulee and the Democratic research staff — Mary and Mary, Joe and Tom; Ed and Jennifer; and Peg and Kathi who are also leaving us. Thank you for all we know you do and all we are not even aware of but still expect. The partisan and nonpartisan staff, the pages, the secretaries, the press, and those in the rotunda. Your assistance, often under the most difficult of circumstances, is invaluable. And most of all, I want to thank Oliver and Bill, who not only make my job so much easier but who are indispensable to an orderly session.

To my own caucus, a special thank you. We have, on the whole, stood together and have not let honest differences of opinion interfere with our ability to work together when it counted. Most important, we entered this chamber this year as friends, and we will walk out of here tonight as friends. I look forward to next year, with its new challenges, new issues, new legislators, new roles. 1991, when we will return to begin again. Thank you.

REMARKS BY MINORITY LEADER VAN MAANEN

Van Maanen of Mahaska offered the following remarks:

Mr. Speaker, Ladies and Gentlemen of the House:

To say that the second session of the Seventy-third General Assembly has been eye-opening and educational would be quite an understatement. For a first-time Minority Leader, it has also proven to be frustrating at times. I certainly have a clearer picture of how this legislative body operates than I did six months ago. But just as I have had many long standing questions answered during this time, many new questions about our procedures and practices have developed.

In remarks at the beginning of this session, I asked that each of us maintain a deep respect and appreciation for each other and our views, despite our diverse backgrounds and interests. Given the politically-charged circumstances this session has operated under, I feel we did maintain this respect to a fair degree. I also asked that we protect the integrity of the legislative process, and try to set a new course of better cooperation between the Majority and Minority parties, through less posturing and by working together in a bi-partisan manner. I am somewhat disappointed at our lack of progress in this area.

We have fashioned good legislation this session. While its final form may still be a question mark, the House took a mediocre crime and drug bill from the Senate and, at least temporarily, greatly improved it. We have continued to take significant measures to protect Iowa's environment, and we have maintained our commitment to quality education at all levels.

A multitude of personalities shapes the character of a legislative chamber, and there is no doubt that the personality of the Iowa House will continue to change with the loss of twelve colleagues and the addition next year of at least that many new faces.

Speaker Avenson, Don, I appreciate very much the courtesy and fairness that you have extended to me. Even though our leadership styles differed and we had a difference of opinion on some issues, we still could maintain our friendship and respect for one another. Finally, I wish you luck in your future endeavors, beginning after your next immediate project.

Bob Arnould, you and I have forged a decent working relationship. Although there were many times when I hoped you would be more forthcoming with information on what the day's debate schedule might look like, I also understood that there were times when you were just as frustrated in obtaining the same information. While there are no guarantees that either of us will be in leadership in 1991, I feel that we have developed the basis for a strong working relationship in future sessions. If it is the wish of Iowa voters and our respective caucuses, I will certainly continue that relationship when the day comes that you need to quiz me or another Republican about the day's business.

Wendell, Beje, Hugo, Vic and Don Hermann — it has been a great privilege and pleasure to serve with each of you. Your contributions to the legislation that has left this chamber are far-reaching and uncountable. I hope that along with Representatives Fey, Swartz, Rosenberg, Buhr, Johnson and Tabor, you will occasionally return to say hello and critique our work. There will always be an echo of each of you within this chamber, just as your years in this chamber will always be a part of you and your families.

There is a special group of four representatives whose personal importance to me has been immeasurable this session. Tom, Wayne, Mary and Brent — your wise counsel, patience with "the new kid on the leadership block," and willingness to thoroughly discuss our caucus policies and positions has been of enormous importance to me. Your work has been essential in making a smooth transition from one floor leader to another and in giving our caucus the effectiveness we have had in this chamber. Your diverse opinions, but common goals, are the keys to the successes we have enjoyed. Thank you.

Finally, to the Caucus staffs, the Chief Clerk's office and the Journal room, the Service and Fiscal Bureaus, pages and interns — there are times when we may demand the impossible, and we take your abilities and endurance to the limit or beyond. I apologize for our occasional excesses, but I would also point out that we are demanding only because we have become so accustomed to the quality of your work. I would gladly hold you up against any other legislative staff in the nation — you are that good.

God bless each of you.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 8, 1990, adopted the conference committee report and passed Senate File 2422, a bill for an act relating to the compensation and benefits for faculty, public officials, employees, and certain legislators by providing adjustments for salaries, by specifying properly related matters, and by making appropriations and providing an effective date.

JOHN F. DWYER, Secretary

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (Senate File 2422)

Jochum of Dubuque called up for consideration the report of the conference committee on Senate File 2422 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 2422

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 2422, a bill for an act relating to the compensation and benefits for faculty, public officials, employees, and certain legislators by providing adjustments for salaries, by specifying properly related matters, and by making appropriations and providing an effective date, respectfully make the following report:

1. That the Senate recedes from its amendment, H-6171.

2. That the House amendment, S-5987, to Senate File 2422, as amended, passed, and reprinted by the Senate, is amended as follows:

1. Page 1, line 4, by striking the figure "76,100" and inserting the following: "76,700".

2. Page 1, line 6, by striking the figure "73,000" and inserting the following: "73,600".

3. Page 1, line 11, by striking the figure "58,500" and inserting the following: "60,000".

4. Page 1, line 14, by striking the figure "58,500" and inserting the following: "60,000".

5. Page 1, line 17, by striking the figure "58,500" and inserting the following: "60,000".

6. Page 1, line 20, by striking the figure "58,500" and inserting the following: "60,000".

7. Page 2, line 12, by striking the figure "28" and inserting the following: "27".

8. Page 2, line 14, by striking the figure "\$58,500" and inserting the following: "\$60,000".

9. Page 2, by striking lines 17 through 21 and inserting the following:

"_____. Page 25, line 24, by striking the words "twenty-two thousand five" and inserting the following: "nineteen thousand one"."

10. Page 2, by inserting after line 23 the following:

"Sec. _____. Section 422B.1, subsections 4 and 5, Code Supplement 1989, are amended to read as follows:

4. The county commissioner of elections shall submit the question of imposition of a local option tax at a state general election or at a special election held at any time other than the time of a city regular election which may. The election shall not be held sooner than sixty days after publication of notice of the ballot proposition. The ballot proposition shall specify the type and rate of tax and in the case of a vehicle tax the classes that will be exempt and in the case of a local sales and services tax the date it will be imposed. The ballot proposition shall also specify the approximate amount of local option tax revenues that will be used for property tax relief and shall contain a statement as to the specific purpose or purposes for which the revenues shall otherwise be expended. If the county board of supervisors decides under subsection 5 to specify a date on which the local option sales and services tax shall automatically be repealed, the date of the repeal shall also be specified on the ballot. The rate of the vehicle tax shall be in increments of one dollar per vehicle as set by the petition seeking to impose the tax. The rate of a local sales and services tax shall not be more than one percent as set by the governing body. The state commissioner of elections shall establish by rule the form for the ballot proposition which form shall be uniform throughout the state.

5. a. If a majority of those voting on the question of imposition of a local option tax favor imposition of a local option tax, the governing body of that county shall impose the tax at the rate specified for an unlimited period. However, in the case of a local sales and services tax, the county shall not impose the tax in any incorporated area or the unincorporated area if the majority of those voting on the tax in that area did

not favor its imposition. For purposes of the local sales and services tax, all cities contiguous to each other shall be treated as part of one incorporated area and the tax ~~would~~ shall be imposed in each of those contiguous cities only if the majority of those voting on the tax in the total area covered by the contiguous cities ~~favor~~ favored its imposition. The local option tax may be repealed or the rate increased or decreased only after an election at which a majority of those voting on the question of repeal or rate change ~~favor~~ favored the repeal or rate change. The election at which the question of repeal or rate change is offered shall be called and held in the same manner and under the same conditions as provided in subsections 3 and 4 for the election on the imposition of the local option tax. However, in the case of a local sales and services tax where the tax has not been imposed countywide, the question of repeal or imposition shall be voted on only by the qualified electors of the areas of the county where the tax has been imposed or has not been imposed, as appropriate.

When submitting the question of the imposition of a local sales and services tax, the county board of supervisors may direct that the question contain a provision for the repeal, without election, of the local sales and services tax on a specific date, which date shall be the end of a calendar quarter.

b. Within ten days of the election at which a majority of those voting on the question favors the imposition, repeal, or change in the rate of a local option tax, the governing body shall give written notice to the director of revenue and finance or, in the case of a local vehicle tax, to the director of the department of transportation, of the result of the election."

ON THE PART OF THE HOUSE:

THOMAS JOCHUM, Chair
TOM MILLER
STEVEN HANSEN
ROGER HALVORSON
ROBERT ARNOULD

ON THE PART OF THE SENATE:

GEORGE KINLEY, Chair
WILLIAM DIELEMAN
ELAINE SZYMONIAK
JIM LIND
JOY CORNING

The motion prevailed and the conference committee report was adopted.

Jochum of Dubuque moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2422)

The ayes were, 68:

Adams	Arnould	Banks	Beatty
Bennett	Bisignano	Black	Blanshan
Brand	Brown	Carpenter	Chapman
Clark	Cohon	Connors	Diemer
Doderer	Dvorsky	Fey	Fogarty
Garman	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Lykam

May	McKinney	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Peterson, M. K.	Plasier	Poncy	Renaud
Rosenberg	Schrader	Shearer	Sherzan
Siegrist	Spear	Spenner	Swartz
Tabor	Teaford	Wise	Mr. Speaker Avenson

The nays were, 8:

Branstad	Eddie	Iverson	Kremer
Maulsby	Royer	Trent	Van Maanen

Absent or not voting, 24:

Beaman	Brammer	Buhr	Corbett
Daggett	De Groot	Fuller	Halvorson, R. A.
Hanson, D. R.	Harbor	Hermann	Lageschulte
Lundby	McKean	Mertz	Pellett
Petersen, D. F.	Renken	Schneklath	Shoning
Shoultz	Stueland	Svoboda	Tyrrell

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

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill, relating to and making appropriations to finance state government and its obligations, and providing effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 8, 1990.

SENATE AMENDMENT CONSIDERED

Jochum of Dubuque called up for consideration **House File 2569**, a bill for an act relating to and making appropriations to finance state government, its regulatory functions, and its obligations, and providing effective dates, amended by the Senate, and moved that the House concur in the following Senate amendment H—6202:

H—6202

- 1 Amend House File 2569, as amended, passed, and
- 2 reprinted by the House, as follows:

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

5 "Sec. _____. DRUG UTILIZATION REVIEW.

6 There is appropriated from the general fund of the
7 state to the department of human services for the
8 fiscal year beginning July 1, 1990, and ending June
9 30, 1991, the following amount, or so much thereof as
10 is necessary, to be used for the purpose designated:

11 For medical contracts:
12 \$ 140,000

13 The funds appropriated in this section shall be
14 used in addition to funds appropriated for this
15 purpose in Senate File 2435, if enacted by the
16 Seventy-third General Assembly, 1990 Session, to
17 continue the contract with the Iowa pharmacists
18 association and the Iowa foundation for medical care
19 for drug utilization review of services and products
20 provided under the medical assistance program. The
21 drug utilization review shall be continued as a state
22 only contract."

23 2. Page 5, by inserting after line 33 the
24 following:

25 "Sec. _____. FIRE FIGHTERS' MEMORIAL.

26 There is appropriated from the general fund of the
27 state to the office of the treasurer of state for the
28 fiscal year beginning July 1, 1990, and ending June
29 30, 1991, the following amount, or so much thereof as
30 is necessary, to be used for the purpose designated:

31 To fund in part the cost of building a memorial
32 honoring fallen fire fighters:
33 \$ 50,000

34 Notwithstanding section 8.33, the moneys
35 appropriated in this section shall not revert after
36 the end of the fiscal year ending June 30, 1991, but
37 shall remain available for expenditure during the
38 fiscal year beginning July 1, 1991, and ending June
39 30, 1992."

40 3. Page 32, by inserting after line 19, the
41 following:

42 "Sec. _____. SPECIAL OLYMPICS FUND.

43 There is appropriated from the general fund of the
44 state to the Iowa special olympics fund for the fiscal
45 year beginning July 1, 1990, and ending June 30, 1991,
46 the following amount, or so much thereof as is
47 necessary, to be used for the purpose designated:

48 For the Iowa special olympics fund:
49 \$ 5,000

50 1. An Iowa special olympics fund is established in

Page 2

1 the office of the treasurer of state, which shall
2 consist of the amounts appropriated to the fund by the
3 general assembly for each fiscal year.

4 2. The moneys in the Iowa special olympics fund
5 shall be expended at the request of the honorary
6 chairperson of the Iowa special olympics."

7 4. Page 32, by inserting after line 19 the
8 following:

9 "DIVISION _____

10 Sec. 1. Section 422.7, Code Supplement 1989, is
11 amended by adding the following new subsection:
12 NEW SUBSECTION. 23. For a person who is disabled,
13 is fifty-five years of age or older, or is the
14 surviving spouse of an individual or survivor having
15 an insurable interest in an individual who would have
16 qualified for the exemption under this subsection for
17 this tax year, subtract, to the extent included, the
18 total amount of pension, annuity, or retirement
19 allowances received under the peace officers'
20 retirement system under chapter 97A, the Iowa public
21 employees' retirement system under chapter 97B, a
22 pension and annuity retirement system for public
23 school teachers under chapter 294, a disabled and
24 retired fire fighters and police officers system under
25 chapter 410, the Iowa police officers and fire
26 fighters retirement system under chapter 411, the
27 judicial retirement system under chapter 602, article
28 9, and any federal retirement and disability system,
29 as a result of being an officer or employee of the
30 federal government, up to a maximum each tax year of
31 two thousand five hundred dollars for a person who
32 files a separate state income tax return and five
33 thousand dollars for a husband and wife who file a
34 joint state income tax return. However, a surviving
35 spouse who is not disabled or fifty-five years of age
36 or older can only exclude the amount of annuities
37 received as a result of the death of the other spouse.

38 Sec. 2. RETROACTIVE APPLICABILITY.

39 Section 1 of this Act applies retroactively to
40 January 1, 1990, for tax years beginning on or after
41 that date.

42 Sec. 3. REPEAL.

43 Section 1 of this Act is repealed effective January
44 1, 1991, for tax years beginning on or after that
45 date."

46 5. By renumbering, relettering, or redesignating
47 and correcting internal references as necessary.

Roll call was requested by Diemer of Black Hawk and Connors
of Polk.

Rule 75 was invoked.

Under the provisions of Rule 76, Spear of Lee refrained from voting.

On the question "Shall the House concur in the Senate amendment H—6202?" (H.F. 2569)

The ayes were, 50:

Adams	Arnould	Beatty	Blanshan
Brand	Brown	Buhr	Chapman
Cohoon	Connors	Dvorsky	Fey
Fogarty	Groninga	Hammond	Hansen, S. D.
Harper	Hatch	Haverland	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Lykam	May	McKinney	Mertz
Muhlbauer	Murphy	Ollie	Pavich
Peters	Peterson, M. K.	Poney	Renaud
Rosenberg	Schrader	Shearer	Sherzan
Svoboda	Swartz	Tabor	Teaford
Wise	Mr. Speaker		
	Avenson		

The nays were, 29:

Banks	Bennett	Bisignano	Black
Branstad	Carpenter	Clark	Diemer
Doderer	Eddie	Garman	Gruhn
Halvorson, R. N.	Hester	Iverson	Kremer
Maulsby	Metcalf	Miller	Neuhauser
Nielsen	Osterberg	Plasier	Royer
Shoultz	Siegrist	Spenner	Trent
Van Maanen			

Absent or not voting, 21:

Beaman	Brammer	Corbett	Daggett
De Groot	Fuller	Halvorson, R. A.	Hanson, D. R.
Harbor	Hermann	Lageschulte	Lundby
McKean	Pellett	Petersen, D. F.	Renken
Schnekloth	Shoning	Spear	Stueland
Tyrrell			

The motion prevailed and the House concurred in the Senate amendment H—6202.

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

Under the provisions of Rule 76, Spear of Lee refrained from voting.

On the question "Shall the bill pass?" (H.F. 2569)

The ayes were, 52:

Adams	Arnould	Beatty	Blanshan
Brand	Brown	Buhr	Chapman
Cohon	Connors	Dvorsky	Fey
Fogarty	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Knapp
Koenigs	Lykam	May	McKinney
Mertz	Muhlbauer	Murphy	Neuhauser
Ollie	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Schrader	Shearer
Sherzan	Shoultz	Svoboda	Swartz
Tabor	Teaford	Wise	Mr. Speaker
			Avenson

The nays were, 26:

Banks	Bennett	Bisignano	Black
Branstad	Carpenter	Clark	Diemer
Doderer	Eddie	Garman	Hester
Iverson	Kistler	Kremer	Maulsby
Metcalf	Miller	Nielsen	Osterberg
Plasier	Rosenberg	Royer	Siegrist
Spenner	Van Maanen		

Absent or not voting, 22:

Beaman	Brammer	Corbett	Daggett
De Groot	Fuller	Halvorson, R. A.	Hanson, D. R.
Harbor	Hermann	Lageschulte	Lundby
McKean	Pellett	Petersen, D. F.	Renken
Schneklath	Shoning	Spear	Stueland
Trent	Tyrell		

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 8, 1990, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 136, a Senate concurrent resolution to provide for adjournment sine die.

JOHN F. DWYER, Secretary

ADOPTION OF SENATE CONCURRENT RESOLUTION 136

Arnould of Scott asked and received unanimous consent for the immediate consideration of Senate Concurrent Resolution 136 as follows, and moved its adoption:

- 1 Senate Concurrent Resolution 136
- 2 By: Committee on Rules and Administration
- 3 A Senate Concurrent Resolution to provide for
- 4 adjournment sine die.
- 5 *Be It Resolved by the Senate, the House Concurring,*
- 6 That when adjournment is had on Sunday, April 8, 1990
- 7 it be the final adjournment of the 1990 Regular
- 8 Session of the Seventy-third General Assembly.

The motion prevailed and the resolution was adopted.

COMMUNICATION RECEIVED

The following communication was received and placed on file in the office of the Chief Clerk:

AUDITOR OF STATE

The audit report for the Lottery Division, Iowa Department of Revenue and Finance, December 31, 1989, pursuant to Chapter 99E.20, Code of Iowa.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 6, 1990, he approved and transmitted to the Secretary of State the following bills:

House File 2201, an act relating to the disclosure of the names and certain contract costs of all subcontractors by bidders on a state construction contract.

House File 2343, an act relating to the fee charged by an employment agency for the procurement of a position of employment.

House File 2431, an act allowing a person to purchase insurance through the Iowa comprehensive health association even if the person has coverage under another insurance plan.

House File 2455, an act relating to state chartered legal entities, especially non-profit corporations and cooperative associations, by altering requirements and procedure for filing corporate documents in the office of the secretary of state and by requiring corporations organized under or subject to Iowa Code chapter 504 to convert to chapter 504A within a certain period of time.

House File 2475, an act relating to the surcharge for dishonored instruments.

House File 2496, an act requiring a group health benefits insurer to disclose certain information relating to claims experience and costs of those claims.

House File 2540, an act relating to and providing a temporary property tax exemption for certain increased valuation of historic property, providing a phase-in of increased valuation, and providing an applicability date.

Senate File 332, an act relating to legal expense insurance by regulating the sale of contracts providing reimbursement for legal expenses in consideration of a specified payment for a period of time, establishing a premium tax, and providing penalties.

Senate File 2003, an act permitting a refund or credit of unexpired motor vehicle registration fees to persons who sell, trade, or junk their motor vehicles and providing an effective date.

Senate File 2100, an act relating to fraternal benefit societies, imposing penalties, and providing an effective date.

Senate File 2163, an act relating to the composition and election of county agricultural extension councils, enacting transitional provisions, and providing an effective date.

Senate File 2240, an act relating to the transfer of racing dogs, and providing penalties.

Senate File 2244, an act relating to parking fines, handicapped parking spaces, and handicapped identification devices and providing an effective date.

Senate File 2274, an act relating to targeted small businesses, and imposing penalties.

Senate File 2326, an act requiring the department of education to develop and maintain nutrition guidelines for food and beverages sold on public school grounds.

Senate File 2366, an act establishing councils of governments and providing certain duties.

Senate File 2379, an act relating to earthen waste slurry storage basins, making penalties applicable, and providing for applicability of the Act.

GOVERNOR'S ITEM VETO MESSAGES

A copy of the following communications were received and placed on file:

April 6, 1990

The Honorable Jo Ann Zimmerman
President of the Senate
State Capitol Building
L O C A L

Dear Madam President:

I hereby transmit Senate File 2327, an act relating to and making appropriations to the Department of Economic Development, INTERNET, Wallace Technology Transfer Foundation, Iowa Finance Authority, and Small Business Advocate, and establishing a Small Business Advocate.

Senate File 2327 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 1, subsection 10, unnumbered and unlettered paragraph 2 in its entirety. This provision stipulates that any official Iowa trade mission led by a member of the executive council shall be represented by a bipartisan delegation of the executive council. This is nearly identical to language that was item vetoed last year and is currently the subject of litigation. An appeal of the recent district court's decision on the case is pending, so no final determination

has been made. The rationale for last year's veto is still valid. Should a trade mission require the participation of a member of the executive council because of their particular expertise, the invitation is certain to be extended.

I am unable to approve the designated portion of Section 1, subsection 27, unnumbered and unlettered paragraph 1. This provision provides that unencumbered or unobligated funds appropriated from previous fiscal years be reallocated to satellite centers. The Department of Economic Development currently has the flexibility to allocate funds to the satellite centers should this be determined to be the most pressing need. However, there are many other responsibilities associated with the satellite center network appropriation, some of which have been expanded in other legislation this session. It is important for the department to maintain the flexibility to allocate the funds as necessary to carry out the mission of the network as a whole.

I am unable to approve the designated portion of section 6, subsection 3, unnumbered and unlettered paragraph 1. This language would provide programmatic detail concerning the new value-added agricultural financing program. I am pleased the General Assembly has accepted my recommendation to establish this new program, which will assist in building upon our agricultural strengths. However, the specific provisions in Senate File 2327 are inconsistent with Senate File 2385, a separate bill creating the program which I have approved. The result of this veto will be to allow the provisions of Senate File 2385 to remain in effect.

I am unable to approve the item designated as Section 6, subsection 3, unnumbered and unlettered paragraph 2 in its entirety. This provision allows the agricultural products advisory council to expend funds to employ a consultant to assist in the development and implementation of a program and plan for the promotion of agricultural products. However, the plan has now been completed, adopted by the council and submitted to me and to the General Assembly. Because the Code requirements have been satisfied, the provision in Senate File 2327 is unnecessary.

I am unable to approve the item designated as Section 8, unnumbered and unlettered paragraph 5 in its entirety. This provision stipulates that if the Treasurer of State has not provided the total amount appropriated for fiscal year 1991 to the World Food Prize Foundation by June 30 of 1991, the remaining amount shall not revert but shall be available for expenditure by the Department of Economic Development for technical assistance centers. It would be fiscally irresponsible to commit in advance potential unspent balances for expenditure in the subsequent fiscal year.

I am unable to approve the item designated as Section 13 in its entirety. This provision provides a \$50,000 appropriation for a special events fund in the Department of Economic Development. This is similar language I vetoed last year, for reasons which are still valid. Currently, the community cultural grants program is dedicated to providing assistance for similar purposes.

I am unable to approve the items designated as Sections 27, 36 and 37 in their entirety. These provisions relate to the responsibilities given to all agencies in state government for implementing the small business advocate program created and funded elsewhere in the bill.

Section 27 requires that in the event that processing takes more than two weeks, agencies which issue licenses and permits send a notice of issuance procedures to applicants two weeks after receipt of the application. Section 36 requires each agency to designate a small business assistance officer and specifies the responsibilities of the

officer. Section 37 relates to requirements for maintaining and disseminating a current catalogue of all types of projects, licenses, permits and other regulatory requirements administered by the agency.

I support the concept of providing relief to small businesses, and as such I am leaving intact the provisions which create, fund and specify the responsibilities of the office of small business advocate. However, Sections 27, 36 and 37 may actually work to the detriment of small business through the imposition of requirements that may further delay the process of issuing licenses and permits, and the resolution of complaints. It should be the small business advocate's responsibility to work with state government to design more reasonable and workable procedures.

I am unable to approve the designated portion of Section 28. This provision commits future year receipts from the Iowa Community Development Loan Fund to the Iowa Finance Authority for the E911 financing program. I am leaving intact the \$500,000 appropriation in this bill for fiscal year 1991. However, from the standpoint of fiscal responsibility and accountability, I cannot support making future year funding commitments for the E911 program. There is no compelling reason why this program should not be reviewed on a regular basis in the same manner as are other programs that compete for state resources.

Overall, the action taken by the General Assembly in Senate File 2327 will enable the state to move ahead in several key areas: international trade, work force development, community betterment, housing and business financing.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2327 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

April 6, 1990

The Honorable Jo Ann Zimmerman
President of the Senate
State Capitol Building
L O C A L

Dear Madam President:

I hereby transmit Senate File 2410, an act relating to higher education, including coordination, administration, standards, and funding, making appropriations, and providing effective dates.

Senate File 2410 reflects Iowa's commitment to provide quality post-secondary educational opportunities for all of our citizens. The act creates a Community College Excellence 2000 program, which will encourage the development of quality instructional centers and provide incentives for program sharing among the community colleges. Also included is a provision which authorizes the State Board of Education to establish an accreditation process for community colleges to assure quality education programs in all community colleges. The act provides additional funding which may be used to improve faculty salaries and to reduce tuition in the community colleges.

I am pleased to approve these initiatives included in Senate File 2410 which will help Iowans acquire the knowledge and skills necessary to compete in a global economy.

Senate File 2410 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 25, in its entirety. This provision would prohibit the State Board of Regents from using reimbursements from the institutions to assist in the funding of the board office. These reimbursements are used for extraordinary expenditures such as presidential searches, organizational audits, staff activities relating to bonding for the universities, and preparation of materials which are of benefit to the universities. The board should continue to be authorized to seek appropriate reimbursements from the universities. Therefore, this provision cannot be approved.

I am unable to approve the item designated as Section 118, in its entirety. This provision would require the Higher Education Strategic Planning Council to explore the creation of an Iowa "Electronic University." While it may be appropriate for the Strategic Planning Council to include the use of new technologies in a strategic plan, the Strategic Planning Council should be responsible for determining which issues should be studied, as provided in Section 11 of this act.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2410 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

PRESENTATION OF VISITORS

Buhr of Polk presented to the House the Honorable Robert Kreamer, former member of the House representing Polk County.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

JOSEPH O'HERN
Chief Clerk of the House

- | | |
|----------|---|
| 1990-106 | Elmer Vincent Melssen, Dubuque — For 31 years of distinguished service with the Dubuque Fire Department from June of 1949 to February 1980. |
| 1990-107 | Diane Weitz, Council Bluffs — For being named Iowa Elementary Principal of the Year by the School Administrators of Iowa. |
| 1990-108 | Kathleen Malick, School for the Deaf — Recognition for being awarded the 1990 Professional Best Leadership Award for her innovative approaches to teaching. |

- 1990-109 Erin Rempe, West Delaware Senior High School — Received first place in the 1990 National Outstanding School Volunteer Awards Program sponsored by the National Association of Partners in Education.
- 1990-110 Jean C. Stuart, Des Moines — Celebrating her 100th birthday on September 17, 1990.

RESOLUTIONS FILED

HCR 113, by Arnould and Van Maanen, a concurrent resolution to provide adjournment sine die.

Laid over under **Rule 25**.

SCR 129, by Horn, Drake and Coleman, a concurrent resolution urging the President of the United States, the Federal Highway Administration of the United States Department of Transportation, and the United States House Public Works and Transportation Committee, and the United States Senate Commerce, Science and Transportation Committee to work toward ascertaining funding for development of a four-lane highway to connect the cities of St. Louis, Missouri, and St. Paul, Minnesota, more commonly referred to as "The Avenue of the Saints."

Laid over under **Rule 25**.

AMENDMENTS FILED

The following amendments were filed April 7, 1990:

H—6166	S.C.R. 129	McKean of Jones
H—6169	H.F. 2267	Halvorson of Clayton

The House stood at ease at 9:48 a.m., until the fall of the gavel.

The House resumed session, Speaker Avenson in the chair.

FINAL DISPOSITIONS OF MOTIONS TO RECONSIDER

Pursuant to House Rule 73.g, the following motions to reconsider which remained on the House Calendar upon adjournment of the 1990 Regular Session of the Seventy-third General Assembly, will be considered to have **failed**:

By Schrader of Marion to House File 2061, a bill for an act relating to the establishment of formulas for the allocation of funds to the public health nursing program and the homemaker-home health aide program, filed January 19, 1990.

By Renken of Grundy to House File 2267, a bill for an act relating to the definition of public accommodation, making corrections, and removing inconsistencies under the civil rights law, filed February 21, 1990, placing out of order amendments H—5572 filed by Brammer of Linn and Renken of Grundy on March 8, 1990; H—5583 filed by Brammer of Linn on March 8, 1990; H—6155 filed by Brammer, et al., on April 6, 1990; and H—6169 filed by Halvorson of Clayton on April 7, 1990.

By Fogarty of Palo Alto to House File 2323, a bill for an act relating to the annexation or incorporation of territory under the control of a lake association, filed March 1, 1990, placing out of order amendments H—5532, H—5534, H—5535 and H—5546 all filed by Halvorson of Webster and Dvorsky of Johnson on March 5, 1990.

By Doderer of Johnson and Haverland of Polk to House File 2422, a bill for an act relating to retroactive modifications of support orders, filed April 5, 1990, placing out of order amendment H—6153, to the Senate amendment H—5837, filed by Haverland of Polk and Halvorson of Webster on April 5, 1990.

By Haverland of Polk and Hansen of Woodbury to House File 2513, a bill for an act relating to medical support for children receiving child support and certain dependents, filed March 5, 1990.

By Ollie of Clinton to Senate File 2393, a bill for an act authorizing a one thousand dollar civil penalty for each violation of a municipal ordinance regulating industrial wastewater pretreatment standards, filed April 5, 1990.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has, on April 5, 1990, failed to adopt the conference committee report on House File 156, a bill for an act relating to the separation of workers' compensation insurance premiums into two parts.

Also: That the Senate has, on February 9, 1990, adopted the conference committee report and passed House File 178, a bill for an act relating to the department of inspections and appeals and its licensing, rulemaking, and enforcement authority with respect to health and human resources matters, and providing properly related matters.

Also: That the Senate has on March 26, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2384, a bill for an act establishing a state fair challenge grant foundation.

Also: That the Senate has on March 15, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2476, a bill for an act relating to unfair or discriminatory credit practices by including familial status as an improper basis for differential treatment in relation to a consumer credit transaction, an extension of credit by a state chartered financial institution, or the offer of credit life or health and accident insurance.

Also: That the Senate has on April 5, 1990, concurred in the House amendment and failed to pass the following bill in which the concurrence of the Senate was asked:

Senate File 138, a bill for an act to change the name of the county board of supervisors to the board of county commissioners.

Also: That the Senate has, on April 6, 1990, adopted the conference committee report and failed to pass Senate File 149, a bill for an act relating to the compulsory attendance and truancy laws and providing penalties.

Also: That the Senate has on April 8, 1990, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2412, a bill for an act relating to the regulation of certain charitable organizations, providing a fee, and providing a penalty.

JOHN F. DWYER, Secretary

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 8th day of April, 1990: House Files 121, 178, 209, 366, 489, 534, 656, 658, 677, 724, 737, 2009, 2057, 2068, 2115, 2154, 2166, 2170, 2188, 2213, 2235, 2268, 2270, 2287, 2294, 2312, 2313, 2320, 2329, 2346, 2357, 2377, 2393, 2407, 2412, 2416, 2440, 2450, 2459, 2476, 2482, 2486, 2488, 2495, 2500, 2504, 2517, 2522, 2534, 2536, 2537, 2543, 2546, 2548, 2551, 2552, 2554, 2557, 2559, 2560, 2562, 2564, 2567, 2568, 2569.

JOSEPH O'HERN
Chief Clerk of the House

Report adopted.

COMMITTEE TO NOTIFY THE GOVERNOR

Arnould of Scott moved that a committee of two be appointed to notify the Governor that the House was ready to adjourn in accordance with Senate Concurrent Resolution 136 duly adopted.

The motion prevailed and the Speaker appointed as such committee Chapman of Linn and Carpenter of Polk.

COMMITTEE TO NOTIFY THE SENATE

Arnould of Scott moved that a committee of two be appointed to notify the Senate that the House was ready to adjourn in accordance with Senate Concurrent Resolution 136 duly adopted.

The motion prevailed and the Speaker appointed as such committee Knapp of Dubuque and Halvorson of Clayton.

COMMITTEE FROM THE SENATE

The committee from the Senate appeared and notified the House that the Senate was ready to adjourn.

REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

The committee appointed to notify the Senate that the House was ready to adjourn returned and reported it had performed its duty.

The report was received and the committee discharged.

REPORT OF THE COMMITTEE TO NOTIFY THE GOVERNOR

The committee appointed to notify the Governor that the House was ready to adjourn returned and reported it had performed its duty and that the Governor had sent the following message:

COMMUNICATION FROM THE GOVERNOR

OFFICE OF THE GOVERNOR
State Capitol
Des Moines, Iowa 50319

April 24, 1990

The Honorable Jo Ann Zimmerman
President of the Senate
State Capitol Building
L O C A L

The Honorable Donald Avenson
Speaker of the House
State Capitol Building
L O C A L

Dear Madam President & Mr. Speaker:

In January, I challenged the 1990 Session of the General Assembly to help make Iowa a state that is strong and safe, clean and compassionate, a state with open arms for a growing population, a state where our children and our children's children can find a world class education system and good jobs to help them build a family and a future here.

We were able to work together to resolve the major needs of the state. We stepped up education and treatment programs to combat substance abuse and we brought the

war to the streets with support for communities. We added law enforcement, prosecution and prison space to get dangerous criminals off our streets. We need to do more with tougher laws if we are going to convince drug dealers and drug and alcohol abusers that crime does not pay.

We took another step to keep Iowa a leader in education with quality postsecondary education opportunities for all. The Community College Excellence 2000 Program, worked out in the final days of the session, increases state funds for community colleges by over 16 percent to provide top professional educators and quality instructional centers on our campuses throughout the state. We took steps to make improvements on the campuses of our four year universities and maintained our commitments to professional faculty development to offer our students a better college education.

The new school aid formula and additional state funding assures that children in Iowa will receive an education second to none in this nation. In the future, we must pledge we will provide an education that is second to none in the world.

Economic development is the engine that drives the state's economy. We can't continue to provide important services without a strong economy to provide better jobs and generate more income for Iowans. That means we need to maintain our commitment to economic development programs.

We took some positive steps to help small businesses start up and grow. The housing measures will help communities and individuals. But the legislature retreated from policies to provide quality jobs in all parts of the state when it cut our marketing and job creation programs. The General Assembly also failed to approve my recommendations for seed and venture capital formation (which is consistently identified as an area of need) and research and development incentives that would give our future a solid foundation.

My greatest concern is that the majority in the legislature failed to account for fiscal reality with its overall level of spending. There was little will to say "no" and to make choices required for a responsible budget. Unlike recent years when revenues exceeded estimates, this year's revenue is below expectations. The majority in the legislature was slow to respond but progress was made after I had to veto the major appropriation bills. I remain concerned that the legislature overspent my recommendations by \$45 million. It will be important to maintain an ending balance adequate to meet our obligations and avoid a deficit.

The 1990 Session tackled some tough issues but left several issues unresolved. We must improve the state's financial ledger. We must stand tough against crime and we must accelerate our efforts to create more quality jobs and help Iowans throughout the state participate in economic recovery.

Sincerely,
Terry E. Branstad
Governor

The communication was received and the committee discharged.

FINAL ADJOURNMENT

By virtue of Senate Concurrent Resolution 136, duly adopted, the day of April 8, 1990 having arrived, the Speaker of the House of Representatives declared the 1990 Regular Session of the Seventy-third General Assembly adjourned sine die.

AMENDMENTS FILED

Amendments filed during the Seventy-third General Assembly,
1990 Session, not otherwise printed in the House Journal:

H-5001

- 1 Amend House File 152 as follows:
- 2 1. Page 1, line 19, by striking the word
- 3 "competent".
- 4 2. Page 1, line 20, by inserting after the word
- 5 "ceremony" the following: "who are at least sixteen
- 6 years of age".

SPEAR of Lee

H-5002

- 1 Amend Senate File 205, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, line 1, by striking the word "1990"
- 4 and inserting the following: "1991".
- 5 2. Page 3, line 26, by striking the words "rescue
- 6 unit" and inserting the following: "ambulance,
- 7 rescue, or first response service".
- 8 3. Page 3, line 29, by striking the word "1989"
- 9 and inserting the following: "1990".
- 10 4. Page 3, line 33, by striking the words
- 11 "subsection 1, Code 1989," and inserting the
- 12 following: "subsection 6, Code Supplement 1989,".

HANSON of Delaware

H-5003

- 1 Amend House File 2062 as follows:
- 2 1. Page 1, by striking line 9, and inserting the
- 3 following: "coverage for an insured, subscriber, or
- 4 enrollee, or for a family member of the insured,
- 5 subscriber, or".

DODERER of Johnson

H-5004

- 1 Amend House File 2062 as follows:
- 2 1. Page 1, by inserting after line 27, the
- 3 following:
- 4 "3. Expenses incurred pursuant to providing
- 5 coverage for expenses required by this section, and
- 6 not previously covered as required by prior law or
- 7 practice, are not a basis for a rate increase. A rate
- 8 filed for the commissioner's approval by a person
- 9 subject to this section shall not be approved by the
- 10 commissioner to the extent a requested rate increase

11 is based upon expenses incurred pursuant to this
12 section, which expenses were not previously covered as
13 required by prior law or practice of the company."

HALVORSON of Clayton

H-5005

1 Amend House File 2062 as follows:

2 1. Page 1, line 18, by inserting after the word
3 "incurred" the following: ", subject to the general
4 terms, conditions, and limitations which may exist
5 within the policy, contract, or plan, including, but
6 not limited to, the continued payment of the premiums,
7 dues, or charges".

HALVORSON of Clayton

H-5006

1 Amend House File 2062 as follows:

2 1. Page 1, line 15, by inserting after the word
3 "months" the following: "until the infant reaches the
4 age of eighteen years".
5 2. Page 1, line 18, by inserting after the word
6 "incurred" the following: ", not to exceed two
7 hundred fifty thousand dollars".

HALVORSON of Clayton

H-5008

1 Amend House File 2062 as follows:

2 1. Page 1, by inserting after line 27, the
3 following:

4 "Sec. _____. **NEW SECTION. 514C.6 DISCLOSURE OF**
5 **NEWBORN SCOPE OF COVERAGE REQUIRED.**

6 A policy of individual accident and sickness
7 insurance issued pursuant to chapter 509, an
8 individual nonprofit hospital or medical service
9 contract issued pursuant to chapter 514, or a prepaid
10 individual plan of a health maintenance organization
11 provided pursuant to chapter 514B, shall clearly and
12 plainly disclose an exclusion or limitation upon
13 coverage for newborn infants of the insured,
14 subscriber, or enrollee, or of covered dependents of
15 the insured, subscriber, or enrollee. The
16 commissioner of insurance may adopt by rule uniform
17 disclosure language, or otherwise assure compliance
18 with this section."

19 2. By renumbering as necessary.

DODERER of Johnson
KREMER of Buchanan
SHONING of Woodbury
BRAMMER of Linn
BISIGNANO of Polk

H-5009

1 Amend House File 2062 as follows:

2 1. Page 1, line 18, by inserting after the word
3 "incurred." the following: "In any case, coverage
4 shall terminate if the insured, subscriber, or
5 enrollee leaves the covered group and does not
6 continue or convert the group coverage pursuant to
7 chapter 509B, or if the insurer, nonprofit hospital or
8 medical service corporation, or health maintenance
9 organization ceases to provide group coverage to the
10 group."

GARMAN of Story

H-5010

1 Amend House File 209 as follows:

2 1. Page 1, line 5, by inserting after the word
3 "restaurants" the following: "with seating for more
4 than fifty people".

LUNDBY of Linn

H-5012

1 Amend House File 209 as follows:

2 1. Page 2, by inserting after line 20, the
3 following:
4 "Sec. _____. Section 601A.6, subsection 1,
5 paragraphs a, b, and c, Code 1989, are amended to read
6 as follows:
7 a. Person to refuse to hire, accept, register,
8 classify, or refer for employment, to discharge any
9 employee, or to otherwise discriminate in employment
10 against any applicant for employment or any employee
11 because of the age, race, creed, color, sex, national
12 origin, religion, smoking preference, or disability of
13 such applicant or employee, unless based upon the
14 nature of the occupation. If a disabled person is
15 qualified to perform a particular occupation, by
16 reason of training or experience, the nature of that
17 occupation shall not be the basis for exception to the
18 unfair or discriminating practices prohibited by this
19 subsection.
20 b. Labor organization or the employees, agents or
21 members thereof to refuse to admit to membership any
22 applicant, to expel any member, or to otherwise
23 discriminate against any applicant for membership or
24 any member in the privileges, rights, or benefits of
25 such membership because of the age, race, creed,
26 color, sex, national origin, religion, smoking
27 preference, or disability of such applicant or member.
28 c. Employer, employment agency, labor

29 organization, or the employees, agents, or members
 30 thereof to directly or indirectly advertise or in any
 31 other manner indicate or publicize that individuals of
 32 any particular age, race, creed, color, sex, national
 33 origin, religion, smoking preference, or disability
 34 are unwelcome, objectionable, not acceptable, or not
 35 solicited for employment or membership unless based on
 36 the nature of the occupation. If a disabled person is
 37 qualified to perform a particular occupation by reason
 38 of training or experience, the nature of that
 39 occupation shall not be the basis for exception to the
 40 unfair or discriminating practices prohibited by this
 41 subsection.

42 An employer, employment agency, or their employees,
 43 servants or agents may offer employment or advertise
 44 for employment to only the disabled, when other
 45 applicants have available to them, other employment
 46 compatible with their ability which would not be
 47 available to the disabled because of their handicap.
 48 Any such employment or offer of employment shall not
 49 discriminate among the disabled on the basis of race,
 50 color, creed, sex or national origin."

Page 2

1 2. By renumbering as necessary.

LUNDBY of Linn

H-5014

1 Amend the amendment, H-5007, to Senate File 280, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, line 13, by inserting after the word
 5 "exemption" the following: "or partial exemption".
 6 2. Page 1, by inserting after line 45, the
 7 following:
 8 "(c) To rehabilitate and assist existing business
 9 and industry.
 10 (d) To stimulate and assist in the expansion of
 11 business activity."
 12 3. Page 2, by striking lines 9 through 12.

GRONINGA of Cerro Gordo

H-5015

1 Amend House File 481 as follows:
 2 1. Page 1, line 2, by inserting before the word
 3 "The" the following: "1."
 4 2. Page 1, by inserting after line 9 the
 5 following:
 6 "2. The department shall offer accident and

7 sickness insurance coverage under a group policy to
 8 members under the age of sixty-five years who have
 9 retired and are receiving benefits under this chapter.
 10 A member who elects coverage under the group policy
 11 shall authorize the department to deduct from the
 12 member's monthly benefit the total amount of the
 13 monthly premium plus an amount not exceeding two
 14 percent of the monthly premium to cover the costs
 15 incurred in administering the policy. The department
 16 shall establish a committee to advise the department
 17 concerning the composition of the group policy. The
 18 committee shall include members over the age of sixty-
 19 four years who have retired and are receiving benefits
 20 under this chapter."

PETERS of Woodbury

H-5018

1 Amend House File 233 as follows:
 2 1. Page 1, line 32, by inserting after the word
 3 "employer" the following: "knowingly".
 4 2. Page 2, line 2, by striking the word
 5 "tortious".
 6 3. Page 2, line 4, by inserting after the word
 7 "interest" the following: "or the breach constitutes
 8 a separate and independent tort".
 9 4. Page 2, line 8, by striking the words "beyond
 10 a reasonable doubt".
 11 5. Page 2, line 21, by striking the words "by a".
 12 6. Page 2, by striking line 22.

HALVORSON of Clayton
 HARBOR of Mills

H-5026

1 Amend House File 2040 as follows:
 2 1. Page 1, by striking lines 3 through 5 and
 3 inserting the following:
 4 "(3) A correctional officer who is employed by the
 5 Iowa department of corrections in an applicable job
 6 classification. Any other employee of that department
 7 who has ongoing, direct contact with inmates, and an
 8 employee of a judicial district department of
 9 correctional services who has ongoing, direct contact
 10 with accused persons or persons assigned to the
 11 judicial district department for supervision. The".
 12 2. Page 1, by inserting after line 8 the
 13 following:
 14 "Sec. _____. Section 97B.49, subsection 16,
 15 paragraph i, Code 1989, is amended to read as follows:
 16 i. For the fiscal year commencing July 1, 1988,
 17 and each succeeding fiscal year, the department of

18 corrections shall pay to the department of personnel
 19 from funds appropriated to the Iowa department of
 20 corrections, the amount necessary to pay the employer
 21 share of the cost of the additional benefits provided
 22 to employees of the department covered under paragraph
 23 "d", subparagraph (3). For the fiscal year commencing
 24 July 1, 1990, and each succeeding fiscal year, each
 25 judicial district department of correctional services
 26 shall pay to the department of personnel from funds
 27 appropriated to that judicial district department, the
 28 amount necessary to pay the employer share of the cost
 29 of the additional benefits provided to employees of
 30 the judicial district department covered under
 31 paragraph "d", subparagraph (3)."

SPEAR of Lee
 McKEAN of Jones

H-5027

1 Amend the Senate amendment, H-4466, to House File
 2 685, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. By striking page 1, line 44, through page 2,
 5 line 6.
 6 2. Page 2, line 7, by striking the figure "30"
 7 and inserting the following: "29".
 8 3. Page 2, by striking lines 14 through 28.
 9 4. By renumbering as necessary.

HANSEN of Woodbury
 SCHNEKLOTH of Scott

H-5028

1 Amend amendment H-5024 to House File 2062 as
 2 follows:
 3 1. Page 1, line 50, by inserting after the word
 4 "POLICY" the word "OFFERING".
 5 2. Page 2, line 8, by inserting after the word
 6 "shall" the words "offer to".
 7 3. Page 2, line 15, by striking the word
 8 "Coverage" and inserting the words "The offer of
 9 coverage".

HALVORSON of Clayton

H-5029

1 Amend House File 2031, as follows:
 2 1. Page 1, by inserting before line 1, the
 3 following:
 4 "Section 101. Section 425.2, unnumbered paragraph
 5 2, Code Supplement 1989, is amended to read as
 6 follows:
 7 Upon the filing and allowance of the claim, the

8 claim shall be allowed on that homestead for
 9 successive years without further filing as long as the
 10 property is legally or equitably owned and used as a
 11 homestead by that person or that person's spouse on
 12 July 1 of each of those successive years, and the
 13 owner of the property being claimed a homestead
 14 declares residency in Iowa for purposes of income
 15 taxation, and is occupied by the person or person's
 16 spouse for at least six months in each of those
 17 calendar years. When the property is sold or
 18 transferred, the buyer or transferee who wishes to
 19 qualify shall refile for the credit. However, when
 20 the property is transferred as part of a distribution
 21 made pursuant to chapter 598, the transferee who is
 22 the spouse retaining ownership of the property is not
 23 required to refile for the credit. Property divided
 24 pursuant to chapter 598 cannot be modified following
 25 the division of the property. An owner who ceases to
 26 use a property for a homestead or intends not to use
 27 it as a homestead for at least six months in a fiscal
 28 calendar year shall provide written notice to the
 29 assessor by July 1 following the date on which the use
 30 is changed. A person who sells or transfers a
 31 homestead or the personal representative of a deceased
 32 person who had a homestead at the time of death, shall
 33 provide written notice to the assessor that the
 34 property is no longer the homestead of the former
 35 claimant."
 36 2. By renumbering as necessary.

DAGGETT of Adams

H-5041

1 Amend House File 2084 as follows:
 2 1. Page 1, line 30, by striking the word
 3 "serious" and inserting the word "simple".

HALVORSON of Clayton
 HARBOR of Mills

H-5045

1 Amend House File 2148 as follows:
 2 1. Page 1, by striking lines 4 and 5 and
 3 inserting the following: "against a peace officer who
 4 is in the performance of the peace officer's duties,
 5 an employee of the Iowa department of corrections who
 6 is in the performance of the employee's duties, or an
 7 employee of a judicial district department of
 8 correctional services who is in the performance of the
 9 employee's duties, is guilty of a class "D" felony."

SPEAR of Lee

H-5047

- 1 Amend House File 2165 as follows:
- 2 1. Page 1, line 10, by striking the words
- 3 "~~twenty-five~~ fifty" and inserting the following:
- 4 "twenty-five".
- 5 2. Title page, lines 2 and 3, by striking the
- 6 words "and increasing the amount of the bond".

KOENIGS of Mitchell

H-5048

- 1 Amend House File 147 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 719.1, Code 1989, is amended
- 5 to read as follows:
- 6 719.1 INTERFERENCE WITH OFFICIAL ACTS.
- 7 A person who knowingly resists or obstructs anyone
- 8 known by the person to be a peace officer or fire
- 9 fighter, whether paid or volunteer, in the performance
- 10 of any act which is within the scope of the lawful
- 11 duty or authority of that officer or fire fighter,
- 12 whether paid or volunteer, or who knowingly resists or
- 13 obstructs the service or execution by any authorized
- 14 person of any civil or criminal process or order of
- 15 any court, commits a simple misdemeanor. However, if
- 16 a person commits an interference with official acts,
- 17 as defined in this section, and in so doing inflicts
- 18 bodily injury other than serious injury, that person
- 19 commits a serious misdemeanor. If a person commits an
- 20 interference with official acts, as defined in this
- 21 section, and in so doing inflicts or attempts to
- 22 inflict serious injury, or displays a dangerous
- 23 weapon, as defined in section 702.7, or is armed with
- 24 a firearm, that person commits an aggravated
- 25 misdemeanor a class "D" felony. The terms "resist"
- 26 and "obstruct", as used in this section, do not
- 27 include verbal harassment unless the verbal harassment
- 28 is accompanied by a present ability and apparent
- 29 intention to execute a verbal threat physically.
- 30 Sec. 2. Section 724.4, Code 1989, is amended by
- 31 adding the following new subsection:
- 32 NEW SUBSECTION. 1A. A person who commits a
- 33 violation of subsection 1, with intent to commit a
- 34 crime against a person or property other than a
- 35 violation of subsection 1, commits a class "D" felony.
- 36 Sec. 3. Section 724.10, Code 1989, is amended to
- 37 read as follows:
- 38 724.10 APPLICATION FOR PERMIT TO CARRY WEAPONS —
- 39 CRIMINAL HISTORY CHECK REQUIRED.
- 40 No A person shall not be issued a permit to carry

41 weapons unless the person has completed and signed an
42 application on a form to be prescribed and published
43 by the commissioner of public safety. The application
44 shall state the full name, social security number
45 (optional), residence, and age of the applicant, and
46 shall state whether the applicant has ever been
47 convicted of a felony, whether the person is addicted
48 to the use of alcohol or any controlled substance, and
49 whether the person has any history of mental illness
50 or repeated acts of violence. The applicant shall

Page 2

1 also display an identification card that bears a
2 distinguishing number assigned to the card holder, the
3 full name, date of birth, sex, residence address, and
4 a brief description and colored photograph of the card
5 holder. Commencing July 1, 1991, the sheriff shall
6 conduct a criminal history check concerning each
7 applicant by obtaining criminal history data from the
8 department of public safety. Any A person who
9 knowingly makes a false statement of material fact on
10 such the application commits an aggravated misdemeanor
11 a class "D" felony.

12 Sec. 4. Section 724.15, subsection 2, Code 1989,
13 is amended by adding the following new paragraphs:
14 NEW PARAGRAPH. d. The person has obtained a valid
15 permit to carry weapons, as provided in section
16 724.11.

17 NEW PARAGRAPH. e. The person transferring the
18 pistol or revolver and the person acquiring the pistol
19 or revolver are related to one another within the
20 second degree of consanguinity unless the person
21 transferring the pistol or revolver knows that the
22 person acquiring the pistol or revolver would be
23 ineligible to obtain a permit.

24 Sec. 5. Section 724.16, Code 1989, is amended to
25 read as follows:

26 724.16 ANNUAL PERMIT TO ACQUIRE REQUIRED —
27 TRANSFER PROHIBITED.

28 1. Any Except as otherwise provided in section
29 724.15, subsection 2, a person who acquires ownership
30 of a pistol or revolver without a valid annual permit
31 to acquire pistols or revolvers or any a person who
32 transfers ownership of a pistol or revolver to a
33 person who does not have in the person's possession a
34 valid annual permit to acquire pistols or revolvers is
35 guilty of a simple misdemeanor.

36 2. A person who knowingly transfers ownership of a
37 pistol or revolver to a person prohibited by section
38 724.15 from acquiring ownership of a pistol or
39 revolver commits a class "D" felony.

40 Sec. 6. Section 724.17, Code 1989, is amended to
41 read as follows:

42 724.17 APPLICATION FOR ANNUAL PERMIT TO ACQUIRE --
43 CRIMINAL HISTORY CHECK REQUIRED.

44 The application for an annual permit to acquire
45 pistols or revolvers may be made to the sheriff of the
46 county of the applicant's residence and shall be on a
47 form prescribed and published by the commissioner of
48 public safety. The application shall state the full
49 name of the applicant, the social security number of
50 the applicant, the residence of the applicant, and the

Page 3

1 age of the applicant. The applicant shall also
2 display an identification card that bears a
3 distinguishing number assigned to the card holder, the
4 full name, date of birth, sex, residence address, and
5 brief description and colored photograph of the card
6 holder, or an envelope addressed to the applicant at
7 the applicant's residence with a date of postmark
8 within the previous thirty days. Commencing July 1,
9 1991, the sheriff shall conduct a criminal history
10 check concerning each applicant by obtaining criminal
11 history data from the department of public safety.

12 Sec. 7. Section 724.21, Code 1989, is amended to
13 read as follows:

14 724.21 GIVING FALSE INFORMATION WHEN ACQUIRING
15 WEAPON.

16 A person who gives a false name or presents false
17 identification, or otherwise knowingly gives false
18 material information to one from whom the person seeks
19 to acquire a pistol or revolver, commits an aggravated
20 misdemeanor a class "D" felony.

21 Sec. 8. Section 724.26, Code 1989, is amended to
22 read as follows:

23 724.26 RECEIPT, TRANSPORTATION, AND POSSESSION
24 DOMINION AND CONTROL OF FIREARMS AND DESTRUCTIVE
25 DEVICES OFFENSIVE WEAPONS BY FELONS.

26 Any A person who is convicted of a felony in any a
27 state or federal court and who subsequently possesses
28 knowingly has under the person's dominion and control,
29 receives, or transports or causes to be transported a
30 firearm or offensive weapon is guilty of an aggravated
31 misdemeanor a class "D" felony.

32 Sec. 9. NEW SECTION. 724.28 PROHIBITION OF
33 REGULATION BY POLITICAL SUBDIVISIONS.

34 A political subdivision of the state shall not
35 enact an ordinance regulating the ownership,
36 possession, legal transfer, lawful transportation,
37 registration, or licensing of firearms when the
38 ownership, possession, transfer, or transportation is

39 otherwise lawful under the laws of this state. An
 40 ordinance regulating firearms in violation of this
 41 section existing on or after the effective date of
 42 this Act is void.

43 Sec. 10. NEW SECTION. 724.29 FIREARM DEVICES.

44 A person who sells or offers for sale a manual or
 45 power-driven device or activator constructed and
 46 designed so that when attached to a firearm increases
 47 the rate of fire of the firearm is guilty of an
 48 aggravated misdemeanor.

49 Sec. 11.

50 This Act, being deemed of immediate importance,

Page 4

1 takes effect upon enactment.”

2 2. Title page, line 2, by inserting after the
 3 word “subdivision” the following: “, requirements for
 4 the purchase and possession of weapons, enhanced
 5 criminal penalties for certain offenses involving
 6 weapons, and providing an effective date”.

BISIGNANO of Polk

H—5049

1 Amend House File 2050 as follows:

2 1. Page 1, by inserting before line 1, the fol-
 3 lowing:

4 “Section 1. Section 68B.2, subsection 11, Code
 5 1989, is amended to read as follows:

6 11. “Official” means an officer of the state of
 7 Iowa receiving or offered a salary or per diem whether
 8 elected or appointed or whether serving full-time or
 9 part-time. “Official” includes but is not limited to
 10 supervisory personnel and members of state agencies
 11 and does not include members of the general assembly
 12 or legislative employees.”

13 2. Page 1, line 1, by striking the word and
 14 figure “Section 1.” and inserting the following:
 15 “Sec. 2.”

16 3. Page 1, line 4, by striking the word “regu-
 17 latory” and inserting the following: “regulatory”.

18 4. Page 1, line 5, by inserting after the word
 19 “sell,” the following: “buy, or cause to be bought or
 20 sold,”.

21 5. Page 1, line 6, by inserting before the word
 22 “individuals” the following: “or from”.

23 6. Page 1, line 10, by striking the word
 24 “regulatory”.

25 7. Page 1, line 16, by striking the word
 26 “regulatory”.

27 8. Page 1, line 21, by striking the word

28 "regulatory".
 29 9. Page 1, line 25, by striking the word
 30 "regulatory".
 31 10. Page 1, line 30, by striking the word
 32 "regulatory".
 33 11. Page 1, line 32, by striking the word
 34 "regulatory".
 35 12. Page 1, by inserting after line 34, the fol-
 36 lowing:
 37 "An official or employee of an agency shall not
 38 buy, sell, or cause to be bought or sold, whether
 39 directly or indirectly, any goods or services to or
 40 from an association, corporation, or businesses in
 41 which the person is a member, major stockholder, or
 42 has other financial interest.
 43 Sec. 3. Section 68B.8, Code 1989, is amended to
 44 read as follows:
 45 68B.8 ADDITIONAL PENALTY.
 46 In addition to any penalty contained in any other
 47 provision of law, a person who knowingly and
 48 intentionally violates a provision of section 68B.3 to
 49 68B.6 is guilty of a serious misdemeanor and ~~may shall~~
 50 ~~be reprimanded, suspended, or dismissed from the~~

Page 2

1 person's position or otherwise sanctioned.
 2 Sec. 4. NEW SECTION. 68B.9A AGENCY RULES.
 3 Each agency shall adopt conflict of interest rules
 4 for persons employed by or holding office in the
 5 agency."

JAY of Appanoose
 CARPENTER of Polk

H-5050

1 Amend House File 682 as follows:
 2 1. Page 1, lines 1 and 2, by striking the words
 3 "OR INTERFERENCE WITH" and inserting the following:
 4 "OF".
 5 2. Page 1, line 3, by striking the words "or
 6 interfere with".
 7 3. Page 1, line 5, by striking the word
 8 "shooting".
 9 4. Title page, line 1, by striking the words "or
 10 interference with" and inserting the following: "of".
 11 5. Title page, lines 2 and 3, by striking the
 12 words "trapping, or shooting" and inserting the
 13 following: "or trapping".

H-5051

- 1 Amend the Committee amendment, H-5050, to House
- 2 File 682 as follows:
- 3 1. Page 1, by striking lines 2 through 6.
- 4 2. Page 1, by striking lines 9 and 10.

GRUHN of Dickinson

H-5056

- 1 Amend House File 682 as follows:
- 2 1. Page 1, line 5, by inserting after the word
- 3 "fishing," the following: "hiking,".
- 4 2. Title page, line 2, by inserting after the
- 5 word "fishing," the following: "hiking,".

OSTERBERG of Linn

H-5057

- 1 Amend House File 682 as follows:
- 2 1. Page 1, line 5, by inserting after the word
- 3 "fishing," the following: "bird watching,".
- 4 2. Title page, line 2, by inserting after the
- 5 word "fishing," the following: "bird watching,".

OSTERBERG of Linn

H-5058

- 1 Amend the amendment, H-5049, to House File 2050, as
- 2 follows:
- 3 1. Page 1, line 37, by inserting after the word
- 4 "agency" the following: ", who is not a local
- 5 official or local employee under section 68B.2,
- 6 subsection 9,".

CARPENTER of Polk
KREMER of Buchanan

H-5064

- 1 Amend House File 2048 as follows:
- 2 1. Page 7, by inserting before line 35, the
- 3 following:
- 4 "Sec.____. Section 702.11, Code Supplement 1989,
- 5 is amended to read as follows:
- 6 702.11 FORCIBLE FELONY.
- 7 A "forcible felony" is any felonious child
- 8 endangerment, assault, murder, sexual abuse other than
- 9 sexual abuse in the third degree committed between
- 10 spouses or in violation of section 709.4, subsection
- 11 2, paragraph "c", subparagraph (4), sexual
- 12 exploitation by a counselor or therapist in violation
- 13 of section 709.15, kidnapping, robbery, arson in the
- 14 first degree, or burglary in the first degree.

15 Sec._____. NEW SECTION. 709.15 SEXUAL
 16 EXPLOITATION BY A COUNSELOR OR THERAPIST.

- 17 1. As used in this section:
- 18 a. "Counselor or therapist" means a physician,
 19 psychotherapist, psychologist, nurse, social worker,
 20 chemical dependency counselor, member of the clergy,
 21 or other person whether or not licensed by the state,
 22 who renders or purports to render psychotherapy,
 23 counseling, or other assessment or treatment involving
 24 any mental illness, symptom, or condition or emotional
 25 illness, symptom, or condition.
- 26 b. "Former patient or former client" means a
 27 person who received psychotherapy, counseling, or
 28 other assessment or treatment involving any mental
 29 illness, symptom, or condition or emotional illness,
 30 symptom, or condition from a counselor or therapist
 31 within two years of the violation or who after two
 32 years from the termination of treatment remains
 33 emotionally dependent on the counselor or therapist.
- 34 c. "Patient or client" means any person who
 35 receives psychotherapy, counseling, or other
 36 assessment or treatment concerning any mental illness,
 37 symptom, or condition or emotional illness, symptom,
 38 or condition from a counselor or therapist.
- 39 d. "Sexual exploitation" means any sexual contact
 40 by a counselor or therapist with a patient or client
 41 or former patient or former client for the purpose of
 42 arousing or satisfying the sexual desires of a
 43 counselor or therapist or the patient, client, former
 44 patient, or former client, which shall include but is
 45 not limited to kissing; touching of the inner thigh,
 46 breast, groin, buttock, anus, pubes, or genitals or
 47 the touching of the clothing covering the inner thigh,
 48 breast, groin, buttock, anus, pubes, or genitals, a
 49 sex act as defined in section 702.17; or verbal
 50 suggestions of sexual involvement.

Page 2

- 1 2. It is unlawful for a counselor or therapist to
 2 engage in conduct which constitutes sexual
 3 exploitation as defined in subsection 1, with or
 4 without the consent of the patient or client or former
 5 patient or former client.
- 6 3. A person who violates this section commits a
 7 class "D" felony, except that any person who violates
 8 this section by conduct as defined as a sex act under
 9 section 702.17 commits a class "C" felony."
- 10 2. Title page, by striking lines 1 through 9 and
 11 inserting the following: "An Act relating to
 12 therapists and counselors, providing a penalty, and
 13 providing effective dates."
- 14 3. By renumbering as necessary.

H-5065

1 Amend House File 2101 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 21.2, subsection 1, Code
5 Supplement 1989, is amended by adding the following
6 new paragraph:

7 NEW PARAGRAPH. f. A nonprofit corporation
8 licensed to conduct gambling games or pari-mutuel
9 wagering on dog or horse races pursuant to chapter 99D
10 or 99F."

11 2. Title page, line 1, by inserting after the
12 word "corporations" the following: "licensed to
13 conduct pari-mutuel wagering or gambling operations".

HERMANN of Scott

H-5071

1 Amend House File 2048 as follows:

2 1. Page 7, by inserting after line 34 the
3 following:

4 "Sec. _____. NEW SECTION. 709.15 SEXUAL
5 EXPLOITATION BY A COUNSELOR OR THERAPIST.

6 1. As used in this section:

7 a. "Client" means any person who receives mental
8 health counseling or marital and family therapy from a
9 counselor or therapist.

10 b. "Counselor or therapist" means a licensed
11 mental health counselor or licensed marital and family
12 therapist as defined in section 154D.1.

13 c. "Emotionally dependent" means impaired in the
14 ability to withhold consent to a sexual act by the
15 counselor or therapist, based upon the nature of the
16 former client's emotional condition and the nature of
17 the assessment or treatment provided by the counselor
18 or therapist, which impairment is known or should be
19 known to the counselor or therapist.

20 d. "Former client" means a person who received
21 mental health counseling or marital and family therapy
22 from a counselor or therapist within two years of the
23 violation or who after two years from the termination
24 of treatment remains emotionally dependent on the
25 counselor or therapist.

26 e. "Sexual exploitation" means any sexual contact
27 by a counselor or therapist with a client or former
28 client for the purpose of arousing or satisfying the
29 sexual desires of a counselor or therapist or the
30 client or former client, which shall include but is
31 not limited to kissing; touching of the inner thigh,
32 breast, groin, buttock, anus, pubes, or genitals or
33 the touching of the clothing covering the inner thigh,

34 breast, groin, buttock, anus, pubes, or genitals, a
 35 sex act as defined in section 702.17; or verbal
 36 suggestions of sexual involvement.

37 2. It is unlawful for a counselor or therapist to
 38 engage in conduct which constitutes sexual
 39 exploitation as defined in subsection 1, with or
 40 without the consent of the client or former client.

41 3. A person who violates this section commits a
 42 class "D" felony, except that any person who violates
 43 this section by conduct defined as a sex act under
 44 section 702.17 commits a class "C" felony."

45 2. By renumbering as necessary.

SPEAR of Lee

H-5072

1 Amend House File 2076 as follows:

2 1. Page 1, line 14, by inserting after the word
 3 "Iowa," the following: "including but not limited to
 4 sites".

5 2. Page 1, line 20, by inserting after the word
 6 "Iowa," the following: "including but not limited to
 7 sites".

OLLIE of Clinton

H-5079

1 Amend House File 682 as follows:

2 1. Page 1, line 5, by inserting before the word
 3 "hunting" the following: "picnicking, camping,".

4 2. Title page, line 2, by inserting before the
 5 word "hunting" the following: "picnicking, camping,".

NEUHAUSER of Johnson

H-5082

1 Amend House File 2270 as follows:

2 1. Page 1, line 28, by inserting before the word
 3 "council" the words "the criminal and juvenile justice
 4 advisory".

5 2. Page 1, line 32, by inserting before the word
 6 "council" the words "the criminal and juvenile justice
 7 advisory".

8 3. Page 2, line 9, by striking the words "policy
 9 administrative coordinating" and inserting the fol-
 10 lowing: "policy coordinating administrative-
 11 coordinating".

12 4. Page 2, by inserting after line 32 the fol-
 13 lowing:

14 "Sec. _____. Section 601K.4, Code 1989, is amended
 15 by adding the following new subsection before subsec-
 16 tion 1, and renumbering the subsequent subsections:

17 NEW SUBSECTION. 1. "Council" or "human rights
 18 council" means the human rights administrative-
 19 coordinating council within the department of human
 20 rights."

CARPENTER of Polk

H-5084

1 Amend House Concurrent Resolution 104 as follows:
 2 1. Page 1, by striking lines 17 through 21.

MUHLBAUER of Crawford

H-5085

1 Amend House File 2035 as follows:
 2 1. Page 1, line 29, by striking the words "land,
 3 centrally" and inserting the following: "land."
 4 2. By striking lines 30 through 34.

Committee on Local Government

H-5086

1 Amend House File 2271 as follows:
 2 1. Page 1, line 29, by inserting after the word
 3 "staff" the following: ", building administrators, or
 4 area education agency division directors or
 5 supervisors".

SHEARER of Louisa

H-5087

1 Amend House File 2258 as follows:
 2 1. Page 1, by inserting after line 33 the
 3 following:
 4 "m. Suicide".
 5 2. Page 2, line 22, by striking the letter "l"
 6 and inserting the following: "m".
 7 3. Page 3, line 16, by striking the letter "l"
 8 and inserting the following: "m".

HERMANN of Scott

H-5089

1 Amend House File 2015 as follows:
 2 1. By striking page 10, line 32, through page 12,
 3 line 7, and inserting the following:
 4 "Sec. _____. Section 321J.20, subsection 1,
 5 unnumbered paragraph 1, Code 1989, is amended to read
 6 as follows:
 7 The department may, on application, issue a
 8 temporary restricted license to a person age eighteen
 9 or older whose motor vehicle license is revoked under

10 this chapter allowing the person to drive to and from
 11 the person's home and specified places at specified
 12 times which can be verified by the department and
 13 which are required by the person's full-time or part-
 14 time employment, continuing health care or the
 15 continuing health care of another who is dependent
 16 upon the person, continuing education while enrolled
 17 in an educational institution on a part-time or full-
 18 time basis and while pursuing a course of study
 19 leading to a diploma, degree, or other certification
 20 of successful educational completion, substance abuse
 21 treatment, and court-ordered community service
 22 responsibilities if the person's motor vehicle license
 23 has not been revoked under 321J.4, 321J.9, or 321J.12
 24 within the previous six years and if any of the
 25 following apply:

26 Sec. _____. Section 321J.20, subsection 1,
 27 unnumbered paragraph 2, Code 1989, is amended by
 28 striking the paragraph.

29 Sec. _____. Section 321J.20, subsection 2, Code
 30 1989, is amended to read as follows:

31 2. This section does not apply to a person whose
 32 license was revoked for a second or subsequent offense
 33 under this chapter, to a person under age eighteen
 34 whose license was revoked under this chapter, to a
 35 person whose license was revoked under section 321J.4,
 36 subsection 3 or 5, or to a person whose license is
 37 suspended or revoked for another reason."

38 2. Renumber as necessary.

WISE of Lee

H-5091

1 Amend House File 2130 as follows:

2 1. Page 1, line 9, by inserting after the word
 3 "licensees." the following: "Regarding the mediation
 4 of disputes between dentists and their patients, the
 5 board shall appoint a disinterested third party to
 6 mediate a particular dispute, and the board shall
 7 provide for the enforcement of a mediation agreement
 8 between the parties involved in the dispute."

Committee on State Government

H-5093

1 Amend House File 2141 as follows:

2 1. By striking page 1, line 34 through page 2,
 3 line 11, and inserting the following:

4 "3. The board of directors of a school district
 5 may require an employee who has resigned from an
 6 extracurricular contract to accept, as a condition of
 7 employment under section 279.13, the extracurricular

8 contract for the subsequent school year one school
 9 year after the school year in which the employee has
 10 resigned from the extracurricular contract if all of
 11 the following conditions apply:

12 a. The employee has accepted a teaching contract
 13 issued by the board pursuant to section 279.13 for the
 14 subsequent school year.

15 b. The board of directors has made a good faith
 16 effort to fill the coaching position with a licensed
 17 or authorized replacement.

18 c. The position has not been filled by June 1 of
 19 the year in which the employee resigned the
 20 extracurricular contract."

21 2. Page 2, line 12, by striking the figures "4 3"
 22 and inserting the following: "4".

23 3. Page 2, by striking lines 31 through 33, and
 24 inserting the following:

25 "d. Less than one school year has passed since the
 26 date that the employee, who is being required to
 27 accept the extracurricular contract, was terminated
 28 from or resigned from the coaching position."

29 4. Page 2, line 34, by striking the figures "5 4"
 30 and inserting the following: "5".

31 5. Page 3, lines 2 and 3, by striking the word
 32 and figure "or 4" and inserting the following: "or
 33 4".

34 6. Page 3 by striking line 14 and inserting the
 35 following:

36 "6. Subsections 3, 4, and 5 do not apply if the
 37 terms".

38 7. Page 3, line 16, by striking the figures "7 6"
 39 and inserting the following: "7".

40 8. Page 3, line 18, by striking the figures "8 7"
 41 and inserting the following: "8".

42 9. Page 3, line 27, by striking the figures "9 8"
 43 and inserting the following: "9".

SCHRADER of Marion

H-5095

1 Amend House File 2124 as follows:

2 1. Page 1, by striking lines 9 through 11, and
 3 inserting the following: "governing body, in an
 4 amount not exceeding twenty-one cents per mile which
 5 is the maximum amount allowable for federal income tax
 6 purposes, notwithstanding established mileage
 7 requirements or depreciation allowances. A statutory
 8 provision stipulating necessary mileage,".

CONNORS of Polk
 BISIGNANO of Polk
 HANSON of Delaware

H-5101

- 1 Amend House File 236 as follows:
- 2 1. Page 1, line 25, by striking the word "local".

SPEAR of Lee

H-5109

- 1 Amend House File 2271 as follows:
- 2 1. Page 1, line 10, by striking the words
- 3 "participating in" and inserting the following:
- 4 "implementing approved".
- 5 2. Page 2, line 8, by striking the words
- 6 "participating in" and inserting the following:
- 7 "implementing approved".

WISE of Lee

H-5110

- 1 Amend House File 2280 as follows:
- 2 1. Page 1, by striking lines 1 through 32.
- 3 2. Page 1, line 35, by striking the words "or
- 4 knowingly" and inserting the following: "and
- 5 knowingly".
- 6 3. Title page, line 2, by striking the words
- 7 "civil and".
- 8 4. By renumbering as necessary.

Committee on Economic Development

H-5118

- 1 Amend House File 2122 as follows:
- 2 1. Page 1, by striking lines 3 through 9, and
- 3 inserting the following:
- 4 "1. A Except as otherwise provided in subsection
- 5 5, a person is not eligible for an association policy
- 6 if the person, at the effective date of coverage, has
- 7 or will have coverage under any insurance plan that
- 8 has coverage equivalent to an association policy.
- 9 Only residents of this state are eligible for an
- 10 association policy. Coverage under an association
- 11 policy is in excess of, and shall not duplicate,
- 12 coverage under any other form of health insurance.
- 13 Sec. 2. Section 514E.7, subsection 5, Code 1989,
- 14 is amended by adding the following new unnumbered
- 15 paragraph:
- 16 NEW UNNUMBERED PARAGRAPH. If the association
- 17 policy contains a waiting period for preexisting
- 18 conditions, an insured may retain any existing

19 coverage the person has under an insurance plan that
 20 has coverage equivalent to the association policy for
 21 the duration of the waiting period only."

BISIGNANO of Polk
 HARBOR of Mills

H-5120

1 Amend House File 2206 as follows:

2 1. Page 1, line 34, by striking the words "two
 3 hundred fifty" and inserting the following: "five
 4 hundred fifty twenty-five".

5 2. Page 1, line 35, by striking the words
 6 "homestead during the fiscal" and inserting the
 7 following: "homestead."

8 3. Page 2, by striking lines 1 through 4.

9 4. Page 4, by striking lines 21 through 24 and
 10 inserting the following: "forty-three fifty-seven
 11 million five hundred thousand dollars. Any balance in
 12 said the fund on June".

13 5. Page 4, lines 27 and 28, by striking the words
 14 and figures "effective January 1, 1991" and inserting
 15 the following: "retroactive to January 1, 1990".

16 6. Page 4, by inserting after line 30 the
 17 following:

18 "Sec. _____.

19 Sections 2 and 5 of this Act are effective for
 20 fiscal years beginning on or after July 1, 1990."

SHONING of Woodbury
 BRANSTAD of Winnebago
 TYRRELL of Iowa
 MAULSBY of Calhoun
 McKEAN of Jones

RENKEN of Grundy
 SCHNEKLOTH of Scott
 HERMANN of Scott
 IVERSON of Wright
 GARMAN of Story

H-5121

1 Amend House File 2241 as follows:

2 1. Page 2, by striking lines 1 through 25.

3 2. Page 2, line 26, by striking the figure "2."

4 3. Title page, line 1, by striking the words
 5 "lunch and".

Committee on Education

H-5122

1 Amend House File 2107 as follows:

2 1. Page 1, line 26, by striking the word "agenda"
 3 and inserting the following: "docket".

Committee on Education

H-5131

1 Amend House File 2383 as follows:

2 1. Page 2, by inserting after line 17, the
3 following:

4 "b. The department may issue permanent handicapped
5 identification hanging devices to the following in
6 accordance with rules adopted by the department:

7 (1) An organization which has a program for
8 transporting the handicapped or elderly.

9 (2) A person in the business of transporting the
10 handicapped or elderly.

11 One handicapped identification hanging device may
12 be issued for each vehicle used by the organization or
13 person for transporting the handicapped or elderly. A
14 handicapped identification hanging device issued under
15 this paragraph shall be surrendered to the department
16 if the organization or person is no longer providing
17 the service for which the device was issued.

18 Notwithstanding section 321L.4, a person transporting
19 handicapped or elderly in a motor vehicle for which a
20 handicapped identification hanging device has been
21 issued under this paragraph may display the device in
22 the motor vehicle and may use a handicapped parking
23 space while the motor vehicle is displaying the
24 device. A handicapped identification hanging device
25 issued under this paragraph shall be of a
26 distinctively different color from the handicapped
27 identification hanging devices issued under paragraph
28 "a".

29 2. Page 2, line 18, by striking the letter "b."
30 and inserting the following: "c."

PETERS of Woodbury

H-5132

1 Amend House File 2383 as follows:

2 1. Page 4, by inserting after line 30 the
3 following:

4 "c. Cities required to provide handicapped parking
5 spaces according to this subsection shall establish a
6 grievance procedure for persons possessing a permanent
7 handicapped identification device or handicapped
8 registration plates to file complaints regarding the
9 availability, amount, location, and enforcement of
10 handicapped parking spaces. Each city shall appoint a
11 handicapped official to receive complaints. The
12 handicapped official shall be required to take
13 appropriate action in response to a substantiated
14 complaint. A person filing such complaint shall

15 receive a duplicate copy of the complaint and a report
 16 from the handicapped official setting forth the
 17 actions taken in response to the complaint. The
 18 department of public safety shall adopt rules
 19 governing this subsection."

MURPHY of Dubuque
 BROWN of Lucas

H-5133

1 Amend House File 2383 as follows:
 2 1. Page 2, by inserting after line 23 the
 3 following:
 4 "Sec. _____. Section 321L.4, subsection 2, Code
 5 Supplement 1989, is amended to read as follows:
 6 2. The use of a handicapped parking space, located
 7 on either public or private property as provided in
 8 sections 321L.5 and 321L.6, by a motor vehicle not
 9 displaying a handicapped identification device; by a
 10 motor vehicle displaying such a device but not being
 11 used by a handicapped person, as an operator or
 12 passenger; or by a motor vehicle in violation of the
 13 rules adopted by the department under section 321L.8,
 14 constitutes improper use of a handicapped
 15 identification device which is a misdemeanor for which
 16 a fine shall be imposed upon the owner, operator, or
 17 lessee of the motor vehicle or the purchaser of the
 18 handicapped identification device. A peace officer,
 19 including meter persons, is authorized to enforce the
 20 provisions of this subsection. The fine for each
 21 violation shall be twenty-five dollars. Proof of
 22 conviction of two or more violations involving
 23 improper use of a handicapped identification device is
 24 grounds for revocation by the court or the department
 25 of the holder's privilege to possess or use the
 26 device."
 27 2. Renumber sections as necessary.

MURPHY of Dubuque
 BROWN of Lucas

H-5134

1 Amend House File 2383 as follows:
 2 1. Page 4, by inserting after line 30 the
 3 following:
 4 "Sec. _____. NEW SECTION. 321L.11 HANDICAPPED
 5 ENFORCEMENT OFFICERS.
 6 All health care facilities, including institutional
 7 health facilities, organized outpatient health
 8 facilities, outpatient surgical facilities, and the

9 offices of private health care providers or physicians
 10 as defined in section 135.1, subsection 5, shall
 11 designate a person to be known as a handicapped
 12 enforcement officer, who shall be authorized by the
 13 department of public safety to issue citations for
 14 handicapped parking violations of section 321L.4,
 15 subsection 2. The handicapped enforcement officer's
 16 authority to issue citations for such violations shall
 17 be limited to the parking area of the health care
 18 facility, or private health care provider or
 19 physician's office. The department of public safety
 20 shall adopt rules pursuant to chapter 17A to govern
 21 this section. This section does not apply to health
 22 care facilities, private health care providers'
 23 offices or private physicians' offices not required to
 24 provide for handicapped parking spaces pursuant to
 25 section 321L.5."

MURPHY of Dubuque
 BROWN of Lucas

H-5135

1 Amend House File 2383 as follows:
 2 1. Page 4, by inserting after line 11 the
 3 following:
 4 "f. Effective July 1, 1993, all entities providing
 5 off-street nonresidential parking to the general
 6 public under this subsection shall provide handicapped
 7 parking spaces as stipulated by the table in paragraph
 8 "d" of this subsection."

BROWN of Lucas
 SHEARER of Louisa

H-5137

1 Amend House File 2383 as follows:
 2 1. Page 1, by striking lines 18 through 20 and
 3 inserting the following:
 4 "NEW SUBSECTION. 1. "Business district" means
 5 business district as defined in section 321.1."
 6 2. Page 4, by striking lines 15 through 22 and
 7 inserting the following:
 8 "4. a. Cities which provide on-street parking
 9 areas within a business district shall provide at
 10 least one handicapped parking space per lineal block
 11 for angled parking and at least two handicapped
 12 parking spaces for every three lineal blocks for
 13 parallel parking within the business district."

BROWN of Lucas
 SHEARER of Louisa

H-5138

1 Amend House File 2329 as follows:

- 2 1. Page 13, by striking lines 9 and 10 and
 3 inserting the following: "district shall submit a
 4 list of students who have attained the".
 5 2. Page 13, by striking line 14 and inserting the
 6 following: "the district is located."
 7 3. Page 13, line 17, by inserting after the word
 8 "birth." the following: "Authorities in charge of
 9 nonpublic schools may also submit lists in accordance
 10 with this subsection."
 11 4. Page 13, line 18, by striking the words "this
 12 list" and inserting the following: "the lists".

SPEAR of Lee

H-5139

1 Amend House File 2383 as follows:

- 2 1. Page 2, by inserting after line 23 the
 3 following:
 4 "Sec. _____. NEW SECTION. 321L.4A INVESTIGATION OF
 5 REPORTED HANDICAPPED PARKING VIOLATION.
 6 A person who observes a violation of section
 7 321L.4, subsection 2, may prepare a written report
 8 indicating that a violation has occurred on a form
 9 which shall be provided by the department of public
 10 safety. The person must deliver the report within
 11 forty-eight hours after the violation occurred to a
 12 peace officer of the state or a peace officer of the
 13 county or municipality in which the violation
 14 occurred. The report shall state the time and the
 15 location at which the violation occurred and shall
 16 include the registration plate number, a description
 17 of the vehicle, and a description of the person
 18 involved in the violation.
 19 Within forty-eight hours after receiving a report
 20 of a violation of section 321L.4, subsection 2, the
 21 peace officer shall investigate the reported
 22 violation. The peace officer shall contact the owner
 23 of the motor vehicle involved in the reported
 24 violation and request information regarding the
 25 incident. If, from the investigation, the peace
 26 officer is able to identify the driver, and has
 27 reasonable cause to believe a violation of section
 28 321L.4 has occurred, the peace officer shall prepare a
 29 uniform traffic citation for the violation and shall
 30 personally serve it upon the driver of the vehicle or
 31 shall have it delivered to the driver of the vehicle
 32 by certified mail."

33 2. Page 3, line 12, by inserting after the word
 34 "months," the following: "The review shall be
 35 conducted during normal business hours."

36 3. Page 4, line 27, by inserting after the word
 37 "months," the following: "The review shall be
 38 conducted during normal business hours."

39 4. Page 4, by inserting after line 30 the
 40 following:

41 "c. A person possessing a permanent handicapped
 42 identification device or handicapped registration
 43 plates may appeal action taken by a city under
 44 paragraph "a" in defining and establishing a business
 45 district and in designating both the number and
 46 location of handicapped parking spaces. An appeal
 47 shall be made to the city's governing body. Within
 48 sixty days of the governing body's decision, a person
 49 who is not satisfied with such decision may appeal to
 50 the district court. On appeal the governing body or

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1 the district court shall consider whether the city has
 2 exercised its powers and followed the guidelines
 3 established by the law and ordinance."

4 5. Renumber sections as necessary.

BROWN of Lucas
 SHEARER of Louisa
 MURPHY of Dubuque

H-5142

1 Amend House File 2371 as follows:

2 1. Page 1, line 10, by striking the figure
 3 "1,051,000" and inserting the following: "1,086,000".

4 2. Page 1, by inserting after line 11, the
 5 following:

6 "Of the funds appropriated under this section,
 7 \$35,000 shall be used to commemorate the twenty-fifth
 8 anniversary of the founding of the Iowa civil rights
 9 commission."

10 3. Page 5, line 6, by striking the figure
 11 "506,000" and inserting the following: "471,000".

12 4. Page 5, by striking lines 12 through 17.

HAVERLAND of Polk
 JESSE of Jasper

H-5143

1 Amend House File 2181 as follows:

2 1. Page 1, line 22, by striking the word
 3 "increase" and inserting the following: "increase".

4 2. Page 3, line 26, by inserting after the figure

- 5 "28G" the following: ", except the power to finance
 6 electric power facilities under chapter 28F".
 7 3. Page 4, by striking lines 2 through 16.
 8 4. Title page, by striking lines 4 and 5, and
 9 inserting the following: "and permitting tax-based
 10 sharing."

Committee on Economic Development

H-5147

- 1 Amend House File 2258 as follows:
 2 1. Page 1, by striking lines 1 through 15.
 3 2. Page 1, by striking line 33 and inserting the
 4 following:
 5 "1. Suicide."
 6 3. Page 2, line 17, by striking the words "the
 7 use of alcohol" and inserting the following:
 8 "suicide".
 9 4. Page 3, by striking lines 9 through 20.
 10 5. Title page, by striking lines 1 through 3 and
 11 inserting the following: "An Act relating to recorded
 12 performances by requiring certain warning labels and
 13 by":

HERMANN of Scott

H-5154

- 1 Amend House File 2188 as follows:
 2 1. Page 1, by inserting after line 29, the
 3 following:
 4 "Sec. _____. NEW SECTION. 123.152 HEALTH WARNING
 5 SIGNS BY RETAILERS.
 6 The holder of a class "E" liquor control license,
 7 class "B" and class "C" beer permit, and a class "B"
 8 wine permit shall post in a prominent place in the
 9 licensed premise notice of health warnings concerning
 10 alcohol and pregnancy, alcohol and medication
 11 interactions, signs of alcoholism, and access to
 12 treatment. The division shall establish by rule the
 13 size, location, and content of the notice."
 14 2. Title page, line 2, by inserting after the
 15 word "premises" the following: ", the posting of
 16 health warnings,".

GARMAN of Story
 BANKS of Plymouth

H-5155

- 1 Amend Senate File 2153, as amended, passed, and
 2 reprinted by the Senate, as follows:

- 3 1. By striking page 12, line 34, through page 16,
- 4 line 5.
- 5 2. By renumbering as necessary.

PELLETT of Cass

H-5158

- 1 Amend House File 2346 as follows:
- 2 1. Page 1, by inserting before line 1 the fol-
- 3 lowing:
- 4 "Section 1. Section 96.4, subsection 3, Code 1989,
- 5 is amended to read as follows:
- 6 3. The individual is able to work, is available
- 7 for work, and is earnestly and actively seeking work.
- 8 This subsection is waived if the individual is deemed
- 9 temporarily unemployed as defined in section 96.19,
- 10 subsection 9, paragraph "c". The work search
- 11 requirements of this subsection and the
- 12 disqualification requirement for failure to apply for,
- 13 or to accept suitable work of section 96.5, subsection
- 14 3 are waived if the individual is not disqualified for
- 15 benefits under section 96.5, subsection 1, paragraph
- 16 "i". Full-time students who work during the summer
- 17 and return to school are not eligible for benefits."
- 18 2. Title page, by striking lines 1 through 3 and
- 19 inserting the following: "An Act relating to
- 20 eligibility for unemployment compensation benefits."
- 21 3. By renumbering as necessary.

RENKEN of Grundy

H-5159

- 1 Amend House File 2399 as follows:
- 2 1. Page 2, by inserting after line 29, the
- 3 following:
- 4 "Sec. _____. NEW SECTION. 306C.24A SIGNS NEAR
- 5 PUBLIC SCHOOLS.
- 6 The department shall erect a sign on a primary
- 7 highway providing information relating to public
- 8 educational facilities located near but not visible
- 9 from a primary highway which is subject to a high
- 10 volume of traffic. The board of directors of a school
- 11 corporation must apply to the department for a sign to
- 12 be erected on a highway in the district or area. The
- 13 application shall be on forms and according to
- 14 procedures prescribed by the department. The signs
- 15 shall state only the name of the school or facility,
- 16 the location of the school or facility, and the
- 17 distance to the school or facility. Signs erected
- 18 under this section shall comply with uniform rules

19 established by the department relating to the sign's
 20 location, and dimensional and material
 21 specifications."

SPENNER of Henry
 PELLETT of Cass
 EDDIE of Buena Vista
 MUHLBAUER of Crawford

H-5161

1 Amend House File 2272 as follows:

2 1. Page 1, by inserting before line 1 the
 3 following:

4 "Sec. 1. Section 309.10, unnumbered paragraph 2,
 5 Code 1989, is amended to read as follows:

6 A county shall not use farm-to-market road funds as
 7 described in this section unless the total funds that
 8 the county transferred or provided during the prior
 9 fiscal year pursuant to section 331.429, subsection 1,
 10 paragraphs "a", "b", "d", and "e", are at least
 11 seventy-five percent of the maximum funds the county
 12 could have transferred in the prior fiscal year
 13 pursuant to section 331.429, subsection 1, paragraphs
 14 "a" and "b" from the general fund of the county the
 15 dollar equivalent of a tax of sixteen and seven-
 16 eighths cents per thousand dollars of assessed value
 17 on all taxable property in the county and from the
 18 rural services fund of the county the dollar
 19 equivalent of a tax of three dollars and three-eighths
 20 cent per thousand dollars of assessed value on all
 21 taxable property not located within the corporate
 22 limits of a city in the county.

23 Sec. 2. Section 312.2, subsection 8, Code
 24 Supplement 1989, is amended to read as follows:

25 8. The treasurer of state, before making any
 26 allotments to counties under this section, shall
 27 reduce the allotment to a county for the secondary
 28 road fund by the amount by which the total funds that
 29 the county transferred or provided during the prior
 30 fiscal year under section 331.429, subsection 1,
 31 paragraphs "a", "b", "d", and "e", are less than
 32 seventy-five percent of the maximum funds that the
 33 county could have transferred in the prior fiscal year
 34 under section 331.429, subsection 1, paragraphs "a"
 35 and "b" from the general fund of the county the dollar
 36 equivalent of a tax of sixteen and seven-eighths cents
 37 per thousand dollars of assessed value on all taxable
 38 property in the county and from the rural services
 39 fund of the county the dollar equivalent of a tax of
 40 three dollars and three-eighths cent per thousand

41 dollars of assessed value on all taxable property not
 42 located within the corporate limits of a city in the
 43 county. Funds remaining in the secondary road fund of
 44 the counties due to a reduction of allocations to
 45 counties for failure to maintain a minimum local tax
 46 effort shall be reallocated to counties that are not
 47 reduced under this subsection pursuant to the
 48 allocation provisions of section 312.3, subsection 1,
 49 based upon the needs and area of the county.
 50 Information necessary to make allocations under this

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1 subsection shall be provided by the state department
 2 of transportation or the director of the department of
 3 management upon request by the treasurer of state."

4 2. Page 2, by striking lines 1 and 2 and
 5 inserting the following: "during the base period from
 6 the general fund of the county the dollar equivalent
 7 of a tax of sixteen and seven-eighths cents per
 8 thousand dollars of assessed value on all taxable
 9 property in the county and from the rural services
 10 fund of the county the dollar equivalent of a tax of
 11 three dollars and three-eighths cent per thousand
 12 dollars of assessed value on all taxable property not
 13 located within the corporate limits of a city in the
 14 county."

15 3. Page 2, by striking lines 19 through 26 and
 16 inserting the following:

<u>"LOCAL EFFORT</u>		<u>COUNTY'S</u>
<u>At</u>	<u>but less</u>	<u>HOLD HARMLESS BASE YEAR AMOUNT</u>
<u>least:</u>	<u>than:</u>	
96%	<u>unlimited</u>	<u>100% of old formula amount</u>
92%	96%	<u>96% of old formula amount</u>
88%	92%	<u>92% of old formula amount</u>
84%	88%	<u>88% of old formula amount</u>
Less than 84%		<u>\$0"</u>

26 4. Page 4, by striking lines 2 and 3 and
 27 inserting the following: "county could have
 28 transferred during the base period from the general
 29 fund of the county the dollar equivalent of a tax of
 30 sixteen and seven-eighths cents per thousand dollars
 31 of assessed value on all taxable property in the
 32 county and from the rural services fund of the county
 33 the dollar equivalent of a tax of three dollars and
 34 three-eighths cent per thousand dollars of assessed
 35 value on all taxable property not located within the
 36 corporate limits of a city in the county."

37 5. Page 4, by striking lines 11 through 18 and
38 inserting the following:

39			<u>COUNTY'S</u>	
40	<u>"LOCAL EFFORT</u>		<u>HOLD HARMLESS BASE YEAR AMOUNT</u>	
41	<u>At</u>	<u>but less</u>		
42	<u>least:</u>	<u>than:</u>		
43	<u>96%</u>	<u>..... unlimited</u>	<u>100% of old formula amount</u>	
44	<u>92%</u>	<u>..... 96%</u>	<u>96% of old formula amount</u>	
45	<u>88%</u>	<u>..... 92%</u>	<u>92% of old formula amount</u>	
46	<u>84%</u>	<u>..... 88%</u>	<u>88% of old formula amount</u>	
47	<u>Less than 84%</u>		<u>\$0"</u>	
48	6. Renumber sections as necessary.			

KOENIGS of Mitchell

H-5163

1 Amend House File 2383 as follows:

2 1. Page 2, by inserting after line 23 the
3 following:

4 "Sec. _____. **NEW SECTION. 321L.4A INVESTIGATION OF**
5 **REPORTED HANDICAPPED PARKING VIOLATION.**

6 A person who observes a violation of section
7 321L.4, subsection 2, may prepare a written report
8 indicating that a violation has occurred on a form
9 which shall be provided by the department of public
10 safety. The person must deliver the report within
11 forty-eight hours after the violation occurred to a
12 peace officer of the state or a peace officer of the
13 county or municipality in which the violation
14 occurred. The report shall state the time and the
15 location at which the violation occurred and shall
16 include the registration plate number, a description
17 of the vehicle, and a description of the person
18 involved in the violation.

19 Within forty-eight hours after receiving a report
20 of a violation of section 321L.4, subsection 2, the
21 peace officer shall investigate the reported
22 violation. The peace officer shall contact the owner
23 of the motor vehicle involved in the reported
24 violation and request information regarding the
25 incident. If, from the investigation, the peace
26 officer is able to identify the driver, and has
27 reasonable cause to believe a violation of section
28 321L.4 has occurred, the peace officer shall prepare a
29 uniform traffic citation for the violation and shall
30 personally serve it upon the driver of the vehicle or
31 shall have it delivered to the driver of the vehicle
32 by certified mail."

33 2. Page 3, line 12, by inserting after the word
 34 "months." the following: "The review shall be
 35 conducted during normal business hours."

36 3. Page 4, line 27, by inserting after the word
 37 "months." the following: "The review shall be
 38 conducted during normal business hours."

39 4. Page 4, by inserting after line 30 the
 40 following:

41 "c. A person possessing a permanent handicapped
 42 identification device or handicapped registration
 43 plates may appeal action taken by a city under
 44 paragraph "a" in defining and establishing a business
 45 district and in designating both the number and
 46 location of handicapped parking spaces. An appeal
 47 shall be made to the city's governing body which must
 48 be responded to and acted upon by the city's governing
 49 body within sixty days. Within thirty days of the
 50 governing body's decision, a person who is not

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1 satisfied with such decision may appeal to the
 2 district court. On appeal the governing body or the
 3 district court shall consider whether the city has
 4 exercised its powers and followed the guidelines
 5 established by the law and ordinance."

6 5. Renumber sections as necessary.

BROWN of Lucas
 SHEARER of Louisa
 MURPHY of Dubuque

H-5164

1 Amend House File 2371 as follows:

2 1. Page 10, by inserting after line 25, the
 3 following:

- 4 "(v) A representative of the Black community.
- 5 (vi) A representative of the Hispanic community.
- 6 (vii) A representative of the AIDS coalition.
- 7 (viii) A person with acquired immune deficiency
- 8 syndrome or a person who has tested positive for the
- 9 human immunodeficiency virus."

JOCHUM of Dubuque

H-5165

1 Amend the amendment, H-5139, to House File 2383, as
 2 follows:

3 1. Page 1, line 47, by inserting after the word
 4 "body" the following: "which must be responded to and
 5 acted upon by the city's governing body within sixty

6 days".

7 2. Page 1, line 48, by striking the word "sixty"
8 and inserting the following: "thirty".

BROWN of Lucas
SHEARER of Louisa
MURPHY of Dubuque

H-5166

1 Amend House File 2383 as follows:

2 1. Page 4, by striking lines 15 through 22 and
3 inserting the following:
4 "4. a. Cities which provide on-street parking
5 areas within a business district shall provide at
6 least one handicapped parking space per lineal block
7 for angled parking and at least two handicapped
8 parking spaces for every three lineal blocks for
9 parallel parking but not within the same lineal block,
10 within the business district. For purposes of this
11 paragraph, two blocks with a common street between the
12 blocks constitutes one lineal block."

BROWN of Lucas
SHEARER of Louisa

H-5167

1 Amend the Amendment, H-5137, to House File 2383, as
2 follows:

3 1. Page 1, by striking lines 2 through 5.
4 2. Page 1, line 13, by inserting after the word
5 "parking" the following: "but not within the same
6 lineal block".
7 3. Page 1, line 13, by inserting after the word
8 "district." the following:
9 "For purposes of this paragraph, two blocks with a
10 common street between the blocks constitutes one
11 lineal block."
12 4. Renumber as necessary.

BROWN of Lucas
SHEARER of Louisa

H-5169

1 Amend House File 2287 as follows:

2 1. Page 1, by striking lines 4 through 19, and
3 inserting the following:
4 NEW UNNUMBERED PARAGRAPH. However, if an
5 enterprise or business of a subject employer other
6 than a construction employer, sold or otherwise
7 transferred as described in this lettered paragraph,
8 is a small business as defined in section 15.102, and
9 the subsequent employing unit has never had an

- 10 employer's account maintained by the division, the
- 11 successor employer shall be assigned a new
- 12 contribution rate pursuant to section 96.7."

Committee on Labor and Industrial Relations

H-5174

- 1 Amend the Senate amendment, H-5156, to House File
- 2 730, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by inserting after line 3 the
- 5 following:
- 6 "_____. Page 2; line 14, by striking the figure
- 7 "117.54" and inserting the following: "117.55".
- 8 2. By numbering as necessary.

PETERSON of Carroll

H-5175

- 1 Amend House File 2399 as follows:
- 2 1. Page 2, line 12, by striking the word
- 3 "enterprise" and inserting the following: "enterprise
- 4 or public country club".

HARBOR of Mills
HALVORSON of Clayton

H-5176

- 1 Amend Senate File 2153, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 14, by striking line 6 and inserting the
- 4 following:
- 5 "3. AUTHORITY MAY PROHIBIT BY RULE THE USE OF
- 6 CONTAINERS".
- 7 2. Page 14, line 21, by striking the words
- 8 "recommend that the director".
- 9 3. Page 14, by striking lines 25 and 26 and
- 10 inserting the following: "The board may by rule or
- 11 order prohibit one or".
- 12 4. Page 14, line 29, by striking the word
- 13 "director" and inserting the following: "board".
- 14 5. Page 14, line 31, by striking the word "board"
- 15 and inserting the following: "committee".
- 16 6. Page 14, line 35, by striking the word
- 17 "director" and inserting the following: "board".
- 18 7. Page 15, line 11, by striking the words
- 19 "recommend that the director".
- 20 8. Page 15, line 13, by striking the words
- 21 "recommendations to the director" and inserting the
- 22 following: "determination".
- 23 9. By renumbering as necessary.

PELLETT of Cass

H-5177

- 1 Amend House File 682 as follows:
 2 1. Page 1, line 5, by inserting after the word
 3 "fishing," the following: "entering a health
 4 facility,".
 5 2. Title page, line 3, by inserting before the
 6 word "and" the following: "or entering a health
 7 facility,".

HAMMOND of Story

H-5179

- 1 Amend House File 557 as follows:
 2 1. Page 1, lines 9 and 10, by striking the words
 3 "class "D" felony" and inserting the following:
 4 "class "D" felony serious misdemeanor".
 5 2. Page 1, line 16, by striking the words "class
 6 "D" felony" and inserting the following: "serious
 7 misdemeanor".

Committee on Judiciary and Law Enforcement

H-5188

- 1 Amend the amendment, H-5049, to House File 2050, as
 2 follows:
 3 1. Page 1, by striking lines 11 and 12 and
 4 inserting the following: "and does not include
 5 members of the general assembly or legislative
 6 employees."

NEUHAUSER of Johnson

H-5190

- 1 Amend House File 2449 as follows:
 2 1. Page 7, by inserting after line 12 the
 3 following:
 4 "2. If the principal notifies the attorney in fact
 5 orally or in writing that the appointment of the
 6 attorney in fact under the durable power of attorney
 7 for health care is revoked, the attorney in fact shall
 8 document the notification and make the notification a
 9 part of any of the principal's records related to the
 10 durable power of attorney for health care in the
 11 possession of the attorney in fact. The attorney in
 12 fact shall also immediately notify all health care
 13 providers providing health care to the principal at
 14 the time of the revocation, of such revocation."
 15 2. By renumbering as necessary.

KREMER of Buchanan
McKINNEY of Dallas

H-5191

- 1 Amend House File 2417 as follows:
- 2 1. Page 4, line 33, by striking the word "twenty-
- 3 five" and inserting the following: "one hundred
- 4 fifty".

PETERSEN of Muscatine

H-5192

- 1 Amend the amendment, H-5143, to House File 2181 as
- 2 follows:
- 3 1. Page 1, line 5, by striking the word "except"
- 4 and inserting the following: "including".
- 5 2. Page 1, by inserting after line 6 the
- 6 following:
- 7 "_____. Page 3, by inserting after line 31 the
- 8 following:
- 9 "Sec. _____. Section 28F.1, unnumbered paragraph 2,
- 10 Code 1989, is amended by striking the unnumbered
- 11 paragraph." "
- 12 3. By renumbering as necessary.

ADAMS of Hamilton
LAGESCHULTE of Bremer
TRENT of Muscatine
DVORSKY of Johnson

DE GROOT of Lyon
ROSENBERG of Story
PLASIER of Sioux
OSTERBERG of Linn
WISE of Lee

H-5193

- 1 Amend House File 2272 as follows:
- 2 1. Page 1, by inserting before line 1 the fol-
- 3 lowing:
- 4 "Section 1. Section 310.1, subsection 2, Code
- 5 1989, is amended by striking the subsection.
- 6 Sec. 2. Section 310.3, subsection 1, Code 1989, is
- 7 amended by striking the subsection."
- 8 2. Page 2, by striking lines 31 and 32 and
- 9 inserting the following: "road fund by the treasurer
- 10 of state are hereby divided as".
- 11 3. Page 3, lines 22 and 23, by striking the words
- 12 "and federal aid secondary road funds".

DE GROOT of Lyon

H-5194

- 1 Amend House File 2418 as follows:
- 2 1. Page 8, by striking line 16 and inserting the
- 3 following:
- 4 "d. To be allocated to the applicable area

5 education agencies for providing vocational education
 6 programs to children residing in the state training
 7 school and in the Iowa juvenile home."

SVOBODA of Tama
 FULLER of Hardin

H-5195

1 Amend House File 2128 as follows:

2 1. Page 1, by inserting after line 15, the
 3 following:

4 "Sec. _____. Section 455D.7, subsection 1, Code
 5 Supplement 1989, is amended to read as follows:
 6 455D.7 DUTIES OF THE COMMISSION.

7 The commission shall:

8 1. Unless otherwise specified in this chapter,
 9 adopt rules necessary to implement this chapter
 10 pursuant to chapter 17A. Initial rules shall be
 11 adopted no later than April 1, 1992. Rules regarding
 12 requirements for sanitary landfills shall be adopted
 13 no later than September 1, 1990.

14 Sec. _____. Section 455D.9, subsection 2, Code
 15 Supplement 1989, is amended to read as follows:

16 2. The department shall assist local communities
 17 in the development of collection systems for yard
 18 waste generated from residences and shall assist in
 19 the establishment of local composting facilities. By
 20 ~~July 1, 1990~~ January 1, 1991, each city and county
 21 shall, by ordinance, require persons within the city
 22 or county to separate yard waste from other solid
 23 waste generated. Municipalities which provide a
 24 collection system for solid waste shall provide for a
 25 collection system for yard waste which is not
 26 composted.

27 Sec. _____. Section 455D.10, subsection 1, Code
 28 Supplement 1989, is amended to read as follows:

29 1. Beginning ~~July 1, 1990~~ January 1, 1991, land
 30 disposal of lead acid batteries is prohibited.

31 Sec. _____. Section 455D.13, subsection 1, Code
 32 Supplement 1989, is amended to read as follows:

33 1. A sanitary landfill shall not accept waste oil
 34 for final disposal beginning ~~July 1, 1990~~ January 1,
 35 1991."

36 2. By renumbering as necessary.

SHOULTZ of Black Hawk
 MAY of Worth
 HANSON of Delaware

DVORSKY of Johnson
 JESSE of Jasper
 SIEGRIST of Pottawattamie
 GARMAN of Story

H-5199

- 1 Amend House File 2418 as follows:
- 2 1. Page 23, line 15, by inserting after the
- 3 word "appropriated" the following: "or facilities
- 4 subsidized or maintained by means of funds appro-
- 5 priated".

SPEAR of Lee

H-5200

- 1 Amend House File 2418 as follows:
- 2 1. Page 2, line 29, by striking the figure
- 3 "286,600" and inserting the following: "250,000".
- 4 2. Page 4, line 6, by striking the figure
- 5 "250,000" and inserting the following: "286,600".

HARBOR of Mills
KREMER of Buchanan

H-5204

- 1 Amend House File 2340 as follows:
- 2 1. Page 1, lines 16 and 17, by striking the words
- 3 "have solid waste disposal" and inserting the
- 4 following: "dispose of solid waste".

SPEAR of Lee

H-5205

- 1 Amend House File 2418 as follows:
- 2 1. Page 23, line 16, by inserting after the words
- 3 "necessary abortions" the following: "or abortions in
- 4 which the gestational age of the fetus is twenty weeks
- 5 or less".
- 6 2. Page 23, line 18, by inserting after the word
- 7 "abortions" the following: "or abortions in which the
- 8 gestational age of the fetus is twenty weeks or less".

SPEAR of Lee

H-5208

- 1 Amend House File 2340 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. NEW SECTION. 167.22 DISPOSAL OF
- 5 ANIMALS BY OWNERS.
- 6 A person owning or caring for an animal shall
- 7 dispose of the animal's carcass within twenty-four
- 8 hours after the person finds the animal dead. The
- 9 person may dispose of the animal carcass as provided
- 10 by state law, including by transferring the carcass to
- 11 a person licensed pursuant to this chapter. The owner
- 12 of agricultural land may bury the animal carcass on

13 the land or other available agricultural land which is
 14 not part of a city. The carcass shall be buried to a
 15 depth not more than four feet from the natural surface
 16 of the ground and covered with at least four feet of
 17 earth. However, an animal which has died of a
 18 contagious disease shall be buried according to rules
 19 adopted by the department pursuant to section 167.13
 20 and by the department of natural resources. The
 21 person may remove the hide or skin of an animal which
 22 has not died of a contagious disease before burying
 23 the carcass.

24 Sec. 2. Section 455B.307, subsection 1, Code
 25 Supplement 1989, is amended to read as follows:

26 1. A private agency or public agency shall not
 27 dump or deposit or permit the dumping or depositing of
 28 any solid waste at any place other than a sanitary
 29 disposal project approved by the director unless the
 30 agency has been granted a permit by the department
 31 which allows the dumping or depositing of solid waste
 32 on land owned or leased by the agency. However, this
 33 section does not apply to the disposal of a
 34 domesticated animal carcass on agricultural land as
 35 provided in section 167.22.

36 PARAGRAPH DIVIDED. The department shall adopt
 37 rules regarding the permitting of this activity which
 38 shall provide that the public interest is best served,
 39 but which may be based upon criteria less stringent
 40 than those regulating a public sanitary disposal
 41 project provided that the rules adopted meet the
 42 groundwater protection goal specified in section
 43 455E.4. The comprehensive plans for these facilities
 44 may be varied in consideration of the types of
 45 sanitary disposal practices, hydrologic and geologic
 46 conditions, construction and operations
 47 characteristics, and volumes and types of waste
 48 handled at the disposal site. The director may issue
 49 temporary permits for dumping or disposal of solid
 50 waste at disposal sites for which an application for a

Page 2

1 permit to operate a sanitary disposal project has been
 2 made and which have not met all of the requirements of
 3 part 1 of this division and the rules adopted by the
 4 commission if a compliance schedule has been submitted
 5 by the applicant specifying how and when the applicant
 6 will meet the requirements for an operational sanitary
 7 disposal project and the director determines the
 8 public interest will be best served by granting such
 9 temporary permit.

10 Sec. 3.

11 The department of agriculture and land stewardship

12 shall with all practical speed adopt rules relating to
13 the disposal of dead animals with contagious diseases,
14 including animals infected with scrapie, on
15 agricultural land as provided in this Act. The
16 department of agriculture and land stewardship and the
17 department of natural resources shall share
18 information, each draft rules consistent with the
19 other department's rules, and appear before the
20 administrative rules review committee established
21 pursuant to section 17A.8, as provided by the
22 committee. The rules shall be adopted not later than
23 September 1, 1990, unless objection is made to the
24 rules or the rules are delayed pursuant to section
25 17A.4. This section does require rules to be adopted
26 pursuant to section 17A.4, subsection 2.

27 Sec. 4.

28 This Act, being deemed of immediate importance,
29 takes effect upon enactment."

30 2. Title page, line 1, by striking the words
31 "sheep or poultry" and inserting the following:
32 "animals, making penalties applicable".

MILLER of Cherokee

H-5213

1 Amend House File 2418 as follows:

2 1. Page 23, line 16, by inserting after the words
3 "necessary abortions" the following: "or abortions in
4 which the gestational age of the fetus is twenty-two
5 weeks or less".

6 2. Page 23, line 18, by inserting after the word
7 "abortions" the following: "or abortions in which the
8 gestational age of the fetus is twenty-two weeks or
9 less".

SPEAR of Lee

H-5214

1 Amend House File 2340 as follows:

2 1. Page 1, line 24, by inserting after the word
3 "if" the following: "a landfill or".

4 2. Title page, by striking the words "sheep or
5 poultry" and inserting the following: "animals".

SPEAR of Lee

H-5217

1 Amend House File 2356 as follows:

2 1. Page 1, line 10, by striking the words "a
3 label affixed to the product,".

4 2. Page 1, line 11, by striking the words
5 "product, or" and inserting the following: "product.

6 The rules for a food service establishment or a
7 premises which holds a license or permit under chapter
8 123 to sell alcohol for consumption on the premises
9 shall require”.

Committee on Human Resources

H—5219

1 Amend the amendment, H—5163, to House File 2383, as
2 follows:
3 1. Page 1, line 19, by striking the words “forty-
4 eight hours” and inserting the following: “seven
5 calendar days”.
6 2. Page 1, line 21, by striking the word
7 “investigate” and inserting the following: “initiate
8 the investigation of”.

SHEARER of Louisa

H—5220

1 Amend the amendment, H—5139, to House File 2383, as
2 follows:
3 1. Page 1, line 19, by striking the words “forty-
4 eight hours” and inserting the following: “seven
5 calendar days”.
6 2. Page 1, line 21, by striking the word
7 “investigate” and inserting the following: “initiate
8 an investigation of”.

SHEARER of Louisa

H—5222

1 Amend House File 2418, as follows:
2 1. Page 23, line 30, by striking the figure “45”
3 and inserting the following: “10”.
4 2. Page 23, line 32, by inserting after the word
5 “physician.” the following: “If an incident of rape
6 is reported to a public or private health agency, the
7 agency shall immediately report the incident to the
8 appropriate law enforcement agency.”
9 3. Page 23, line 34, by striking the figure “150”
10 and inserting the following: “90”.
11 4. Page 24, line 1, by inserting after the word
12 “physician.” the following: “If an incident of incest
13 is reported to a public or private health agency, the
14 agency shall immediately report the incident to the
15 appropriate law enforcement agency and the department
16 of human services.”

SVOBODA of Tama

H-5223

- 1 Amend House File 2449 as follows:
- 2 1. Page 3, by inserting after line 18, the
- 3 following:
- 4 "4. Sections 633.801 and 633.802, this section,
- 5 and sections 633.804 through 633.813 shall not be
- 6 construed to grant authority to an agent to consent to
- 7 voluntary admission to any state institution or to a
- 8 voluntary sterilization."

SHONING of Woodbury

H-5231

- 1 Amend House File 2399 as follows:
- 2 1. Page 2, line 25, by inserting after the word
- 3 "specifications." the following: "However, the
- 4 department shall not require that a sign be smaller
- 5 than four feet in height or eight feet in width."

EDDIE of Buena Vista

H-5232

- 1 Amend House File 2281 as follows:
- 2 1. By striking page 1, line 1 through page 2,
- 3 line 3.
- 4 2. Page 2, by striking line 4, and inserting the
- 5 following:
- 6 "Sec. _____. NEW SECTION. 263.30 CENTER FOR
- 7 ETHANOL FUEL".
- 8 3. Page 2, line 6, by striking the word "grain-
- 9 based" and inserting the following: "ethanol".
- 10 4. Page 2, by striking lines 7 and 8, and
- 11 inserting the following: "at the university of Iowa."
- 12 5. Page 2, by striking lines 9 through 12, and
- 13 inserting the following:
- 14 "_____. The mission of the center is to further the
- 15 research, development,".
- 16 6. Page 2, line 13, by striking the word "grain-
- 17 based" and inserting the following: "ethanol".
- 18 7. Page 2, line 14, by striking the word "grains"
- 19 and inserting the following: "grain ethanol".
- 20 8. Page 2, line 16, by striking the word "grain-
- 21 based" and inserting the following: "ethanol".
- 22 9. Page 2, line 19, by striking the word "grain-
- 23 based" and inserting the following: "ethanol".
- 24 10. Page 2, line 27, by striking the word "grain-
- 25 based" and inserting the following: "ethanol".
- 26 11. Page 2, line 28, by striking the word "grain-
- 27 based" and inserting the following: "ethanol".
- 28 12. Page 2, line 32, by striking the word "grain-
- 29 based" and inserting the following: "ethanol".

30 13. Page 2, line 35, by striking the word "grain-
31 based" and inserting the following: "ethanol".

32 14. Page 3, line 11, by striking the word
33 "foundation" and inserting the following: "Wallace
34 technology transfer foundation of Iowa".

35 15. Page 3, line 13, by striking the word "grain-
36 based" and inserting the following: "ethanol".

37 16. Page 3, line 14, by striking the word "grain-
38 based" and inserting the following: "ethanol".

39 17. Page 3, line 21, by striking the word "grain-
40 based" and inserting the following: "ethanol".

41 18. Page 3, by striking lines 23 and 24.

42 19. Page 3, by inserting before line 25 the
43 following:

44 "_____ Support projects to develop the use of
45 ethanol fuels of different concentrations in various
46 engines, to study decreased threats from air pollution
47 and global warming from use of ethanol fuels, to study
48 utilization of products derived from ethanol products,
49 including feedstock, and to research the creation of
50 marketing opportunities for ethanol fuels.

Page 2

1 _____ Serve as a national clearinghouse of
2 information relating to ethanol fuels on engine
3 manufacturing. The center shall compile all relevant
4 information from research and monitoring of pertinent
5 regulatory developments, including governmental
6 efforts related to air quality protection.

7 _____ Investigate the viability of state purchasing
8 and using vehicles powered by ethanol fuels.

9 Sec. _____. STATE VEHICLES POWERED BY ETHANOL FUEL
10 - PLAN.

11 The center for ethanol fuel technology shall
12 develop a plan for commencing and gradually increasing
13 the purchase of vehicles which operate on ethanol
14 fuel. The plan shall be submitted to the general
15 assembly and to the governor by January 1, 1991. The
16 plan shall include a report on the commercial
17 availability of domestically produced motor vehicles
18 operating on ethanol fuel, the barriers to the
19 expeditious development of ethanol fuels, and
20 recommendations relating to overcoming the barriers."

21 20. By striking page 3, line 25, through page 5,
22 line 8.

23 21. Title page, by striking lines 1 through 4,
24 and inserting the following: "An Act relating to
25 ethanol fuel technology."

26 22. By renumbering as necessary.

H-5235

1 Amend House File 2371 as follows:

2 1. By striking page 3, line 20, through page 4,
3 line 20.

4 2. Page 4, line 30, by striking the figure
5 "1,451,000", and inserting the following:
6 "1,458,800".

7 3. Page 4, line 31, by striking the figure
8 "102.50", and inserting the following: "103.50".

9 4. Page 4, by inserting after line 31, the
10 following:

11 "Of the funds appropriated under this section,
12 \$7,800 shall be used to fund the position of 1
13 additional counselor in the vending program to provide
14 needed management assistance to the blind vending
15 operators throughout the state."

16 5. Page 7, line 35 by striking the figure
17 "1,177,000" and inserting the following: "1,342,140".

18 6. Page 8, line 3, by striking the figure
19 "754,500" and inserting the following: "919,900".

20 7. Page 14, line 1, by striking the figure
21 "3,607,000", and inserting the following:
22 "3,770,682".

23 8. Page 14, by inserting after line 12, the
24 following:

25 "Of the funds appropriated under this paragraph,
26 \$52,746 shall be used to continue funding for salary
27 adjustments for programs that provide medical services
28 through contractual agreements for genetic counseling,
29 dental health, muscular dystrophy-related disorders,
30 and for children with educational and developmental
31 problems.

32 Of the funds appropriated under this paragraph,
33 \$110,936 shall be used to continue funding for salary
34 adjustments for the continuation of the regional child
35 health specialty clinics conducted by the university
36 of Iowa throughout the state."

CARPENTER of Polk

H-5236

1 Amend House File 2474 as follows:

2 1. Page 1, by striking lines 14 and 15.

BLACK of Jasper
DE GROOT of Lyon
ROYER of Page
KOENIGS of Mitchell
MAULSBY of Calhoun

H-5241

- 1 Amend House File 2418 as follows:
 2 1. Page 42, line 5, by inserting after the word
 3 "technology" the following: "except where the
 4 practitioner has received or will receive compensation
 5 under sections 294A.12 through 294A.25 for the
 6 courses, institutes, or in-service training sessions".

HAMMOND of Story

H-5242

- 1 Amend House File 2327 as follows:
 2 1. Page 7, by inserting after line 13, the
 3 following:
 4 "Sec. _____. NEW SECTION. 455B.315 LOW-LEVEL
 5 RADIOACTIVE WASTE - PROHIBITED DEPOSIT IN SANITARY
 6 LANDFILL.
 7 A person shall not dispose of, and a sanitary
 8 landfill shall not accept for final disposal, low-
 9 level radioactive waste, as defined under section
 10 455B.482."
 11 2. Title page, by striking line 1, and inserting
 12 the following: "An Act relating to sanitary".
 13 3. By renumbering as necessary.

BROWN of Lucas

H-5243

- 1 Amend House File 2115 as follows:
 2 1. Page 1, by inserting after line 31 the fol-
 3 lowing:
 4 "Sec. _____. Section 455B.172, subsection 5, Code
 5 1989, is amended by adding the following new
 6 unnumbered paragraph:
 7 NEW UNNUMBERED PARAGRAPH. The department shall not
 8 prohibit the discharge of waste water from a septic
 9 tank installed prior to November 19, 1986."
 10 2. Page 1, line 33, by striking the word "This"
 11 and inserting the following: "Section 1 of this".
 12 3. Title page, line 1, by striking the words "the
 13 commercial cleaning of".
 14 4. Title page, line 2, by inserting after the
 15 word "for" the following: "cleaning, the discharge of
 16 waste water,".

IVERSON of Wright

H-5245

- 1 Amend House File 2418 as follows:
 2 1. By striking page 19, line 13, through page 20,
 3 line 7.

4 2. Page 26, by striking lines 31 and 32 and
 5 inserting the following:
 6 "..... \$ 17,788,812
 7 FTEs 480.0
 8 As a condition, limitation, and qualification of
 9 the moneys appropriated in this paragraph, \$373,873
 10 shall be transferred by the cooperative extension
 11 service in agriculture and home economics to the state
 12 fair board for the purposes of conducting the state
 13 fair under chapter 173."

GARMAN of Story

H-5252

1 Amend House File 2107 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Section 1. Section 21.2, subsection 1, Code
 5 Supplement 1989, is amended by adding the following
 6 new paragraph:
 7 NEW PARAGRAPH. f. A nonprofit corporation
 8 licensed to conduct gambling games or pari-mutuel
 9 wagering on dog or horse races pursuant to chapter 99D
 10 or 99F."
 11 2. Title page, line 1, by inserting after the word
 12 "to" the following: "meetings of nonprofit corporations
 13 licensed to conduct gambling games or pari-mutuel
 14 wagering and".

HERMANN of Scott

H-5255

1 Amend House File 2429 as follows:
 2 1. Page 1, line 21, by inserting after the word
 3 "library." the following: "Six copies shall be
 4 distributed without charge to the state library and
 5 one copy shall be distributed without charge to each
 6 library which is designated as a documents depository
 7 by the state library."

PAVICH of Pottawattamie

H-5256

1 Amend the amendment, H-5169, to House File 2287 as
 2 follows:
 3 1. Page 1, line 12, by inserting after the word
 4 and figure "section 96.7." the following: "However,
 5 if the subject employer had a lower contribution rate
 6 than the new contribution rate to be assigned to the
 7 successor employer, the lower contribution rate shall
 8 be assigned to the successor employer."

TYRRELL of Iowa
 HERMANN of Scott
 RENKEN of Grundy

H-5258

- 1 Amend House File 2474 as follows:
 2 1. Page 1, by inserting after line 13 the
 3 following: "An owner may grant permission for a third
 4 person to use a private farm crossing for any purpose
 5 other than for access to property adjacent to the
 6 private farm crossing which is not owned by the
 7 grantee."

SCHNEKLOTH of Scott
 PELLETT of Cass

H-5260

- 1 Amend House File 2481 as follows:
 2 1. Page 1, line 26, by striking the figure "3"
 3 and inserting the following: "2, 3".
 4 2. Page 1, by inserting after line 27 the
 5 following:
 6 2. Schools and school districts are not required
 7 to meet the requirement stated in the standards
 8 adopted by the state board under section 256.17, Code
 9 Supplement 1987, that prohibits an individual who is
 10 employed or contracted as superintendent from also
 11 serving as a principal in that school or school
 12 district until July 1, 1990, except as otherwise
 13 provided in this subsection. Not later than January
 14 1, 1990, for the school year beginning July 1, 1990,
 15 the board of directors of a school district or
 16 authorities in charge of a nonpublic school, may file
 17 a written request with the department of education
 18 that the department waive the requirement for that
 19 district or school. Not later than January 1 of a
 20 school year, in succeeding years, the board of
 21 directors of a school district or authorities in
 22 charge of a nonpublic school, may request a one-year
 23 extension of the waiver. The procedures specified in
 24 subsection 5 apply to the request."

IVERSON of Wright

H-5262

- 1 Amend House File 2418 as follows:
 2 1. Page 6, line 34, by striking the figure
 3 "6,120,093" and inserting the following: "5,840,093".
 4 2. Page 20, line 13, by striking the figure
 5 "165,084,389" and inserting the following:
 6 "163,884,389".

7 3. Page 25, line 5, by striking the figure
8 "133,759,728" and inserting the following:
9 "132,959,728".

TYRRELL of Iowa
EDDIE of Buena Vista
BEAMAN of Clarke
HERMANN of Scott

H-5266

1 Amend Senate File 2212, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 3, by inserting after line 33 the
4 following:

5 "Sec. _____.

6 There is appropriated from the general fund of the
7 state to the state board of regents for the fiscal
8 year beginning July 1, 1989, and ending June 30, 1990,
9 the following amount, or so much thereof as is
10 necessary, to be used for the purposes designated:

11 STATE SCHOOL FOR THE DEAF

12 For the state school for the deaf to fund a study
13 for the construction of a new recreational facility
14 for the state school for the deaf:

15\$ 50,000"

HALVORSON of Clayton
PETERSON of Carroll
SIEGRIST of Pottawattamie
HESTER of Pottawattamie
PAVICH of Pottawattamie

H-5271

1 Amend House File 2422 as follows:

2 1. Page 2, by inserting after line 2 the
3 following:

4 "Improved technology leading to better evidence of
5 nonpaternity is not barred by time limits on new
6 evidence and constitutes a substantial change in
7 circumstances authorizing the court to consider
8 modification of a previous determination of
9 paternity."

HALVORSON of Webster
CORBETT of Linn
BRAND of Benton
DAGGETT of Adams

H-5277

1 Amend House File 2418 as follows:

2 1. Page 2, by inserting after line 4, the
3 following:

4 "As a condition, limitation, and qualification of
5 the appropriation in this subsection, the division
6 shall expend \$150,000 for implementation of a
7 development plan for the Blood Run national historic
8 landmark in Lyon county."

DE GROOT of Lyon

H-5280

1 Amend House File 2418 as follows:

2 1. Page 44, by inserting after line 25 the
3 following:

4 "Sec. _____. Section 442.20, Code 1989, is amended
5 to read as follows:

6 442.20 SCHOOL DISTRICT INCOME SURTAX DISTRIBUTION.

7 The director of revenue and finance shall draw
8 warrants in payment of the amount of surtax payable to
9 each of the school districts in two installments to be
10 paid on approximately the first day of December and
11 the first day of February, and shall cause the
12 warrants to be delivered to the respective school
13 districts. The December installment warrant shall be
14 in an amount which is seventy-five percent of the
15 total amount of surtax payable and the remaining
16 twenty-five percent shall be paid in the February
17 installment warrant."

18 2. By numbering and renumbering as necessary.

SVOBODA of Tama

H-5281

1 Amend House File 2507 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 1. Section 15.283, subsection 5, Code
5 Supplement 1989, is amended to read as follows:

6 5. The department may establish an interest or
7 principal payment program to pay up to all the
8 interest or an amount of principal equal to the total
9 interest amount due on municipal bonds sold by the
10 local community as authorized by this section. The
11 department may use part or all of the moneys available
12 for traditional or new infrastructure assistance for
13 the interest or principal payment program. The
14 program shall only be available to communities which
15 demonstrate a substantial local effort to assist in
16 community development. The department shall develop
17 rules defining "substantial local effort" as defined
18 by rules of the department and only after the
19 governing body of the political subdivision has
20 directed the county commissioner of elections to call
21 a special election upon the question of the project.

22 The project is not approved unless the vote in favor
23 of the proposition is equal to sixty percent of the
24 vote cast."

METCALF of Polk

H-5282

1 Amend House File 2507 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 1. Section 15.283, subsection 5, Code
5 Supplement 1989, is amended to read as follows:

6 5. The department may establish an interest or
7 principal payment program to pay up to all the
8 interest or an amount of principal equal to the total
9 interest amount due on municipal bonds sold by the
10 local community as authorized by this section. The
11 department may use part or all of the moneys available
12 for traditional or new infrastructure assistance for
13 the interest or principal payment program. The
14 program shall only be available to communities which
15 demonstrate a substantial local effort to assist in
16 community development. The department shall develop
17 rules defining "substantial local effort", as defined
18 by rules of the department.

19 The governing body of the political subdivision
20 seeking assistance may, in lieu of calling an
21 election, institute proceedings by causing a notice of
22 the intended action and the right to petition for an
23 election, to be published at least once in a newspaper
24 of general circulation within the political
25 subdivision at least ten days prior to the meeting at
26 which the action is to be taken.

27 If at any time before the date fixed for taking
28 action, a petition signed by three percent of the
29 qualified electors in the political subdivision,
30 asking that the question be submitted to the qualified
31 electors of the political subdivision, the governing
32 body of the political subdivision shall either by
33 resolution declare the matter to be abandoned or shall
34 direct the county commissioner of elections to call a
35 special election upon the question.

36 The question is not approved unless the vote in
37 favor of the question is equal to sixty percent of the
38 vote cast."

METCALF of Polk

H-5289

1 Amend House File 2541 as follows:

2 1. Page 3, by striking lines 29 through 32.

3 2. Page 4, line 6, by inserting after the words

- 4 "of a" the following: "general or".
 5 3. Page 4, by striking lines 12 through 14 and
 6 inserting the following: "_____, 19____?"
 7 4. Page 4, by striking lines 27 and 28 and
 8 inserting the following: "the authority."
 9 5. Page 8, line 26, by striking the words "taxes
 10 or".
 11 6. Page 12, lines 27 and 28, by striking the
 12 words ", certify taxes."
 13 7. Page 12, by striking lines 32 through 34 and
 14 inserting the following: "purposes for the two
 15 preceding years, if available, and the revenues from
 16 sources other than property taxation."
 17 8. Page 13, line 35, by inserting after the
 18 figure "330B.6" the following: "and after approval of
 19 a referendum by a simple majority of votes cast in
 20 each metropolitan area in favor of the sales and
 21 services tax".
 22 9. Page 14, line 5, by inserting after the word
 23 "state." the following: "The referendum shall be
 24 called by resolution of the board and shall be held as
 25 provided in section 330B.6 to the extent applicable."
 26 10. Page 14, by striking lines 8 through 10 and
 27 inserting the following: "as provided for a county
 28 under sections 422B.8 and 422B.9. The treasurer of
 29 state shall credit the local".
 30 11. By striking page 17, line 29, through page
 31 18, line 29.
 32 12. By striking page 21, line 33, through page
 33 22, line 8.
 34 13. Page 22, by striking lines 19 through 23 and
 35 inserting the following: "general fund of the
 36 respective counties."
 37 14. By renumbering sections and subsections as
 38 necessary.

BISIGNANO of Polk

H—5296

- 1 Amend House File 2377 as follows:
 2 1. Page 5, line 4, by striking the figure "3" and
 3 inserting the following: "III".
 4 2. Page 8, by striking line 17, and inserting the
 5 following: "waive any of the exempt transaction
 6 requirements of this section."
 7 3. Page 8, line 29, by striking the figure "3"
 8 and inserting the following: "2".
 9 4. Page 11, line 21, by striking the word
 10 "employee" and inserting the following: "employ".
 11 5. Page 11, by striking lines 23 through 27, and
 12 inserting the following:
 13 "_____. Make a false report or enter a false record.

14 _____ Make an untrue statement of a material fact
 15 or omit to state a material fact necessary in order to
 16 make the statements made, in the light of the
 17 circumstances under which they were made, not
 18 misleading."

19 6. Page 14, line 20, by striking the word "of"
 20 and inserting the following: "or".

21 7. Page 16, line 6, by striking the word
 22 "ancillary" and inserting the following: •
 23 "ancillary".

24 8. Page 16, line 18, by striking the word
 25 "ancillary" and inserting the following:
 26 "ancillary".

27 9. Page 17, line 20, by striking the word "which"
 28 and inserting the following: "and".

29 10. Page 17, by striking lines 22 and 23, and
 30 inserting the following:

31 "(1) Information obtained in an investigation
 32 pursuant to section 502A.11, unless published pursuant
 33 to 502A.11, subsection 2."

34 11. Page 23, line 22, by striking the word "all"
 35 and inserting the following: "one or more of the".

36 12. By renumbering as necessary.

JESSE of Jasper

H-5299

1 Amend House File 2534 as follows:

2 1. Title page, line 1, by striking the words "the
 3 local approval of the siting of".

JESSE of Jasper

H-5303

1 Amend Senate File 2244, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 3, by inserting after line 10 the
 4 following:

5 "Sec. _____. NEW SECTION. 321L.4A INVESTIGATION OF
 6 REPORTED HANDICAPPED PARKING VIOLATION.

7 A person who observes a violation of section
 8 321L.4, subsection 2, may prepare a written report
 9 indicating that a violation has occurred on a form
 10 which shall be provided by the department of public
 11 safety. The person must deliver the report within
 12 forty-eight hours after the violation occurred to a
 13 peace officer of the state or a peace officer of the
 14 county or municipality in which the violation
 15 occurred. The report shall state the time and the
 16 location at which the violation occurred and shall
 17 include the registration plate number and a
 18 description of the vehicle.

19 Within seven calendar days after receiving a report
 20 of a violation of section 321L.4, subsection 2, the
 21 peace officer shall initiate the investigation of the
 22 reported violation. The peace officer shall contact
 23 the owner of the motor vehicle involved in the
 24 reported violation and request information regarding
 25 the incident. If, from the investigation, the peace
 26 officer is able to identify the driver, and has
 27 reasonable cause to believe a violation of section
 28 321L.4 has occurred, the peace officer shall prepare a
 29 uniform traffic citation for the violation and shall
 30 personally serve it upon the driver of the vehicle or
 31 shall have it delivered to the driver of the vehicle
 32 by certified mail."

33 2. Page 3, line 34, by inserting after the word
 34 "months." the following: "The review shall be
 35 conducted during normal business hours."

36 3. Page 5, line 11, by inserting after the word
 37 "months." the following: "The review shall be
 38 conducted during normal business hours."

BROWN of Lucas
 SHEARER of Louisa
 MURPHY of Dubuque

H-5306

1 Amend House File 2181 as follows:

2 1. Page 1, line 24, by inserting after the word
 3 "commonwealth." the following: "The tax revenues
 4 distributed under a tax-base sharing system shall be
 5 limited to the amounts that would be generated by the
 6 levies of the governmental units that enter into the
 7 agreement authorized by section 28H.4."

MAY of Worth

H-5307

1 Amend House File 2449 as follows:

2 1. Page 3, by striking lines 31 and 32 and
 3 inserting the following: "on behalf of the principal.
 4 Every principal who executes a durable power of
 5 attorney for health care shall receive the following
 6 notice:"

KREMER of Buchanan

H-5313

1 Amend the amendment, H-5142, to House File 2371, as
 2 follows:

3 1. Page 1, line 3, by striking the figure
 4 "1,086,000" and inserting the following: "1,075,117".
 5 2. Page 1, by inserting after line 3 the

6 following:
 7 "_____. Page 1, line 11, by striking the figure
 8 "37.00" and inserting the following: "38.00".
 9 3. Page 1, by striking lines 7 through 9, and
 10 inserting the following: "\$24,117 shall be used to
 11 fund the position of an information specialist." "

CARPENTER of Polk

H-5315

1 Amend House File 2524 as follows:
 2 1. Page 1, by inserting after line 32, the
 3 following:
 4 "Sec. _____. NEW SECTION. 566A.50 ANNUAL
 5 DISCLOSURE FORM - TRUSTEE DUTIES - CAUSE OF ACTION.
 6 A person operating a cemetery as a nonprofit entity
 7 shall annually file a disclosure statement as required
 8 by the commissioner, demonstrating the person's
 9 entitlement to tax exempt status and treatment of
 10 moneys held in trust. The trustee of such moneys
 11 shall serve to protect the best interests of the lot
 12 owners as the beneficial owners of the cemetery, and
 13 not the nonprofit entity which operates the cemetery.
 14 An individual lot owner, or the spouse, estate
 15 administrator, or executor of a deceased lot owner may
 16 challenge an action of the trustee in an action in
 17 district court and may petition for the removal of the
 18 trustee, or for other legal or equitable relief, or
 19 both, for a breach of the trustee's duty to represent
 20 the interests of lot owners."
 21 2. Page 7, by inserting after line 35, the
 22 following:
 23 "8. A trustee of moneys under an agreement subject
 24 to section 566A.101 shall serve to protect the best
 25 interests of the lot owners as the beneficial owners
 26 of the cemetery, and not the person who owns or
 27 operates the cemetery. An individual lot owner, or
 28 the spouse, estate administrator, or executor of a
 29 deceased lot owner may challenge any action of the
 30 trustee in an action in district court and may
 31 petition for the removal of the trustee, or for other
 32 legal or equitable relief, or both, for a breach of
 33 the trustee's duty to represent the interests of lot
 34 owners."
 35 3. Page 12, by inserting after line 27, the
 36 following:
 37 "3. Every agreement shall include a disclosure in
 38 substantially the following form: "The trustee of
 39 moneys under this agreement which are required to be
 40 held in trust under state law shall serve to protect
 41 the best interests of the lot owners as the beneficial
 42 owners of the cemetery, and not the person who owns or

43 operates the cemetery. An individual lot owner, or
44 the spouse, estate administrator, or executor of a
45 deceased lot owner may challenge any action of the
46 trustee in an action in district court and may
47 petition for the removal of the trustee, or for other
48 legal or equitable relief, or both, for a breach of
49 the trustee's duty to represent the interests of lot
50 owners."

Page 2

1 4. Page 21, by inserting after line 21, the
2 following:
3 "Sec. _____. NEW SECTION. 566A.120 UNFAIR TRADE
4 PRACTICES.
5 1. A person subject to this subchapter shall not
6 advertise or represent in connection with the sale or
7 attempted sale of any covered property or services,
8 that the property or services is or will be a
9 desirable speculative investment for resale purposes.
10 2. A person subject to this subchapter shall not
11 pay or offer to pay, and a person shall not receive
12 directly or indirectly, a commission or bonus or
13 rebate or other thing of value, for or in connection
14 with the sale of any covered property or services.
15 This subsection does not apply to a person employed by
16 a permitted establishment.
17 3. Gross sales commissions paid to a person in
18 connection with the sale of covered property or
19 services shall not exceed the amount required to be
20 deposited in trust pursuant to section 566A.101.
21 4. A person who commits any of the following acts
22 commits a fraudulent practice as defined and as
23 punishable under chapter 714:
24 a. Knowingly makes, causes to be made, or
25 subscribes to an untrue statement of a material fact
26 or omits to state a material fact necessary in order
27 to make the statements made, in the light of the
28 circumstances under which they were made, not
29 misleading.
30 b. Conspires to defraud in connection with the
31 sale of covered property or services.
32 5. A person shall not engage in the solicitation,
33 advertisement, or sale of preneed cemetery lots, or
34 other covered property or services, by telephone if
35 the initial contact with the prospective purchaser is
36 by a telephone call not initiated by the prospective
37 purchaser.
38 6. A person who owns or operates a permitted
39 establishment shall not forbid a person not affiliated
40 with the permitted establishment from placing grave
41 markers or monuments or performing grave openings and

42 closings and other related services for the lot owner,
 43 provided that the services are performed under the
 44 supervision of an employee of the permitted
 45 establishment in conformance with any uniformly
 46 applicable rules of the permitted establishment. The
 47 permitted establishment may charge the lot owner a
 48 reasonable hourly rate for the supervisory services of
 49 the permitted establishment employee, but no further
 50 charges shall be assessed against the lot owner or the

Page 3

1 person performing such services.
 2 Sec. _____. NEW SECTION. 566A.121 PENALTY.
 3 A person who violates a provision of this
 4 subchapter is guilty of a serious misdemeanor.
 5 Sec. _____. NEW SECTION. 566A.122 CONTINUING
 6 VIOLATIONS.
 7 Each day a person violates a provision of this
 8 subchapter, except the commission of an act declared
 9 unlawful in section 566A.8 or 566A.120, is a separate
 10 and distinct offense."
 11 5. By renumbering as necessary.

HOLVECK of Polk
 BISIGNANO of Polk
 DODERER of Johnson
 SHONING of Woodbury

H-5318

1 Amend House File 2470 as follows:
 2 1. Page 1, by striking lines 1 through 8.
 3 2. Title page, line 1, by inserting after the
 4 word "medicine" the following: "without an
 5 examination".
 6 3. By renumbering as necessary.

PONCY of Wapello

H-5319

1 Amend House File 2525 as follows:
 2 1. Page 11, line 22, by striking the word
 3 "section" and inserting the following: "section".
 4 2. Title page, line 4, by inserting after the
 5 word "fees," the following: "providing an effective
 6 date,".

JAY of Appanoose

H-5321

1 Amend House File 2371 as follows:
 2 1. Page 5, line 22, by striking the figure
 3 "114,000" and inserting the following: "164,000".

- 4 2. Page 9, line 16, by striking the figure
 5 "2,727,000" and inserting the following: "2,677,000".
 6 3. Page 9, line 17, by striking the figure
 7 "80.50" and inserting the following: "79.50".

HAVERLAND of Polk
 HARPER of Black Hawk

H-5327

- 1 Amend House File 2469 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Section 1. Section 3.1, Code 1989, is amended by
 5 adding the following new subsection:
 6 NEW SUBSECTION. 5. Shall refer to a person with a
 7 disability by first including the word "person",
 8 "people", or "individual" and by following that word
 9 with a prepositional phrase, beginning with the word
 10 "with", which describes the disability."
 11 2. Page 1, line 21, by inserting after the word
 12 "implement." the following: "The administrative rules
 13 coordinator shall require that references in rules
 14 relating to a person with a disability be written by
 15 first including the word "person", "people", or
 16 "individual" and by following that word with a
 17 prepositional phrase, beginning with the word "with",
 18 which describes the disability."
 19 3. By renumbering as necessary.

JAY of Appanoose

H-5328

- 1 Amend House File 2492 as follows:
 2 1. Page 1, line 7, by striking the words "one
 3 cent two" and inserting the following: "one cent and
 4 one-half".

BANKS of Plymouth

H-5335

- 1 Amend House File 2528 as follows:
 2 1. Page 4, by inserting after line 7 the fol-
 3 lowing:
 4 "(h) Any private for profit or nonprofit entity
 5 which has been approved for or is a recipient of these
 6 funds must submit to the county board of supervisors a
 7 full financial disclosure statement which shall be
 8 available for public inspection. The statement must
 9 be updated and submitted each July 1 of a fiscal year
 10 for which the private entity receives these funds."
 11 2. Page 6, by inserting after line 25 the fol-
 12 lowing:

13 "(f) Any private for profit or nonprofit entity
 14 which has been approved for or is a recipient of these
 15 funds must submit to the county board of supervisors a
 16 full financial disclosure statement which shall be
 17 available for public inspection. The statement must
 18 be updated and submitted each July 1 of a fiscal year
 19 for which the private entity receives these funds."

20 3. Page 9, by inserting after line 30 the fol-
 21 lowing:

22 "(g) Any private for profit or nonprofit entity
 23 which has been approved for or is a recipient of these
 24 funds must submit to the city council a full financial
 25 disclosure statement which shall be available for
 26 public inspection. The statement must be updated and
 27 submitted each July 1 of a fiscal year for which the
 28 private entity receives these funds."

29 4. Page 12, by inserting after line 11 the fol-
 30 lowing:

31 "(d) Any private for profit or nonprofit entity
 32 which has been approved for or is a recipient of these
 33 funds must submit to the city council a full financial
 34 disclosure statement which shall be available for
 35 public inspection. The statement must be updated and
 36 submitted each July 1 of a fiscal year for which the
 37 private entity receives these funds."

METCALF of Polk

H-5336

1 Amend House File 2502 as follows:

2 1. Page 1, by inserting before line 1, the
 3 following:

4 "Section 1. Section 422A.2, subsection 4,
 5 paragraph a, Code 1989, is amended by adding the
 6 following new unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. Any private for profit
 8 or nonprofit entity which has been approved for or is
 9 a recipient of these funds must submit to the
 10 appropriate local governing body a full financial
 11 disclosure statement which shall be available for
 12 public inspection. The statement must be updated and
 13 submitted each July 1 of a fiscal year for which the
 14 private entity receives these funds."

15 2. By renumbering as necessary.

METCALF of Polk

H-5337

1 Amend House File 2515 as follows:

2 1. Page 4, by inserting after line 31, the
 3 following:

4 "Sec. _____. 1989 Iowa Acts, chapter 272, section

- 5 42, is amended to read as follows:
 6 SEC. 42. Sections 34, 35, and 36 of this Act are
 7 effective July 1, ~~1990~~ 1991."
 8 2. By renumbering as necessary.

SCHRADER of Marion

H-5338

- 1 Amend House File 2535 as follows:
 2 1. Page 1, by striking lines 1 through 11.
 3 2. Renumber as necessary.

BEATTY of Warren

H-5339

- 1 Amend House File 2490 as follows:
 2 1. Page 6, line 7, by striking the word "school".
 3 2. Page 13, line 21, by striking the words "the
 4 agencies" and inserting the following: "the boards of
 5 agencies".
 6 3. Title page, line 1, by inserting after the
 7 word "agencies" the following: ", providing funding
 8 for media and educational services,".

HAVERLAND of Polk

H-5340

- 1 Amend House File 2399 as follows:
 2 1. Page 2, by inserting after line 9 the
 3 following:
 4 "The owner of a business sign which advertises a
 5 business which is no longer in operation due to the
 6 sale, closing, or relocation of the business shall be
 7 required to remove the business sign within thirty
 8 days of the sale, closing, or relocation. The
 9 department shall promptly remove the business sign of
 10 an owner who fails to comply with this section and
 11 assess all costs of removal to the owner in accordance
 12 with rules adopted by the department."
 13 2. By renumbering as necessary.

FULLER of Hardin

H-5342

- 1 Amend House File 2545 as follows:
 2 1. Page 2, line 26, by inserting after the word
 3 "state" the following: "with the exception of solid
 4 waste disposal facilities described in section
 5 455B.310, subsection 3, or any sewage sludge ash sites
 6 operated by a municipality for disposal of material
 7 generated by that community".
 8 2. Page 2, line 29, by inserting after the word

- 9 "disposed" the following: "of".
 10 3. Page 3, line 11, by inserting after the word
 11 "within" the following: "or nearest".
 12 4. Page 3, line 14, by inserting before the word
 13 "All" the following: "4."
 14 5. Page 5, by striking lines 6 through 8, and
 15 inserting the following: "additional facilities as
 16 may be necessary."

JESSE of Jasper

H-5343

- 1 Amend House File 2470 as follows:
 2 1. Page 1, line 16, by striking the word "an" and
 3 inserting the following: "a certificate from the".
 4 2. Page 1, line 17, by striking the word
 5 "certificate".

SPEAR of Lee

H-5344

- 1 Amend House File 2541 as follows:
 2 1. Page 4, by inserting after line 28 the
 3 following:
 4 "5. However, if the proposition is approved in a
 5 metropolitan area, but a majority of the voters of the
 6 territory of the metropolitan area outside the
 7 boundaries of cities or a majority of the voters of a
 8 city within the metropolitan area do not approve the
 9 proposition, the territory outside the boundaries of
 10 the cities and each city disapproving the proposition
 11 shall not be included within the jurisdiction of the
 12 authority and the residents of the territory or city
 13 shall not be included in its governing body."
 14 2. Page 7, by inserting after line 9 the fol-
 15 lowing:
 16 "3. The offices of the authority shall not be
 17 located in the state where the office of the bistate
 18 metropolitan planning commission is located."

SCHNEKLOTH of Scott
 PETERSEN of Muscatine

H-5345

- 1 Amend the amendment H-5232, to House File 2281, as
 2 follows:
 3 1. Page 1, by striking lines 28 and 29, and
 4 inserting the following:
 5 "_____. Page 2, by striking lines 29 through 33,
 6 and inserting the following: "plan.""
 7 2. Page 1, by inserting after line 31, the
 8 following:

9 " _____. Page 3, by striking lines 8 through 10, and
 10 inserting the following: "year to the state board of
 11 regents. The report shall also be submitted to the"."

SWARTZ of Marshall

H-5348

1 Amend House File 2327 as follows:
 2 1. Page 7, by inserting after line 13, the
 3 following:
 4 "Sec. _____. This Act, being deemed of immediate
 5 importance, takes effect upon enactment."
 6 2. Title page, line 2, by inserting after the
 7 word "project", the following: ", and providing an
 8 effective date".

BROWN of Lucas

H-5351

1 Amend the amendment, H-5144, to House File 2371, as
 2 follows:
 3 1. Page 1, by inserting after line 2, the
 4 following:
 5 " _____. Page 8, line 18, by striking the figure
 6 "187,000" and inserting the following: "87,000".
 7 _____. Page 8, line 19, by striking the figure "4"
 8 and inserting the following: "2".
 9 2. Page 1, by striking lines 5 through 8.
 10 3. By renumbering as necessary.

HAVERLAND of Polk

H-5352

1 Amend House File 2412 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. Section 364.3, subsection 2, Code
 5 1989, is amended to read as follows:
 6 2. A city shall not provide a criminal penalty in
 7 excess of a one hundred dollar fine or in excess of
 8 thirty days imprisonment for the violation of an
 9 ordinance, except for a violation of an environmental
 10 ordinance. An amount equal to ten percent of all
 11 fines collected by cities shall be deposited in the
 12 court revenue distribution account established in
 13 section 602.8108. However, one hundred percent of all
 14 fines collected by a city pursuant to section 321.236,
 15 subsection 1, shall be retained by the city. The
 16 criminal penalty surcharge required by section 911.2
 17 shall be added to a city fine and is not a part of the
 18 city's penalty.
 19 Sec. 2. Section 364.3, Code 1989, is amended by

20 adding the following new subsection:

21 NEW SUBSECTION. 7. A city shall not provide a
 22 criminal penalty in excess of one thousand dollars or
 23 one year of imprisonment for the violation of an
 24 ordinance which is classified as an environmental
 25 ordinance.

26 Sec. 3. NEW SECTION. 364.25 ENVIRONMENTAL
 27 ORDINANCE.

28 1. A city may adopt an ordinance as an
 29 environmental ordinance to enforce a provision
 30 relating to the following:

31 a. Air quality under chapter 455B, division II, or
 32 rules adopted by the department of natural resources
 33 under that division.

34 b. Water quality under chapter 455B, division III,
 35 or rules adopted by the department of natural
 36 resources under that division.

37 c. The abatement, control, or prevention of air
 38 pollution, water pollution, or odors injurious to
 39 health or offensive to the senses.

40 2. A violation of an environmental ordinance is
 41 deemed a public nuisance. The city may initiate a
 42 civil action against a person violating the ordinance.
 43 A court, in addition to imposing a criminal penalty,
 44 may order that the nuisance be abated or removed at
 45 the expense of the defendant, and, after inquiry into
 46 and estimating the sum necessary to defray the
 47 expenses of the abatement or removal, the court may
 48 issue an order for the abatement or removal."

49 2. Title page, line 1, by striking the words
 50 "municipal infractions" and inserting the following:

Page 2

1 "ordinances".

HIBBARD of Madison

H-5353

1 Amend House File 2515 as follows:

2 1. Page 1, by striking lines 1 through 13.

3 2. Title page, line 2, by striking the words

4 "establishing a fee."

LUNDBY of Linn

H-5355

1 Amend House File 2541 as follows:

2 1. Page 7, lines 31 and 32, by striking the words

3 "if within corporate limits of the authority".

HERMANN of Scott

H—5356

- 1 Amend Senate File 2364, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 11, by striking lines 20 through 28.
 4 2. By renumbering as necessary.

FULLER of Hardin

H—5360

- 1 Amend House File 2541 as follows:
 2 1. Page 4, by striking line 28, and inserting the
 3 following: "section 330B.17, except that imposition
 4 of the tax levy shall be delayed until the
 5 commissioners have adopted a budget for the authority
 6 which justifies the levy."
 7 2. By striking page 4, line 29, through page 6,
 8 line 23, and inserting the following:
 9 "Sec. _____. NEW SECTION. 330B.7 BOARD OF
 10 COMMISSIONERS — ELECTION.
 11 1. The authority established under this division
 12 shall be governed by a board of commissioners elected
 13 as provided in subsection 2. The governing body of
 14 each county, after a favorable election establishing
 15 the authority, shall create eight districts of equal
 16 population from which the commissioners shall be
 17 elected. Each commissioner shall be a resident of the
 18 district from which the commissioner is elected and
 19 shall be elected to a four-year term of office.
 20 2. The board of commissioners of an authority
 21 shall consist of sixteen members, eight members of
 22 which shall be residents of the metropolitan area of
 23 each state which is party to the authority. After
 24 creating the equal-populated districts, the governing
 25 body of each county in the greater metropolitan area
 26 shall call for a special election to elect the
 27 commissioners. The commissioners shall be nominated
 28 and elected as nonparty or nonpartisan candidates as
 29 provided by the election laws of their respective
 30 states. After the initial special election, the
 31 commissioner shall be nominated and elected at the
 32 regular primary and general elections held during
 33 even-numbered years. Four of the initial
 34 commissioners, selected by lot, from each state shall
 35 be elected to an initial term of two years.
 36 Thereafter, all commissioners shall be elected to
 37 four-year terms of office. Members of the initial
 38 board of commissioners shall qualify and take office
 39 within ten days after the certification of their
 40 election.
 41 Sec. _____. NEW SECTION. 330B.8 COMMISSIONERS —
 42 QUALIFICATION AND VACANCY.

43 1. Except for the initial board of commissioners,
 44 the term of office of each commissioner begins on the
 45 first day of January which is not a Sunday or holiday
 46 after the general election at which the commissioner
 47 is elected. A certificate of election signed by the
 48 commissioner of election or other appropriate officer
 49 shall be filed and made a matter of record in the
 50 office of county recorder. Each commissioner shall

Page 2

1 qualify by taking an oath or affirmation to faithfully
 2 perform the duties of office.

3 2. Within forty-five days after a vacancy occurs
 4 on the board by death, resignation, change of
 5 residence to outside of the election district, or for
 6 any other cause, a successor shall be appointed to
 7 fill the vacancy in office until the next election at
 8 which the vacancy can be filled and until a successor
 9 is elected and qualifies."

10 3. Page 6, line 28, by striking the word
 11 "appointment" and inserting the following:
 12 "election".

13 4. By striking page 17, line 29, through page 18,
 14 line 29.

15 5. Page 19, line 3, by striking the words
 16 "powers, incomes, and debts" and inserting the
 17 following: "powers and incomes".

18 6. Page 19, line 4, by striking the words
 19 "powers, income, and debts" and inserting the
 20 following: "powers and income".

SCHNEKLOTH of Scott

H-5362

1 Amend House File 2371 as follows:

2 1. Page 14, line 1, by striking the figure
 3 "3,607,000" and inserting the following: "3,957,000".

4 2. Page 15, by inserting after line 5, the
 5 following:

6 "Of the funds appropriated under this paragraph,
 7 \$1,725,000 shall be used for maternal and child health
 8 services, and shall be allocated for the following
 9 purposes:

10 (1) For statewide expansion of outreach services
 11 through the hiring of 4 half-time paraprofessionals to
 12 be located in the areas surrounding Black Hawk, Tama,
 13 Woodbury, and Scott counties and common intake
 14 proceedings for maternal and child health services
 15 through collaborative agreements between the Iowa
 16 department of public health, the department of human
 17 services, and the mobile and regional child health

18 specialty clinics:

19\$ 50,000

20 (2) For the provision of physician care for
21 pregnant women who are not eligible for services under
22 the maternal and child health centers guidelines based
23 upon their income, but whose incomes are between 185
24 and 300 percent of the poverty guidelines published by
25 the United States department of health and human
26 services:

27\$ 300,000

28 The physician services shall be subject to managed
29 care and selective contracting provisions and shall be
30 used to provide treatment of the pregnant women in a
31 physician's office and shall include coverage of
32 diagnostic procedures and prescription drugs required
33 for the treatment. Services provided under this
34 subparagraph shall be reimbursed according to Title
35 XIX reimbursement rates.

36 (3) Of the funds appropriated under this paragraph
37 to outreach centers of maternal and child outreach
38 services for prevention services for women to decrease
39 problems of pregnancy outcomes and to reduce the
40 incidences of low birth weights, priority shall be
41 given to communities with a high concentration of
42 minorities."

HARPER of Black Hawk

H-5364

1 Amend House File 2524 as follows:

2 1. Page 2, by striking lines 20 through 28, and
3 inserting the following: "calendar year basis. This
4 provision does not affect the purchaser's rights,
5 express or implied, statutory or common law remedies,
6 or remedies available in equity, in the event of
7 nonperformance or a material breach of the contract by
8 the seller or the seller's assignee."

9 2. Page 3, by inserting after line 2, the
10 following:

11 "This section shall apply to an agreement entered
12 into on or after the effective date of this Act."

SCHNEKLOTH of Scott

H-5368

1 Amend House File 2483 as follows:

2 1. Page 1, by striking lines 1 and 2 and insert-
3 ing the following:

4 "Section 1. Section 633.123, subsection 1, Code
5 1989, is amended by striking the subsection and
6 inserting in".

7 2. Page 1, by striking line 24 and inserting the

8 following:

9 "Sec. 2. Section 633.123, subsection 2, unnumbered
10 paragraph 1, Code 1989, is amended by striking the
11 unnumbered paragraph and inserting in lieu thereof the
12 following: ACTIONS PURSUANT TO GOVERNING INSTRUMENT.
13 A fiduciary".

14 3. By striking page 1, line 29, through page 2,
15 line 4.

McKINNEY of Dallas

H-5371

1 Amend House File 2499 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Sec. _____. Section 668.3, subsection 1, Code 1989,
5 is amended by adding the following new unnumbered
6 paragraph:

7 NEW UNNUMBERED PARAGRAPH. Contributory fault shall
8 not bar recovery in an action by a claimant to recover
9 damages for loss of services, companionship, society,
10 or consortium unless the fault attributable to the
11 person whose injury or death provided the basis for
12 the damages is greater in percentage than the total
13 percentage of fault attributed to the defendants,
14 third-party defendants, and persons who have been
15 released pursuant to section 668.7, but any damages
16 allowed shall be diminished in proportion to the
17 amount of fault attributable to the person whose
18 injury or death provided the basis for the damages.

19 Sec. _____. Section 668.3, subsection 2, paragraph
20 b, Code 1989, is amended to read as follows:

21 b. The percentage of the total fault allocated to
22 each claimant, defendant, third-party defendant, and
23 person who has been released from liability under
24 section 668.7, and person whose injuries or death
25 provide a basis for a claim to recover damages for
26 loss of services, companionship, society, or
27 consortium. For this purpose the court may determine
28 that two or more persons are to be treated as a single
29 party."

30 2. Renumber as necessary.

HALVORSON of Clayton
HARBOR of Mills

H-5379

1 Amend House File 2537 as follows:

2 1. Page 4, by inserting after line 19, the
3 following:

4 "Sec. _____. Section 523A.2, subsection 7, Code
5 Supplement 1989, is amended to read as follows:

6 7. This chapter does not prohibit the funding of
 7 an agreement otherwise subject to section 523A.1 by
 8 insurance proceeds derived from a policy issued by an
 9 insurance company authorized to conduct business in
 10 this state, provided that a policy shall not
 11 discriminate for premium charges on the basis of sex.
 12 The seller of an agreement subject to this chapter
 13 which is to be funded by insurance proceeds shall
 14 obtain all permits and pay all fees required to be
 15 obtained under this chapter and comply with the
 16 reporting requirements of this section.”
 17 2. By renumbering as necessary.

CORBETT of Linn

H—5380

1 Amend House File 2524 as follows:
 2 1. Page 2, line 5, by inserting after the word
 3 “of” the following: “either”.
 4 2. Page 2, line 6, by inserting after the word
 5 “paid” the following: “or issuance of a cemetery
 6 deed”.

CORBETT of Linn

H—5395

1 Amend House File 2509 as follows:
 2 1. Page 4, by inserting after line 2 the
 3 following:
 4 “Sec. _____. STATE BOARD OF REGENTS — REPORT
 5 REQUIRED.
 6 The state board of regents shall compile a
 7 comprehensive report of the medical and surgical
 8 treatment at the university of Iowa hospitals and
 9 clinics of indigent persons who are providing
 10 migratory labor and their immediate families, which is
 11 provided through January 31, 1991, as a result of this
 12 Act. The report shall include a detailed analysis of
 13 costs and payers of the costs. The report shall be
 14 submitted to the general assembly on or before
 15 February 15, 1991.
 16 Sec. _____. EFFECTIVE DATE.
 17 This Act is repealed effective June 30, 1991. The
 18 Code editor shall recodify the Code sections amended
 19 in this Act as the Code sections appeared in the 1989
 20 Code of Iowa.”
 21 2. Title page, line 2, by inserting after the
 22 word “families” the following: “and providing an
 23 effective date”.

FEY of Scott

H-5398

1 Amend the amendment, H-5169, to House File 2287, as
2 follows:

3 1. Page 1, by striking lines 4 through 12 and
4 inserting the following:

5 "NEW UNNUMBERED PARAGRAPH. The subject employer
6 shall disclose to a subsequent employer the subject
7 employer's record of charges with benefits payments.
8 A subject employer who fails to disclose or willfully
9 discloses incorrect information to a subsequent
10 employer regarding the subject employer's record of
11 charges with benefits payments is liable to the
12 subsequent employer for any actual damages and
13 attorney fees incurred by the subsequent employer as a
14 result of the subject employer's failure to disclose
15 or disclosure of incorrect information. The division
16 shall include notice of the requirement of disclosure
17 in the division's quarterly notification given to each
18 employer pursuant to section 96.7, subsection 2,
19 paragraph "a", subparagraph (6)."

PLASIER of Sioux

H-5399

1 Amend House File 2424 as follows:

2 1. By striking page 1, line 1 through page 3,
3 line 25.

4 2. By renumbering as necessary.

SHONING of Woodbury

H-5413

1 Amend House File 2383 as follows:

2 1. Page 1, by striking lines 4 through 7 and
3 inserting the following: "fine not exceeding five
4 dollars payable to the city clerk or clerk of the
5 district court, if authorized by ordinance.
6 Violations of".

7 2. Page 2, by inserting after line 17 the
8 following:

9 "b. The department may issue permanent handicapped
10 identification hanging devices to the following in
11 accordance with rules adopted by the department:

12 (1) An organization which has a program for
13 transporting the handicapped or elderly.

14 (2) A person in the business of transporting the
15 handicapped or elderly.

16 One handicapped identification hanging device may
17 be issued for each vehicle used by the organization or
18 person for transporting the handicapped or elderly. A
19 handicapped identification hanging device issued under

20 this paragraph shall be surrendered to the department
 21 if the organization or person is no longer providing
 22 the service for which the device was issued.
 23 Notwithstanding section 321L.4, a person transporting
 24 handicapped or elderly in a motor vehicle for which a
 25 handicapped identification hanging device has been
 26 issued under this paragraph may display the device in
 27 the motor vehicle and may use a handicapped parking
 28 space while the motor vehicle is displaying the
 29 device. A handicapped identification hanging device
 30 issued under this paragraph shall be of a
 31 distinctively different color from the handicapped
 32 identification hanging devices issued under paragraph
 33 "a".

34 3. Page 2, line 18 by striking the letter "b" and
 35 inserting the following: "c".

36 4. Page 4, line 19, by striking the words "The
 37 cities".

38 5. Page 4, by striking lines 20 through 22.

39 6. Page 4, by inserting after line 30 the
 40 following:

41 "Sec. _____. Section 321L.5, Code Supplement 1989,
 42 is amended by adding the following new subsection:
 43 NEW SUBSECTION. 6. A handicapped parking review
 44 committee may be established by the state and each
 45 political subdivision of the state which is required
 46 to provide handicapped parking spaces in off-street
 47 public parking facilities according to subsection 3
 48 and in political subdivisions required to provide
 49 handicapped parking spaces for on-street parking
 50 within a business district according to subsection 4.

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1 The handicapped parking review committee shall consist
 2 of five members who are handicapped persons as defined
 3 in section 321L.1 and five members who are officials
 4 of the state or political subdivision. The
 5 handicapped parking review committee shall have the
 6 discretion to increase or decrease the numbers of
 7 handicapped parking spaces required by this section.
 8 A decision to change the numbers or location of
 9 handicapped parking spaces shall be based upon the
 10 needs of the community, the percentage of use of the
 11 present handicapped parking spaces, and the past
 12 experience of the state or political subdivision
 13 regarding handicapped parking.

14 An individual may request the handicapped parking
 15 review committee to review the amounts and locations
 16 of handicapped parking spaces. The handicapped
 17 parking review committee shall investigate each
 18 individual's request and shall act upon such request

19 if the investigation substantiates the individual's
20 complaint."

21 7. Page 4, by striking lines 33 through 35 and
22 inserting the following:

23 "a. For parking violations under sections 321.236,
24 321.239, 321.358, 321.360, and 321.361, the scheduled
25 fine is five dollars."

26 8. Page 5, by striking line 1 and inserting the
27 following: "However,".

28 9. Page 5, by striking lines 7 and 8 and
29 inserting the following: "section 111.38 or 321.362
30 the scheduled fine is ten dollars. For a parking
31 violation under section 321L.4, subsection 2, the
32 scheduled fine is twenty-five dollars."

33 10. By renumbering as necessary.

GRUHN of Dickinson

H-5414

1 Amend Senate File 2244, as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 3, by inserting after line 10 the
4 following:

5 "Sec. _____. Section 321L.4, subsection 2, Code
6 Supplement 1989, is amended to read as follows:

7 2. The use of a handicapped parking space, located
8 on either public or private property as provided in
9 sections 321L.5 and 321L.6, by a motor vehicle not
10 displaying a handicapped identification device; by a
11 motor vehicle displaying such a device but not being
12 used by a handicapped person, as an operator or
13 passenger; or by a motor vehicle in violation of the
14 rules adopted by the department under section 321L.8,
15 constitutes improper use of a handicapped
16 identification device which is a misdemeanor for which
17 a fine shall be imposed upon the owner, operator, or
18 lessee of the motor vehicle or the purchaser of the
19 handicapped identification device. Peace officers,
20 including meter persons, are authorized to enforce the
21 provisions of this subsection. The fine for each
22 violation shall be twenty-five dollars. Proof of
23 conviction of two or more violations involving
24 improper use of a handicapped identification device is
25 grounds for revocation by the court or the department
26 of the holder's privilege to possess or use the
27 device."

28 2. Renumber sections as necessary.

MURPHY of Dubuque
BROWN of Lucas

H-5418

- 1 Amend House File 2493 as follows:
 2 1. Page 1, by inserting before line 1, the
 3 following:
 4 "Section 1. Section 455B.304, Code Supplement
 5 1989, is amended by adding the following new
 6 unnumbered paragraph:
 7 NEW UNNUMBERED PARAGRAPH. Notwithstanding the
 8 provisions of this chapter regarding the requirement
 9 of the equipping of a sanitary landfill with a
 10 leachate control system and the establishment and
 11 continuation of a postclosure account, the department
 12 shall adopt rules which provide for an exemption from
 13 the requirements of a leachate control system and
 14 which provide for the release of the funds in the
 15 postclosure account if the sanitary landfill operator
 16 is a public agency and if, nine months after the
 17 closure of a sanitary disposal project, monitoring of
 18 the groundwater does not reveal groundwater
 19 contamination."
 20 2. By renumbering as necessary.

MUHLBAUER of Crawford
 PETERSON of Carroll

H-5421

- 1 Amend Senate File 2244, as amended, passed, and re-
 2 printed by the Senate, as follows:
 3 1. Page 2, line 17, by striking the word "may"
 4 and inserting the following: "shall".
 5 2. Page 2, line 24, by striking the word "may"
 6 and inserting the following: "shall".

MURPHY of Dubuque

H-5422

- 1 Amend Senate File 2280, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 11, by striking the figure
 4 "50.00" and inserting the following: "47.00".
 5 2. Page 1, by striking lines 12 through 15.
 6 3. By striking page 21, line 22 through page 22,
 7 line 13.
 8 4. Page 22, line 29, by striking the word and
 9 figures "32, and 34" and inserting the following:
 10 "and 32".

TYRRELL of Iowa

H-5432

- 1 Amend House File 2417 as follows:
 2 1. Page 4, line 35, by striking the word "board,"

- 3 and inserting the following: "governmental unit".
 4 2. Page 5, line 28, by striking the words "order
 5 requiring" and inserting the following: "requirement
 6 of".
 7 3. Page 9, by striking line 14, and inserting the
 8 following:
 9 "3. The board shall not commence the".
 10 4. Page 10, line 7, by striking the word
 11 "environments" and inserting the following:
 12 "environment".
 13 5. Page 11, lines 26 and 27, by striking the
 14 words "senate file" and inserting the following:
 15 "Senate File".

HATCH of Polk

H-5442

- 1 Amend House File 2131 as follows:
 2 1. Page 1, line 35, by striking the word "shall"
 3 and inserting the following: "may".
 4 2. Page 1, line 35, by striking the word
 5 "adequate".
 6 3. Page 2, line 1, by striking the word "moneys"
 7 and inserting the following: "assistance".
 8 4. Page 2, line 1, by striking the words "and
 9 operation".
 10 5. Page 2, by striking lines 2 through 4, and
 11 inserting the following: "authorities from the
 12 housing trust fund. The Iowa finance authority is
 13 authorized".
 14 6. By striking page 3, line 34, through page 4,
 15 line 6, and inserting the following: "moneys, may
 16 approve for the association state grants, loans, or
 17 other appropriations administered by the Iowa finance
 18 authority and may approve a grant to the association
 19 for purposes related to organization, construction, or
 20 operations, required to further the purpose stated in
 21 the rehabilitation plan."

BRAND of Benton
 BROWN of Lucas

H-5459

- 1 Amend the amendment, H-5438, to House File 2487, as
 2 follows:
 3 1. Page 1, line 37, by striking the words "as
 4 necessary" and inserting the following: "to fill four
 5 full-time equivalent positions".

McKEAN of Jones

H-5462

- 1 Amend the amendment, H-5437, to House File 2417 as
 2 follows:
 3 1. Page 6, line 13, by striking the word "hundred"
 4 and inserting the word "thousand".
 5 2. Page 6, line 16, by striking the word "hundred"
 6 and inserting the word "thousand".

PETERSEN of Muscatine

H-5464

- 1 Amend the amendment, H-5437, to House File 2417 as
 2 follows:
 3 1. Page 7, by striking lines 5 through 13 and
 4 inserting the following:
 5 "(4) Restoration or reconstruction of a structure.
 6 (5) Demolition or removal of buildings and related
 7 structures."

PETERSEN of Muscatine

H-5465

- 1 Amend the amendment, H-5437, to House File 2417 as
 2 follows:
 3 1. Page 6, by striking lines 28 through 34, and
 4 inserting the following: "farm buildings and
 5 structures."

BENNETT of Ida

H-5470

- 1 Amend Senate File 2244, as amended, passed, and
 2 reprinted, by the Senate, as follows:
 3 1. Page 6, by inserting after line 5 the
 4 following:
 5 "Sec. _____. NEW SECTION. 321L.11 HANDICAPPED
 6 ENFORCEMENT OFFICERS.
 7 All health care facilities, including institutional
 8 health facilities, organized outpatient health
 9 facilities, outpatient surgical facilities, offices of
 10 private health care providers or physicians as defined
 11 in section 135.1, subsection 5, and shopping malls,
 12 shall designate a person to be known as a handicapped
 13 enforcement officer, who shall be authorized by the
 14 department of public safety to issue citations for
 15 handicapped parking violations of section 321L.4,
 16 subsection 2. The handicapped enforcement officer's
 17 authority to issue citations for such violations shall
 18 be limited to the parking area of the health care
 19 facility, or private health care provider or
 20 physician's office. The department of public safety

21 shall adopt rules pursuant to chapter 17A to govern
 22 this section. This section does not apply to health
 23 care facilities, private health care providers'
 24 offices, private physicians' offices, or shopping
 25 malls not required to provide for handicapped parking
 26 spaces pursuant to section 321L.5."
 27 2. By renumbering as necessary.

MURPHY of Dubuque
 BROWN of Lucas

H-5471

1 Amend the amendment, H-5437, to House File 2417 as
 2 follows:
 3 1. Page 6, by striking lines 36 and 37, and
 4 inserting the following:
 5 "(1) Water service mains."
 6 2. Page 6, by striking lines 39 and 40, and
 7 inserting the following:
 8 "(3) Gas service mains."

BANKS of Plymouth

H-5472

1 Amend Senate File 2280, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 11, by striking the number
 4 "50.00" and inserting the following: "47.00".
 5 2. Page 1, by striking lines 12 through 15.
 6 3. By striking page 20, line 10, through page 22,
 7 line 13.
 8 4. Page 22, by striking lines 29 and 30.

KREMER of Buchanan
 HARBOR of Mills
 TYRRELL of Iowa

H-5476

1 Amend House File 2515 as follows:
 2 1. Page 3, by inserting after line 13 the
 3 following:
 4 "Concentration levels of lead, cadmium, mercury,
 5 and hexavalent chromium shall be determined using
 6 American standard of testing materials test methods,
 7 as revised, or United States environmental protection
 8 agency test methods for evaluating solid waste, S-W
 9 846, as revised."

SHOULTZ of Black Hawk

H-5478

1 Amend Senate File 2280, as amended, passed, and
 2 reprinted by the Senate, as follows:

- 3 1. Page 1, line 10, by striking the figure
 4 "1,746,989" and inserting the following: "1,938,374".
 5 2. Page 1, line 11, by striking the figure
 6 "50.00" and inserting the following: "55.00".
 7 3. Page 2, by striking lines 28 through 30, and
 8 inserting the following:
 9 "7. Contingent on the election of a new governor
 10 for costs associated with the transition:".
 11 4. Page 6, line 31, by striking the figure
 12 "7,282,826" and inserting the following: "7,091,441".
 13 5. Page 6, line 32, by striking the figure
 14 "158.00" and inserting the following: "153.00".
 15 6. Page 11, line 23, by inserting after the
 16 figure "3." the following: "a."
 17 7. Page 11, line 27, by striking the figure
 18 "1,279,529" and inserting the following: "1,136,331".
 19 8. Page 11, line 28, by striking the figure
 20 "38.00" and inserting the following: "34.00".
 21 9. Page 11, by inserting after line 28 the
 22 following:
 23 "b. WORKERS' COMPENSATION ADMINISTRATION
 24 For salaries for the administration of the workers'
 25 compensation fund and not more than the following
 26 full-time equivalent positions:
 27 \$ 143,198
 28 FTEs 4.00
 29 Any funds received by the department for workers'
 30 compensation purposes other than the funds
 31 appropriated in paragraph "b" shall be used only for
 32 the payment of workers' compensation claims."
 33 10. By renumbering, relettering, or redesignating
 34 and correcting internal references as necessary.

Committee on Appropriations

H-5480

- 1 Amend House File 2532 as follows:
 2 1. Page 5, line 8, by striking the words "certain
 3 forfeitable" and inserting the following: "real".

PETERSON of Carroll

H-5481

- 1 Amend the amendment, H-5437, to House File 2417, as
 2 follows:
 3 1. Page 3, line 44, by striking the words "less
 4 than the following gross floor space" and inserting
 5 the following: "one hundred thousand square feet".
 6 2. Page 4, line 3, by striking the word "board:"
 7 and inserting the following: "board."
 8 3. Page 4, by striking lines 4 through 12.

HATCH of Polk
TRENT of Muscatine

H-5483

- 1 Amend Senate File 2402, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 14, by striking lines 13 and 14 and in-
- 4 serting the following: "for completion of the North
- 5 Shore Drive at".

PETERSON of Carroll

H-5488

- 1 Amend House File 2528 as follows:
- 2 1. Page 4, by inserting after line 7 the fol-
- 3 lowing:
- 4 "f. Notwithstanding provisions in this section or
- 5 this subsection that allow lease or lease-purchase
- 6 contracts to be entered into without the requirement
- 7 of calling an election, if the lease or lease-purchase
- 8 contract is part of the funding mechanism to enable a
- 9 for profit or nonprofit corporation to acquire,
- 10 operate, or otherwise receive the benefit of real or
- 11 personal property subject to the lease or lease-
- 12 purchase contract, the county shall call a county
- 13 special election to vote upon the question of entering
- 14 into such contract. The county shall not enter into
- 15 such contract unless the vote in favor of entering
- 16 into such contract is equal to at least sixty percent
- 17 of the vote cast on the proposition."
- 18 2. Page 6, by inserting after line 25 the fol-
- 19 lowing:
- 20 "e. Notwithstanding provisions in this section or
- 21 this subsection that allow loan agreements to be
- 22 entered into without the requirement of calling an
- 23 election, if the loan agreement is part of the funding
- 24 mechanism to enable a for profit or nonprofit
- 25 corporation to acquire, operate, or otherwise receive
- 26 the benefit of real or personal property, the county
- 27 shall call a county special election to vote upon the
- 28 question of entering into such loan agreement. The
- 29 county shall not enter into such agreement unless the
- 30 vote in favor of entering into such agreement is equal
- 31 to at least sixty percent of the vote cast on the
- 32 proposition."
- 33 3. Page 9, by inserting after line 30 the fol-
- 34 lowing:
- 35 "e. Notwithstanding provisions in this section or
- 36 this subsection that allow lease or lease-purchase
- 37 contracts to be entered into without the requirement
- 38 of calling an election, if the lease or lease-purchase
- 39 contract is part of the funding mechanism to enable a
- 40 for profit or nonprofit corporation to acquire,
- 41 operate, or otherwise receive the benefit of real or

42 personal property subject to the lease or lease-
 43 purchase contract, the city shall call a city special
 44 election to vote upon the question of entering into
 45 such contract. The city shall not enter into such
 46 contract unless the vote in favor of entering into
 47 such contract is equal to at least sixty percent of
 48 the vote cast on the proposition.”

49 4. Page 12, by inserting after line 11 the fol-
 50 lowing:

Page 2

1 “4. Notwithstanding provisions in this section or
 2 this subsection that allow loan agreements to be
 3 entered into without the requirement of calling an
 4 election, if the loan agreement is part of the funding
 5 mechanism to enable a for profit or nonprofit
 6 corporation to acquire, operate, or otherwise receive
 7 the benefit of real or personal property, the city
 8 shall call a city special election to vote upon the
 9 question of entering into such loan agreement. The
 10 city shall not enter into such agreement unless the
 11 vote in favor of entering into such agreement is equal
 12 to at least sixty percent of the vote cast on the
 13 proposition.”

CARPENTER of Polk

H—5489

1 Amend House File 2532 as follows:
 2 1. Page 1, by striking lines 1 through 11.
 3 2. Page 2, line 1, by striking the word
 4 “claimant” and inserting the following: “person from
 5 whom the vehicle or part was seized”.
 6 3. Page 2, line 2, by striking the word
 7 “claimant” and inserting the following: “person”.
 8 4. Page 2, line 13, by inserting after the word
 9 “number.” the following: “However, if the claimant
 10 cannot establish ownership of the engine, door, or
 11 fender pursuant to subsection 4, the part shall not be
 12 returned to the claimant.”

JAY of Apanoose
 PETERSON of Carroll

H—5490

1 Amend the amendment, H—5435, to House File 2501 as
 2 follows:
 3 1. Page 1, by inserting after line 31 the
 4 following:
 5 “_____. Page 7, line 4, by striking the words “A
 6 lien”.
 7 _____ Page 7, by striking lines 5 through 7.”

- 8 2. Page 1, by striking lines 32 through 47.
- 9 3. Page 2, by inserting after line 19 the
- 10 following:
- 11 "_____. Page 12, line 3, by striking the words "A
- 12 lien".
- 13 _____ Page 12, by striking lines 4 through 6."
- 14 4. Page 2, by striking lines 25 through 38.
- 15 5. By renumbering as necessary.

KOENIGS of Mitchell

H-5493

- 1 Amend the amendment, H-5437, to House File 2417 as
- 2 follows:
- 3 1. Page 6, by striking lines 12 through 34, and
- 4 inserting the following:
- 5 "t. An animal-feeding operation which is exempt
- 6 from the permit requirements pursuant to 567 I.A.C.
- 7 rule 65.3(1).
- 8 u. Agricultural and farm management practices,
- 9 including construction, maintenance, and repair of
- 10 farm building structures."

TABOR of Jackson
HATCH of Polk

H-5495

- 1 Amend the amendment H-5437 to House File 2417 as
- 2 follows:
- 3 1. Page 7, by inserting after line 24 the
- 4 following:
- 5 "(4) Landscaping practices upon land abutting a
- 6 lake to prevent silting, erosion, or other detrimental
- 7 effects."

GRUHN of Dickinson

H-5503

- 1 Amend House File 2349 as follows:
- 2 1. Page 2, line 1, by striking the word "eighty"
- 3 and inserting the following: "eighty one hundred
- 4 forty".
- 5 2. Page 2, line 9, by striking the word "twenty"
- 6 and inserting the following: "twenty eighty".
- 7 3. Page 2, by inserting after line 12 the follow-
- 8 ing:
- 9 "Sec. _____. Section 97B.49, subsection 13,
- 10 paragraph c, Code 1989, is amended to read as follows:
- 11 c. Notwithstanding the determination of the amount
- 12 of a retirement dividend under paragraph "a", or "b",
- 13 or "d", a retirement dividend shall not be less than
- 14 twenty-five dollars.

- 15 Sec. _____. Section 97B.49, subsection 13, Code
 16 1989, is amended by adding the following new paragraph
 17 after paragraph c and relettering the subsequent
 18 paragraphs:
 19 NEW PARAGRAPH. d. A member who retired from the
 20 system between July 1, 1982, and June 30, 1986, or a
 21 contingent annuitant or beneficiary of such a member,
 22 shall receive with the November 1990 and the November
 23 1991 monthly benefit payments a retirement dividend
 24 equal to twenty-four percent of the monthly benefit
 25 payment the member received for the preceding June, or
 26 the most recently received benefit payment, whichever
 27 is greater. The retirement dividend does not affect
 28 the amount of a monthly benefit payment."
 29 4. By numbering and renumbering as necessary.

CORBETT of Linn
 HARBOR of Mills
 McKEAN of Jones
 TYRRELL of Iowa
 ROYER of Page
 SHONING of Woodbury

HANSON of Delaware
 RENKEN of Grundy
 PETERSEN of Muscatine
 DE GROOT of Lyon
 BRANSTAD of Winnebago
 SPENNER of Henry
 MAULSBY of Calhoun

H-5509

- 1 Amend Senate File 2323, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by inserting before line 1 the
 4 following:
 5 "Section 1. Section 321.271, unnumbered paragraph
 6 1, Code 1989, is amended to read as follows:
 7 All accident reports filed by a driver of a vehicle
 8 involved in an accident as required under section
 9 321.266 shall be in writing. The report shall be
 10 without prejudice to the individual so reporting and
 11 shall be for the confidential use of the department,
 12 except that upon the request of any person involved in
 13 the accident, the person's insurance company or its
 14 agent, or the attorney for such person, the department
 15 shall disclose the identity and address of the person
 16 involved in the accident. The department, upon
 17 written request of the person making the report, shall
 18 provide the person with a copy of that person's
 19 report. The written report filed with the department
 20 shall not be admissible in or used in evidence in any
 21 civil or criminal case arising out of the facts on
 22 which the report is based."
 23 2. Title page, by striking lines 1 and 2 and
 24 inserting the following: "An Act relating to vehicle
 25 accident reports."
 26 3. By renumbering as necessary.

MURPHY of Dubuque

H-5516

1 Amend House File 2438 as follows:

2 1. Page 1, by inserting after line 12 the
3 following:

4 "Sec. _____. Section 720.4, Code 1989, is amended to
5 read as follows:

6 720.4 TAMPERING WITH WITNESSES, OR JURORS, OR
7 VICTIMS.

8 A person who offers any bribe to any person who is
9 a victim or who the offeror believes has been or may
10 be summoned as a witness or juror in any judicial or
11 arbitration proceeding, or any legislative hearing, or
12 who makes any threats toward such person or who
13 forcibly or fraudulently detains or restrains such
14 person, with the intent to improperly influence such
15 victim, witness, or juror with respect to the
16 victim's, witness', or juror's testimony or decision
17 in such case, or to prevent such person from
18 testifying or serving in such case, or who, in
19 retaliation for anything lawfully done by any victim,
20 witness, or juror in any case, harasses such victim,
21 witness, or juror, commits an aggravated misdemeanor.
22 For purposes of this section, victim includes a member
23 of the victim's immediate family."

24 2. Renumber as necessary.

SHEARER of Louisa

H-5518

1 Amend House File 2515 as follows:

2 1. Page 3, by inserting after line 13 the
3 following:

4 "Concentration levels of lead, cadmium, mercury,
5 and hexavalent chromium shall be determined using
6 American standard of testing materials test methods,
7 as revised, or United States environmental protection
8 agency test methods for evaluating solid waste, S-W
9 846, as revised."

SHOULTZ of Black Hawk

H-5520

1 Amend House File 2528 as follows:

2 1. Page 6, by inserting after line 25, the
3 following:

4 "Sec. _____. Section 331.442, subsection 4, Code
5 1989, is amended to read as follows:

6 4. The proposition of issuing bonds for a general
7 county purpose is not carried or adopted unless the
8 vote in favor of the proposition is equal to at least
9 sixty percent a majority of the total vote cast for

10 and against the proposition at the election. If the
 11 proposition of issuing the general county purpose
 12 bonds is approved by the voters, the board may proceed
 13 with the issuance of the bonds."

14 2. Page 12, by inserting after line 11 the
 15 following:

16 "Sec. _____. Section 384.26, subsection 4, Code
 17 1989, is amended to read as follows:

18 4. The proposition of issuing general corporate
 19 purpose bonds is not carried or adopted unless the
 20 vote in favor of the proposition is equal to at least
 21 sixty percent a majority of the total vote cast for
 22 and against the proposition at the election. If the
 23 proposition of issuing the general corporate purpose
 24 bonds is approved by the voters, the city may proceed
 25 with the issuance of the bonds."

SWARTZ of Marshall

H-5522

1 Amend the amendment, H-5488, to House File 2528 as
 2 follows:

3 1. Page 1, line 16, by striking the words "sixty
 4 percent" and inserting the following: "a majority".

5 2. Page 1, line 31, by striking the words "sixty
 6 percent" and inserting the following: "a majority".

7 3. Page 1, line 47, by striking the words "sixty
 8 percent" and inserting the following: "a majority".

9 4. Page 2, line 12, by striking the words "sixty
 10 percent" and inserting the following: "a majority".

SWARTZ of Marshall

H-5523

1 Amend House File 2528 as follows:

2 1. Page 3, line 13, by inserting after the figure
 3 "4" the following: ", except that the contract is
 4 approved if at least a majority of the total vote cast
 5 for or against favor the entering into of the
 6 contract".

7 2. Page 6, line 9, by inserting after the figure
 8 "4" the following: ", except that the agreement is
 9 approved if at least a majority of the total vote cast
 10 for or against favor the entering into of the
 11 agreement".

12 3. Page 8, line 35, by inserting after the figure
 13 "4" the following: ", except that the contract is
 14 approved if at least a majority of the total vote cast
 15 for or against favor the entering into of the
 16 contract".

17 4. Page 11, line 30, by inserting after the
 18 figure "4" the following: ", except that the

19 agreement is approved if at least a majority of the
 20 total vote cast for or against favor the entering into
 21 of the agreement”.

SWARTZ of Marshall

H-5525

1 Amend House File 2499 as follows:

2 1. Page 1, by striking lines 1 through 10 and
 3 inserting the following:

4 “Section 1. Section 502.503, subsection 1, Code
 5 1989, is amended by striking the subsection.

6 Sec. 2. Section 502.504, subsections 1 and 2, Code
 7 1989, are amended to read as follows:

8 1. ~~No An~~ action shall ~~not~~ be maintained to enforce
 9 any liability created under either section 502.501 ~~or~~
 10 section ~~502.503~~, subsection ~~1~~ insofar as it relates to
 11 section ~~502.501~~ unless brought within two years after
 12 the violation upon which it is based.

13 2. ~~No An~~ action shall ~~not~~ be maintained to enforce
 14 any liability created under either section 502.502 ~~or~~
 15 section ~~502.503~~, subsection ~~1~~, insofar as it relates
 16 to section ~~502.502~~, unless brought within the shorter
 17 of the following two periods:

18 a. Five years after the act or transaction
 19 constituting the violation; or

20 b. Two years after the plaintiff receives actual
 21 notice of, or upon the exercise of reasonable
 22 diligence should have known of, the facts constituting
 23 the violation.

24 Sec. 3. Section 554.6108, subsection 4, Code 1989,
 25 is amended to read as follows:

26 4. Failure of the auctioneer to perform any of
 27 these duties does not affect the validity of the sale
 28 or the title of the purchasers, but if the auctioneer
 29 knows that the auction constitutes a bulk transfer
 30 such failure renders the auctioneer liable to the
 31 creditors of the transferor as a class for the sums
 32 owing to them from the transferor up to but not
 33 exceeding the net proceeds of the auction. If the
 34 auctioneer consists of several persons their liability
 35 is joint and several.

36 Sec. 4. Section 633.181, Code 1989, is amended to
 37 read as follows:

38 633.181 OBLIGEEES OF BOND — JOINT AND SEVERAL
 39 LIABILITY.

40 The bond of the fiduciary shall run to the use of
 41 all persons interested in the estate, and shall be for
 42 the security and benefit of such persons. ~~The~~
 43 ~~sureties shall be jointly and severally liable with~~
 44 ~~the fiduciary, and with each other.~~

45 Sec. 5. Section 668.4, Code 1989, is amended by

46 striking the section and inserting in lieu thereof the
 47 following:
 48 668.4 JOINT AND SEVERAL LIABILITY.
 49 The rule of joint and several liability is hereby
 50 abolished and is declared not to be a part of the law

Page 2

1 of this state.
 2 Sec. 6.
 3 This Act shall apply to any cause of action filed
 4 on or after the effective date of this Act."

TRENT of Muscatine

H-5526

1 Amend the committee amendment, H-5478, to Senate
 2 File 2280, as amended, passed and reprinted by the
 3 Senate as follows:
 4 1. Page 1, line 4, by striking the figure
 5 "1,938,374" and inserting the following: "1,916,374".
 6 2. Page 1, by inserting after line 10, the
 7 following:
 8 "_____. Page 2, line 31, by striking the figure
 9 "50,000" and inserting the following: "10,000"."
 10 3. Page 1, by inserting after line 14, the
 11 following:
 12 "_____. Page 7, line 20, by striking the figure
 13 "2,033,000" and inserting the following:
 14 "2,095,000"."
 15 4. By renumbering as necessary.

KREMER of Buchanan

H-5527

1 Amend the amendment, H-5091, to House File 2130 as
 2 follows:
 3 1. By striking lines 2 through 8 and inserting
 4 the following:
 5 "_____. Page 1, lines 6 and 7, by striking the
 6 words "to mediate disputes between dentists and their
 7 patients" and inserting the following: "to provide
 8 for mediation of disputes between licensees and their
 9 patients when specifically recommended by the board".
 10 _____. Page 1, line 8, by inserting after the word
 11 "chapter," the following: "to provide for restitution
 12 to patients".
 13 _____. Page 1, by inserting after line 9 the
 14 following:
 15 "Subsequent to an investigation by the board, the
 16 board may appoint a disinterested third party to
 17 mediate disputes between licensees and patients.
 18 Referral of a matter to mediation shall not preclude

- 19 the board from taking disciplinary action against the
 20 affected licensee."
 21 _____ Title page, line 1, by striking the word
 22 "dentists" and inserting the following: "licensees".
 23 2. By renumbering as necessary.

BLANSHAN of Greene
 PONCY of Wapello
 BUHR of Polk
 LUNDBY of Linn

H-5532

- 1 Amend House File 2323 as follows:
 2 1. Page 1, by striking line 8 and inserting the
 3 following: "areas surrounding all or part of a
 4 natural lake of one thousand acres or more; to
 5 establish."
 6 2. Page 1, lines 11 and 12, by striking the words
 7 "a lake or part of a lake" and inserting the
 8 following: "all or part of a natural lake of one
 9 thousand acres or more".

HALVORSON of Webster
 DVORSKY of Johnson

H-5534

- 1 Amend House File 2323 as follows:
 2 1. Page 1, by striking line 8 and inserting the
 3 following: "areas surrounding all or part of a
 4 natural lake; to establish."
 5 2. Page 1, lines 11 and 12, by striking the words
 6 "a lake or part of a lake" and inserting the
 7 following: "all or part of a natural lake".

HALVORSON of Webster
 DVORSKY of Johnson

H-5535

- 1 Amend House File 2323 as follows:
 2 1. Page 1, line 19, by inserting after the word
 3 "association" the following: "which provides basic
 4 municipal services including but not limited to, fire
 5 protection, sanitation, water, public safety, and road
 6 construction and maintenance, to its residents".

HALVORSON of Webster
 DVORSKY of Johnson

H-5538

- 1 Amend the Committee amendment, H-5478, to Senate
 2 File 2280, as amended, passed, and reprinted by the
 3 Senate, as follows:

- 4 1. Page 1, by striking lines 3 through 6.
- 5 2. Page 1, by striking lines 11 through 14.
- 6 3. By renumbering as necessary.

BLANSHAN of Greene

H-5541

- 1 Amend House File 2258 as follows:
- 2 1. Page 1, by striking lines 26 through 33 and
- 3 inserting the following:
- 4 "e. Any form of sexual conduct in a violent
- 5 context.
- 6 f. Murder.
- 7 g. Morbid violence.
- 8 h. The illegal use of drugs."
- 9 2. Page 2, by striking lines 15 through 17 and
- 10 inserting the following: "any form of sexual conduct
- 11 in a violent context, murder, morbid violence, or the
- 12 illegal use of drugs." "
- 13 3. Page 2, line 22, by striking the letter "l"
- 14 and inserting the following: "h".
- 15 4. Page 3, line 16, by striking the letter "l"
- 16 and inserting the following: "h".

HERMANN of Scott

H-5542

- 1 Amend the amendment, H-5387, to House File 2528 as
- 2 follows:
- 3 1. Page 1, by inserting after line 18 the
- 4 following:
- 5 "_____. Page 6, by inserting after line 25 the
- 6 following:
- 7 "Sec. _____. Section 331.402, Code 1989, is amended
- 8 by adding the following new subsection:
- 9 **NEW SUBSECTION. 4.** A county shall only enter into
- 10 a loan agreement to lend five hundred thousand dollars
- 11 or more to or for the benefit of a licensee or
- 12 facility licensed under chapter 99D or 99F in
- 13 accordance with the following terms and procedures:
- 14 a. A loan agreement entered into by a county may
- 15 contain provisions similar to those sometimes found in
- 16 loan agreements between private parties, including the
- 17 issuance of notes to evidence its obligations.
- 18 b. The board must institute proceedings for
- 19 entering into the loan agreement by causing a notice
- 20 of the proposal to enter into the loan agreement,
- 21 including a statement of the principal amount and
- 22 purpose of the loan agreement, and the right to
- 23 petition for an election, to be published as provided
- 24 in section 331.305 at least ten days prior to the
- 25 meeting at which it is proposed to take the action.

26 c. If at any time before the date fixed for taking
 27 the action a petition is filed with the auditor in the
 28 manner provided by section 331.306 asking that the
 29 question of entering into the loan agreement be
 30 submitted to the qualified electors of the county, the
 31 board shall either by resolution declare the proposal
 32 to enter into the loan agreement to have been aban-
 33 doned or shall direct the county commissioner of
 34 elections to call a special election upon the question
 35 of entering into the loan agreement. However, for
 36 purposes of this paragraph the petition shall require
 37 the signatures of three percent of the qualified
 38 electors, except that no fewer than two hundred fifty
 39 and no more than three thousand signatures are
 40 required. Notice of the election and its conduct
 41 shall be in the manner provided in section 331.442,
 42 subsections 2 through 4.

43 d. If no petition is filed, or if a petition is
 44 filed and the proposition of entering into the loan
 45 agreement is approved at an election, the board may
 46 proceed and enter into the loan agreement. " "

47 2. Page 1, by inserting after line 34 the
 48 following:

49 "_____. Page 12, by inserting after line 11 the
 50 following:

Page 2

1 "Sec. _____. NEW SECTION. 384.24B LOAN AGREEMENTS.

2 A city shall only enter into a loan agreement to
 3 lend five hundred thousand dollars or more to or for
 4 the benefit of a licensee or facility licensed under
 5 chapter 99D or 99F in accordance with the following
 6 terms and procedures:

7 1. A loan agreement entered into by a city may
 8 contain provisions similar to those sometimes found in
 9 loan agreements between private parties, including the
 10 issuance of notes to evidence its obligations.

11 2. The governing body must institute proceedings
 12 to enter into the loan agreement by causing a notice
 13 of the proposal to enter into the loan agreement,
 14 including a statement of the principal amount and
 15 purpose of the loan agreement, and the right to
 16 petition for an election, to be published at least
 17 once in a newspaper of general circulation within the
 18 city at least ten days prior to the meeting at which
 19 it is proposed to take action to enter into the loan
 20 agreement.

21 3. If any time before the date fixed for taking
 22 action to enter into the loan agreement, a petition is
 23 filed with the clerk of the city in the manner
 24 provided by section 362.4, asking that the question of

25 entering into the loan agreement be submitted to the
 26 qualified electors of the city, the governing body
 27 shall either by resolution declare the proposal to
 28 enter into the loan agreement to have been abandoned
 29 or shall direct the county commissioner of elections
 30 to call a special election upon the question of
 31 entering into the loan agreement. However, for
 32 purposes of this subsection, the petition shall
 33 require the signatures of three percent of the
 34 qualified electors, except that no fewer than two
 35 hundred fifty and no more than three thousand
 36 signatures are required. Notice of the election and
 37 its conduct shall be in the manner provided in section
 38 384.26, subsections 2 through 4.

39 4. If no petition is filed, or if a petition is
 40 filed and the proposition of entering into the loan
 41 agreement is approved at an election, the governing
 42 body may proceed and enter into the loan agreement.” ”

HALVORSON of Webster
 OSTERBERG of Linn

H-5546

1 Amend House File 2323 as follows:
 2 1. Page 1, line 4, by inserting after the figure
 3 "504A" the following: ", except that its form of
 4 government shall be selected from the options provided
 5 in chapter 372, its elections held in compliance with
 6 chapter 376, and its bylaws adopted and amended as
 7 provided in chapter 380,".

HALVORSON of Webster
 DVORSKY of Johnson

H-5547

1 Amend the amendment, H-5437, to House File 2417 as
 2 follows:
 3 1. Page 4, by striking line 40, and inserting the
 4 following: "development of less than forty units if
 5 the".
 6 2. By striking page 4, line 48 through page 5,
 7 line 7, and inserting the following: "other areas as
 8 determined by the board."

HATCH of Polk

H-5558

1 Amend Senate Concurrent Resolution 111 as follows:
 2 1. Page 1, by striking lines 17 through 21.

MUHLBAUER of Crawford

H-5560

- 1 Amend the amendment, H-5470, to Senate File 2244,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 19, by striking the words
- 5 "facility, or" and inserting the following:
- 6 "facility,".
- 7 2. Page 1, line 20, by inserting after the word
- 8 "office" the following: ", or shopping mall".

MURPHY of Dubuque
BROWN of Lucas

H-5562

- 1 Amend Senate Concurrent Resolution 111, as passed
- 2 by the Senate, as follows:
- 3 1. Page 1, line 9, by inserting after the word
- 4 "of" the following: "quality".

Committee on Agriculture

H-5567

- 1 Amend Senate File 2328, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking page 24, line 5, through page 27,
- 4 line 3.
- 5 2. By renumbering as necessary.

HALVORSON of Webster

H-5568

- 1 Amend Senate File 424 as passed by the
- 2 Senate, as follows:
- 3 1. Page 1, line 9, by striking the word
- 4 "subsections" and inserting the following:
- 5 "subsection".
- 6 2. By striking page 1, line 10, through
- 7 page 2, line 2, and inserting the following:
- 8 "NEW SUBSECTION. 7. The court may impose
- 9 sanctions or".

Committee on Judiciary and Law Enforcement

H-5569

- 1 Amend Senate File 417 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking line 29, and inserting the
- 4 following: "subsections 1 and 2."
- 5 2. Page 1, by inserting after line 31, the
- 6 following:
- 7 "Sec. _____. CERTAIN CLAIMS REVIVED.
- 8 Any claim barred as of the effective date of this

- 9 Act solely due to the expiration of the time within
 10 which to bring the claim because the statute of
 11 limitations was not tolled during the period of
 12 minority or incompetency of the person, is revived and
 13 the claim may be submitted to the state appeal board
 14 provided the claim is submitted within one year of the
 15 effective date of this Act.”
 16 3. Renumber as necessary.

Committee on Judiciary and Law Enforcement

H—5570

- 1 Amend Senate File 503, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 2, by inserting after the word
 4 “Code” the following: “Supplement”.
 5 2. Page 1, by striking lines 6 and 7 and
 6 inserting the following: “period of time not to
 7 exceed a period of time equal to the duration of the
 8 marriage, unless the parties”.
 9 3. Page 1, line 9, by inserting after the word
 10 “Code” the following: “Supplement”.
 11 4. Page 1, line 11, by striking the figure “9”
 12 and inserting the following: “10”.
 13 5. Page 1, line 13, by striking the word “thirty”
 14 and inserting the following: “five”.

Committee on Judiciary and Law Enforcement

H—5572

- 1 Amend House File 2267 as follows:
 2 1. Page 1, line 14, by inserting after the word
 3 “accommodation” the following: “during such period”.
 4 2. Page 2, by inserting after line 23 the fol-
 5 lowing:
 6 “Sec. _____. Section 601A.7, subsection 2, Code
 7 1989, is amended by adding the following new
 8 paragraph:
 9 NEW PARAGRAPH. c. Activities regulated by the in-
 10 surance division as set forth in chapter 505.”
 11 3. By renumbering as necessary.

BRAMMER of Linn
 RENKEN of Grundy

H—5573

- 1 Amend Senate File 2169, as amended, passed, and re-
 2 printed by the Senate, as follows:
 3 1. Page 1, line 21, by striking the word “fifty”
 4 and inserting the following: “one hundred”.
 5 2. Page 2, by striking lines 12 through 19 and
 6 inserting the following:

7 "1. An employer or a representative of an employer
 8 who actively recruits residents of other states more
 9 than five hundred miles from the place of employment
 10 for employment in this state must have on file, a copy
 11 of which must be provided to the employee, a written
 12 statement signed by the employer and the employee
 13 which provides relevant information regarding the
 14 position of employment, including but not limited to
 15 the following:"

16 3. Page 2, by striking line 28.

17 4. Page 2, line 30, by striking the word "six"
 18 and inserting the following: "four".

19 5. Page 3, line 35, by striking the words
 20 "CONFLICTS WITH".

21 6. Page 4, by striking lines 2 through 5 and
 22 inserting the following:

23 "Compliance with the minimum standards required in
 24 this chapter shall not be subject to or considered in
 25 collective bargaining."

26 7. By renumbering as necessary.

Committee on Labor and Industrial Relations

H-5577

1 Amend Senate File 2287, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 11, by striking lines 22 and 23 and
 4 inserting the following: "the affirmative vote of
 5 five members of each metropolitan area is required to
 6 adopt or approve an".

SCHNEKLOTH of Scott
 FEY of Scott

H-5579

1 Amend Senate File 2277, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 4, line 5, by inserting after the word
 4 "crossroad." the following:

5 "The tourist oriented directional signs shall be
 6 placed on those highways within the maximum distance
 7 that have the greatest traffic count per day. In
 8 cases where the most desirable route to the attraction
 9 from the sign is placed on the most heavily traveled
 10 highway, the trailblazing route may include lesser
 11 traveled state and county highways."

JESSE of Jasper
 LAGESCHULTE of Bremer

H-5582

1 Amend Senate File 2245, as follows:

2 1. Page 1, by striking lines 4 and 5 and

- 3 inserting the following: "work for beam
 4 straightening, beam replacement, and beam repair on
 5 bridges, without advertising for bids as required".
 6 2. Title page, line 1, by striking the words
 7 "highway or".

MURPHY of Dubuque

H—5583

- 1 Amend House File 2267 as follows:
 2 1. Page 2, by inserting after line 17, the
 3 following:
 4 "Sec. _____. Section 601A.6, subsection 1,
 5 paragraphs a and b, Code 1989, are amended to read as
 6 follows:
 7 a. Person to refuse to hire, accept, register,
 8 classify, or refer for employment, to discharge any
 9 employee, or to otherwise discriminate in employment
 10 against any applicant for employment or any employee
 11 because of ~~the~~ age, race, creed, color, sex, national
 12 origin, religion, ~~or~~ disability, or association with
 13 protected class members, of such applicant or
 14 employee, unless based upon the nature of the
 15 occupation. If a disabled person is qualified to
 16 perform a particular occupation, by reason of training
 17 or experience, the nature of that occupation shall not
 18 be the basis for exception to the unfair or
 19 discriminating practices prohibited by this
 20 subsection.
 21 b. Labor organization or the employees, agents or
 22 members thereof to refuse to admit to membership any
 23 applicant, to expel any member, or to otherwise
 24 discriminate against any applicant for membership or
 25 any member in the privileges, rights, or benefits of
 26 such membership because of the age, race, creed,
 27 color, sex, national origin, religion, ~~or~~ disability,
 28 or association with protected class members, of such
 29 applicant or member."
 30 2. Page 2, by inserting after line 23, the
 31 following:
 32 "Sec. _____. Section 601A.8, subsection 1, Code
 33 Supplement 1989, is amended to read as follows:
 34 1. To refuse to sell, rent, lease, assign or
 35 sublease any real property or housing accommodation or
 36 part, portion or interest therein, to any person
 37 because of ~~the~~ race, color, creed, sex, religion,
 38 national origin, ~~or~~ disability, or association with
 39 protected class members, of such person."
 40 3. Page 3, by inserting after line 10, the
 41 following:
 42 "Sec. _____. Section 601A.15, subsection 3,
 43 paragraph c, Code 1989, is amended to read as follows:

44 c. If the administrative law judge concurs with
 45 the investigating official that probable cause exists
 46 regarding the allegations of the complaint, the staff
 47 of the commission shall promptly endeavor to eliminate
 48 the discriminatory or unfair practice by conference,
 49 conciliation, and persuasion. If the administrative
 50 law judge finds that no probable cause exists, the

Page 2

1 administrative law judge shall issue a final order
 2 dismissing the complaint and shall promptly mail a
 3 copy to the complainant and to the respondent by
 4 certified mail. ~~A finding of probable cause shall not~~
 5 ~~be introduced into evidence in an action brought under~~
 6 ~~section 601A.16.~~

7 Sec. _____. Section 601A.15, Code 1989, is amended
 8 by adding the following new subsection:

9 NEW SUBSECTION. 13. For purposes of this chapter,
 10 the commission has primary jurisdiction concerning a
 11 complaint which asserts that an agency action has
 12 resulted in a violation of a person's civil rights and
 13 such complaint is not subject to the exclusive review
 14 provisions of section 17A.19.

15 Sec. _____. NEW SECTION. 601A.20 DAMAGES.

16 In all cases except where the complaint alleges
 17 discrimination in employment, exemplary damages not to
 18 exceed fifteen thousand dollars may be awarded where
 19 the respondent acted with deliberate indifference or
 20 with willful or reckless disregard of the rights of
 21 the complainant.

22 The commission shall adopt rules for the purpose of
 23 assisting in the determination of the amount of the
 24 penalty to be assessed by the administrative law
 25 judge."

26 4. Title page, line 1, by inserting after the
 27 word "Act" the following: "establishing civil
 28 penalties for certain civil rights violations and".

29 5. Renumber as necessary.

BRAMMER of Linn

H-5584

1 Amend Senate File 2169, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 2, line 1, by inserting after the word
 4 "which" the following: "more than twenty-five".

HERMANN of Scott

H—5586

- 1 Amend Senate File 2408, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 27, by striking lines 8 through 11.
- 4 2. Renumber as necessary.

MAULSBY of Calhoun
 SPENNER of Henry
 GRUHN of Dickinson
 STUELAND of Clinton
 SCHNEKLOTH of Scott
 BEAMAN of Clarke
 PETERSEN of Muscatine
 PLASIER of Sioux
 HALVORSON of Clayton

BRANSTAD of Winnebago
 EDDIE of Buena Vista
 MUHLBAUER of Crawford
 PELLETT of Cass
 IVERSON of Wright
 BENNETT of Ida
 MERTZ of Kossuth
 HARBOR of Mills
 FOGARTY of Palo Alto
 HIBBARD of Madison

H—5589

- 1 Amend Senate File 2287, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 17 through 22 and
- 4 inserting the following:
- 5 "a. Waste disposal systems.
- 6 b. Mass transit."
- 7 2. Page 1, line 25, by striking the words
- 8 "through "e"" and inserting the following: "and "b"".
- 9 3. Page 2, by striking lines 27 and 28, and
- 10 inserting the following: "connected with a waste
- 11 disposal system and mass transit system, which the".
- 12 4. By striking page 4, line 21 through page 6,
- 13 line 15, and inserting the following:
- 14 "Sec. ____ NEW SECTION. 330B.7 BOARD OF
- 15 COMMISSIONERS — ELECTION.
- 16 1. The authority established under this division
- 17 shall be governed by a board of commissioners elected
- 18 as provided in subsection 2. The governing body of
- 19 each county, after a favorable election establishing
- 20 the authority and upon receipt of one or more
- 21 commissioner district plans from the commissioner of
- 22 elections or other county officer having duties
- 23 similar to the commissioner of elections, shall adopt
- 24 a commissioner district plan creating eight districts
- 25 of equal population from which the commissioners shall
- 26 be elected. The governing body of each county may
- 27 request not more than three commissioner district
- 28 plans for consideration. A new commissioner district
- 29 plan shall be adopted after each decennial census.
- 30 Each commissioner shall be a resident of the district
- 31 from which the commissioner is elected and shall be
- 32 elected to a four-year term of office.
- 33 2. The board of commissioners of an authority

34 shall consist of sixteen members, eight members of
35 which shall be residents of the metropolitan area of
36 each state which is party to the authority. After
37 creating the equal-populated districts, the governing
38 body of each county in the greater metropolitan area
39 shall call for a special election to elect the
40 commissioners. The commissioners shall be nominated
41 and elected as partisan candidates as provided by the
42 election laws of their respective states. After the
43 initial special election, the commissioner shall be
44 nominated and elected at the regular primary and
45 general elections held during even-numbered years.
46 Four of the initial commissioners, selected by lot,
47 from each state shall be elected to an initial term of
48 two years. Thereafter, all commissioners shall be
49 elected to four-year terms of office. Members of the
50 initial board of commissioners shall qualify and take

Page 2

1 office within ten days after the certification of
2 their election.

3 Sec. _____. NEW SECTION. 330B.8 COMMISSIONERS -
4 QUALIFICATION AND VACANCY.

5 1. Except for the initial board of commissioners,
6 the term of office of each commissioner begins on the
7 first day of January which is not a Sunday or holiday
8 after the general election at which the commissioner
9 is elected. A certificate of election signed by the
10 commissioner of elections or other appropriate officer
11 shall be filed and made a matter of record in the
12 office of county recorder. Each commissioner shall
13 qualify by taking an oath or affirmation to faithfully
14 perform the duties of office.

15 2. Within forty-five days after a vacancy occurs
16 on the board by death, resignation, change of
17 residence to outside of the election district, or for
18 any other cause, the board shall direct the
19 commissioner of elections or other county officer
20 carrying out election duties to call a special
21 election to fill the vacancy."

22 5. Page 6, line 20, by striking the word
23 "appointment" and inserting the following:
24 "election".

25 6. Page 6, line 31, by inserting after the word
26 "bylaws." the following: "The board shall establish
27 the principal executive offices of the quad-cities
28 interstate metropolitan authority in the metropolitan
29 area that does not contain the offices of the bi-state
30 metropolitan planning commission."

31 7. Page 6, line 34, by inserting after the word
32 "require." the following: "Each commissioner is

33 entitled to an annual compensation not to exceed one
 34 thousand dollars as determined by the board."
 35 8. Page 8, line 3, by striking the word "tolls,".
 36 9. Page 8, line 22, by striking the words "from
 37 taxes or".
 38 10. Page 8, by striking lines 30 and 31.
 39 11. Page 12, line 25, by striking the word
 40 "property".
 41 12. Page 13, by striking lines 3 and 4 and
 42 inserting the following: "treasurer."
 43 13. Page 13, line 9, by striking the words "and
 44 certification of taxes".
 45 14. Page 13, line 11, by striking the words "and
 46 certification of taxes".
 47 15. Page 13, lines 11 through 14, by striking the
 48 words "The board shall not certify a tax in excess of
 49 the estimate published and a greater tax than that
 50 adopted shall not be levied or collected."

Page 3

1 16. Page 13, line 14, by striking the words "and
 2 certification of taxes".
 3 17. By striking page 13, line 23 through page 14,
 4 line 25.
 5 18. Page 18, by striking lines 5 through 7 and
 6 inserting the following: "Existing jurisdictions,
 7 including those involving mass transit and waste
 8 disposal systems".
 9 19. Page 21, by striking lines 23 and 24 and
 10 inserting the following:
 11 "This Act takes effect January 1, 1991."
 12 20. Title page, lines 4 and 5, by striking the
 13 words "by providing for the imposition of a retail
 14 sales tax and the certification of a property tax
 15 levy,".

Committee on Ways and Means

H-5596

1 Amend Senate File 2372, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 6, by inserting after the word
 4 "with" the following: "article I, section 2, article
 5 II, section 6, and".
 6 2. Page 1, line 7, by striking the word and
 7 figure "section 6" and inserting the following:
 8 "section sections 6, 35, and 39".
 9 3. Page 1, line 16, by striking the word and
 10 figures "March 13, 1992" and inserting the following:
 11 "the applicable residency date".
 12 4. Page 1, line 24, by striking the word and

13 figures "March 13, 1992" and inserting the following:
 14 "the applicable residency date".

15 5. Page 2, by striking lines 2 through 4 and
 16 inserting the following: "the applicable residency
 17 date."

18 (c) In deference to the people's right to vote for
 19 their elected representatives and to be represented by
 20 those whom they elect to office, the odd-numbered
 21 senatorial district in which the senator resides on
 22 the applicable residency date must be composed of
 23 areas which represent the population of seventy-five
 24 percent of the population of the areas of the
 25 senatorial district for which the senator was elected
 26 under subparagraph subdivision (a) according to the
 27 latest decennial census as determined by the
 28 legislative service bureau."

29 6. Page 2, by inserting after line 8 the
 30 following:

31 "c. As used in this subsection, the "applicable
 32 residency date" if the plan adopted is one of the
 33 first two plans delivered by the legislative service
 34 bureau under section 42.3 is the date of delivery of
 35 the plan to the secretary of the senate and the chief
 36 clerk of the house of representatives, otherwise the
 37 applicable residency date is the date of the delivery
 38 of the third plan of the legislative service bureau to
 39 the secretary of the senate and the chief clerk of the
 40 house of representatives under section 42.3."

41 7. Title page, line 2, by striking the words
 42 "article III, section 6" and inserting the following:
 43 "article I, section 2, article II, section 6, and
 44 article III, sections 6, 35, and 39".

Committee on State Government

H-5604

1 Amend the amendment, H-5567, to Senate File 2328,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:

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

6 "_____. Page 31, by striking lines 23 through 25."

7 2. By renumbering as necessary.

HALVORSON of Webster

H-5607

1 Amend Senate File 2169, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 2, by striking lines 12 through 14 and
 4 inserting the following:

5 "1. An employer who actively recruits outside of

6 the United States for employment in this state must
 7 have on file in".
 8 2. Page 2, by striking lines 33 and 34 and
 9 inserting the following: "and the location from which
 10 the employee was recruited is outside the United
 11 States, the".

TYRRELL of Iowa
 HERMANN of Scott

H-5610

1 Amend Senate File 2169, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by striking lines 10 and 11.

DIEMER of Black Hawk

H-5611

1 Amend Senate File 2169, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 8, by striking the word "twenty"
 4 and inserting the following: "two hundred fifty".

RENKEN of Grundy

H-5617

1 Amend Senate File 2169, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by inserting after line 29 the
 4 following:
 5 "Sec. _____. NEW SECTION. 91E.1A APPLICABILITY.
 6 This chapter shall apply to hourly employees
 7 covered by the federal Fair Labor Standards Act, 29
 8 U.S.C. § 201 et seq., and shall not apply to salaried
 9 employees exempt from the federal Fair Labor Standards
 10 Act, 29 U.S.C. § 201 et seq., or to public employees.
 11 2. Page 3, by striking lines 1 and 2, and
 12 inserting the following: "employee."
 13 3. By renumbering as necessary.

KREMER of Buchanan

H-5618

1 Amend Senate File 2169 as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 2, by striking lines 3 through 7.

HANSON of Delaware

H-5619

1 Amend Senate File 2169 as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 3, by striking lines 8 through 11.
 4 2. By renumbering as necessary.

KREMER of Buchanan

H—5620

- 1 Amend Senate File 2169, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 7, by inserting after the word
- 4 "agreement" the following: "or agreed to in writing
- 5 by an employee".

TYRRELL of Iowa

H—5621

- 1 Amend Senate File 2169, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 5, by inserting after the word
- 4 "hours" the following: "or personal protective
- 5 equipment lost or damaged by the employee".

TYRRELL of Iowa

H—5622

- 1 Amend Senate File 2169, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 32, by inserting after the word
- 4 "employees" the following: "at a work site".

TYRRELL of Iowa

H—5625

- 1 Amend Senate File 2269, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. By striking page 2, line 22, through page 4,
- 4 line 10.

OSTERBERG of Linn

H—5630

- 1 Amend Senate File 2298, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by striking lines 3 through 12 and
- 4 inserting the following:
- 5 "b. "Family home" means a community-based
- 6 residential home which is licensed as a residential
- 7 care facility under chapter 135C or as a child foster
- 8 care facility under chapter 237 to provide room and
- 9 board, personal care, habilitation services, and
- 10 supervision in a family environment exclusively for
- 11 not more than eight developmentally disabled persons
- 12 and any necessary support personnel except that a
- 13 facility licensed as a residential care facility for
- 14 the mentally ill, a facility operated by an agency
- 15 licensed to provide services to persons with mental
- 16 illness, or an intermediate care facility for the
- 17 mentally ill shall be allowed to have up to fifteen

- 18 residents, exclusive of any necessary support
 19 personnel. However, family home does not mean an
 20 individual foster family home licensed under chapter
 21 237."
- 22 2. Page 1, by striking lines 13 through 29.
- 23 3. By striking page 1, line 32 through page 2,
 24 line 6 and inserting the following:
- 25 "b. "Family home" means a community-based
 26 residential home which is licensed as a residential
 27 care facility under chapter 135C or as a child foster
 28 care facility under chapter 237 to provide room and
 29 board, personal care, habilitation services, and
 30 supervision in a family environment exclusively for
 31 not more than eight developmentally disabled persons
 32 and any necessary support personnel except that a
 33 facility licensed as a residential care facility for
 34 the mentally ill, a facility operated by an agency
 35 licensed to provide services to persons with mental
 36 illness, or an intermediate care facility for the
 37 mentally ill, shall be allowed to have up to fifteen
 38 residents, exclusive of any necessary support
 39 personnel. However, family home does not mean an
 40 individual foster care family home licensed under
 41 chapter 237."
- 42 4. Page 2, by striking lines 7 through 21.

Committee on Local Government

H-5637

- 1 Amend Senate File 2287, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 7, line 23, by striking the word "if".

HERMANN of Scott

H-5638

- 1 Amend Senate File 2197 as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 15, by striking the word "sexual"
 4 and inserting the following: "homosexual or
 5 heterosexual".
 6 2. Page 2, line 15, by striking the word "sexual"
 7 and inserting the following: "homosexual or
 8 heterosexual".

BANKS of Plymouth

H-5640

- 1 Amend Senate File 2280, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 10, by striking the figure
 4 "1,746,989" and inserting the following: "1,724,989".

- 5 2. Page 2, line 31, by striking the figure
- 6 "50,000" and inserting the following: "10,000".
- 7 3. Page 7, line 20, by striking the figure
- 8 "2,033,000" and inserting the following: "2,095,000".

KREMER of Buchanan

H-5645

- 1 Amend Senate File 2010, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 5, by inserting after the word
- 4 "waste" the following: ", other than sanitary sewage
- 5 sludge,".
- 6 2. Page 1, line 12, by inserting after the words
- 7 "land or" the following: "the solid waste was
- 8 generated on the land and was dumped or deposited by a
- 9 person".

Committee on Energy and Environmental Protection

H-5646

- 1 Amend Senate File 2085, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 1, by striking lines 7 through 17, and
- 4 inserting the following: "the carcass to a person
- 5 licensed pursuant to this chapter. The owner of agri-
- 6 cultural land may bury the animal carcass pursuant to
- 7 rules adopted by the department of natural resources
- 8 on agricultural".
- 9 2. Page 1, line 24, by inserting after the word
- 10 "resources." the following: "The rules shall provide
- 11 for reporting of information to the department of
- 12 natural resources regarding disposal of livestock
- 13 which have died during a herd depopulation or a
- 14 significant depopulation of a herd."
- 15 3. Page 2, by inserting after line 11 the fol-
- 16 lowing:
- 17 " _____ Machinery, vehicles, or equipment."
- 18 4. By striking page 2, line 15, through page 3,
- 19 line 8.
- 20 5. Page 3, by striking line 24 and inserting the
- 21 following: "livestock which has died of a contagious
- 22 disease and is disposed of on agricultural land as
- 23 provided in section 167.22."
- 24 6. Page 4, line 29, by striking the word and
- 25 figures "January 1, 1991" and inserting the following:
- 26 "September 1, 1990".
- 27 7. By renumbering as necessary.

Committee on Energy and Environmental Protection

H—5647

- 1 Amend Senate File 2402, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, line 11, by striking the figure "16"
- 4 and inserting the following: "18".
- 5 2. Page 3, line 32, by striking the figure "16"
- 6 and inserting the following: "18".
- 7 3. Page 4, line 7, by striking the figure "16"
- 8 and inserting the following: "18".
- 9 4. Page 4, line 33, by striking the figure "16"
- 10 and inserting the following: "18".
- 11 5. Page 5, line 24, by striking the figure "16"
- 12 and inserting the following: "18".

CARPENTER of Polk
HANSON of Delaware
CONNORS of Polk
RENAUD of Polk

HAMMOND of Story
BLANSHAN of Greene
LUNDBY of Linn
DODERER of Johnson

H—5648

- 1 Amend Senate File 2169 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 2, line 20, by inserting after the word
- 4 "The" the following: "minimum".

TYRRELL of Iowa

H—5649

- 1 Amend Senate File 2169, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 3, by striking lines 1 and 2 and
- 4 inserting the following: "employee. This subsection
- 5 applies only to public employees."

HERMANN of Scott
TYRRELL of Iowa

H—5650

- 1 Amend Senate File 2169 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 2, line 29, by striking the word
- 4 "resigns" and inserting the following: "is
- 5 dismissed".

HERMANN of Scott
TYRRELL of Iowa
KREMER of Buchanan
HESTER of Pottawattamie

H—5651

- 1 Amend Senate File 2169 as amended, passed, and
- 2 reprinted by the Senate as follows:

- 3 1. By striking page 2, line 10 through page 3,
- 4 line 2.
- 5 2. By renumbering as necessary.

TYRRELL of Iowa

H-5652

- 1 Amend Senate File 2169 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 3, by striking lines 6 and 7 and
- 4 inserting the following: "civil penalty of up to
- 5 \$7,500."

HALVORSON of Clayton

H-5654

- 1 Amend Senate File 2244, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 2, line 17, by striking the word "may"
- 4 and inserting the following: "shall".
- 5 2. Page 2, line 24, by striking the word "may"
- 6 and inserting the following: "shall".
- 7 3. Page 3, by inserting after line 10 the
- 8 following:
- 9 "Sec. _____. Section 321L.4, subsection 2, Code
- 10 Supplement 1989, is amended to read as follows:
- 11 2. The use of a handicapped parking space, located
- 12 on either public or private property as provided in
- 13 sections 321L.5 and 321L.6, by a motor vehicle not
- 14 displaying a handicapped identification device; by a
- 15 motor vehicle displaying such a device but not being
- 16 used by a handicapped person, as an operator or
- 17 passenger; or by a motor vehicle in violation of the
- 18 rules adopted by the department under section 321L.8,
- 19 constitutes improper use of a handicapped
- 20 identification device which is a misdemeanor for which
- 21 a fine shall be imposed upon the owner, operator, or
- 22 lessee of the motor vehicle or the purchaser of the
- 23 handicapped identification device. Peace officers,
- 24 including meter persons, are authorized to enforce the
- 25 provisions of this subsection. The fine for each
- 26 violation shall be twenty-five dollars. Proof of
- 27 conviction of two or more violations involving
- 28 improper use of a handicapped identification device is
- 29 grounds for revocation by the court or the department
- 30 of the holder's privilege to possess or use the
- 31 device."
- 32 4. Page 6, by inserting after line 5 the
- 33 following:
- 34 "Sec. _____. NEW SECTION. 321L.11 HANDICAPPED
- 35 ENFORCEMENT OFFICERS.
- 36 All health care facilities, including institutional

37 health facilities, organized outpatient health
 38 facilities, outpatient surgical facilities, offices of
 39 private health care providers or physicians as defined
 40 in section 135.1, subsection 5, required to provide
 41 handicapped parking spaces under section 321L.5, which
 42 are open to the general public and which have one
 43 hundred parking spaces or more, shall designate a
 44 person to be known as a handicapped enforcement
 45 officer, who shall be authorized by the department of
 46 public safety to issue citations for handicapped
 47 parking violations of section 321L.4, subsection 2.
 48 The handicapped enforcement officer's authority to
 49 issue citations for such violations shall be limited
 50 to the parking area of the health care facility, or

Page 2

- 1 private health care provider or physician's office.
- 2 The department of public safety shall adopt rules
- 3 pursuant to chapter 17A to govern this section."
- 4 5. By renumbering as necessary.

MURPHY of Dubuque
 BROWN of Lucas

H-5655

- 1 Amend Senate File 2403, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 13, line 21, by striking the word "may"
- 4 and inserting the following: "shall".
- 5 2. Page 13, by striking line 24 and inserting the
- 6 following: "program. The board".
- 7 3. Page 13, lines 25 and 26, by striking the
- 8 words "the program." and inserting the following:
- 9 "each program. The programs shall be in addition to
- 10 the light bulb coupon program established pursuant to
- 11 section 476.92, subsection 3, paragraph "c". The
- 12 board may suspend the program requirements applicable
- 13 to a utility under this section if the utility
- 14 demonstrates that other utility programs are
- 15 substantially more beneficial in conserving energy."
- 16 4. Page 15, by striking lines 5 through 13.
- 17 5. By striking page 15, line 17, through page 16,
- 18 line 2.
- 19 6. Page 16, by striking lines 6 through 22.
- 20 7. By striking page 17, line 13, through page 18,
- 21 line 6, and inserting the following:
- 22 "b. Only energy efficiency expenditures incurred
- 23 after the effective date of this Act are recoverable
- 24 under this subsection. A utility shall record its
- 25 eligible energy efficiency expenditures in a separate
- 26 account. The account shall include all expenditures

27 regardless of whether the expenditures were for
28 capital or expense items. The utility shall maintain
29 complete records explaining all such expenditures. As
30 an incentive, the utility may accrue an amount
31 authorized by the board for the cost of money
32 associated with the expenditures. If a utility
33 provides different types of utility service and
34 submits proposals for plans, programs, and budgets
35 covering more than a single utility service, the
36 utility shall assign or allocate expenditures to
37 separate accounts for each type of utility service.
38 c. In a general rate proceeding, the utility may
39 recover amounts in the account as provided in this
40 subsection. Recovery shall take place through
41 inclusion of all or part of the account balance in
42 rate base and amortization of the amount over a period
43 of time as set by the board. Provided, however, that
44 capital shall not be amortized over a period greater
45 than ten years, and items that would normally be
46 considered an expense shall not be amortized over a
47 period greater than three years.
48 The board shall allow recovery from the account
49 balance, to the extent that the utility proves that
50 its approved and authorized expenditures under the

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1 plans and programs were prudent, reasonable, and cost-
2 effective, the utility proves that its expenditures
3 under the plans and programs were prudent and
4 reasonable but not that the expenditures were cost-
5 effective, the board may allow recovery of amounts in
6 the account as it deems just and proper, except that
7 the board shall not allow recovery of the cost of
8 money for the portion of the expenditures found not to
9 be cost-effective. An expenditure or cost of money
10 shall not be recovered under this paragraph unless the
11 utility requesting the recovery proves that the type
12 of expenditure or cost of money was never previously
13 reflected in that utility's rates or charges.
14 Recovery may be permitted for allowance for funds used
15 during construction if the board determines that the
16 construction was useful.
17 Recovery procedures for amounts in the account set
18 up pursuant to this subsection shall only apply to the
19 first application filed by the utility or the office
20 of consumer advocate for a general rate increase or
21 decrease for each particular utility service of the
22 rate-regulated utility."
23 8. Page 18, line 15, by inserting after the word
24 "needs." the following: "The forecast for an electric
25 utility shall be for a minimum of ten years and for a

26 gas utility for a minimum of five years. However, the
 27 board, by rule adopted pursuant to chapter 17A, may
 28 extend the forecast horizon beyond these minimums."

29 9. Page 19, by striking lines 23 through 27.

30 10. Page 19, line 29, by striking the word
 31 "paragraphs" and inserting the following:
 32 "paragraph".

33 11. Page 19, by striking lines 30 through 32, and
 34 inserting the following:

35 "NEW PARAGRAPH. e. A utility shall be given a
 36 credit of fifteen percent if it uses an
 37 environmentally benign alternative. "Environmentally
 38 benign alternative" means an alternative method of
 39 energy production which has demonstrably less negative
 40 environmental impact than other currently available
 41 commercially viable alternatives.

42 In addition to the mandatory consideration factors
 43 of paragraphs "a" through "e", the board, in its sole
 44 discretion, may consider external factors, including
 45 but not limited to, environmental and economic
 46 factors, and other relevant factors."

47 12. Page 20, line 35, by striking the word
 48 "fifteen" and inserting the following: "the lesser of
 49 forty megawatts or four percent of the utility's
 50 generating capacity of".

Page 3

1 13. Page 21, by inserting after line 16, the
 2 following:

3 "Sec. _____. NEW SECTION. 476.92 REVENUE
 4 REQUIREMENTS DEVOTED TO ENERGY EFFICIENCY.

5 1. A rate-regulated electric utility shall
 6 annually expend the designated percentage of its
 7 revenue requirements on energy efficiency programs
 8 approved by the board according to the following
 9 schedule:

10 Two percent by January 1, 1992.

11 Three percent by January 1, 1994.

12 2. A rate-regulated gas utility shall annually
 13 expend the designated percentage of its revenue
 14 requirements on energy efficiency programs approved by
 15 the board according to the following schedule:

16 One and one-half percent by January 1, 1992.

17 Two percent by January 1, 1994.

18 3. Among the programs which a rate-regulated
 19 utility shall submit for approval to the board subject
 20 to this requirement are the following:

21 a. A hot water heater insulation blanket
 22 distribution program, and installation for those who
 23 request installation. In any case, the utility shall
 24 inspect the installation to assure that it is

25 performed correctly. A utility may use its own staff
26 or contract with an independent contractor to perform
27 these services, and a water heater distribution
28 program is not a violation of sections 476.71 through
29 476.83.

30 b. A commercial lighting program reasonably
31 structured to reduce total demand by existing
32 commercial lighting customers by twenty-five percent
33 total consumption within two years of initiating the
34 program, provided that the program shall be
35 commercially reasonable for the location and intensity
36 of use and offer benefits in both rural and urban
37 areas served by the utility.

38 c. A coupon program for residential energy-
39 efficient light bulbs.

40 d. A tree-planting program sufficient to consume
41 one-half of the carbon dioxide emitted by generating
42 facilities operated by the utility in the state. One-
43 half of the trees planted must be planted within the
44 state. Tree plantings required by this paragraph for
45 existing generating capacity shall be completed within
46 five years from the effective date of this Act. A
47 utility shall in implementing a tree planting program
48 cooperate and consult with the department of natural
49 resources, state forestry division and soil
50 conservation division, and may cooperate with a

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1 nonprofit conservation group. The department of
2 natural resources may approve protecting and
3 maintaining a specific existing and threatened stand
4 of trees as an alternative to planting an equivalent
5 number of new trees. Tree planting programs are not
6 required to show energy efficiency to be approved or
7 for related costs to be credited for recovery
8 purposes, but shall show carbon dioxide reduction.

9 4. An amount equal to ten percent of any donation,
10 contribution, or payment to the electric power
11 research institute or similar entity, shall be paid by
12 the rate-regulated electric utility to the university
13 of Iowa center on global change. An amount equal to
14 ten percent of any donation, contribution, or payment
15 to the electric power research institute or similar
16 entity, shall be paid by the rate-regulated electric
17 utility to the Iowa center on energy self-reliance at
18 Iowa state university. A rate-regulated electric
19 utility shall at minimum annually pay an amount equal
20 to ten percent of its last donation, contribution, or
21 payment to the electric power research institute or
22 similar entity, if no such payment is made during a
23 year.

- 24 5. An amount equal to ten percent of any donation,
 25 contribution, or payment to the gas research institute
 26 or similar entity, shall be paid by the rate-regulated
 27 gas utility to the university of Iowa center on global
 28 change. An amount equal to ten percent of any
 29 donation, contribution, or payment to the gas research
 30 institute or similar entity, shall be paid by the
 31 rate-regulated gas utility to the Iowa center on
 32 energy self-reliance at Iowa state university. A
 33 rate-regulated gas utility shall at minimum annually
 34 pay an amount equal to ten percent of its last
 35 donation, contribution, or payment to the gas research
 36 institute or similar entity, if no such payment is
 37 made during a year.”
 38 14. By renumbering and relettering as necessary.

Committee on Energy and Environmental Protection

H—5656

- 1 Amend Senate File 431, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. By striking page 1, line 8 through page 2,
 4 line 2, and inserting the following:
 5 “Sec. _____. Section 206.2, Code 1989, is amended by
 6 adding the following new subsection:
 7 NEW SUBSECTION. 30. “Atrazine” means the
 8 pesticide chemical 2-chloro-4-ethylamino-6-
 9 isopropylamino-1,3,5 triazine.”
 10 2. Page 4, by inserting after line 32 the
 11 following:
 12 “Sec. _____. Section 206.11, subsection 4,
 13 unnumbered paragraph 1, Code 1989, is amended to read
 14 as follows:
 15 The secretary may suspend an applicator’s license
 16 pending inquiry, and, after opportunity for a hearing,
 17 to be held within ten days, may deny, suspend, revoke
 18 or modify any provision of any license, permit or
 19 certification issued under this chapter, if the
 20 secretary finds that the applicant or the holder of a
 21 license, permit or certification has committed any of
 22 the following acts, each of which is declared to be a
 23 violation of this chapter. However, any licensed or
 24 unlicensed person shall be subject to the penalties
 25 provided for by section in sections 206.19 and
 26 206.22.”
 27 3. Page 6, line 1, by striking the words “but
 28 not” and inserting the following: “and”.
 29 4. Page 6, line 2, by inserting after the word
 30 “violations” the following: “of this chapter and
 31 rules adopted under this chapter”.
 32 5. Page 6, line 32, by inserting after the word
 33 “violation.” the following: “A civil penalty shall

34 not be assessed upon a showing by the violator that a
 35 civil penalty under section 206.22 has been assessed
 36 by the department. Moneys collected by the assessment
 37 of civil penalties by the department shall be
 38 deposited into the general fund of the state."

39 6. By striking page 6, line 35 through page 7,
 40 line 5, and inserting the following:

41 "Sec. _____. Section 206.22, Code 1989, is amended
 42 by adding the following new subsection:

43 **NEW SUBSECTION. 4.** The county attorney in the
 44 county where the violation occurs, or the attorney
 45 general upon request by the department, may bring a
 46 civil action for a violation of this chapter in
 47 district court against a private applicator, public
 48 applicator, commercial applicator, pesticide
 49 manufacturer, or pesticide dealer. The district court
 50 may grant injunctive relief or assess a civil penalty

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1 not to exceed two thousand five hundred dollars for
 2 each violation. Each day a violation continues
 3 constitutes a separate offense. The county attorney
 4 shall notify the department before bringing a civil
 5 action. A court shall not assess a civil penalty upon
 6 a showing by a defendant that a civil penalty under
 7 section 206.11 has been assessed by the department.
 8 Moneys collected from the assessment of civil
 9 penalties by the district court shall be deposited
 10 into the general fund of the state.

11 Sec. _____. **NEW SECTION. 206.34 ATRAZINE —**
 12 **MINIMUM RESTRICTIONS ON USE.**

13 The secretary shall classify a pesticide containing
 14 the active ingredient atrazine or a combination of
 15 active ingredients including atrazine, which is
 16 distributed for sale or use in this state, as a
 17 restricted use pesticide. A person shall not apply
 18 more than one and one-half pounds per acre of the
 19 pesticide in a year. The secretary shall adopt rules
 20 for the sale and use of the pesticide.

21 This section does not prohibit the secretary from
 22 adopting by rule restrictions upon the use of
 23 pesticides containing the ingredient atrazine which
 24 are more restrictive than provided in this section."

25 7. By renumbering as necessary.

Committee on Energy and Environmental Protection

H-5657

1 Amend the amendment, H-5593, to Senate File 2364,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 1, by striking line 33.

MAULSBY of Calhoun

H—5658

1 Amend amendment, H—5573, to Senate File 2169, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by inserting before line 3, the
5 following:

6 “_____. Page 1, line 17, by inserting after the
7 word “wages” the following: “in an amount equal to or
8 less than the statewide average weekly wage as defined
9 in section 96.19, subsection 42.”

10 2. Page 1, by inserting before line 3, the
11 following:

12 “_____. Page 1, lines 17 through 19, by striking
13 the words “An employee does not include a person
14 engaged in agriculture as defined in section 91A.2 or
15 a person engaged in agriculture on a seasonal basis.””

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

18 “_____. Page 1, line 25, by inserting after the
19 word “contractor” the following: “, or to the state,
20 or an agency or governmental subdivision of the
21 state.”

22 4. Page 1, by inserting after line 15, the
23 following:

24 “_____. Page 2, line 26, by inserting after the
25 word “risks” the following: “, known to the
26 employer.””

27 5. Page 1, by inserting after line 18, the
28 following:

29 “_____. Page 3, by striking lines 1 and 2, and
30 inserting the following: “employee.””

BISIGNANO of Polk
WISE of Lee
SHERZAN of Polk
DODERER of Johnson

H—5661

1 Amend Senate File 2197 as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 1 through 6.

4 2. Title page, by striking line 4 and inserting
5 the following: “and”.

CORBETT of Linn

H—5663

1 Amend Senate File 2327, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 9, by striking lines 15 through 18.

SCHNEKLOTH of Scott
FEY of Scott

H-5665

- 1 Amend Senate File 2169, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting after line 9 the
- 4 following:
- 5 "NEW PARAGRAPH. g. Costs of more than twenty
- 6 dollars for an employee's return to the place of
- 7 recruitment."
- 8 2. By relettering as necessary.

TYRRELL of Iowa

H-5670

- 1 Amend the amendment, H-5655, to Senate File 2403,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 2, line 35, by striking the words "A
- 5 utility" and inserting the following: "An alternate
- 6 energy production facility or small hydro facility".

OSTERBERG of Linn

H-5674

- 1 Amend Senate File 2280, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, by striking lines 28 through 30, and
- 4 inserting the following:
- 5 "7. Contingent on the election of a new governor
- 6 for costs associated with the transition:".

RENAUD of Polk

H-5675

- 1 Amend the amendment, H-5655, to Senate File 2403,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 3, lines 42 and 43, by striking the word
- 5 "One-half" and inserting the following: "One
- 6 hundred".

McKEAN of Jones

H-5676

- 1 Amend Senate File 2163, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 33, by striking the word "The".
- 4 2. By striking page 2, line 34 through page 3,
- 5 line 1.
- 6 3. Page 3, line 17, by inserting after the word
- 7 "persons" the following: "who are not council
- 8 members".
- 9 4. Page 4, line 16, by striking the words

- 10 "elections conducted pursuant to".
 11 5. Page 4, by striking lines 17 through 19 and
 12 inserting the following: "and the county
 13 commissioner of elections shall have no responsibility
 14 for the conducting of those elections this chapter."
 15 6. Page 4, line 21, by striking the word
 16 "general" and inserting the following: "school".
 17 7. Page 4, line 22, by striking the word "may"
 18 and inserting the following: "shall".
 19 8. Page 4, line 24, by inserting after the word
 20 "election." the following: "The election shall be
 21 held during the same hours and at the location of the
 22 school election."

FULLER of Hardin
 MUHLBAUER of Crawford
 FOGARTY of Palo Alto
 SCHNEKLOTH of Scott
 ROYER of Page

H-5677

- 1 Amend amendment, H-5654, to Senate File 2244 as
 2 amended, passed, and reprinted, by the Senate, as
 3 follows:
 4 1. Page 1, line 40, by inserting after the word
 5 and figure "subsection 5," the following: "and
 6 shopping malls".
 7 2. Page 1, line 50, by striking the word "or".
 8 3. Page 2, line 1, by inserting after the word
 9 "office" the following: "or shopping mall".

MURPHY of Dubuque
 BROWN of Lucas

H-5678

- 1 Amend the Committee amendment, H-5556, to Senate
 2 File 2057, as passed by the Senate, as follows:
 3 1. Page 1, line 22, by inserting after the word
 4 "racetrack." the following: "A simulcast race shall
 5 be conducted only when live racing is being conducted
 6 at the racetrack and only harness races shall be
 7 simulcast during the harness race season at a
 8 racetrack."

OSTERBERG of Linn

H-5683

- 1 Amend House File 2550 as follows:
 2 1. Page 1, line 31, by striking the words "or
 3 corporation".

GRONINGA of Cerro Gordo

H-5684

- 1 Amend Senate File 2366 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, by striking lines 11 through 22.

GARMAN of Story

H-5687

- 1 Amend amendment, H-5656, to Senate File 431, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 2, line 10, by striking the word "state."
- 5 and inserting the following: "state." "
- 6 2. Page 2, by striking lines 11 through 24.

PETERSEN of Muscatine
 PELLETT of Cass
 DE GROOT of Lyon
 KOENIGS of Mitchell
 MERTZ of Kossuth
 FULLER of Hardin
 IVERSON of Wright
 RENKEN of Grundy
 TRENT of Muscatine

FOGARTY of Palo Alto
 MUHLBAUER of Crawford
 BANKS of Plymouth
 BENNETT of Ida
 BRANSTAD of Winnebago
 SCHNEKLOTH of Scott
 MAULSBY of Calhoun
 BLANSHAN of Greene
 SHEARER of Louisa

H-5689

- 1 Amend House File 2550 as follows:
- 2 1. Page 2, by inserting after line 32 the fol-
- 3 lowing:
- 4 "Sec. _____.
- 5 This Act, being deemed of immediate importance, is
- 6 effective upon enactment."
- 7 2. Title page, line 4, by inserting after the
- 8 word "benefits" the following: "and providing an
- 9 effective date".

SCHNEKLOTH of Scott
 GRONINGA of Cerro Gordo

H-5691

- 1 Amend the amendment, H-5656, to Senate File 431, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 2, line 18, by striking the word "one-
- 5 half" and inserting the following: "eight-tenths".

BANKS of Plymouth

H-5692

- 1 Amend Senate File 431 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 18, by inserting after the word

4 "certification." the following: "The commercial,
 5 public, or private applicator shall on the same day
 6 that the test is conducted be notified of the results
 7 of the test, including questions identified as
 8 answered incorrectly."

EDDIE of Buena Vista

H-5705

1 Amend Senate File 2163, as amended, passed, and re-
 2 printed by the Senate, as follows:
 3 1. Page 2, by striking lines 18 through 20 and
 4 inserting the following: "the members of the
 5 extension council and cause notice of the date.".
 6 2. Page 4, line 20, by striking the word "may"
 7 and inserting the following: "shall".

FULLER of Hardin

H-5708

1 Amend Senate File 2011, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by striking lines 9 and 10 and
 4 inserting the following: "renovation, a corresponding
 5 number of toilets in the women's restroom as toilets
 6 and urinals in the men's restroom,".

BANKS of Plymouth

H-5709

1 Amend Senate File 2011, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 7, by striking the words "or
 4 renovated".
 5 2. Page 1, lines 8 and 9, by striking the words
 6 "or renovation".

GARMAN of Story

H-5710

1 Amend amendment, H-5656, to Senate File 431, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, line 9, by striking the word
 5 "triazine." and inserting the following: "triazine."
 6 Sec. _____. Section 206.5, subsection 3, Code
 7 Supplement 1989, is amended to read as follows:
 8 3. Commercial applicators shall choose between
 9 one-year certification for which the applicator shall
 10 pay a thirty dollar fee or three-year certification
 11 for which the applicator shall pay a seventy-five
 12 dollar fee. Public applicators are exempt from the

13 thirty and seventy-five dollar certification fees and
 14 instead are subject to a ten-dollar annual
 15 certification fee or a fifteen dollar fee for a three-
 16 year certification. The commercial, public, or
 17 private applicator shall be tested prior to initial
 18 certification. In addition, a commercial, public, or
 19 private applicator shall be reexamined every three
 20 years following initial certification before the
 21 applicator is eligible for a renewal of certification.
 22 The commercial, public, or private applicator shall on
 23 the same day that an initial or subsequent test is
 24 conducted be notified of the results of the test,
 25 including questions identified as answered
 26 incorrectly.

27 PARAGRAPH DIVIDED. However, a commercial, public,
 28 or private applicator need not be certified to apply
 29 pesticides for a period of twenty-one days from the
 30 date of initial employment if the commercial, public,
 31 or private applicator is under the direct supervision
 32 of a certified applicator. For the purposes of this
 33 section, "under the direct supervision of" means that
 34 the application of a pesticide is made by a competent
 35 person acting under the instructions and control of a
 36 certified applicator who is physically present, by
 37 being in sight or hearing distance of the supervised
 38 person." "

EDDIE of Buena Vista

H-5711

1 Amend Senate File 2011, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 1, line 9, by striking the word "twice"
 4 and inserting the following: "four times".

5 2. Page 1, by inserting after line 13, the
 6 following:

7 "All toilets installed pursuant to this section
 8 shall be water efficient toilets which use three
 9 gallons or less of water per flush."

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

12 "Sec. _____. STUDY.

13 The legislative council of the general assembly
 14 shall establish an interim study committee to study
 15 all of the following issues: the disparity of
 16 physical space allocated in men's and women's
 17 restrooms; the average number of users of restrooms
 18 per day; the average time spent by users in restrooms
 19 per day; the use of restrooms by children accompanied
 20 by adults; the effects of providing reading materials
 21 in restrooms on the average time spent by users in
 22 restrooms; and the effects of age on the average time

23 spent by users in restrooms. The report of the study
 24 committee's findings is due January 1, 1991."
 25 4. By renumbering as necessary.

CORBETT of Linn

H-5712

1 Amend Senate File 2344, as amended, passed, and
 2 reprinted by the Senate, as follows:

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

5 "Sec. _____. Section 80A.12, Code 1989, is amended
 6 by adding the following new subsection:

7 NEW SUBSECTION. 9. Failure to pay child support
 8 in accordance with a court order. Upon receipt of a
 9 notice from the child support recovery unit pursuant
 10 to section 252B.5, the commissioner shall notify the
 11 licensee that the licensee's license will be suspended
 12 thirty days from the date of the receipt of the notice
 13 by the licensee, unless the licensee demonstrates that
 14 child support payments are current or a payment plan
 15 for delinquent amounts has been arranged.

16 Sec. _____. Section 117.29, Code 1989, is amended by
 17 adding the following new subsection:

18 NEW SUBSECTION. 9. Failure to pay child support
 19 in accordance with a court order. Upon receipt of a
 20 notice from the child support recovery unit pursuant
 21 to section 252B.5, the commission shall notify the
 22 licensee that the licensee's license will be suspended
 23 thirty days from the date of the receipt of the notice
 24 by the licensee, unless the licensee demonstrates that
 25 child support payments are current or a payment plan
 26 for delinquent amounts has been arranged.

27 Sec. _____. Section 118.13, Code 1989, is amended by
 28 adding the following new subsection:

29 NEW SUBSECTION. 10. Failure to pay child support
 30 in accordance with a court order. Upon receipt of a
 31 notice from the child support recovery unit pursuant
 32 to section 252B.5, the board shall notify the licensee
 33 that the licensee's license will be suspended thirty
 34 days from the date of the receipt of the notice by the
 35 licensee, unless the licensee demonstrates that child
 36 support payments are current or a payment plan for
 37 delinquent amounts has been arranged."

38 2. Page 1, line 2, by striking the word
 39 "subsection" and inserting the following:
 40 "subsections".

41 3. Page 1, by inserting after line 19 the
 42 following:

43 "NEW SUBSECTION. 7. If a debtor is licensed or
 44 certified to practice a profession subject to the
 45 provisions of chapter 80A, 117, 118, 258A, 260, or

46 602, the unit shall notify the appropriate licensing
 47 or certifying entity if the debtor is delinquent in
 48 making child support payments. The unit may inform
 49 the debtor that the licensing or certifying entity has
 50 been notified."

Page 2

1 4. Page 1, by inserting after line 35 the
 2 following:

3 "Sec. _____. Section 258A.10, unnumbered paragraph
 4 1, Code 1989, is amended by striking the paragraph and
 5 inserting in lieu thereof the following:

6 A licensing board established pursuant to or
 7 subject to this chapter shall by rule include
 8 provisions for the revocation or suspension of a
 9 license which shall include but is not limited to the
 10 following:

11 Sec. _____. Section 258A.10, Code 1989, is amended
 12 by adding the following new subsection:

13 NEW SUBSECTION. 9. Failure to pay child support
 14 in accordance with a court order. Upon receipt of a
 15 notice from the child support recovery unit pursuant
 16 to section 252B.5, the board shall notify the licensee
 17 that the licensee's license will be suspended thirty
 18 days from the date of the receipt of the notice by the
 19 licensee, unless the licensee demonstrates that child
 20 support payments are current or a payment plan for
 21 delinquent amounts has been arranged.

22 Sec. _____. Section 260.7, Code Supplement 1989, is
 23 amended by inserting the following new unnumbered
 24 paragraph after unnumbered paragraph 2:

25 NEW UNNUMBERED PARAGRAPH. The executive director
 26 of the board may suspend a license if a licensee fails
 27 to pay child support in accordance with a court order.
 28 Upon receipt of a notice from the child support
 29 recovery unit pursuant to section 252B.5, the
 30 executive director shall notify the licensee that the
 31 licensee's license will be suspended thirty days from
 32 the date of the receipt of the notice by the licensee,
 33 unless the licensee demonstrates that child support
 34 payments are current or a payment plan for delinquent
 35 amounts has been arranged."

36 5. Page 2, by inserting after line 16 the
 37 following:

38 "Sec. _____. Section 602.10122, Code 1989, is
 39 amended by adding the following new subsection:

40 NEW SUBSECTION. 6. Failure to pay child support
 41 in accordance with a court order. Upon receipt of a
 42 notice from the child support recovery unit pursuant
 43 to section 252B.5, the supreme court shall notify the
 44 attorney that the licensee's license will be suspended

45 thirty days from the date of the receipt of the notice
 46 by the licensee, unless the attorney demonstrates that
 47 child support payments are current or a payment plan
 48 for delinquent amounts has been arranged."

49 6. Title page, by striking line 1 and inserting
 50 the following: "An Act relating to child support

Page 3

1 orders and their modification and providing for
 2 suspension of professionals' licenses for failure to
 3 pay child support."

CHAPMAN of Linn
 BEATTY of Warren
 ROSENBERG of Story

H—5716

1 Amend amendment H—5646 to Senate File 2085, as
 2 amended, passed and reprinted by the Senate, as
 3 follows:

- 4 1. Page 1, by striking lines 18 and 19.
- 5 2. By renumbering as necessary.

MILLER of Cherokee

H—5720

1 Amend Senate File 2365, as amended, passed, and
 2 reprinted by the Senate, as follows:

- 3 1. Page 1, line 7, by striking the figure
- 4 "3,300,000" and inserting the following: "1,500,000".
- 5 2. Page 1, by striking lines 8 through 13.
- 6 3. Page 3, by striking lines 4 through 26.
- 7 4. By renumbering as necessary.

CARPENTER of Polk
 CLARK of Cerro Gordo

H—5722

1 Amend the amendment, H—5615, to Senate File 2049,
 2 as passed by the Senate, as follows:

- 3 1. Page 1, line 5, by striking the figure
- 4 "135.23" and inserting the following: "155A.39".

FEY of Scott

H—5725

1 Amend the amendment, H—5656, to Senate File 431, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:

- 4 1. Page 2, line 9, by inserting after the word
- 5 "shall" the following: "be used to reimburse the

6 county for reasonable costs incurred as a result of
 7 the action. The remaining amount of the moneys
 8 collected shall".

KREMER of Buchanan

H-5726

1 Amend Senate File 431, as amended, passed, and re-
 2 printed by the Senate, as follows:
 3 1. Page 7, line 4, by inserting after the word
 4 "shall" the following: "be used to reimburse the
 5 county for reasonable costs incurred as a result of
 6 the action. The remaining amount of the moneys
 7 collected shall".

KREMER of Buchanan

H-5727

1 Amend the amendment, H-5588, to Senate File 2402,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 3, line 21, by inserting after the word
 5 "Tama." the following: "The county sheriff shall
 6 submit a report to the county auditor who shall bill
 7 the department of management for services rendered.
 8 The state shall not be held liable for law enforcement
 9 duties performed pursuant to this section."

SVOBODA of Tama

H-5737

1 Amend the amendment, H-5588, to Senate File 2402,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 3, line 21, by inserting after the word
 5 "Tama." the following: "The state shall not be held
 6 liable for the performance or nonperformance of law
 7 enforcement duties of the Tama county sheriff's office
 8 relating to the Sac and Fox Indian settlement."

HALVORSON of Clayton
 HARBOR of Mills

H-5740

1 Amend the Committee amendment, H-5630, to Senate
 2 File 2298, as passed by the Senate, as follow:
 3 1. Page 1, line 19, by inserting after the word
 4 "personnel" the following: ", if the facility was
 5 licensed or operational before January 1, 1990".
 6 2. Page 1, by striking line 22.
 7 3. Page 1, line 39, by inserting after the word
 8 "personnel" the following: ", if the facility was

- 9 licensed or operational before January 1, 1990.
 10 4. Page 1, by striking line 42.

NEUHAUSER of Johnson

H-5747

- 1 Amend Senate File 2011, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by inserting after line 23 the fol-
 4 lowing:
 5 "The requirements of this section do not apply to
 6 buildings owned or operated by the state, an agency of
 7 the state, or a governmental subdivision of the state,
 8 or to buildings owned or operated by nongovernmental
 9 entities which do not provide for the service of food
 10 or beverages to the general public or which do not
 11 accommodate more than one thousand people."

BISIGNANO of Polk

H-5748

- 1 Amend the amendment, H-5711, to Senate File 2011,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, by striking lines 3 through 25 and
 5 inserting the following:
 6 "____. Page 1, by inserting after line 23, the
 7 following:
 8 The requirements of this section do not apply to
 9 buildings owned or operated by the state, an agency of
 10 the state, or a governmental subdivision of the state,
 11 or to buildings owned or operated by nongovernmental
 12 entities which do not provide for the service of food
 13 or beverages to the general public or which do not
 14 accommodate more than one thousand people.""
 15 2. By renumbering as necessary.

BISIGNANO of Polk

H-5750

- 1 Amend Senate File 2402, as amended, passed, and
 2 reprinted, by the Senate, as follows:
 3 1. Page 3, line 11, by striking the figure "16"
 4 and inserting the following: "18".
 5 2. Page 3, line 14, by striking the figure
 6 "6,557,018" and inserting the following: "6,610,133".
 7 3. Page 3, line 32, by striking the figure "16"
 8 and inserting the following: "18".
 9 4. Page 3, line 35, by striking the figure
 10 "2,243,579" and inserting the following: "2,264,416".
 11 5. Page 4, line 7, by striking the figure "16"
 12 and inserting the following: "18".

- 13 6. Page 4, line 10, by striking the figure
- 14 "1,560,379" and inserting the following: "1,568,020".
- 15 7. Page 4, line 33, by striking the figure "16"
- 16 and inserting the following: "18".
- 17 8. Page 5, line 1, by striking the figure
- 18 "281,970" and inserting the following: "285,177".
- 19 9. Page 5, line 24, by striking the figure "16"
- 20 and inserting the following: "18".
- 21 10. Page 5, line 27, by striking the figure
- 22 "23,568,231" and inserting the following:
- 23 "23,849,387".

CARPENTER of Polk
 HANSON of Delaware
 DODERER of Johnson

BLANSHAN of Greene
 CONNORS of Polk
 HAMMOND of Story
 RENAUD of Polk

H-5751

- 1 Amend Senate File 2402, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 17, by inserting after line 14 the
- 4 following:
- 5 "Sec. _____. Section 309.10, unnumbered paragraph 2,
- 6 Code 1989, is amended to read as follows:
- 7 A county shall not use farm-to-market road funds as
- 8 described in this section unless the total funds that
- 9 the county transferred or provided during the prior
- 10 fiscal year pursuant to section 331.429, subsection 1,
- 11 paragraphs "a", "b", "d", and "e", are at least
- 12 seventy-five percent of the maximum funds the county
- 13 could have transferred in the prior fiscal year
- 14 pursuant to section 331.429, subsection 1, paragraphs
- 15 "a" and "b" from the general fund of the county the
- 16 dollar equivalent of a tax of sixteen and seven-
- 17 eighths cents per thousand dollars of assessed value
- 18 on all taxable property in the county and from the
- 19 rural services fund of the county the dollar
- 20 equivalent of a tax of three dollars and three-eighths
- 21 cent per thousand dollars of assessed value on all
- 22 taxable property not located within the corporate
- 23 limits of a city in the county.
- 24 Sec. _____. Section 312.2, subsection 8, Code
- 25 Supplement 1989, is amended to read as follows:
- 26 8. The treasurer of state, before making any
- 27 allotments to counties under this section, shall
- 28 reduce the allotment to a county for the secondary
- 29 road fund by the amount by which the total funds that
- 30 the county transferred or provided during the prior
- 31 fiscal year under section 331.429, subsection 1,
- 32 paragraphs "a", "b", "d", and "e", are less than
- 33 seventy-five percent of the maximum funds that the
- 34 county could have transferred in the prior fiscal year

35 under section 331.420, subsection 1, paragraphs "a"
 36 and "b" from the general fund of the county the dollar
 37 equivalent of a tax of sixteen and seven-eighths cents
 38 per thousand dollars of assessed value on all taxable
 39 property in the county and from the rural services
 40 fund of the county the dollar equivalent of a tax of
 41 three dollars and three-eighths cent per thousand
 42 dollars of assessed value on all taxable property not
 43 located within the corporate limits of a city in the
 44 county. Funds remaining in the secondary road fund of
 45 the counties due to a reduction of allocations to
 46 counties for failure to maintain a minimum local tax
 47 effort shall be reallocated to counties that are not
 48 reduced under this subsection pursuant to the
 49 allocation provisions of section 312.3, subsection 1,
 50 based upon the needs and area of the county.

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1 Information necessary to make allocations under this
 2 subsection shall be provided by the state department
 3 of transportation or the director of the department of
 4 management upon request by the treasurer of state.

5 Sec. _____. Section 312.3, subsection 1, Code 1989,
 6 is amended to read as follows:

7 1. Apportion among the counties in the ratio that
 8 the needs of the secondary roads of each county bear
 9 to the total needs of the secondary roads of the state
 10 for each fiscal year based upon the total needs of
 11 secondary roads of the state as shown in the latest
 12 quadrennial need study report developed by the state
 13 department of transportation, and which is on record
 14 at the department, ~~sixty~~ seventy percent of the
 15 allocation from road use tax funds which is credited
 16 to the secondary road fund of the counties, and
 17 apportion among the counties in the ratio that the
 18 area of each county bears to the total area of the
 19 state, ~~forty~~ thirty percent of the allocation from
 20 road use tax funds which is credited to the secondary
 21 road fund of the counties. However, ~~for a hold~~
 22 ~~harmless period in a fiscal year~~ each county is
 23 guaranteed a ~~hold~~ harmless base year amount. The
 24 amount in the secondary road fund of the counties in
 25 each fiscal year ~~during the hold harmless period in~~
 26 ~~excess of the sum of the hold harmless base period~~
 27 ~~year amounts allocated to all counties shall be~~
 28 ~~distributed proportionally based on the relative needs~~
 29 ~~and area factors to only those counties entitled to~~
 30 ~~receive more than the hold harmless base year amount.~~

31 For the purposes of this subsection:

32 a. "Hold harmless Base period" means the fiscal
 33 years beginning July 1, 1979 and ending June 30, 1985

34 three-year period ending June 30, 1990.
 35 b. "Base year amount" means the amount of the
 36 secondary road fund of the counties received by a
 37 county for the fiscal year beginning July 1, 1977.
 38 "Local effort" means the ratio expressed as a percent
 39 of the total funds that the county transferred or
 40 provided during the base period pursuant to section
 41 331.429, subsection 1, paragraphs "a", "b", "d", and
 42 "e", to the maximum funds the county could have
 43 transferred during the base period from the general
 44 fund of the county the dollar equivalent of a tax of
 45 sixteen and seven-eighths cents per thousand dollars
 46 of assessed value on all taxable property in the
 47 county and from the rural services fund of the county
 48 the dollar equivalent of a tax of three dollars and
 49 three-eighths cent per thousand dollars of assessed
 50 value on all taxable property not located within the

Page 3

1 corporate limits of a city in the county.
 2 c. "Old formula amount" means the amount of moneys
 3 the county would receive if the apportionment to the
 4 county under this section was apportioned among the
 5 counties in the ratio that the needs of the secondary
 6 roads of each county bear to the total needs of the
 7 secondary roads of the state as shown by the latest
 8 quadrennial need study by the state department of
 9 transportation, and which is on record at the
 10 department, sixty percent of the allocation from road
 11 use tax funds which is credited to the secondary road
 12 fund of the counties, and apportioned among the
 13 counties in the ratio that the area of each county
 14 bears to the total area of the state, forty percent of
 15 the allocation from road use tax funds which is
 16 credited to the secondary road fund of the counties.
 17 d. (1) The "hold harmless base year amount" for a
 18 county for the fiscal year commencing July 1, 1990, is
 19 determined by the county's local effort in accordance
 20 with the following table:

<u>LOCAL EFFORT</u>		<u>COUNTY'S</u>
<u>At</u>	<u>but less</u>	<u>HOLD HARMLESS BASE YEAR AMOUNT</u>
<u>least:</u>	<u>than:</u>	
96% unlimited	<u>100% of old formula amount</u>
92% 96%	<u>96% of old formula amount</u>
88% 92%	<u>92% of old formula amount</u>
84% 88%	<u>88% of old formula amount</u>
<u>Less than 84%</u>		<u>\$0</u>

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 29
 30 (2) The "hold harmless base year amount" for a
 31 county for the fiscal year commencing July 1, 1991,
 32 and for each succeeding fiscal year, is the product of

33 the county's hold harmless base year amount in the
 34 immediately preceding fiscal year times the sum of one
 35 plus one-half of the estimated increase in secondary
 36 road fund moneys in the fiscal year expressed as a
 37 fraction. Prior to June 30 of each year, the
 38 department shall prepare and deliver to the treasurer
 39 of state an estimate of the increase of secondary road
 40 fund moneys for the next fiscal year to be used in
 41 determining the hold harmless base year amount under
 42 this subsection.

43 Sec. _____. Section 312.5, Code 1989, is amended to
 44 read as follows:

45 312.5 DIVISION OF FARM-TO-MARKET ROAD FUNDS.

46 1. The road use tax funds credited to the farm-to-
 47 market road fund by the treasurer of state and federal
 48 aid secondary road funds received by the state are
 49 hereby divided as follows, and are to be known
 50 respectively as:

Page 4

1 1 a. Need allotment farm-to-market road funds,
 2 sixty seventy percent; and
 3 2 b. Area allotment farm-to-market road funds,
 4 forty thirty percent.

5 2. All farm-to-market road funds, except funds
 6 which under section 310.20 come from any county's
 7 allotment of the road use tax funds, shall be allotted
 8 among the counties by the department.

9 3. Area allotment farm-to-market road funds and
 10 federal aid secondary road funds received by the
 11 state, shall be allotted among all the counties of the
 12 state in the ratio that the area of each county bears
 13 to the total area of the whole state.

14 4. Need allotment farm-to-market road funds shall
 15 be allotted among the counties in the ratio that the
 16 needs of the farm-to-market roads in each county bear
 17 to the total needs of the farm-to-market roads in the
 18 state for each fiscal year based upon the total needs
 19 of the farm-to-market roads in the state as shown in
 20 the latest quadrennial need study report developed by
 21 the state department of transportation, and which is
 22 on record at the department.

23 5. Notwithstanding subsections 1 through 4, in a
 24 fiscal year each county is guaranteed a hold harmless
 25 base year amount. The amount of farm-to-market road
 26 funds and federal aid secondary road funds in each
 27 fiscal year in excess of the sum of the hold harmless
 28 base year amounts allocated to all counties shall be
 29 distributed proportionally based on the relative needs
 30 and area factors to only those counties entitled to
 31 receive more than the hold harmless base year amount.

32 For the purposes of this subsection:
 33 a. "Base period" means the three-year period
 34 ending June 30, 1990.
 35 b. "Local effort" means the ratio expressed as a
 36 percent of the total funds that the county transferred
 37 or provided during the base period pursuant to section
 38 331.429, subsection 1, paragraphs "a", "b", "d", and
 39 "e", to the maximum funds the county could have
 40 transferred during the base period from the general
 41 fund of the county the dollar equivalent of a tax of
 42 sixteen and seven-eighths cents per thousand dollars
 43 of assessed value on all taxable property in the
 44 county and from the rural services fund of the county
 45 the dollar equivalent of a tax of three dollars and
 46 three-eighths cent per thousand dollars of assessed
 47 value on all taxable property not located within the
 48 corporate limits of a city in the county.
 49 c. "Old formula amount" means the amount of moneys
 50 the county would receive if the apportionment to the

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1 county under this section was apportioned among the
 2 counties with a sixty percent need allotment and forty
 3 percent area allotment.
 4 d. (1) The "hold harmless base year amount" for a
 5 county for the fiscal year commencing July 1, 1990, is
 6 determined by the county's local effort in accordance
 7 with the following table:

<u>LOCAL EFFORT</u>		<u>COUNTY'S</u>
<u>At</u>	<u>but less</u>	<u>HOLD HARMLESS BASE YEAR AMOUNT</u>
<u>least:</u>	<u>than:</u>	
<u>96%</u>	<u>unlimited</u>	<u>100% of old formula amount</u>
<u>92%</u>	<u>96%</u>	<u>96% of old formula amount</u>
<u>88%</u>	<u>92%</u>	<u>92% of old formula amount</u>
<u>84%</u>	<u>88%</u>	<u>88% of old formula amount</u>
<u>Less than 84%</u>		<u>\$0</u>

17 (2) The "hold harmless base year amount" for a
 18 county for the fiscal year commencing July 1, 1991,
 19 and for each succeeding fiscal year, is the product of
 20 the county's hold harmless base year amount in the
 21 immediately preceding fiscal year times the sum of one
 22 plus one-half of the estimated increase in the
 23 combined farm-to-market road fund and federal aid
 24 secondary road fund moneys in the fiscal year
 25 expressed as a fraction. Prior to June 30 of each
 26 year the department shall prepare and deliver to the
 27 treasurer of state an estimate of the increase of the
 28 combined farm-to-market road fund and federal aid
 29 secondary road fund moneys for the next fiscal year to

- 30 be used in determining the hold harmless base year
 31 amount under this subsection."
 32 2. By renumbering as necessary.

MUHLBAUER of Crawford
 JOCHUM of Dubuque
 COHOON of Des Moines
 KOENIGS of Mitchell

H-5756

- 1 Amend the amendment, H-5685, to Senate File 2408,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 5, by striking lines 3 through 5 and
 5 inserting the following: "this appropriation, the
 6 judicial department's payroll, accounting, and
 7 budgeting systems shall be compatible with the state
 8 payroll, accounting, and budgeting systems, for
 9 appropriation of state funds, and the department's
 10 automated system shall provide this information to the
 11 state's payroll, accounting, and budgeting systems as
 12 prescribed in section 602.1301, subsection 2,
 13 paragraph "a"."

PETERSON of Carroll

H-5757

- 1 Amend House File 2555 as follows:
 2 1. Page 1, by striking lines 1 through 32.
 3 2. Page 2, by striking lines 8 through 12.

HALVORSON of Clayton

H-5758

- 1 Amend House File 2507 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Section 1. Section 15.284, Code Supplement 1989,
 5 is amended to read as follows:
 6 15.284 TRADITIONAL INFRASTRUCTURE.
 7 1. The traditional infrastructure category
 8 contains projects that include, but are not limited
 9 to, sewer, water, roads, bridges, airports, and other
 10 projects described in section 384.24, subsection 3.
 11 2. Any Iowa city, or county, rural water district
 12 created under chapter 357A, or nonprofit corporation
 13 created for the purpose of operating a rural water
 14 system is eligible to apply for loans or grants from
 15 this category. Along with the application, the city
 16 or county applicant shall submit the following:
 17 a. A needs assessment study.
 18 b. A capital improvement program.

19 c. Evidence of matching contribution of at least
20 twenty-five percent of the total project cost.

21 3. Applications must be seeking funds to improve
22 the physical assets of the traditional infrastructure
23 of the ~~political subdivision~~ applicant in aid of
24 development.

25 4. The finance division of the department shall
26 rank the applicants according to financial need, cost-
27 benefit of the project, percent of match, impact, and
28 ability to administer project.

29 5. The interest rate for a loan, if assessed, may
30 range from zero to five percent. The department may
31 charge applicants an administration fee, not to exceed
32 one percent of the principal amount of the loan or
33 grant, to be paid as a lump sum.

34 6. The department may coordinate with the
35 department of natural resources to assist ~~political~~
36 ~~subdivisions~~ applicants receiving federal or other
37 state aid for waste water treatment facilities.
38 However, the department shall not allocate more than
39 fifty percent of the moneys available to this category
40 for this purpose.

41 Sec. _____. Section 15.288, Code Supplement 1989, is
42 amended by adding the following new unnumbered
43 paragraph:

44 NEW UNNUMBERED PARAGRAPH. For purposes of this
45 section as it relates to the traditional
46 infrastructure category under section 15.284,
47 "political subdivision" includes a rural water
48 district created under chapter 357A or a nonprofit
49 corporation created for the purpose of operating a
50 rural water system."

Page 2

1 2. Page 2, by inserting after line 21 the
2 following:

3 "Sec. _____. Section 331.441, subsection 2,
4 paragraph b, Code Supplement 1989, is amended by
5 adding the following new subparagraph:

6 NEW SUBPARAGRAPH. (12) Funding the construction,
7 reconstruction, improvement, repair, and equipping of
8 waterworks, water mains and extensions, ponds,
9 reservoirs, wells, dams, pumping installations or
10 other facilities for the storage, transportation, or
11 utilization of potable water owned and operated by a
12 rural water district established pursuant to chapter
13 357A, only when the rural water district and a
14 sufficient number of participating members have
15 entered into agreements which satisfy the board of
16 supervisors that sufficient revenue to retire the
17 principal and interest on the county general

18 obligation bonds will be generated by the rural water
 19 district, and the rural water district and the board
 20 of supervisors have agreed that the interest and
 21 principal on the county general obligation bonds will
 22 be retired from the rural water district revenues.

23 Sec. _____. Section 357A.11, subsection 7, Code
 24 1989, is amended to read as follows:

25 7. Have power to borrow from, co-operate with and
 26 enter into ~~such~~ agreements as deemed necessary with
 27 any agency of the federal government, this state, or a
 28 county of this state, and to accept financial or other
 29 aid from any agency of the federal government. To
 30 evidence any indebtedness the obligations may be one
 31 or more bonds or notes and the obligations may be sold
 32 at private sale."

33 3. Title page, line 2, by inserting after the
 34 words "financing program" the following: ", rural
 35 water district projects,".

DVORSKY of Johnson
 SWARTZ of Marshall

H-5764

1 Amend the amendment, H-5656, to Senate File 431, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 1, line 4, by striking the figure "2" and
 5 inserting the following: "12".

JOHNSON of Winneshiek

H-5772

1 Amend the Senate amendment, H-5130, to House File
 2 2068, as amended, passed, and reprinted by the House,
 3 as follows:

4 1. Page 1, by inserting after line 4 the fol-
 5 lowing:

6 "Sec. _____. Section 257.31, subsection 5, paragraph
 7 j, Code Supplement 1989, is amended to read as
 8 follows:

9 j. Unusual need to continue providing a program or
 10 other special assistance to non-English speaking
 11 pupils after the expiration of the ~~three~~-year period
 12 specified in section 280.4."

13 2. Page 1, line 14, by striking the words "~~three~~
 14 ~~five years~~" and inserting the following: "three
 15 years, except that for school districts that have
 16 certified enrollments of fewer than ten thousand
 17 students and also have identified one percent or more
 18 of their students as non-English speaking, the period
 19 for which the additional weighting is included for a
 20 student is extended to five years".

21 3. Page 1, line 18, by striking the words "five-
 22 year period" and inserting the following: "period
 23 specified in this subsection".

SHEARER of Louisa

H-5773

1 Amend House File 2555 as follows:
 2 1. Page 2, by inserting after line 22 the
 3 following:
 4 "Sec. _____. During the fiscal year beginning July
 5 1, 1990, the number of full-time equivalent positions
 6 shall be reduced by at least one hundred from the
 7 number of full-time equivalent positions in existence
 8 on June 30, 1990. The governor is authorized to
 9 determine where the reduction shall be made."

TYRRELL of Iowa

H-5777

1 Amend the amendment, H-5685, to Senate File 2408,
 2 as amended, passed, and reprinted by the Senate, as,
 3 follows:
 4 1. Page 5, by striking lines 16 through 20 and
 5 inserting the following:
 6 "_____. Page 26, by inserting after line 24 the
 7 following:
 8 "_____. Notwithstanding section 602.5205, for
 9 expenses"."
 10 2. Renumber as necessary.

WISE of Lee
 SPEAR of Lee
 COHOON of Des Moines
 SHEARER of Louisa
 SPENNER of Henry

H-5778

1 Amend House File 2547 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. Section 18.29, Code 1989, is amended
 5 to read as follows:
 6 18.29 PRINTING FOR STATE INSTITUTIONS.
 7 The power of the director to let contracts shall
 8 not embrace printing for any state penal, correctional
 9 or board of regents institution, or ~~area vocational~~
 10 ~~schools, area~~ community colleges, or school
 11 corporations under the jurisdiction of the department
 12 of education when the institution is able and desires
 13 to do its own printing.
 14 Sec. 2. Section 149.4, Code 1989, is amended to

15 read as follows:

16 149.4 APPROVED SCHOOL.

17 No A school of podiatry shall not be approved by
18 the board of podiatry examiners as a school of
19 recognized standing unless said the school:

20 1. Requires for graduation or the receipt of any
21 podiatric degree the completion of a course of study
22 covering a period of at least eight months in each of
23 four calendar years.

24 2. After January 1, 1962, ~~no~~ a school of podiatry
25 shall not be approved by the board of podiatry
26 examiners which does not have as an additional
27 entrance requirement two years study in a recognized
28 college, ~~junior college~~, university, or academy.

29 Sec. 3. Section 156.3, Code 1989, is amended to
30 read as follows:

31 156.3 ELIGIBILITY REQUIREMENTS.

32 To be eligible to take the examination for a
33 funeral director's license, a person must have
34 completed two academic years of instruction in a
35 recognized college, ~~junior college~~ or university in a
36 course of study approved by the board or have
37 equivalent education as defined by the board and have
38 satisfactorily completed a course of instruction in
39 mortuary science in an accredited school approved by
40 the board.

41 Sec. 4. Section 256.3, Code 1989, is amended to
42 read as follows:

43 256.3 STATE BOARD ESTABLISHED.

44 The state board of education is established for the
45 department. The state board consists of nine members
46 appointed by the governor subject to senate
47 confirmation. The members shall be qualified electors
48 of the state and hold no other elective or appointive
49 state office. A member shall not be engaged in
50 professional education for a major portion of the

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1 member's time nor shall the member derive a major
2 portion of income from any business or activity
3 connected with education. ~~One member shall have~~
4 ~~substantial knowledge related to vocational and~~
5 ~~technical training, and one member shall have~~
6 ~~substantial knowledge related to area community~~
7 ~~colleges. Not more than five members shall be of the~~
8 ~~same political party.~~

9 The terms of office are for six years beginning and
10 ending as provided in section 69.19.

11 Three of the state board members shall have
12 substantial knowledge related to the community college
13 system. The remaining six members shall be members of

14 the general public.

15 Sec. 5. Section 256.7, subsection 3, Code

16 Supplement 1989, is amended to read as follows:

17 3. Prescribe standards and procedures for the
18 approval of practitioner preparation programs and
19 professional development programs offered by
20 practitioner preparation institutions and area
21 education agencies, in this state. Procedures
22 provided for approval of programs shall include
23 procedures for enforcement of the prescribed standards
24 and shall not include a procedure for the waiving of
25 any of the standards prescribed. Standards and
26 procedures for approval of programs for practitioners
27 employed by a community college shall be prescribed by
28 the state board under section 280A.22B.

29 Sec. 6. NEW SECTION. 256.30B COMMUNITY COLLEGE
30 COUNCIL.

31 A community college council is established to
32 assist the state board of education with substantial
33 issues which are directly related to the community
34 college system. The state board shall refer all
35 substantial issues directly related to the community
36 college system to the council. The council shall
37 formulate recommendations on each issue referred to it
38 by the state board and shall submit the
39 recommendations to the state board within any
40 specified time periods.

41 The council shall consist of four members of the
42 state board and two ex officio nonvoting members. The
43 members of the state board shall include the three
44 members who have knowledge of issues and concerns
45 affecting the community college system and a fourth
46 member of the state board designated annually by the
47 president. Of the two ex officio nonvoting members,
48 one shall be a community college president appointed
49 by an association which represents the largest number
50 of community college presidents in the state and the

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1 other shall be a community college trustee appointed
2 by an association which represents the largest number
3 of community college trustees in the state. The ex
4 officio nonvoting members shall serve staggered three-
5 year terms beginning on May 1 of the year of
6 appointment.

7 Sec. 7. Section 258.3A, subsection 3, Code

8 Supplement 1989, is amended to read as follows:

9 3. Adopt rules prescribing standards for approval
10 of schools, departments, and classes; area vocational-
11 technical high schools and programs; and area
12 community colleges with vocational schools and

13 programs; and practitioner preparation schools,
 14 departments, and classes, applying for federal and
 15 state moneys under this chapter.

16 Sec. 8. Section 258.4, subsections 7 and 9, Code
 17 Supplement 1989, are amended to read as follow:

18 7. Annually inspect, as a basis of approval, all
 19 schools, departments, and classes, area vocational-
 20 technical high schools and programs, area community
 21 colleges with vocational schools and programs and all
 22 practitioner preparation schools, departments, and
 23 classes, applying for federal and state moneys under
 24 this chapter.

25 9. Establish a regional planning process to be
 26 implemented by regional planning boards, which
 27 utilizes the services of local school districts,
 28 ~~merged area schools~~ community colleges, and other
 29 resources to assist local school districts in meeting
 30 vocational education standards while avoiding
 31 unnecessary duplication of services.

32 Sec. 9. Section 261C.3, subsection 1, Code 1989,
 33 is amended to read as follows:

34 1. "Eligible postsecondary institution" means an
 35 institution of higher learning under the control of
 36 the state board of regents, ~~an area school~~ a community
 37 college established under chapter 280A, or an
 38 accredited private institution as defined in section
 39 261.9, subsection 5.

40 Sec. 10. Section 280A.1, unnumbered paragraph 1,
 41 Code 1989, is amended to read as follows:

42 It is hereby declared to be the policy of the state
 43 of Iowa and the purpose of this chapter to provide for
 44 the establishment of not more than seventeen areas
 45 which shall include all of the area of the state and
 46 which may operate ~~either area vocational schools or~~
 47 ~~area~~ community colleges offering to the greatest
 48 extent possible, educational opportunities and
 49 services in each of the following, when applicable,
 50 but not necessarily limited to:

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1 Sec. 11. Section 280A.2, Code 1989, is amended to
 2 read as follows:

3 280A.2 DEFINITIONS.

4 When used in this chapter, unless the context
 5 otherwise requires:

6 1. "Vocational school" means a publicly supported
 7 school which offers as its curriculum or part of its
 8 curriculum vocational or technical education,
 9 training, or retraining available to persons who have
 10 completed or left high school and are preparing to
 11 enter the labor market; persons who are attending high

12 school who will benefit from such education or
 13 training but who do not have the necessary facilities
 14 available in the local high schools; persons who have
 15 entered the labor market but are in need of upgrading
 16 or learning skills; and persons who due to academic,
 17 socioeconomic, or other handicaps are prevented from
 18 succeeding in regular vocational or technical
 19 education programs.

20 2. "Junior college" means a publicly supported
 21 school which offers as its curriculum or part of its
 22 curriculum two years of liberal arts, preprofessional,
 23 or other instruction partially fulfilling the
 24 requirements for a baccalaureate degree but which does
 25 not confer any baccalaureate degree.

26 3. "Community college" means a publicly supported
 27 school which offers may offer programs of adult and
 28 continuing education, lifelong learning, community
 29 education, and up to two years of liberal arts,
 30 preprofessional, or other occupational instruction
 31 partially fulfilling the requirements for a
 32 baccalaureate degree but which does not confer any
 33 baccalaureate degree and confers no more than an
 34 associate degree; or which offers in as the whole or
 35 in as part of the curriculum of a vocational school up
 36 to two years of vocational or technical education,
 37 training, or retraining to persons who are preparing
 38 to enter the labor market.

39 2. "Director" means the director of the department
 40 of education.

41 4 3. "Merged area" means an area where two or more
 42 county school systems or parts thereof of school
 43 systems merge resources to establish and operate a
 44 vocational school or a community college in the manner
 45 provided in this chapter.

46 5. "Area vocational school" means a vocational
 47 school established and operated by a merged area.

48 6. "Area community college" means a community
 49 college established and operated by a merged area.

50 7 4. "State board" means the state board of

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1 education.

2 8. "Director" means the director of the department
 3 of education.

4 9. "Planning board" means any county board of
 5 education which is a party to a plan for establishment
 6 of an area vocational school or area community
 7 college.

8 10. "Area school" means an area vocational school
 9 or area community college established under the
 10 provisions of this chapter.

11 Sec. 12. Section 280A.12, Code 1989, is amended to
12 read as follows:

13 280A.12 DIRECTORS OF MERGED AREA.

14 In each merged area, the initial board of directors
15 elected at the special election shall organize within
16 fifteen days following the election and may thereafter
17 proceed with the establishment of the designated area
18 vocational school or area community college. The
19 board of directors of the merged area shall organize
20 at the first regular meeting in October of each year.
21 Organization of the board shall be effected by the
22 election of a president and other officers from the
23 board membership as board members determine. The
24 board of directors shall appoint a secretary and a
25 treasurer who shall each give bond as prescribed in
26 section 291.2 and who shall each receive the salary
27 determined by the board. The secretary and treasurer
28 shall perform duties under chapter 291 and additional
29 duties the board of directors deems necessary.
30 However, the board may appoint one person to serve as
31 the secretary and treasurer. If one person serves as
32 the secretary and treasurer, only one bond is
33 necessary for that person. The frequency of meetings
34 other than organizational meetings shall be as
35 determined by the board of directors but the president
36 or a majority of the members may call a special
37 meeting at any time.

38 Sec. 13. Section 280A.17, unnumbered paragraph 1,
39 Code 1989, is amended to read as follows:

40 The board of directors of each merged area shall
41 prepare an annual budget designating the proposed
42 expenditures for operation of the area vocational
43 school or area community college. The board shall
44 further designate the amounts which are to be raised
45 by local taxation and the amounts which are to be
46 raised by other sources of revenue for the operation.
47 The budget of each merged area shall be submitted to
48 the state board no later than May 1 preceding the next
49 fiscal year for approval. The state board shall
50 review the proposed budget and shall, prior to June 1,

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1 either grant its approval or return the budget without
2 approval with the comments of the state board attached
3 to it. Any unapproved budget shall be resubmitted to
4 the state board for final approval. Upon approval of
5 the budget by the state board, the board of directors
6 shall certify the amount to the respective county
7 auditors and the boards of supervisors annually shall
8 levy a tax of twenty and one-fourth cents per thousand
9 dollars of assessed value on taxable property in a

10 merged area for the operation of ~~an area vocational~~
 11 ~~school or area a~~ community college. Taxes collected
 12 pursuant to the levy shall be paid by the respective
 13 county treasurers to the treasurer of the merged area
 14 as provided in section 331.552, subsection 29.

15 Sec. 14. Section 280A.19, Code 1989, is amended to
 16 read as follows:

17 280A.19 ACQUISITION OF SITES AND BUILDINGS.

18 Boards of directors of merged areas may acquire
 19 sites and erect and equip buildings for use by ~~area~~
 20 ~~vocational schools or area~~ community colleges and may
 21 contract indebtedness and issue bonds to raise funds
 22 for such purposes.

23 Sec. 15. Section 280A.21, Code 1989, is amended to
 24 read as follows:

25 280A.21 ELECTION TO INCUR INDEBTEDNESS.

26 No indebtedness shall be incurred under section
 27 280A.19 until authorized by an election. A
 28 proposition to incur indebtedness and issue bonds for
 29 ~~area vocational school or area~~ community college
 30 purposes shall be deemed carried in a merged area if
 31 approved by a sixty percent majority of all voters
 32 voting on the proposition in the area.

33 Sec. 16. Section 280A.22, subsection 1, paragraph
 34 a, and subsection 3, Code 1989, are amended to read as
 35 follows:

36 a. In addition to the tax authorized under section
 37 280A.17, the voters in any merged area may at the
 38 annual school election vote a tax not exceeding twenty
 39 and one-fourth cents per thousand dollars of assessed
 40 value in any one year for a period not to exceed ten
 41 years for the purchase of grounds, construction of
 42 buildings, payment of debts contracted for the
 43 construction of buildings, purchase of buildings and
 44 equipment for buildings, and the acquisition of
 45 libraries, for the purpose of paying costs of
 46 utilities, and for the purpose of maintaining,
 47 remodeling, improving, or expanding the ~~area~~
 48 ~~vocational school or area~~ community college of the
 49 merged area. If the tax levy is approved under this
 50 section, the costs of utilities shall be paid from the

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1 proceeds of the levy. The tax shall be collected by
 2 the county treasurers and remitted to the treasurer of
 3 the merged area as provided in section 331.552,
 4 subsection 29. The proceeds of the tax shall be
 5 deposited in a separate and distinct fund to be known
 6 as the voted tax fund, to be paid out upon warrants
 7 drawn by the president and secretary of the board of
 8 directors of the merged area district for the payment

9 of costs incurred in providing the school facilities
10 for which the tax was voted.

11 3. In addition to the tax authorized under section
12 280A.17, the board of directors of an area school may
13 certify for levy by March 15, 1982 and March 15, 1983,
14 a tax on taxable property in the merged area at rates
15 that will provide total revenues for the two years
16 equal to five percent of the area school's general
17 fund expenditures for the fiscal year ending June 30,
18 1980 in order to provide a cash reserve for that ~~area~~
19 ~~school~~ community college. As nearly as possible, one-
20 half the revenue for the cash reserve fund shall be
21 collected during each year.

22 The revenues derived from the levies shall be
23 placed in a separate cash reserve fund. Moneys from
24 the cash reserve fund shall only be used to alleviate
25 temporary cash shortages. If moneys from the cash
26 reserve fund are used to alleviate a temporary cash
27 shortage, the cash reserve fund shall be reimbursed
28 immediately from the general fund of the area school
29 as funds in the general fund become available, but in
30 no case later than June 30 of the current fiscal year,
31 to repay the funds taken from the cash reserve fund.

32 Sec. 17. NEW SECTION. 280A.22A STATE BOARD FOR
33 COMMUNITY COLLEGES.

34 The state board of education shall constitute the
35 state board for community colleges.

36 Sec. 18. NEW SECTION. 280A.22B DUTIES OF STATE
37 BOARD.

38 The state board for community colleges shall:

39 1. Adopt and establish policies for programs and
40 services of the department which relate to community
41 colleges.

42 2. Prescribe standards and procedures for the
43 approval of practitioner preparation programs and
44 professional development programs under section 256.7,
45 subsection 3.

46 3. Review and make recommendations that relate to
47 community colleges in the five-year plan for the
48 achievement of educational goals.

49 Sec. 19. Section 280A.23, Code 1989, is amended to
50 read as follows:

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1 280A.23 AUTHORITY OF AREA DIRECTORS.

2 The board of directors of each ~~area vocational~~
3 ~~school or area community college~~ shall:

4 1. Determine the curriculum to be offered in such
5 ~~school or a college~~ subject to approval of the state
6 board. If a community college's curriculum does not
7 include courses in arts and sciences, the board must

8 seek and obtain approval of the state board before the
9 college may expand the curriculum to include those
10 courses. If an existing private educational or
11 vocational institution within the merged area has
12 facilities and curriculum of adequate size and quality
13 which would duplicate the functions of the area school
14 community college, the board of directors shall
15 discuss with the institution the possibility of
16 entering into contracts to have the existing
17 institution offer facilities and curriculum to
18 students of the merged area. The board of directors
19 shall consider any proposals submitted by the private
20 institution for providing such facilities and
21 curriculum. The board of directors may enter into
22 such contracts. In approving curriculum, the state
23 board shall ascertain that all courses and programs
24 submitted for approval are needed and that the
25 curriculum being offered by an area school does not
26 duplicate programs provided by existing public or
27 private facilities in the area. In determining
28 whether duplication would actually exist, the state
29 board shall consider the needs of the area and
30 consider whether the proposed programs are competitive
31 as to size, quality, tuition, purposes, and area
32 coverage with existing public and private educational
33 or vocational institutions within the merged area.
34 2. Have authority to determine tuition rates for
35 instruction. Tuition for residents of Iowa shall not
36 exceed the lowest tuition rate per semester, or the
37 equivalent, charged by an institution of higher
38 education under the state board of regents for a full-
39 time resident student. However, if a local school
40 district pays tuition for a resident pupil of high
41 school age, the limitation on tuition for residents of
42 Iowa shall not apply, the amount of tuition shall be
43 determined by the board of directors of the area
44 school community college with the consent of the local
45 school board, and the pupil shall not be included in
46 the full-time equivalent enrollment of the area school
47 community college for the purpose of computing general
48 aid to the area school community college. Tuition for
49 nonresidents of Iowa shall not be less than one
50 hundred fifty percent and not more than two hundred

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1 percent of the tuition established for residents of
2 Iowa. Tuition for resident or nonresident students
3 may be set at a higher figure with the approval of the
4 state board. A lower tuition for nonresidents may be
5 permitted under a reciprocal tuition agreement between
6 a merged area and an educational institution in

7 another state, if the agreement is approved by the
8 state board. The board may designate that portion of
9 the tuition moneys collected from students be used for
10 student aid purposes.

11 3. Have the powers and duties with respect to ~~such~~
12 ~~schools and community~~ colleges, not otherwise provided
13 in this chapter, which are prescribed for boards of
14 directors of local school districts by chapter 279
15 except that the board of directors is not required to
16 prohibit the use of tobacco and the use or possession
17 of alcoholic liquor or beer by any student under the
18 provisions of section 279.9.

19 4. Have the power to enter into contracts and take
20 other necessary action to insure a sufficient
21 curriculum and efficient operation and management of
22 the ~~school or~~ college and maintain and protect the
23 physical plant, equipment, and other property of the
24 ~~school or~~ college.

25 5. Establish policy and make rules, not
26 inconsistent with law and administrative rules,
27 regulations, and policies of the state board, for its
28 own government and that of the administrative,
29 teaching, and other personnel, and the students of the
30 ~~school or~~ college, and aid in the enforcement of such
31 laws, rules, and regulations.

32 6. Have authority to sell a student-constructed
33 building and the property on which the student-
34 constructed building is located or any article
35 resulting from any vocational program or course
36 offered at an ~~area vocational school or area~~ a
37 community college by any procedure which may be
38 adopted by the board. Governmental agencies and
39 governmental subdivisions of the state within the
40 merged areas shall be given preference in the purchase
41 of such articles. All revenue received from the sale
42 of any article shall be credited to the funds of the
43 board of the merged area.

44 7. With the consent of the inventor, and in the
45 discretion of the board, secure letters patent or
46 copyright on inventions of students, instructors, and
47 officials of any ~~vocational school or~~ community
48 college of the merged area, or take assignment of such
49 letters patent or copyright and make all necessary
50 expenditures in regard thereto. Letters patent or

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1 copyright on inventions when so secured shall be the
2 property of the board of the merged area and the
3 royalties and earnings thereon shall be credited to
4 the funds of the board.

5 8. Set the salary of the area superintendent. In

6 setting the salary, the board shall consider the
7 salaries of administrators of educational institutions
8 in the merged area and the enrollment of the area
9 school community college.

10 9. At the request of an employee through
11 contractual agreement the board may arrange for the
12 purchase of group or individual annuity contracts for
13 any of its employees from any company the employee
14 chooses that is authorized to do business in this
15 state and through an Iowa-licensed insurance agent
16 that the employee selects, for retirement or other
17 purposes, and may make payroll deductions in
18 accordance with the arrangements for the purpose of
19 paying the entire premium due and to become due under
20 the contract. The deductions shall be made in the
21 manner which will qualify the annuity premiums for the
22 benefits under section 403(b) of the Internal Revenue
23 Code, as defined in section 422.3. The employee's
24 rights under the annuity contract are nonforfeitable
25 except for the failure to pay premiums. If an
26 existing tax-sheltered annuity contract is to be
27 replaced by a new contract the agent or representative
28 of the company shall submit a letter of intent by
29 registered mail to the company being replaced, to the
30 insurance commissioner of the state of Iowa, and to
31 the agent's or representative's own company at least
32 thirty days prior to any action. This letter of
33 intent shall contain the policy number and description
34 of the contract being replaced and a description of
35 the replacement contract.

36 10. Make necessary rules to provide for the
37 policing, control, and regulation of traffic and
38 parking of vehicles and bicycles on the property of
39 the area school community college. The rules may
40 provide for the use of institutional roads, driveways,
41 and grounds; registration of vehicles and bicycles;
42 the designation of parking areas; the erection and
43 maintenance of signs designating prohibitions or
44 restrictions; the installation and maintenance of
45 parking control devices except parking meters; and
46 assessment, enforcement, and collection of reasonable
47 penalties for the violation of the rules.

48 Rules made under this subsection may be enforced
49 under procedures adopted by the board of directors.
50 Penalties may be imposed upon students, faculty, and

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1 staff for violation of the rules, including, but not
2 limited to, a reasonable monetary penalty which may be
3 deducted from student deposits and faculty or staff
4 salaries or other funds in possession of the area

5 ~~school~~ community college or added to student tuition
6 bills. The rules made under this subsection may also
7 be enforced by the impoundment of vehicles and
8 bicycles parked in violation of the rules, and a
9 reasonable fee may be charged for the cost of
10 impoundment and storage prior to the release of the
11 vehicle or bicycle to the owner. Each ~~area school~~
12 community college shall establish procedures for the
13 determination of controversies in connection with the
14 imposition of penalties. The procedures shall require
15 giving notice of the violation and the penalty
16 prescribed and providing the opportunity for an
17 administrative hearing.

18 11. Be authorized to issue to employees of ~~merged~~
19 ~~area schools~~ community colleges school credit cards to
20 use for payment of authorized expenditures incurred in
21 the performance of work-related duties.

22 12. During the second week of August of each year,
23 publish by one insertion in at least one newspaper
24 published in the merged area a summarized statement
25 verified by affidavit of the secretary of the board
26 showing the receipts and disbursements of all funds of
27 the ~~area school~~ community college for the preceding
28 fiscal year. The statement of disbursements shall
29 show the names of the persons, firms, or corporations,
30 and the total amount paid to each during the fiscal
31 year. The board is not required to make the
32 publications and notices required under sections
33 279.34, 279.35, and 279.36.

34 13. Adopt policies and procedures for the use of
35 telecommunications as an instructional tool at the
36 ~~area school~~ community college. The policies and
37 procedures shall include but not be limited to
38 policies and procedures relating to programs,
39 educational policy, practices, staff development, use
40 of pilot projects, and the instructional application
41 of the technology.

42 14. In its discretion, adopt rules relating to the
43 classification of students enrolled in the ~~area school~~
44 community college who are residents of Iowa's sister
45 states as residents or nonresidents for tuition and
46 fee purposes.

47 Sec. 20. Section 280A.24, unnumbered paragraph 1,
48 Code 1989, is amended by striking the unnumbered
49 paragraph.

50 Sec. 21. Section 280A.25, Code 1989, is amended to

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- 1 read as follows:
- 2 280A.25 DUTIES OF DIRECTOR.
- 3 The director shall:

- 4 1. Designate a vocational school or community
5 college as an "area vocational education school"
6 within the meaning of, and for the purpose of
7 administering, the Act of Congress designated the
8 "Vocational Education Act of 1963". A vocational
9 school or community college shall not be so designated
10 by the director of the department of education for the
11 expenditure of funds under 20 U.S.C. 35c(a)(5), which
12 has not been designated and classified as an area
13 vocational school or area a community college by the
14 state board.
- 15 2. Change boundaries of director districts in a
16 merged area when the board fails to change boundaries
17 as required by law.
- 18 3. Make changes in boundaries of merged areas with
19 the approval of the board of directors of each merged
20 area affected by the change. When the boundaries of a
21 merged area are changed, the director of the
22 department of education may authorize the board of
23 directors of the merged area to levy additional taxes
24 upon the property within the merged area, or any part
25 of the merged area, and distribute the taxes so that
26 all parts of the merged area are paying their share
27 toward the support of the school or college.
- 28 4. Administer, allocate, and disburse federal or
29 state funds made available to pay a portion of the
30 cost of acquiring sites for and constructing,
31 acquiring, or remodeling facilities for area
32 vocational schools or area community colleges, and
33 establish priorities for the use of such funds.
- 34 5. Administer, allocate, and disburse federal or
35 state funds available to pay a portion of the
36 operating costs of area vocational schools or area
37 community colleges.
- 38 6. Approve or disapprove, in a manner as the
39 director of the department of education may prescribe,
40 sites and buildings to be acquired, erected, or
41 remodeled for use by area vocational schools or area
42 community colleges.
- 43 7. Propose administrative rules to carry out this
44 chapter subject to approval of the state board.
- 45 8. Enter into contracts with local school boards
46 within the area that have and maintain a technical or
47 vocational high school and with private schools or
48 colleges in the co-operative or merged areas to
49 provide courses or programs of study in addition to or
50 as a part of the curriculum made available in the

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- 1 community college or area vocational schools.
2 9. Make arrangements with boards of merged areas

3 and local school districts to permit students
 4 attending high school to participate in vocational-
 5 technical programs and advanced college placement
 6 courses and obtain credit for such participation for
 7 application toward the completion of a high school
 8 diploma. The granting of credit is subject to the
 9 approval of the director of the department of
 10 education.

11 10. Prescribe a uniform system of accounting for
 12 area schools community colleges.

13 11. Adopt rules prohibiting an area school a
 14 community college that does not provide
 15 intercollegiate athletics as a part of its program on
 16 July 1, 1987 from adding intercollegiate athletics to
 17 its program after that date.

18 12. Ensure that area schools community colleges
 19 that provide intercollegiate athletics as a part of
 20 their program comply with section 601A.9.

21 Sec. 22. Section 280A.27, Code 1989, is amended to
 22 read as follows:

23 280A.27 AREA SCHOOLS BRANCH COMMUNITY COLLEGES
 24 DIVISION IN DEPARTMENT.

25 There shall be an area schools branch A community
 26 colleges division shall be established within the
 27 department of education. The branch division shall
 28 exercise the powers and perform the duties conferred
 29 by law upon the department with respect to area
 30 vocational schools and area and public community and
 31 junior colleges.

32 Sec. 23. Section 280A.28, Code 1989, is amended to
 33 read as follows:

34 280A.28 TAX FOR EQUIPMENT REPLACEMENT.

35 Annually, the board of directors may certify for
 36 levy a tax on taxable property in the merged area at a
 37 rate not exceeding three cents per thousand dollars of
 38 assessed valuation for equipment replacement for the
 39 area school community college.

40 Sec. 24. Section 280A.31, Code 1989, is amended to
 41 read as follows:

42 280A.31 AUXILIARY ENTERPRISES.

43 The board of directors may expend profits from
 44 auxiliary enterprises of area schools community
 45 colleges for services and equipment which includes but
 46 is not limited to tutoring services, scholarships,
 47 grants, furniture, fixtures and equipment for
 48 noninstructional student use, and support of
 49 intramural and intercollegiate athletics.

50 For the purpose of this section:

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1 1. "Auxiliary enterprises" means self-supporting
2 services provided at the area school community college
3 for which fees or charges are paid, and includes but
4 is not limited to food services, college stores,
5 student unions, institutionally operated vending
6 services, recreational activities, faculty clubs,
7 laundries, parking facilities, and intercollegiate
8 athletics.

9 2. "Profits from auxiliary enterprises" means the
10 difference between the total fees or charges collected
11 for auxiliary enterprises and the expenditures by the
12 area school community college for the auxiliary
13 enterprises.

14 Sec. 25. Section 280A.32, Code 1989, is amended to
15 read as follows:

16 280A.32 TRUSTS.

17 The board of a merged area may accept and
18 administer trusts and may authorize nonprofit
19 foundations acting solely for the support of the area
20 school community college to accept and administer
21 trusts deemed by the board to be beneficial to the
22 operation of the area school community college.
23 Notwithstanding section 633.63, the board and the
24 nonprofit foundations may act as trustees in these
25 instances. The board shall require that moneys
26 belonging to a nonprofit foundation are audited
27 annually.

28 Sec. 26. Section 280A.33, Code 1989, is amended to
29 read as follows:

30 280A.33 JOINT ACTION WITH BOARD OF REGENTS.

31 1. Approval standards, except as hereinafter
32 provided, for area and public community and junior
33 colleges shall be initiated by the area schools
34 community colleges branch of the department and
35 submitted to the state board of education and the
36 state board of regents, through the director of the
37 department of education, for joint consideration and
38 adoption.

39 2. Approval standards for area vocational schools
40 and for vocational programs and courses other programs
41 offered by area community colleges shall be initiated
42 by the area schools branch and submitted to the state
43 board of education through the director of the
44 department of education, for consideration and
45 adoption. No such A proposed approval standard shall
46 not be adopted by the state board until the standard
47 has been submitted to the advisory committee created
48 by chapter 258 and its recommendations thereon
49 obtained.

50 3. For purposes of this section, "approval

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1 standards" shall include standards for administration,
2 qualifications and assignment of personnel,
3 curriculum, facilities and sites, requirements for
4 awarding of diplomas and other evidence of educational
5 achievement, guidance and counseling, instruction,
6 instructional materials, maintenance, and library.

7 4. Approval standards are subject to chapter 17A.
8 In addition, approval standards shall be reported by
9 the director of the department of education to the
10 general assembly within twenty days after the
11 commencement of a regular legislative session. ~~An~~
12 ~~area A~~ community college ~~or area vocational school~~
13 shall not be removed from the approved list for
14 failure to comply with the approval standards until at
15 least one hundred twenty days have elapsed following
16 the reporting of the standards to the general assembly
17 as provided in this section.

18 5. The department of education shall supervise and
19 evaluate the educational program in the several ~~area~~
20 ~~community colleges and area vocational schools~~ of the
21 state for the purpose of the improvement and approval
22 of such institutions.

23 6. The director of the department of education
24 shall make recommendations and suggestions in writing
25 to each ~~area~~ community college ~~and area vocational~~
26 ~~school~~ if the department determines, after due
27 investigation, that deficiencies exist.

28 7. The director of the department of education
29 shall maintain a list of approved ~~area~~ community
30 ~~colleges and area vocational schools~~, and the director
31 shall remove from the approved list for cause, after
32 due investigation and notice, ~~an area a~~ community
33 ~~college or area vocational school~~ which fails to
34 comply with the approval standards. ~~An area A~~
35 ~~community college or area vocational school~~ which is
36 removed from the approved list pursuant to this
37 section is ineligible to receive state financial aid
38 during the period of removal. The director shall
39 allow a reasonable period of time, which shall be at
40 least one year, for compliance with approval standards
41 if ~~an area a~~ community college ~~or area vocational~~
42 ~~school~~ is making a good faith effort and substantial
43 progress toward full compliance or if failure to
44 comply is due to factors beyond the control of the
45 board of directors of the merged area operating the
46 institution. In allowing time for compliance, the
47 director shall follow consistent policies, taking into
48 account the circumstances of each case. The
49 reasonable period of time for compliance may be, but
50 need not be, given prior to the one-year notice

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1 requirement that is provided in this section.
2 8. The director of the department of education
3 shall give ~~an area a community college or area~~
4 ~~vocational school~~ which is to be removed from the
5 approved list at least one year's notice. The notice
6 shall be given by registered or certified mail
7 addressed to the superintendent of the ~~area community~~
8 ~~college or area vocational school~~ and shall specify
9 the reasons for removal. The notice shall also be
10 sent by ordinary mail to each member of the board of
11 directors of the ~~area community college or area~~
12 ~~vocational school~~, and to the news media which serve
13 the merged area where the school is located; but any
14 good faith error or failure to comply with this
15 sentence shall not affect the validity of any action
16 by the director. If, during the year, the ~~area~~
17 ~~community college or area vocational school~~ remedies
18 the reasons for removal and satisfies the director
19 that it will thereafter comply with the laws and
20 approval standards, the director shall continue the
21 ~~area community college or area vocational school~~ on
22 the approved list and shall transmit to the ~~area~~
23 ~~community college or area vocational school~~ notice of
24 the action by registered or certified mail.
25 9. At any time during the year after notice is
26 given, the board of directors of the ~~area community~~
27 ~~college or area vocational school~~ may request a public
28 hearing before the director of the department of
29 education, by mailing a written request to the
30 director by registered or certified mail. The
31 director shall promptly set a time and place for the
32 public hearing, which shall be either in Des Moines or
33 in the affected merged area. At least thirty days'
34 notice of the time and place of the hearing shall be
35 given by registered or certified mail addressed to the
36 superintendent of the ~~area community college or area~~
37 ~~vocational school~~. At least ten days before the
38 hearing, notice of the time and place of the hearing
39 and the reasons for removal shall also be published by
40 the department in a newspaper of general circulation
41 in the merged area where the ~~area community college or~~
42 ~~area vocational school~~ is located.
43 10. At the hearing the ~~area community college or~~
44 ~~area vocational school~~ may be represented by counsel
45 and may present evidence. The director of the
46 department of education may provide for the hearing to
47 be recorded or reported. If requested by the ~~area~~
48 ~~community college or area vocational school~~ at least
49 ten days before the hearing, the director shall
50 provide for the hearing to be recorded or reported at

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1 the expense of the ~~area~~ community college ~~or area~~
2 ~~vocational school~~, using any reasonable method
3 specified by the ~~area~~ community college ~~or area~~
4 ~~vocational school~~. Within ten days after the hearing,
5 the director shall render a written decision, and
6 shall affirm, modify, or vacate the action or proposed
7 action to remove the ~~area~~ community college ~~or area~~
8 ~~vocational school~~ from the approved list. The board
9 of directors of the ~~merged area school~~ community
10 college may request a review of the decision of the
11 director by the state board. The state board may
12 affirm, modify, or vacate the decision, or may direct
13 a rehearing before the director.

14 Sec. 27. Section 280A.37, Code 1989, is amended to
15 read as follows:

16 280A.37 MEMBERSHIP IN ASSOCIATION OF SCHOOL
17 BOARDS.

18 Boards of directors of merged ~~area schools~~
19 community colleges may pay, out of funds available to
20 them, reasonable annual dues to an Iowa association of
21 school boards.

22 Membership in such an Iowa association of school
23 boards shall be limited to those duly elected members
24 of boards of directors of ~~area schools~~ community
25 colleges.

26 Sec. 28. Section 280A.38, Code 1989, is amended to
27 read as follows:

28 280A.38 LEASE AGREEMENTS FOR SPACE.

29 The board of directors may, with the approval of
30 the director of the department of education, enter
31 into lease agreements, with or without purchase
32 options, not to exceed twenty years in duration, for
33 the leasing or rental of buildings for use basically
34 as classrooms, laboratories, shops, libraries, and
35 study halls for ~~vocational school~~ ~~or community college~~
36 purposes, and pay for the leasing or rental with funds
37 acquired pursuant to section 280A.17, section 280A.18,
38 and section 280A.22. However, lease agreements
39 extending for less than ten years and for less than
40 twenty-five thousand dollars per year need not be
41 submitted to the director of the department of
42 education for approval.

43 The agreements may include the leasing of existing
44 buildings on public or private property, buildings to
45 be constructed upon real estate owned by the ~~area~~
46 ~~school~~ community college, or buildings to be placed
47 upon real estate owned by the ~~area school~~ community
48 college.

49 Before entering into a lease agreement with a
50 purchase option for a building to be constructed, or

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1 placed, upon real estate owned by the area school
2 community college, the board shall first adopt plans
3 and specifications for the proposed building which it
4 considers suitable for the intended use, and the board
5 shall also adopt the proposed terms of the lease
6 agreement and purchase option. Upon obtaining the
7 approval of the director of the department of
8 education, if approval of the director is required,
9 the board shall invite bids, by advertisement
10 published once each week for two consecutive weeks in
11 the county where the building is to be located. The
12 lease agreement shall be awarded to the lowest
13 responsible bidder, or the board may reject all bids
14 and readvertise for new bids.

15 Sec. 29. Section 280A.42, Code 1989, is amended to
16 read as follows:

17 280A.42 PAYMENT OF EXPENSES.

18 The board of directors of a merged area shall audit
19 and allow all just claims against the area school
20 community college and an order shall not be drawn upon
21 the treasury until the claim has been audited and
22 allowed. However, the board of directors, by
23 resolution, may authorize the secretary of the board,
24 when the board is not in session, to issue payments
25 for salaries pursuant to the terms of a written
26 contract and to issue payments upon the receipt of
27 verification filed with the secretary for all other
28 general fund and plant fund expenses within limits
29 established by resolution of the board; expenses
30 involving auxiliary, agency, and scholarship and loan
31 accounts; and refunds to students for tuition and
32 fees. The secretary shall either deliver in person or
33 mail the payments to the payees. A payment shall be
34 made payable only to the person performing the service
35 or furnishing the supplies for which the payment is
36 issued. Payments issued prior to audit and allowance
37 by the board shall be allowed by the board at the
38 first meeting held after the issuance and shall be
39 entered in the minutes of the meeting.

40 Sec. 30. Section 280B.2, subsections 1, 2, 5, 7,
41 8, and 9, Code 1989, are amended to read as follows:

42 1. "New jobs training program" or "program" means
43 the project or projects established by an area school
44 community college for the creation of jobs by
45 providing education and training of workers for new
46 jobs for new or expanding industry in the merged area
47 served by the area school community college.

48 2. "Project" means a training arrangement which is
49 the subject of an agreement entered into between the
50 area school community college and an employer to

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1 provide program services.

2 5. "Employer" means the person providing new jobs
3 in the merged area served by the area school community
4 college and entering into an agreement.

5 7. "Agreement" is the agreement between an
6 employer and an area school a community college
7 concerning a project.

8 8. "Area school Community college" means a
9 vocational school or a community college established
10 under chapter 280A.

11 9. "Board of directors" means the board of
12 directors of an area school a community college.

13 Sec. 31. Section 280B.3, unnumbered paragraph 1,
14 Code 1989, is amended to read as follows:

15 An area school A community college may enter into
16 an agreement to establish a project. If an agreement
17 is entered into, the area school community college and
18 the employer shall notify the department of revenue
19 and finance as soon as possible. An agreement may
20 provide, but is not limited to:

21 Sec. 32. Section 280B.4, Code 1989, is amended to
22 read as follows:

23 280B.4 INCREMENTAL PROPERTY TAXES.

24 If an agreement provides that all or part of
25 program costs are to be paid for by incremental
26 property taxes, the board of directors shall provide
27 by resolution that taxes levied on the employer's
28 taxable business property, where new jobs are created
29 as a result of a project, each year by or for the
30 benefit of the state, city, county, school district,
31 or other taxing district after the effective date of
32 the resolution shall be divided as provided in section
33 403.19, subsections 1 and 2, in the same manner as if
34 the employer's business property, where new jobs are
35 created as a result of a project, was taxable property
36 in an urban renewal project and the resolution was an
37 ordinance within the meaning of those subsections.
38 The taxes received by the board of directors shall be
39 allocated to and when collected be paid into a special
40 fund of the area school community college and may be
41 irrevocably pledged by the area school community
42 college to pay the principal of and interest on the
43 certificates issued by the area school community
44 college to finance or refinance, in whole or in part,
45 the project. However, with respect to any urban
46 renewal project as to which an ordinance is in effect
47 under section 403.19, the collection of incremental
48 property taxes authorized by this chapter are
49 suspended in favor of collection of incremental taxes
50 under section 403.19. As used in this section,

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1 "taxes" includes, but is not limited to, all levies on
2 an ad valorem basis upon land or real property of the
3 employer's business, where new jobs are created as a
4 result of a project.

5 Sec. 33. Section 280B.5, subsections 2, 3, and 5,
6 Code 1989, are amended to read as follows:

7 2. An amount equal to one and one-half percent of
8 the gross wages paid by the employer to each employee
9 participating in a project shall be credited from the
10 payment made by an employer pursuant to section
11 422.16. If the amount of the withholding by the
12 employer is less than one and one-half percent of the
13 gross wages paid to the employees covered by the
14 agreement, then the employer shall receive a credit
15 against other withholding taxes due by the employer.
16 The employer shall remit the amount of the credit
17 quarterly in the same manner as withholding payments
18 are reported to the department of revenue and finance,
19 to the ~~area school~~ community college to be allocated
20 to and when collected paid into a special fund of the
21 ~~area school~~ community college to pay the principal of
22 and interest on certificates issued by the ~~area school~~
23 community college to finance or refinance, in whole or
24 in part, the project. When the principal and interest
25 on the certificates have been paid, the employer
26 credits shall cease and any money received after the
27 certificates have been paid shall be remitted to the
28 treasurer of state to be deposited in the general fund
29 of the state.

30 3. The new jobs credit from withholding and the
31 special fund into which it is paid, may be irrevocably
32 pledged by ~~an area school~~ a community college for the
33 payment of the principal of and interest on the
34 certificate issued by ~~an area school~~ a community
35 college to finance or refinance, in whole or in part,
36 the project.

37 5. ~~An area school~~ A community college shall
38 certify to the department of revenue and finance the
39 amount of new jobs credit from withholding an employer
40 has remitted to the special fund and shall provide
41 other information the department may require.

42 Sec. 34. Section 280B.6, subsection 5, Code 1989,
43 is amended to read as follows:

44 5. Before certificates are issued, the board of
45 directors shall publish once a notice of its intention
46 to issue the certificates, stating the amount, the
47 purpose, and the project or projects for which the
48 certificates are to be issued. A person may, within
49 fifteen days after the publication of the notice by
50 action in the district court of a county in the area

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1 within which the area school community college is
2 located, appeal the decision of the board of directors
3 in proposing to issue the certificates. The action of
4 the board of directors in determining to issue the
5 certificates is final and conclusive unless the
6 district court finds that the board of directors has
7 exceeded its legal authority. An action shall not be
8 brought which questions the legality of the
9 certificates, the power of the board of directors to
10 issue the certificates, the effectiveness of any
11 proceedings relating to the authorization of the
12 project, or the authorization and issuance of the
13 certificates from and after fifteen days from the
14 publication of the notice of intention to issue.

15 Sec. 35. Section 280B.7, Code 1989, is amended to
16 read as follows:

17 280B.7 DEPARTMENT OF ECONOMIC DEVELOPMENT.

18 The Iowa department of economic development in
19 consultation with the department of education shall
20 coordinate the new jobs training program. The Iowa
21 department of economic development shall adopt, amend,
22 and repeal rules under chapter 17A that the area
23 school community college will use in developing
24 projects with new and expanding industrial new jobs
25 training proposals. The department is authorized to
26 make any rule that is adopted, amended, or repealed
27 effective immediately upon filing with the
28 administrative rules coordinator or at a subsequent
29 stated date prior to indexing and publication, or at a
30 stated date less than thirty-five days after filing,
31 indexing, and publication. The department shall
32 prepare an annual report for the governor and general
33 assembly on the activities of the industrial new jobs
34 training program.

35 Sec. 36. Section 280C.2, subsections 1, 2, 5, 7,
36 8, and 9, Code 1989, are amended to read as follows:

37 1. "New jobs training program" or "program" means
38 the project or projects established by an area school
39 community college for the creation of jobs by
40 providing education and training of workers for new
41 jobs for a new or expanding small business in the
42 merged area served by the area school community
43 college.

44 2. "Project" means a training arrangement which is
45 the subject of an agreement entered into between the
46 area school community college and an employer to
47 provide program services.

48 5. "Employer" means the small business providing
49 new jobs in the merged area served by the area school
50 community college and entering into an agreement.

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1 7. "Agreement" is the agreement between an
2 employer and an ~~area school~~ a community college
3 concerning a project.

4 8. "~~Area school~~ Community college" means a
5 vocational school or a community college established
6 under chapter 280A.

7 9. "Board of directors" means the board of
8 directors of an ~~area school~~ a community college.

9 Sec. 37. Section 280C.3, unnumbered paragraph 1,
10 Code 1989, is amended to read as follows:

11 ~~An area school~~ A community college may enter into
12 an agreement to establish a project. However, before
13 ~~an area school~~ a community college and a small
14 business enter into an agreement to establish a
15 project, the ~~area school~~ community college shall
16 consult with the local office of the division of job
17 service of the department of employment services to
18 determine if there already exists in the community, a
19 skilled or experienced group of unemployed workers, as
20 a result of a plant closing or reduction in force,
21 sufficiently large to supply the needs of the new or
22 expanding small business. If such a supply of workers
23 exists, the ~~area school~~ community college shall enter
24 into the agreement only if the small business agrees
25 to give preference in training to those workers over
26 any other workers who do not have greater
27 qualifications. If an agreement is entered into, the
28 ~~area school~~ community college and the employer shall
29 notify the department of revenue and finance as soon
30 as possible. An agreement may provide, but is not
31 limited to:

32 Sec. 38. Section 280C.5, subsections 2 and 4, Code
33 1989, are amended to read as follows:

34 2. An amount equal to one and one-half percent of
35 the gross wages paid by the employer to each employee
36 participating in a project shall be credited from the
37 payment made by an employer pursuant to section
38 422.16. If the amount of the withholding by the
39 employer is less than one and one-half percent of the
40 gross wages paid to the employees covered by the
41 agreement, then the employer shall receive a credit
42 against other withholding taxes due by the employer.
43 The employer shall remit the amount of the credit
44 quarterly in the same manner as withholding payments
45 are reported to the department of revenue and finance,
46 to the ~~area school~~ community college. To the extent
47 this credit represents repayments of an advance made
48 under section 280C.6 plus interest, it shall be paid
49 to the treasurer of state. When the repayments of an
50 advance plus interest have been paid, the employer

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1 credits shall cease and any money received after this
2 shall be remitted to the treasurer of state to be
3 deposited in the general fund of the state.

4 4. An ~~area school~~ A community college shall
5 certify to the department of revenue and finance the
6 amount of new jobs credit from withholding an employer
7 has remitted to the ~~area school~~ community college and
8 shall provide other information the department may
9 require.

10 Sec. 39. Section 280C.6, Code 1989, is amended to
11 read as follows:

12 280C.6 JOB TRAINING FUND.

13 1. There is established for the ~~area schools~~ an
14 ~~area school~~ community colleges a community college job
15 training fund under the supervision of the treasurer
16 of state. The ~~area school~~ community college job
17 training fund consists of two separate accounts
18 containing moneys as follows:

19 a. A permanent school fund repayment account to
20 which shall be credited the interest and principal
21 from repayment of loans originating from the permanent
22 school fund appropriation in section 280C.8, made to
23 employers for program costs, and interest earned from
24 moneys in the account. Moneys in this account shall
25 be used to repay the appropriation from the permanent
26 school fund. At the end of each calendar quarter, the
27 treasurer of state shall transfer the moneys in the
28 account and any moneys in the surplus account of the
29 Iowa plan fund for economic development created in
30 section 99E.31 to the permanent school fund as
31 repayment of the loan from the permanent school fund.
32 If there are moneys in the permanent school fund
33 repayment account after the permanent school fund loan
34 has been fully repaid, those moneys shall be
35 transferred to the revolving loan account provided in
36 paragraph "b" of this section.

37 b. A revolving loan account to which shall be
38 credited moneys appropriated for the fiscal year
39 beginning July 1, 1987, and for succeeding fiscal
40 years for the purposes of this chapter plus the
41 interest and principal from repayment of advances made
42 to employers for program costs and interest earned
43 from moneys in the revolving loan account. Moneys in
44 this account shall be used to provide advances to
45 employers for program costs upon request of boards of
46 directors of the ~~area schools~~ community colleges.
47 Beginning July 1, 1995, the Iowa department of
48 economic development shall reserve a portion of the
49 moneys in the revolving loan account to pay a portion
50 of the original one million dollar appropriation in

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1 section 280C.8 which, based upon projections of the
2 state treasurer, may still be owed to the permanent
3 school fund on June 30, 1996. The department shall
4 reserve a portion of the moneys in the revolving loan
5 account only if the moneys in the permanent school
6 fund repayment account created in paragraph "a" and
7 moneys in the "surplus" account of the Iowa plan fund
8 for economic development created in section 99E.31,
9 subsection 1, paragraph "c", are insufficient to repay
10 the loan from the permanent school fund.

11 2. To provide funds for the present payment of the
12 costs of a new jobs training program by the employer,
13 the area school community college may provide to the
14 employer an advance of the moneys to be used to pay
15 for the program costs as provided in the agreement.

16 To receive the funds for this advance from the
17 revolving loan account, the area school community
18 college shall submit an application to the department
19 of economic development. The amount of the advance
20 shall not exceed fifty thousand dollars for any
21 project. The advance shall be repaid with interest
22 from the sources provided in the agreement. The rate
23 of interest to be charged for advances made in a
24 calendar month is equal to one half of the average
25 rate of interest on tax exempt certificates issued by
26 area schools community colleges pursuant to chapter
27 280B for the previous twelve months. The rate shall
28 be computed by the Iowa department of economic
29 development.

30 Sec. 40. Section 280C.7, Code 1989, is amended to
31 read as follows:

32 280C.7 DEPARTMENT OF ECONOMIC DEVELOPMENT TO
33 COORDINATE.

34 The Iowa department of economic development in
35 consultation with the department of education and the
36 division of job service of the department of
37 employment services shall coordinate the new jobs
38 training program. The department of economic
39 development shall adopt, amend, and repeal rules under
40 chapter 17A that the area school community college
41 will use in developing projects with new and expanding
42 small business new jobs training proposals. The
43 department shall establish by rule criteria for
44 determining what constitutes a small business. A
45 project shall not be funded under this chapter unless
46 the department approves the project. The department
47 shall establish by rule criteria for approval of
48 projects. The department is authorized to make any
49 rule that is adopted, amended, or repealed effective
50 immediately upon filing with the administrative rules

Page 25

1 coordinator or at a subsequent stated date prior to
2 indexing and publication, or at a stated date less
3 than thirty-five days after filing, indexing, and
4 publication. The Iowa department of economic
5 development shall prepare an annual report for the
6 governor and general assembly on the activities and
7 the future anticipated needs of this new jobs training
8 program.

9 Sec. 41. Section 280C.8, unnumbered paragraph 1,
10 Code 1989, is amended to read as follows:

11 Notwithstanding sections 8.6, 302.1, and 302.1A,
12 there is appropriated from the permanent school fund,
13 for the fiscal period beginning July 1, 1985, and
14 ending June 30, 1996, the sum of one million dollars
15 to provide funds for the purposes of and deposits in
16 the area school community college job training fund
17 created in section 280C.6. The money appropriated
18 under this section is a loan from the permanent school
19 fund to the area school community college job training
20 fund. The interest on the loan shall be prepaid for a
21 three-year period from funds appropriated by this
22 section. The rate of interest shall be determined by
23 the treasurer of state.

24 Sec. 42. Section 282.26, Code 1989, is amended to
25 read as follows:

26 **282.26 HIGH SCHOOL STUDENTS ATTENDING ADVANCED**
27 **COURSES.**

28 The board of any junior community college school
29 district may, by mutual agreement with any college or
30 university, permit any specially qualified high school
31 student to attend advanced courses of academic
32 instruction therein at the college or university.

33 The state board of regents and the department of
34 education may by rule permit such students to attend
35 any institution of higher learning under their
36 jurisdiction. Credit earned in any such course at a
37 junior college, college or university may be applied
38 toward credit for high school graduation. No public
39 Public school funds shall not be expended for payment
40 of tuition or other costs for such attendance at any
41 college or university, unless such the payment is
42 expressly permitted or required by law.

43 The foregoing provisions shall also apply to junior
44 colleges, colleges and universities in adjacent states
45 when such the institutions are located nearer to the
46 homes or schools of the school district than the
47 closest junior college, college or university within
48 the state.

49 Sec. 43. Section 286A.2, Code Supplement 1989, is
50 amended by adding the following new subsection:

Page 26

1 NEW SUBSECTION. 1. "Area school" means an area
2 school under section 280A.2, subsection 10, Code 1989,
3 for purposes of calculations based on fiscal years
4 occurring before July 1, 1990; for other purposes,
5 "area school" means a community college under section
6 280A.2, subsection 1.

7 Sec. 44. Section 298.18, unnumbered paragraph 9,
8 Code 1989, is amended to read as follows:

9 Provided further that if a school corporation
10 leases a building or property, which has been used as
11 a junior college by such corporation, to a merged area
12 school corporation operating or proposing to operate
13 an area community college, the annual amounts
14 certified as herein provided by such leasing school
15 corporation for payment of interest and principal due
16 on lawful bonded indebtedness incurred by such leasing
17 school corporation for purchasing, building,
18 furnishing, reconstructing, repairing, improving or
19 remodeling the building leased or acquiring or adding
20 to the site of such property leased, to the extent of
21 the respective annual rent the school corporation will
22 receive under such lease, shall not be considered as a
23 part of the total amount estimated and certified for
24 the purposes of determining if such amount exceeds any
25 limitation contained in this section.

26 Sec. 45. Section 331.512, subsection 1, paragraph
27 h, Code Supplement 1989, is amended to read as
28 follows:

29 h. The levy of a tax for the operation of an area
30 vocational school or an area community college as
31 provided in section 280A.17.

32 Sec. 46. Section 331.559, subsection 5, Code 1989,
33 is amended to read as follows:

34 5. Collect the tax levied for the erection and
35 equipping of area vocational school or area community
36 college facilities as provided in section 280A.22.

37 Sec. 47.

38 1. Sections 260.33, 261.17, and 307A.2, Code
39 Supplement 1989, are amended by striking the words
40 "area school" or "area schools" and inserting in lieu
41 thereof the following: "community college" or
42 "community colleges".

43 2. Sections 93.19, 93.20, 93.20A, 252D.1, 279.44,
44 313.4, 321J.3, 321J.22, 405A.1, 598.1, and 633.376,
45 Code 1989, are amended by striking the words "area
46 school" or "area schools" and inserting in lieu
47 thereof the following: "community college" or
48 "community colleges".

49 Sec. 48.

50 1. Sections 260.33, 261.1, and 296.7, Code

Page 27

1 Supplement 1989, are amended by striking the words
 2 "merged area school" or "merged area schools" and
 3 inserting in lieu thereof the following: "community
 4 college" or "community colleges".
 5 2. Sections 15.103, 19B.11, 80D.4, 93.19, 261.83,
 6 276.10, 279.50, 303.77, 442A.3, and 601A.9, Code 1989,
 7 are amended by striking the words "merged area school"
 8 or "merged area schools" and inserting in lieu thereof
 9 the following: "community college" or "community
 10 colleges".

11 Sec. 49. APPOINTMENT OF STATE BOARD.

12 Notwithstanding the composition of the state board
 13 of education established in section 256.3, for the
 14 period commencing July 1, 1990, and ending April 30,
 15 1992, the state board of education shall consist of
 16 eleven members including the nine members appointed
 17 under section 256.3 and two additional members who
 18 have substantial knowledge related to the community
 19 college and who shall have full voting rights. The
 20 two additional members shall be appointed in the
 21 manner specified in section 256.3 for members of the
 22 state board of education. One of the two additional
 23 members shall be appointed to a term ending April 30,
 24 1992, and the other additional member to a term ending
 25 on April 30, 1996. The positions of membership for
 26 which terms expire under section 256.3 on April 30,
 27 1992, are eliminated and shall not be filled.

28 Sec. 50.

29 On the effective date of this section,
 30 appropriations, property taxes certified, contracts,
 31 agreements, and other obligations of an area school
 32 shall be deemed to be appropriations, taxes,
 33 contracts, agreements, and obligations of the
 34 successor community college.

35 Sec. 51. Sections 280A.3, 280A.4, 280A.5, 280A.6,
 36 280A.7, 280A.8, 280A.9, 280A.10, 280A.14, 280A.26, and
 37 280A.40, Code 1989, are repealed.

38 Sec. 52.

39 Section 4 of this Act takes effect May 1, 1992.
 40 Section 49 and this section of this Act, being deemed
 41 of immediate importance, take effect upon their
 42 enactment."

Committee on Education

H-5779

1 Amend the Senate amendment, H-5718, to House File
 2 731, as passed by the House, as follows:
 3 1. Page 1, line 13, by inserting after the word
 4 "established" the following: ", except to conform the

5 angle of the slope of the ditch banks with currently
6 established engineering standards".
7 2. Page 1, by striking lines 37 and 38, and
8 inserting the following: "measurement when
9 established, except to conform the angle of the slope
10 of the ditch banks with currently established
11 engineering standards."

MERTZ of Kossuth
HIBBARD of Madison

H-5781

1 Amend the amendment, H-5778, to House File 2547 as
2 follows:
3 1. Page 2, line 19, by striking the word
4 "programs" and inserting the following: "programs".
5 2. Page 18, line 43, by striking the words "an
6 area school" and inserting the following: "an area
7 school a".

SHOULTZ of Black Hawk

H-5783

1 Amend Senate File 2402, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 14, by inserting after line 35 the
4 following:
5 "Sec. _____.
6 The Iowa highway research board in conjunction with
7 the industrial technology department of the university
8 of northern Iowa shall conduct an experimental roadway
9 paving project using hot asphalt rubber materials.
10 The materials shall be applied by a company with
11 experience in the use of recycled tire rubber. The
12 project shall be funded from moneys allocated to the
13 Iowa highway research board. The Iowa highway
14 research board shall submit a report to the general
15 assembly by January 1, 1991, detailing the results of
16 the project."
17 2. By renumbering as necessary.

SVOBODA of Tama

H-5784

1 Amend Senate File 2408 as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 27, by inserting after line 11, the
4 following:
5 "Sec. _____. Section 602.1205, Code 1989, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 3. The supreme court shall
8 prescribe rules relating to the filing or submission

9 of documents to the judicial department and all courts
 10 of the state by requiring that such documents be
 11 printed on recycled paper. The rules shall also
 12 provide that documents within the judicial department
 13 and documents disseminated by the department shall be
 14 printed on recycled paper."

15 2. Page 29, by inserting after line 14, the
 16 following:

17 "Sec._____.

18 The supreme court shall require that documents to
 19 which section 602.1205, subsection 3, applies shall be
 20 printed on recyclable paper by January 1, 1991."

21 3. Renumber as necessary.

SHOULTZ of Black Hawk

H-5785

1 Amend House File 2493 as follows:

2 1. Page 1, by inserting before line 1, the
 3 following:

4 "Section 1. Section 455B.304, Code Supplement
 5 1989, is amended by adding the following new
 6 unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. Notwithstanding the
 8 provisions of this chapter regarding the requirement
 9 of the equipping of a sanitary landfill with a
 10 leachate control system and the establishment and
 11 continuation of a postclosure account, the department
 12 shall adopt rules which provide for an exemption from
 13 the requirements to equip a sanitary landfill with a
 14 leachate control system and to establish and maintain
 15 a postclosure account if the sanitary landfill
 16 operator is a public agency, if the sanitary landfill
 17 has closed or will close by July 1, 1991, and will no
 18 longer accept waste for disposal after that date, and
 19 if at the time of closure of the sanitary landfill
 20 monitoring of the groundwater does not reveal the
 21 presence of leachate. The rules may require
 22 postclosure groundwater monitoring and shall establish
 23 the requirements for the implementation of leachate
 24 collection and control in cases in which leachate is
 25 found during postclosure monitoring. The rules shall
 26 provide for a closure completion period following the
 27 date of closure of a sanitary landfill.

28 Notwithstanding the provisions of this paragraph, the
 29 public agency shall retain financial responsibility
 30 for closure and postclosure requirements applicable to
 31 sanitary disposal projects."

32 2. By renumbering as necessary.

MUHLBAUER of Crawford
 MERTZ of Kossuth
 FULLER of Hardin
 IVERSON of Wright
 MURPHY of Dubuque
 BRANSTAD of Winnebago

FOGARTY of Palo Alto
 ROYER of Page
 TABOR of Jackson
 TYRRELL of Iowa
 GRUHN of Dickinson
 KOENIGS of Mitchell

H-5786

1 Amend House File 2545 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. MULTISTATE STUDY - SOLID WASTE
5 DISPOSAL.

6 1. The governor shall request the cooperation of
7 the governors of contiguous states in establishing a
8 multistate consortium to study the issue of solid
9 waste disposal among the member states. The study
10 shall include but is not limited to a review of
11 reciprocity agreements, taxation, and solid waste
12 disposal fees. The consortium shall begin its study
13 January 15, 1991, and shall conclude its study no
14 later than January 15, 1992, and shall submit a report
15 of recommendations to the general assembly no later
16 than February 1, 1992.

17 2. A solid waste disposal advisory council is
18 established which shall represent the state of Iowa in
19 the multistate consortium. The advisory council shall
20 include the following members:

21 a. A representative of the faculty of each state
22 university involved in environmental studies,
23 appointed by the president of the respective
24 university.

25 b. Two representatives of the business community,
26 appointed by the governor.

27 c. A representative of the science and industry
28 council, appointed by the governor.

29 d. A representative of the general public,
30 appointed by the governor.

31 The council's membership shall comply with the
32 political and gender balance requirements of sections
33 69.16 and 69.16A, to the extent possible."

34 2. Title page, by striking lines 1 through 3, and
35 inserting the following: "An Act relating to the
36 establishment of a solid waste multistate consortium."

HALVORSON of Clayton
HARBOR of Mills

H-5796

1 Amend House File 2552 as follows:

2 1. Page 12, by striking lines 4 through 7, and
3 inserting the following:

4 "Sec. _____. Section 455G.9, subsection 1, paragraph
5 a, subparagraph (1), unnumbered paragraph 1, Code
6 Supplement 1989, is amended to read as follows:

7 Corrective action for an eligible release reported
8 to the department of natural resources on or after
9 July 1, 1987, but prior to May 5, 1989. Third-party

10 liability is specifically excluded from remedial
 11 account coverage. For a claim for a release under
 12 this subparagraph, the remedial program shall pay no
 13 more than the lesser of twenty-five thousand dollars
 14 or ~~one-third~~ one-half of the total costs of corrective
 15 action for that release, subsection 4 notwithstanding.
 16 For a release to be eligible for coverage under this
 17 subparagraph the following conditions must be
 18 satisfied:"

19 2. By striking page 19, line 34, through page 20,
 20 line 17.

21 3. By renumbering as necessary.

FOGARTY of Palo Alto

H-5802

1 Amend Senate File 2403, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 6, by inserting after line 22, the
 4 following:

5 "Sec. _____. Section 93.13A, Code Supplement 1989,
 6 is amended by adding the following new unnumbered
 7 paragraph:

8 NEW UNNUMBERED PARAGRAPH. The department shall not
 9 require a school district, area school, area education
 10 agency, city, or county to perform an engineering
 11 analysis if the school district, area education
 12 agency, city, or county demonstrates to the department
 13 that the facility which is the subject of the proposed
 14 engineering analysis at issue is unlikely to be in use
 15 or operation in four years."

16 2. By renumbering as necessary.

MUHLBAUER of Crawford

H-5807

1 Amend the amendment, H-5804, to Senate File 2329,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 1, line 15, by inserting after the word
 5 "bus." the following: "A person shall be prohibited
 6 from operating a school bus holding a temporary
 7 restricted license issued under chapter 321J."

8 2. Page 1, by inserting after line 21 the
 9 following:

10 "_____. Page 59, by inserting after line 12 the
 11 following:

12 "Sec. _____. Section 321J.20, Code 1989, is amended
 13 by adding the following new subsection:

14 NEW SUBSECTION. 5. A person holding a temporary

- 15 license issued by the department under this chapter
16 shall be prohibited from operating a school bus.””
17 3. By renumbering as necessary.

HANSON of Delaware
BLACK of Jasper

H-5808

- 1 Amend the amendment, H-5656, to Senate File 431, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, line 50, by striking the word
5 “penalty” and inserting the following: “penalty.”
6 2. Page 2, by striking lines 1 through 3 and
7 inserting the following: “The county attorney”.

KOENIGS of Mitchell

H-5809

- 1 Amend House File 2547 as follows:
2 1. Title page, line 1, by striking the word
3 “institutions” and inserting the following:
4 “institutions.”.
5 2. Title page, by striking line 2.

SHOULTZ of Black Hawk

H-5815

- 1 Amend Senate File 2328, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. By striking page 23, line 29, through page 24,
4 line 4.
5 2. By renumbering as necessary.

HALVORSON of Webster

H-5821

- 1 Amend the amendment, H-5751, to Senate File 2402,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 3, lines 47 and 48, by striking the words
5 “and federal aid secondary road funds received by the
6 state”.
7 2. Page 4, lines 9 through 11, by striking the
8 words “and federal aid secondary road funds received
9 by the state” and inserting the following: “and
10 federal aid secondary road funds received by the
11 state”.
12 3. Page 4, line 26, by striking the words “and
13 federal aid secondary road funds”.
14 4. Page 5, line 1, by inserting after the word
15 “county” the following: “of farm-to-market road”

16 funds".

17 5. Page 5, by striking lines 23 and 24 and
18 inserting the following: "farm-to-market road fund
19 moneys in the fiscal year".

20 6. Page 5, by striking lines 28 and 29 and
21 inserting the following: "farm-to-market road fund
22 moneys for the next fiscal year to".

FOGARTY of Palo Alto

H-5822

1 Amend the amendment, H-5588, to Senate File 2402,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by inserting after line 2, the
5 following:

6 "_____. Page 1, line 12, by striking the figure
7 "961,617" and inserting the following: "953,617".

8 _____. Page 1, line 25, by striking the letter "a."

9 _____. Page 1, line 28, by striking the figure
10 "3,508,957" and inserting the following: "3,448,957".

11 _____. Page 1, by striking lines 30 through 34.

12 _____. Page 2, line 4, by striking the figure
13 "320,482" and inserting the following: "307,271".

14 _____. Page 2, line 5, by striking the figure "13"
15 and inserting the following: "12".

16 2. Page 1, by inserting after line 4 the
17 following:

18 "_____. Page 2, line 18, by striking the figure
19 "15,000" and inserting the following: "10,000".

20 _____. Page 2, line 35, by striking the letter "a."

21 _____. Page 3, by striking lines 4 and 5."

22 3. Page 1, by inserting after line 7 the
23 following:

24 "_____. Page 3, line 14, by striking the figure
25 "6,557,018" and inserting the following: "6,534,828".

26 _____. Page 3, line 15, by striking the figure

27 "137" and inserting the following: "136".

28 _____. Page 3, line 17, by striking the figure

29 "250,000" and inserting the following: "100,000".

30 _____. Page 3, by striking lines 18 through 21.

31 _____. Page 4, line 14, by striking the figure

32 "50,000" and inserting the following: "25,000".

33 4. Page 1, line 12, by striking the figure "1990"
34 and inserting the following: "1989".

35 5. Page 1, by inserting after line 14 the
36 following:

37 "_____. Page 5, by striking lines 9 and 10.

38 _____. Page 5, line 11, by striking the figure

39 "2." "

40 6. Page 1, by inserting after line 20 the
41 following:

42. " _____. Page 6, by striking lines 25 through 30.
 43. _____. Page 7, by inserting after line 19 the
 44 following:
 45 "Sec. _____.
 46 There is appropriated from use tax receipts
 47 collected under chapter 423 prior to deposit in the
 48 road use tax fund, to the department of public safety,
 49 for the fiscal year beginning July 1, 1990, and ending
 50 June 30, 1991, the following amounts, or so much

Page 2

1 thereof as may be necessary, to be used for the
 2 purposes designated:
 3 For communications equipment, the law enforcement
 4 intelligence network, and the automated fingerprint
 5 information system:
 6\$ 374,800
 7 As a condition, limitation, and qualification of
 8 this appropriation, the department of public safety
 9 shall allocate \$75,000 to the communications division
 10 for service monitors and radio spare parts, \$20,000 to
 11 the division of criminal investigation for the law
 12 enforcement intelligence network, and \$279,800 for the
 13 continuing purchase of four local remote terminals for
 14 the automated fingerprint information system."
 15 _____. Page 7, line 22, by striking the words
 16 "general fund of the state" and inserting the
 17 following: "road use tax fund".
 18 _____. Page 8, line 17, by striking the figure
 19 "105,000" and inserting the following: "55,000".
 20 _____. Page 9, by striking lines 11 and 12."
 21 7. Page 1, by striking lines 21 through 26.
 22 8. Page 3, line 12, by striking the word "thirty-
 23 five" and inserting the following: "twenty-five".
 24 9. Page 3, line 21 by inserting after the word
 25 "Tama." the following: "The state shall not be held
 26 liable for law enforcement duties performed pursuant
 27 to this section."
 28 10. By renumbering as necessary.

COHOON of Des Moines

H-5823

1 Amend House File 2553 as follows:
 2 1. Page 1, by inserting before line 1, the
 3 following:
 4 "Section 1. Section 455B.304, Code Supplement
 5 1989, is amended by adding the following new
 6 unnumbered paragraph:
 7 NEW UNNUMBERED PARAGRAPH. Notwithstanding the
 8 provisions of this chapter regarding the requirement

9 of the equipping of a sanitary landfill with a
 10 leachate control system and the establishment and
 11 continuation of a postclosure account, the department
 12 shall adopt rules which provide for an exemption from
 13 the requirements to equip a sanitary landfill with a
 14 leachate control system and to establish and maintain
 15 a postclosure account if the sanitary landfill
 16 operator is a public agency, if the sanitary landfill
 17 has closed or will close by July 1, 1991, and will no
 18 longer accept waste for disposal after that date, and
 19 if at the time of closure of the sanitary landfill
 20 monitoring of the groundwater does not reveal the
 21 presence of leachate. The rules may require
 22 postclosure groundwater monitoring and shall establish
 23 the requirements for the implementation of leachate
 24 collection and control in cases in which leachate is
 25 found during postclosure monitoring. The rules shall
 26 provide for a closure completion period following the
 27 date of closure of a sanitary landfill.
 28 Notwithstanding the provisions of this paragraph, the
 29 public agency shall retain financial responsibility
 30 for closure and postclosure requirements applicable to
 31 sanitary disposal projects."
 32 2. By renumbering as necessary.

MUHLBAUER of Crawford
 MERTZ of Kossuth
 FULLER of Hardin
 TYRRELL of Iowa
 GRUHN of Dickinson

FOGARTY of Palo Alto
 ROYER of Page
 IVERSON of Wright
 MURPHY of Dubuque
 BRANSTAD of Winnebago
 KOENIGS of Mitchell

H—5829

1 Amend Senate File 2402, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 14, by inserting after line 35 the
 4 following:
 5 "Sec. ____.
 6 The Iowa highway research board in conjunction with
 7 the industrial technology department of the university
 8 of northern Iowa shall conduct an experimental roadway
 9 paving project using recycled rubber in hot asphalt
 10 concrete. The materials shall be applied by a company
 11 with experience in the use of recycled tire rubber.
 12 The project shall be funded from moneys allocated to
 13 the Iowa highway research board. The Iowa highway
 14 research board shall submit a report to the general
 15 assembly by January 1, 1991, detailing the results of
 16 the project."
 17 2. By renumbering as necessary.

SVOBODA of Tama

H-5834

1 Amend Senate File 2402, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 18, by inserting after line 18 the
4 following:

5 "Sec. _____. Section 321L.2, subsection 3,
6 unnumbered paragraph 2, Code Supplement 1989, is
7 amended to read as follows:

8 A handicapped person who has been issued
9 registration plates as a seriously disabled veteran
10 under section 321.105 this chapter for a motor vehicle
11 owned by the handicapped person may apply to the
12 department for a handicapped identification sticker to
13 be affixed to the plates. The handicapped
14 identification stickers shall bear the international
15 symbol of accessibility. The handicapped
16 identification stickers shall be acquired by the
17 department and sold at a cost not to exceed five
18 dollars, to eligible handicapped persons upon
19 application on forms prescribed by the department."

20 2. Renumber sections as necessary.

SCHRADER of Marion

H-5861

1 Amend House File 2558 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. MULTISTATE STUDY - SOLID WASTE
5 DISPOSAL.

6 1. The governor shall request the cooperation of
7 the governors of contiguous states in establishing a
8 multistate consortium to study the issue of solid
9 waste disposal among the member states. The study
10 shall include but is not limited to a review of
11 reciprocity agreements, taxation, and solid waste
12 disposal fees. The consortium shall begin its study
13 January 15, 1991, and shall conclude its study no
14 later than January 15, 1992, and shall submit a report
15 of recommendations to the general assembly no later
16 than February 1, 1992.

17 2. A solid waste disposal advisory council is
18 established which shall represent the state of Iowa in
19 the multistate consortium. The advisory council shall
20 include the following members:

21 a. A representative of the faculty of each state
22 university involved in environmental studies,
23 appointed by the president of the respective
24 university.

25 b. Two representatives of the business community,
26 appointed by the governor.

- 27 c. A representative of the science and industry
 28 council, appointed by the governor.
 29 d. A representative of the general public,
 30 appointed by the governor.
 31 The council's membership shall comply with the
 32 political and gender balance requirements of sections
 33 69.16 and 69.16A, to the extent possible."
 34 2. Title page, by striking lines 1 through 3, and
 35 inserting the following: "An Act relating to the
 36 establishment of a solid waste multistate consortium."

HALVORSON of Clayton

H-5892

- 1 Amend House File 2543 as follows:
 2 1. Page 15, by inserting after line 19 the
 3 following:
 4 "Sec. _____. NEW SECTION. 97B.53A DUTY OF
 5 DEPARTMENT.
 6 Upon a member's termination of covered employment
 7 prior to the member's retirement, the department shall
 8 send the member by certified mail, to the member's
 9 last known mailing address, a notice setting forth the
 10 balance and status of the member's account and an
 11 explanation of the courses of action available to the
 12 member under this chapter."

CORBETT of Linn

H-5894

- 1 Amend the amendment, H-5860, to House File 2543, as
 2 follows:
 3 1. By striking page 1, line 21 through page 2,
 4 line 32.
 5 2. By striking page 13, line 41 through page 15,
 6 line 2.
 7 3. By numbering and renumbering as necessary.

CARPENTER of Polk
 HANSEN of Woodbury
 DODERER of Johnson

H-5897

- 1 Amend the amendment H-5801 to Senate File 2031, as
 2 amended, passed, and reprinted by the Senate as
 3 follows:
 4 1. Page 1, by striking lines 16 through 19.

JAY of Appanoose

H-5898

- 1 Amend Senate File 431, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 7, by inserting after line 5, the
- 4 following:
- 5 "Sec. _____. Section 206.33, Code Supplement 1989,
- 6 is amended to read as follows:
- 7 206.33 DAMINOZIDE - PROHIBITION.
- 8 A person shall not offer for sale, sell, purchase,
- 9 apply, or use a pesticide containing daminozide in
- 10 this state if the pesticide is sold, purchased,
- 11 applied, or used for purposes of enhancing or
- 12 improving a product produced to be consumed."
- 13 2. By renumbering as necessary.

GRUHN of Dickinson

H-5901

- 1 Amend House File 2558 as follows:
- 2 1. Page 2, line 26, by inserting after the word
- 3 "state" the following: "with the exception of solid
- 4 waste disposal facilities described in section
- 5 455B.310, subsection 3, or any sewage sludge ash sites
- 6 operated by a municipality for disposal of material
- 7 generated by that community".
- 8 2. Page 2, by striking line 29, and inserting the
- 9 following: "disposed of at any landfill other than
- 10 the appropriate landfill nearest the".
- 11 3. Page 3, line 2, by inserting after the word
- 12 "waste." the following: "For the convenience of large
- 13 quantity generators, the department may issue daily,
- 14 weekly, or monthly permits, but in no case shall the
- 15 per ton surcharge be reduced. The department shall
- 16 ensure that the material authorized to be disposed of
- 17 under these combined special waste permits is the
- 18 waste as presented in both type and quantity."
- 19 4. Page 3, line 9, by inserting after the word
- 20 "soils." the following: "Foundary sand shall not be
- 21 subject to the surcharge prescribed by this paragraph
- 22 until January 1, 1992."
- 23 5. Page 3, line 10, by inserting after the words
- 24 "of the" the following: "appropriate".
- 25 6. Page 3, line 11, by inserting after the word
- 26 "within" the following: "or nearest".
- 27 7. Page 3, line 14, by inserting before the word
- 28 "All" the following: "4."
- 29 8. Page 5, line 19, by inserting after the word
- 30 "the" the following: "appropriate".
- 31 9. Page 5, line 23, by inserting after the words
- 32 "at the" the following: "appropriate".
- 33 10. Page 5, line 29, by striking the word "does"
- 34 and inserting the following: "may".

JESSE of Jasper

H-5902

- 1 Amend the amendment, H-5831, to Senate File 2327,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
- 4 1. Page 1, by inserting after line 2, the
5 following:
6 "_____. Page 1, line 28, by striking the figure
7 "3,450,000" and inserting the following:
8 "3,350,000"."
- 9 2. Page 2, by inserting after line 34 the
10 following:
11 "_____. Page 9, line 29, by striking the figure
12 "360,000" and inserting the following: "260,000"."
- 13 3. Page 2, by inserting after line 44 the
14 following:
15 "_____. Page 12, line 12, by striking the figure
16 "750,000" and inserting the following: "250,000".
17 _____ Page 12, line 15, by striking the figure
18 "750,000" and inserting the following: "250,000".
19 _____ Page 12, line 23, by striking the figure
20 "500,000" and inserting the following: "230,000"."
- 21 4. Page 3, by inserting after line 1 the
22 following:
23 "_____. Page 13, line 10, by striking the figure
24 "2,729,880" and inserting the following:
25 "4,729,880"."
- 26 5. Page 3, by striking lines 10 and 11 and
27 inserting the following:
28 "_____. By striking page 14, line 33 through page
29 15, line 5.
30 _____ Page 15, line 15, by striking the figure
31 "50,000" and inserting the following: "30,000"."
- 32 6. Page 3, by inserting after line 13 the
33 following:
34 "_____. By striking page 15, line 35, through page
35 16, line 35.
36 _____ Page 17, line 20, by striking the figure
37 "250,000" and inserting the following: "80,000"."
- 38 7. Page 4, by inserting after line 38 the
39 following:
40 "_____. By striking page 18, line 23, through page
41 19, line 2."
- 42 8. By renumbering as necessary.

TRENT of Muscatine

H-5903

- 1 Amend Senate File 2344, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 2, by striking the word
4 "subsection" and inserting the following:

5 "subsections".

6 2. Page 1, by inserting after line 19, the
7 following:

8 "NEW SUBSECTION. 7. Provide an opportunity for a
9 contested case hearing as provided in chapter 17A, as
10 applicable, for determinations made by the department
11 pursuant to this section."

12 3. Page 2, by inserting before line 1, the
13 following:

14 "Sec. _____. NEW SECTION. 252C.12 OPPORTUNITY FOR
15 CONTESTED CASE HEARING.

16 The department shall provide an opportunity for a
17 contested case hearing as provided in chapter 17A, as
18 applicable, for determinations made by the department
19 pursuant to this chapter.

20 Sec. _____. NEW SECTION. 252D.8 OPPORTUNITY FOR
21 CONTESTED CASE HEARING.

22 The department shall provide an opportunity for a
23 contested case hearing as provided in chapter 17A, as
24 applicable, for determinations made by the department
25 pursuant to this chapter."

26 4. By renumbering as necessary.

BEATTY of Warren
BUHR of Polk
HAMMOND of Story
FEY of Scott
BROWN of Lucas

H-5904

1 Amend Senate File 2403, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 6, by inserting after line 22, the
4 following:

5 "Sec. _____. Section 93.13A, Code Supplement 1989,
6 is amended by adding the following new unnumbered
7 paragraph:

8 NEW UNNUMBERED PARAGRAPH. The department shall not
9 require a school district, area school, area education
10 agency, city, or county to perform an engineering
11 analysis if the school district, area education
12 agency, city, or county demonstrates to the department
13 that the facility which is the subject of the proposed
14 engineering analysis at issue is unlikely to be in use
15 or operation in six years."

16 2. By renumbering as necessary.

SHEARER of Louisa

H-5905

1 Amend amendment, H-5655, to Senate File 2403, as
2 amended, passed, and reprinted by the Senate, as

3 follows:

- 4 1. Page 2, by striking lines 47 through 50.
5 2. By renumbering as necessary.

JAY of Appanoose
KOENIGS of Mitchell
FOGARTY of Palo Alto
DE GROOT of Lyon
SIEGRIST of Pottawattamie
LUNDBY of Linn

H-5906

- 1 Amend the amendment, H-5655, to Senate File 2403,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 3, line 5, by striking the words "A rate-
5 regulated" and inserting the following: "An".
6 2. Page 3, line 12, by striking the words "rate-
7 regulated".
8 3. Page 3, line 18, by striking the words "rate-
9 regulated".
10 4. Page 4, line 12, by striking the words "rate-
11 regulated".
12 5. Page 4, line 16, by striking the words "rate-
13 regulated".
14 6. Page 4, line 18, by striking the words "A
15 rate-regulated" and inserting the following: "An".
16 7. Page 4, line 26, by striking the words "rate-
17 regulated".
18 8. Page 4, line 31, by striking the words "rate-
19 regulated".
20 9. Page 4, line 33, by striking the words "rate-
21 regulated".

BISIGNANO of Polk
CONNORS of Polk
SHONING of Woodbury

JESSE of Jasper
HAVERLAND of Polk
HANSEN of Woodbury
TABOR of Jackson

H-5907

- 1 Amend the amendment, H-5860, to House File 2543, as
2 follows:
3 1. Page 3, by inserting before line 29 the
4 following:
5 "_____. Page 3, by inserting before line 6 the
6 following:
7 "Sec. _____. Section 97A.6, Code 1989, is amended by
8 adding the following new subsection:
9 NEW SUBSECTION. 17. Notwithstanding subsection
10 16, paragraph "f", commencing January 1, 1995, for
11 each calendar year, the limitation on the covered
12 portion of the member's earnable compensation shall be

13 increased from the previous calendar year by three
 14 thousand dollars if the annual actuarial valuation of
 15 the assets and liabilities of the system indicates
 16 that the cost of the increase can be absorbed within
 17 the employer and employee contribution rates provided
 18 in section 97A.8." "

19 2. Page 6, by inserting before line 8 the
 20 following:

21 "_____. Page 4, by inserting before line 7 the
 22 following:

23 "Sec. _____. Section 97A.8, subsection 1, Code 1989,
 24 is amended by adding the following new paragraph:
 25 NEW PARAGRAPH. j. Notwithstanding paragraph "i",
 26 subparagraph (5), commencing January 1, 1995, for each
 27 calendar year, the limitation on the covered portion
 28 of the member's earnable compensation shall be
 29 increased from the previous calendar year by three
 30 thousand dollars if the annual actuarial valuation of
 31 the assets and liabilities of the system indicates
 32 that the cost of the increase can be absorbed within
 33 the employer and employee contribution rates provided
 34 in section 97A.8." "

35 3. Page 6, by inserting after line 13 the
 36 following:

37 "_____. Page 5, by striking lines 23 and 24 and
 38 inserting the following: "under section 97B.11." "

39 4. Page 22, by inserting before line 6 the
 40 following:

41 "_____. Page 22, by inserting before line 22 the
 42 following:

43 "Sec. _____. Section 411.6, Code 1989, is amended by
 44 adding the following new subsection:
 45 NEW SUBSECTION. 15. Notwithstanding subsection
 46 14, paragraph "f", commencing January 1, 1995, for
 47 each calendar year, the limitation on the covered
 48 portion of the member's earnable compensation shall be
 49 increased from the previous calendar year by three
 50 thousand dollars if the annual actuarial valuation of

Page 2

1 the assets and liabilities of the system indicates
 2 that the cost of the increase can be absorbed within
 3 the employer and employee contribution rates provided
 4 in section 411.8." "

5 5. Page 24, by inserting before line 45 the
 6 following:

7 "Sec. _____. Section 411.8, subsection 1, Code 1989,
 8 is amended by adding the following new paragraph:
 9 NEW PARAGRAPH. j. Notwithstanding paragraph "i",
 10 subparagraph (5), commencing January 1, 1995, for each
 11 calendar year, the limitation on the covered portion

12 of the member's earnable compensation shall be
 13 increased from the previous calendar year by three
 14 thousand dollars if the annual actuarial valuation of
 15 the assets and liabilities of the system indicates
 16 that the cost of the increase can be absorbed within
 17 the employer and employee contribution rates provided
 18 in section 411.8."

HAMMOND of Story
 BLANSHAN of Greene

H-5910

1 Amend House File 2558 as follows:

2 1. By striking everything after the enacting
 3 clause and inserting the following:

4 "Section 1. MULTISTATE STUDY - SOLID WASTE
 5 DISPOSAL.

6 1. The governor shall request the cooperation of
 7 the governors of contiguous states in establishing a
 8 multistate consortium to study the issue of solid
 9 waste disposal among the member states. The study
 10 shall include but is not limited to a review of
 11 reciprocity agreements, taxation, and solid waste
 12 disposal fees. The consortium shall begin its study
 13 January 15, 1991, and shall conclude its study no
 14 later than January 15, 1992, and shall submit a report
 15 of recommendations to the general assembly no later
 16 than February 1, 1992.

17 2. A solid waste disposal advisory council is
 18 established which shall represent the state of Iowa in
 19 the multistate consortium. The advisory council shall
 20 include the following members:

21 a. A representative of the faculty of each state
 22 university involved in environmental studies,
 23 appointed by the president of the respective
 24 university.

25 b. Two representatives of the business community,
 26 appointed by the governor.

27 c. A representative of the science and industry
 28 council, appointed by the governor.

29 d. A representative of the general public,
 30 appointed by the governor.

31 The council's membership shall comply with the
 32 political and gender balance requirements of sections
 33 69.16 and 69.16A, to the extent possible."

34 2. Title page, by striking lines 2 and 3, and
 35 inserting the following: "multistate consortium
 36 regarding solid waste disposal."

HALVORSON of Clayton

H-5913

- 1 Amend the amendment, H-5655, to Senate File 2403,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 3, by striking lines 5 through 17.
- 5 2. By renumbering as necessary.

PETERSON of Carroll
 CARPENTER of Polk
 BANKS of Plymouth

MUHLBAUER of Crawford
 PAVICH of Pottawattamie
 IVERSON of Wright
 KNAPP of Dubuque

H-5916

- 1 Amend Senate File 2407, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by inserting before line 1, the
- 4 following:
- 5 "Sec. 100. Section 514B.14, subsection 2, Code
- 6 1989, is amended by adding the following new
- 7 unnumbered paragraph:
- 8 NEW UNNUMBERED PARAGRAPH. The total number of
- 9 complaints related to emergency services, including a
- 10 narrative description of each complaint related to
- 11 emergency services.
- 12 Sec. 101. NEW SECTION. 514B.14A DISCLOSURE OF
- 13 COMPLAINT SYSTEM UPON DENIAL OF COVERAGE.
- 14 In any written denial of coverage delivered to an
- 15 enrollee, a health maintenance organization shall
- 16 include a disclosure in bold print of available appeal
- 17 options. The disclosure shall specifically include a
- 18 description of the internal complaint system approved
- 19 pursuant to section 514B.14 and the option to file a
- 20 complaint with the commissioner of insurance. The
- 21 commissioner may by order adopt disclosure guidelines
- 22 or standards, providing that a reasonable deviation
- 23 from any uniform language which is necessary to
- 24 accommodate the individual details of a complaint
- 25 system under section 514B.14 shall be permitted.
- 26 Sec. 102. NEW SECTION. 514B.14B DEFINITION OF
- 27 "EMERGENCY SERVICES".
- 28 The commissioner shall by order, after consultation
- 29 with representatives of each health maintenance
- 30 organization with a current certificate of authority
- 31 to operate within this state pursuant to section
- 32 514B.3, adopt a uniform definition of "emergency
- 33 services" which shall be adhered to by each health
- 34 maintenance organization in any plan offered or
- 35 renewed within the state after the effective date of
- 36 this Act."
- 37 2. Title page, line 2, by inserting after the
- 38 word "payments" the following: "and to certain health

39 maintenance organization services and denials of
 40 services for which payments subject to taxation have
 41 been received".
 42 3. By renumbering as necessary.

GRONINGA of Cerro Gordo

H-5918

1 Amend House File 2543 as follows:
 2 1. By striking page 17, line 26 through page 27,
 3 line 15, and inserting the following:
 4 "Sec. _____. Section 20.9, unnumbered paragraph 3,
 5 Code 1989, is amended to read as follows:
 6 All retirement systems, other than retirement
 7 systems under chapter 411, shall be excluded from the
 8 scope of negotiations. Fire and police retirement
 9 systems under chapter 411 are included among the
 10 mandatory subjects of bargaining.
 11 Sec. _____. NEW SECTION. 411.40 LOCAL CONTROL -
 12 COLLECTIVE BARGAINING.
 13 Effective July 1, 1990, all revisions in the
 14 organization, benefits, and contributions under fire
 15 and police retirement systems subject to chapter 411
 16 shall be effected exclusively at the local level
 17 through the process of collective bargaining. The
 18 provisions of chapter 411, Code 1989, shall govern the
 19 operation of the systems pending changes pursuant to
 20 collective bargaining procedures."

BISIGNANO of Polk

H-5920

1 Amend House File 2553 as follows:
 2 1. Page 10, by inserting after line 3, the
 3 following:
 4 "Sec. _____. MULTISTATE STUDY - SOLID WASTE
 5 DISPOSAL.
 6 1. The governor shall request the cooperation of
 7 the governors of contiguous states in establishing a
 8 multistate consortium to study the issue of solid
 9 waste disposal among the member states. The study
 10 shall include but is not limited to a review of
 11 reciprocity agreements, taxation, and solid waste
 12 disposal fees. The consortium shall begin its study
 13 January 15, 1991, and shall conclude its study no
 14 later than January 15, 1992, and shall submit a report
 15 of recommendations to the general assembly no later
 16 than February 1, 1992.
 17 2. A solid waste disposal advisory council is
 18 established which shall represent the state of Iowa in
 19 the multistate consortium. The advisory council shall
 20 include the following members:

- 21 a. A representative of the faculty of each state
 22 university involved in environmental studies,
 23 appointed by the president of the respective
 24 university.
 25 b. Two representatives of the business community,
 26 appointed by the governor.
 27 c. A representative of the science and industry
 28 council, appointed by the governor.
 29 d. A representative of the general public,
 30 appointed by the governor.
 31 The council's membership shall comply with the
 32 political and gender balance requirements of sections
 33 69.16 and 69.16A, to the extent possible."
 34 2. Title page, line 3, by inserting after the
 35 word "collected," the following: "establishing a
 36 multistate consortium,".
 37 3. By renumbering as necessary.

HALVORSON of Clayton

H-5928

- 1 Amend House File 2553 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Section 1. Section 455B.306, subsection 1, Code
 5 Supplement 1989, is amended to read as follows:
 6 1. A city, county, and a private agency operating
 7 or planning to operate a sanitary disposal project
 8 shall file with the director a comprehensive plan
 9 detailing the method by which the city, county, or
 10 private agency will comply with this part 1. All
 11 cities and counties shall also file with the director
 12 a comprehensive plan detailing the method by which the
 13 city or county will comply with the requirements of
 14 section 455B.302 to establish and implement a
 15 comprehensive solid waste reduction program for its
 16 residents. For the purposes of this section, a public
 17 agency managing the waste stream for cities or
 18 counties pursuant to chapter 28E, shall file one
 19 comprehensive plan on behalf of its members, which
 20 constitutes full compliance by the public agency's
 21 members with the filing requirements of this section.
 22 If both a public agency managing the waste stream for
 23 a city or county pursuant to chapter 28E, and one or
 24 more of the public agency's member cities or counties
 25 file a comprehensive plan under this subsection, the
 26 director shall require as a condition for approval
 27 that any such plan filed by a member city or county is
 28 in accordance with the comprehensive plan filed by a
 29 chapter 28E agency. The director shall review each
 30 comprehensive plan submitted and may reject, suggest
 31 modification, or approve the proposed plan. The

32 director shall aid in the development of comprehensive
 33 plans for compliance with this part. The director
 34 shall make available to a city, county, and private
 35 agency appropriate forms for the submission of
 36 comprehensive plans and may hold hearings for the
 37 purpose of implementing this part. The director and
 38 governmental agencies with primary responsibility for
 39 the development and conservation of energy resources
 40 shall provide research and assistance, when cities and
 41 counties operating or planning to operate sanitary
 42 disposal projects request aid in planning and
 43 implementing resource recovery systems. A
 44 comprehensive plan filed by a private agency operating
 45 or planning to operate a sanitary disposal project
 46 required pursuant to section 455B.302 shall be
 47 developed in cooperation and consultation with the
 48 city or county responsible to provide for the
 49 establishment and operation of a sanitary disposal
 50 project."

Page 2

1 2. Page 1, line 13, by inserting after the figure
 2 "1992." the following: "For the year beginning July
 3 1, 1993, and for each year beginning July 1,
 4 thereafter, through the year beginning July 1, 1997,
 5 the tonnage fee shall increase annually by fifty cents
 6 per ton of solid waste."

7 3. Page 4, line 14, by inserting after the word
 8 "county." the following: "The county shall retain one
 9 percent of the distribution for administrative
 10 purposes."

11 4. Page 5, line 22, by inserting after the word
 12 "county." the following: "The county shall retain one
 13 percent of the distribution for administrative
 14 purposes."

15 5. Page 6, by inserting after line 7 the
 16 following:

17 "(5) Of the tonnage fees distributed to counties
 18 for the fiscal years beginning July 1, 1990, July 1,
 19 1991, and July 1, 1992, and for subsequent fiscal
 20 years, the board of supervisors may use ten percent of
 21 the fees allocated to fund a program to remove solid
 22 waste disposed along roadsides within the county. The
 23 board may also use fines collected under a county
 24 ordinance prohibiting roadside dumping to fund the
 25 removal of solid waste disposed of along roadsides in
 26 the county."

27 6. Page 8, line 29, by striking the word "or" and
 28 inserting the following: "and".

29 7. By striking page 9, line 32 through page 10,

30 line 3.

31 8. By renumbering, relettering, or redesignating
32 and correcting internal references as necessary.

Committee on Ways and Means

H-5932

1 Amend the amendment, H-5882, to House File 2320, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, line 42, by striking the words "or
5 corporation".

6 2. Page 19, by inserting after line 49, the
7 following:

8 "Sec. 103.

9 Section 102 of this Act, applies to all
10 indebtedness contracted for, general obligation bonds
11 issued, or insurance agreements entered into or
12 renewed pursuant to section 296.7 on or after the
13 effective date of section 102, but shall not apply to
14 an act permitted by section 296.7 at any time prior to
15 the effective date of section 102.

16 Sec. _____.

17 Sections 102 and 103 of this Act, being deemed of
18 immediate importance, take effect upon enactment." "

19 3. Page 20, by inserting after line 2, the
20 following:

21 "_____. Title page, line 4, by striking the words
22 "a special effective date" and inserting the
23 following: "special effective dates"."

24 4. By renumbering as necessary.

OLLIE of Clinton

H-5933

1 Amend the amendment, H-5614, to Senate File 2286,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by inserting before line 5, the
5 following:

6 "Sec. _____. Section 598.21, subsection 8, Code
7 Supplement 1989, is amended by adding the following
8 new unnumbered paragraph:

9 NEW UNNUMBERED PARAGRAPH. Improved technology
10 leading to better evidence of nonpaternity is not
11 barred by time limits on new evidence and constitutes
12 a substantial change in circumstances authorizing the
13 court to consider modification of a previous
14 determination of paternity. The enactment of any
15 substantive amendment to section 598.41 constitutes a
16 substantial change in circumstances authorizing the
17 court to consider modification of an award of child

18 custody.”

19 2. Page 1, by inserting after line 35, the
20 following:

21 “Sec. _____. NEW SECTION. 675.43 MODIFICATION.

22 1. The court may subsequently modify orders made
23 under this chapter if a substantial change in
24 circumstances occurs. Modification of orders
25 pertaining to child custody shall be made pursuant to
26 section 598.41 or chapter 598A.

27 2. The enactment of section 598.41 or the
28 enactment of any substantive amendment to section
29 598.41 constitutes a substantial change in
30 circumstances authorizing the court to consider
31 modification of an award of child custody.

32 3. Improved technology leading to better evidence
33 of nonpaternity is not barred by time limits on new
34 evidence and constitutes a substantial change in
35 circumstances authorizing the court to consider
36 modification of a previous determination of paternity.

37 Sec. _____. CHAPTER TITLE CHANGE.

38 The Code editor shall change the title of chapter
39 675 to “Parentage of Children and Obligation for
40 Support.”

41 3. By renumbering as necessary.

HALVORSON of Webster
BRAND of Benton
CORBETT of Linn
DAGGETT of Adams

H—5941

1 Amend House File 2554 as follows:

2 1. Page 8, line 11, by inserting after the word
3 “land” the following: “which is classified as highly
4 erodible”.

5 2. Page 8, line 22, by inserting after the word
6 “dollars” the following: “annually”.

7 3. Page 8, by inserting after line 23 the
8 following:

9 “If a person has a valid application filed with the
10 social conservation service office for a cost share
11 program to complete a structure or process to fully
12 implement any approved plan and that application has
13 not been approved for lack of funding, the affected
14 tract shall continue to be eligible until such time as
15 the funding becomes available.”

TABOR of Jackson

H—5949

1 Amend House File 2564 as follows:

2 1. Page 19, line 11, by striking the word
3 “serious” and inserting the following: “simple”.

PETERS of Woodbury

H-5953

- 1 Amend House File 2554 as follows:
 2 1. Page 3, by inserting after line 11 the
 3 following:
 4 "Sec. _____. NEW SECTION. 331.426A MENTAL HEALTH
 5 SERVICES LIMITATION — STATE OBLIGATION.
 6 1. The amount that a county may expend to pay the
 7 charges for mental health services from the receipts
 8 from property taxes levied under this part of division
 9 IV shall not exceed the amount expended in the fiscal
 10 year beginning July 1, 1991, to pay the charges for
 11 mental health services, from the receipts from
 12 property taxes levied under this part of division IV.
 13 2. For fiscal years beginning on or after July 1,
 14 1992, the state shall pay the charges for mental
 15 health services to the extent the county is unable to
 16 pay the charges as a result of the limitation imposed
 17 under subsection 1."
 18 2. Title page, line 3, by inserting after the
 19 word "ill," the following: "by limiting the amount of
 20 property tax dollars that may be expended for mental
 21 health services,".

SVOBODA of Tama
 PETERSEN of Muscatine
 GRUHN of Dickinson
 DE GROOT of Lyon
 FOGARTY of Palo Alto
 BRANSTAD of Winnebago

FULLER of Hardin
 MERTZ of Kossuth
 TYRRELL of Iowa
 LAGESCHULTE of Bremer
 NEUHAUSER of Johnson
 MAULSBY of Calhoun

H-5956

- 1 Amend House File 2554 as follows:
 2 1. Page 8, line 11, by inserting after the word
 3 "land" the following: "which is classified as highly
 4 erodible".
 5 2. Page 8, line 22, by inserting after the word
 6 "dollars" the following: "annually".
 7 3. Page 8, by inserting after line 23 the
 8 following:
 9 "If a person has a valid application filed with the
 10 soil conservation service office for a cost share
 11 program to complete a structure or process to fully
 12 implement any approved plan and that application has
 13 not been approved for lack of funding, the affected
 14 tract shall continue to be eligible until such time as
 15 the funding becomes available."

TABOR of Jackson

H-5957

- 1 Amend the amendment, H-5903, to Senate File 2344 as
 2 amended, passed, and reprinted by the Senate, as

3 follows:

4 1. Page 1, by striking lines 3 through 26 and
5 inserting the following:

6 "1. Page 2, by inserting before line 1, the
7 following:

8 "Sec. _____. NEW SECTION. 252B.18 ADVISORY
9 COMMITTEE ESTABLISHED.

10 The department shall establish a child support
11 enforcement program advisory committee which shall
12 include representatives of custodial parent groups,
13 noncustodial parent groups, the judicial department,
14 the office of citizens' aide, the Iowa state bar
15 association, and representatives of other
16 constituencies having an interest in child support
17 enforcement issues. The advisory committee shall
18 assist the department in reviewing issues related to
19 the implementation of the federal Family Support Act
20 of 1988 and methods of improving service. With the
21 assistance of the advisory committee, the department
22 shall review existing policies, practices, and
23 procedures of the child support recovery unit to
24 identify areas in which administrative appeals
25 procedures or other provisions for review of contested
26 issues would help to assure fair and impartial
27 treatment of persons affected by actions of the
28 unit." "

29 2. By renumbering as necessary.

HAYERLAND of Polk

H-5961

1 Amend House File 2554 as follows:

2 1. Page 1, by striking lines 1 through 28.

3 2. Page 2, line 3, by striking the words "five
4 million" and inserting the following: "seven million
5 two hundred thousand".

6 3. Page 3, by inserting after line 11, the
7 following:

8 "Sec. _____. Section 257.3, subsections 1 and 2,
9 Code Supplement 1989, are amended to read as follows:

10 1. AMOUNT OF TAX. Except as provided in
11 subsection 2, a school district shall cause to be
12 levied each year, for the school general fund, a
13 foundation property tax equal to five dollars and
14 ~~forty cents~~ per thousand dollars of assessed valuation
15 on all taxable property in the district. The county
16 auditor shall spread the foundation levy over all
17 taxable property in the district.

18 2. AMOUNT FOR REORGANIZED AND DISSOLVED DISTRICTS.

19 Reorganized school districts that met the requirements
20 of section 442.2, subsection 1, Code 1989, prior to
21 July 1, 1989, and had reduced property tax rates shall

22 continue to have the reduced levies that they would
 23 have had under section 442.2, subsection 1, Code 1989,
 24 and those levies shall continue to increase twenty
 25 cents per year as provided in that subsection, except
 26 that those levies shall not increase above five
 27 dollars per thousand dollars of assessed valuation.
 28 Sec. _____. NEW SECTION. 331.426A MENTAL HEALTH
 29 SERVICES LIMITATION — STATE OBLIGATION.

30 1. The amount that a county may expend to pay the
 31 charges for services under the mental health programs
 32 in existence on July 1, 1990, from the receipts from
 33 property taxes levied under this part of division IV
 34 shall not exceed the amount expended in the fiscal
 35 year beginning July 1, 1992, to pay the charges for
 36 services under the mental health programs in existence
 37 on July 1, 1990, from the receipts from property taxes
 38 levied under this part of division IV.

39 2. For fiscal years beginning on or after July 1,
 40 1993, the state shall pay the charges for services
 41 under the mental health programs in existence on July
 42 1, 1990, to the extent the county is unable to pay the
 43 charges as a result of the limitation imposed under
 44 subsection 1."

45 4. By striking page 3, line 12, through page 11,
 46 line 26.

47 5. Page 12, by striking lines 10 through 20.

48 6. Title page, by striking lines 4 through 9 and
 49 inserting the following: "the school foundation
 50 property tax levy rate, and limiting the amount of

Page 2

1 property taxes that may be expended for services under
 2 certain mental health programs, and providing an
 3 effective date."

IVERSON of Wright
 HERMANN of Scott
 PETERSEN of Muscatine
 HANSON of Delaware
 HESTER of Pottawattamie
 MAULSBY of Calhoun
 VAN MAANEN of Mahaska
 GARMAN of Story
 ROYER of Page
 DAGGETT of Adams
 TRENT of Muscatine

SCHNEKLOTH of Scott
 BENNETT of Ida
 TYRRELL of Iowa
 RENKEN of Buchanan
 KREMER of Buchanan
 HARBOR of Mills
 McKEAN of Jones
 PELLETT of Cass
 EDDIE of Buena Vista
 SHONING of Woodbury
 BEAMAN of Clarke
 HALVORSON of Clayton

H—5965

1 Amend the amendment, H—5860, to House File 2543, as
 2 follows:

- 3 1. Page 2, line 47, by striking the words "and
4 (3)" and inserting the following: "(3), and (4)".
- 5 2. By striking page 2, line 49 through page 3,
6 line 1.
- 7 3. Page 3, line 4, by striking the word "thirty"
8 and inserting the following: "thirty-five".
- 9 4. Page 3, line 9, by striking the word "Twenty-
10 five" and inserting the following: "Thirty".
- 11 5. Page 3, line 18, by striking the word "thirty"
12 and inserting the following: "thirty-five".
- 13 6. Page 3, line 21, by striking the words "Twelve
14 and one-half" and inserting the following: "Twelve
15 and one-half Fifteen".
- 16 7. Page 3, line 27, by striking the word
17 "fifteen" and inserting the following: "seventeen and
18 one-half".
- 19 8. Page 3, by inserting after line 28 the
20 following:
21 "(4) Thirty-three and one-third percent for
22 members receiving an accidental disability allowance.
23 However, effective July 1, 1990, for members who
24 retired before that date, thirty-five percent shall be
25 the applicable percentage for members under this
26 subparagraph."
- 27 9. Page 6, line 39, by striking the word "sixty"
28 and inserting the following: "seventy".
- 29 10. Page 17, line 40, by striking the word and
30 figure "and (3)" and inserting the following: "(3),
31 and (4)".
- 32 11. Page 17, by striking lines 42 through 44.
- 33 12. Page 17, line 47, by striking the word
34 "thirty" and inserting the following: "thirty-five".
- 35 13. Page 18, line 2, by striking the word
36 "Twenty-five" and inserting the following: "Thirty".
- 37 14. Page 18, line 11, by striking the word
38 "thirty" and inserting the following: "thirty-five".
- 39 15. Page 18, line 14, by striking the words
40 "Twelve and one-half" and inserting the following:
41 "Twelve and one-half Fifteen".
- 42 16. Page 18, line 20, by striking the word
43 "fifteen" and inserting the following: "seventeen and
44 one-half".
- 45 17. Page 18, by inserting after line 21 the
46 following:
47 "(4) Thirty-three and one-third percent for
48 members receiving an accidental disability allowance.
49 However, effective July 1, 1990, for members who
50 retired before that date, thirty-five percent shall be

Page 2

1 the applicable percentage for members under this
 2 subparagraph."
 3 18. Page 21, by inserting after line 31, the
 4 following:
 5 "Beginning July 1, 1996, and each fiscal year
 6 thereafter, for the purpose of determining the
 7 employer and employee contributions, one hundred
 8 percent of the costs attributable to any adjustments,
 9 under section 411.6, subsection 12, paragraph "a", to
 10 the pensions of members and beneficiaries of members
 11 who retired prior to the effective date of this Act
 12 which take effect on or after the effective date of
 13 this Act, shall be charged to the employer
 14 contribution."

15 19. Page 23, by inserting after line 13, the
 16 following:
 17 "Beginning July 1, 1996, and each fiscal year
 18 thereafter, for the purpose of determining the
 19 employer and employee contributions, one hundred
 20 percent of the costs attributable to any adjustments,
 21 under section 411.6, subsection 12, paragraph "a", to
 22 the pensions of members and beneficiaries of members
 23 who retired prior to the effective date of this Act
 24 which take effect on or after the effective date of
 25 this Act, shall be charged to the employer
 26 contribution."

HANSON of Delaware

H-5969

1 Amend the amendment, H-5952, to House File 2554 as
 2 follows:
 3 1. Page 1, lines 20 and 21, by striking the words
 4 "during the fiscal year" and inserting the following:
 5 "for ten years or more".

KREMER of Buchanan

H-5981

1 Amend the amendment, H-5914, to Senate File 2410,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. By striking page 3, line 1, through page 6,
 5 line 5.
 6 2. Page 6, line 10, by inserting after the word
 7 "districts," the following: "area education
 8 agencies,".
 9 3. By renumbering as necessary.

SHOULTZ of Black Hawk
 HATCH of Polk

H-5988

- 1 Amend Senate File 2413, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 3, line 8, by inserting after the word
 4 "mail." the following: "The peace officer shall also
 5 notify the state department of transportation which
 6 shall suspend the person's motor vehicle operator's
 7 license or permit for three months, unless the
 8 person's custodial parent or legal guardian provides a
 9 written request for the reinstatement of the license
 10 or permit."
 11 2. Page 4, line 24, by inserting after the word
 12 "mail." the following: "The peace officer shall also
 13 notify the state department of transportation which
 14 shall suspend the person's motor vehicle operator's
 15 license or permit for three months, unless the
 16 custodial parent or legal guardian provides a written
 17 request for the reinstatement of the license or
 18 permit."

BENNETT of Ida
 SIEGRIST of Pottawattamie
 SPENNER of Henry
 LAGESCHULTE of Bremer

H-6002

- 1 Amend the amendment, H-5898, to Senate File 431, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, line 5, by striking the word "Sec.
 5 _____" and inserting the following: "Sec. 500".
 6 2. Page 1, by inserting after line 12 the follow-
 7 ing:
 8 "Sec. _____
 9 Section 500 of this Act, being deemed of immediate
 10 importance, takes effect upon enactment."
 11 3. Title page, line 3, by striking the word
 12 "and".
 13 4. Title page, line 4, by inserting after the
 14 word "penalties" the following: ", and providing an
 15 effective date".
 16 5. By renumbering as necessary.

GRUHN of Dickinson

H-6029

- 1 Amend Senate File 2412, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by striking line 10, and inserting the
 4 following: "organization, a religious organization,
 5 or a state or regionally accredited educational
 6 institution."

MURPHY of Dubuque

H-6030

- 1 Amend the Committee amendment, H-5636, to Senate
- 2 File 2093, as passed by the Senate, as follows:
- 3 1. Page 1, lines 9 and 10, by striking the words
- 4 "not more than twenty" and inserting the following:
- 5 "twenty or fewer".
- 6 2. Page 1, line 11, by striking the word "more"
- 7 and inserting the following: "larger".

HALVORSON of Webster

H-6039

- 1 Amend the amendment, H-5998, to Senate File 2413,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 12, by striking the words "TAXES
- 5 AND SUBSTANCE ABUSE" and inserting the following:
- 6 "VARIOUS".
- 7 2. Page 1, line 15, by inserting after the word
- 8 "be" the following: "divided equally and".
- 9 3. Page 1, line 18, by inserting after the word
- 10 "abusers" the following: ", to the department of
- 11 public safety for funding for law enforcement of drug
- 12 offenses, and to the department of education for
- 13 funding of programs or treatment ordered pursuant to
- 14 chapter 321J".

TRENT of Muscatine

H-6044

- 1 Amend Senate File 2413, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 23, by striking line 6, and inserting the
- 4 following: "section 321J.2. The state department of
- 5 transportation shall immediately revoke the operator's
- 6 license of a person charged pursuant to this section.
- 7 The person shall not be issued a temporary license for
- 8 any time period, including a temporary license issued
- 9 for twenty days, pursuant to chapter 321J until after
- 10 disposition of the charge made pursuant to this
- 11 section."

SVOBODA of Tama

H-6079

- 1 Amend the Senate amendment, H-5843, to House File
- 2 2188, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by inserting after line 2 the
- 5 following:
- 6 "_____. Page 1, by inserting before line 1, the

7 following:

8 "Section 1. Section 123.30, subsection 3,
9 paragraph e, unnumbered paragraph 1, Code 1989, is
10 amended to read as follows:

11 Class "E". A class "E" liquor control license may
12 be issued and shall authorize the holder to purchase
13 alcoholic liquor from the division only and to sell
14 the alcoholic liquor to patrons for consumption off
15 the licensed premises and to other liquor control
16 licensees. A class "E" license shall not be issued to
17 premises at which gasoline is sold. A holder of a
18 class "E" liquor control license may hold other retail
19 liquor control licenses or retail wine or beer
20 permits, but the premises licensed under a class "E"
21 liquor control license shall be separate from other
22 licensed premises, though the separate premises may
23 have a common entrance. However, the holder of a
24 class "E" liquor control license may also hold a class
25 "B" wine or class "C" beer permit or both for the
26 premises licensed under a class "E" liquor control
27 license. Notwithstanding a contrary provision of this
28 chapter, the holder of a class "E" liquor control
29 license who also holds a class "B" wine permit may
30 sell not more than twelve seven hundred fifty
31 milliliter containers of wine or its equivalent per
32 day to holders of class "A", class "B", class "C", and
33 class "D" liquor control licenses, and the holder of a
34 class "A", class "B", class "C", or class "D" liquor
35 control licenses may purchase not more than twelve
36 seven hundred fifty milliliter containers of wine or
37 its equivalent per day from the holder of a class "E"
38 liquor control license who also holds a class "B" wine
39 permit."

40 2. Page 1, by inserting after line 8 the

41 following:

42 "_____. Title page, line 2, by inserting after the
43 word "for" the following: ", and the sale of wine
44 to,".

SHOULTZ of Black Hawk

H-6085

1 Amend House File 2553 as follows:

2 1. Page 1, by striking lines 32 and 33 and
3 inserting the following:

4 "Sec. _____. Section 455D.9, subsections 1 and 2,
5 Code Supplement 1989, are amended to read as follows:

6 1. Beginning January 1, 1991, land disposal of
7 yard waste as defined by the department is prohibited.
8 However, yard waste which has been separated at its

9 source or at its destination from other solid waste
10 may be accepted by a sanitary landfill for the
11 purposes of soil conditioning or composting.”

IVERSON of Wright

H-6102

1 Amend the amendment, H-6054, to Senate File 2153,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 2, by striking lines 17 through 21 and
5 inserting the following:

6 “a. Fifty-nine percent to the waste volume
7 reduction and recycling fund to be used as follows:

8 (1) One-half of the moneys deposited under this
9 lettered paragraph shall be used for the purposes
10 specified pursuant to section 455D.15, subsection 2.
11 The moneys shall be allocated to each county on the
12 basis of population. The county allocation shall be
13 distributed quarterly by the department to each
14 county. The county shall immediately distribute the
15 remainder of the funds to the cities based upon the
16 proportion of the city’s respective population to the
17 total county population, and the county shall retain
18 the portion of the funds based upon the proportion of
19 the unincorporated area of the county to the total
20 population of the county. The funds shall be used by
21 the county and the cities for the implementation of
22 the comprehensive plan elements required pursuant to
23 section 455B.306 and relative to chapter 455D. If
24 both a public agency managing the waste stream for a
25 city or county pursuant to chapter 28E, and one or
26 more of the public agency’s member cities or counties
27 file a comprehensive plan under section 455B.306,
28 subsection 1, the director shall require as a
29 condition for approval that any such plan filed by a
30 member city or county is in accordance with the
31 comprehensive plan filed by a chapter 28E agency.
32 (2) One-half of the moneys deposited under this
33 lettered paragraph shall be used for the purposes
34 designated pursuant to section 455D.15, subsection 3.”

35 2. Page 2, by striking lines 27 through 31, and
36 inserting the following:

37 “c. Three and five-tenths percent to the
38 department of natural resources to implement and
39 administer the state and local government waste
40 management program established pursuant to section
41 455B.484 and section 455B.510.”

42 3. By striking page 8, line 26, through page 9,
43 line 25.

44 4. Page 12, by inserting after line 15, the
45 following:

46 "Sec. _____. Section 455B.306, subsection 1, Code
47 Supplement 1989, is amended to read as follows:
48 1. A city, county, and a private agency operating
49 or planning to operate a sanitary disposal project
50 shall file with the director a comprehensive plan

Page 2

1 detailing the method by which the city, county, or
2 private agency will comply with this part 1. All
3 cities and counties shall also file with the director
4 a comprehensive plan detailing the method by which the
5 city or county will comply with the requirements of
6 section 455B.302 to establish and implement a
7 comprehensive solid waste reduction program for its
8 residents. For the purposes of this section, a public
9 agency managing the waste stream for cities or
10 counties pursuant to chapter 28E, shall file one
11 comprehensive plan on behalf of its members, which
12 constitutes full compliance by the public agency's
13 members with the filing requirements of this section.
14 If both a public agency managing the waste stream for
15 a city or county pursuant to chapter 28E, and one or
16 more of the public agency's member cities or counties
17 file a comprehensive plan under this subsection, the
18 director shall, following notice to the agency, make a
19 determination that any plan filed by a member city or
20 county is compatible with the comprehensive plan of
21 the chapter 28E public agency. If the director
22 determines that the comprehensive plan of a city or
23 county is not compatible with the comprehensive plan
24 of a chapter 28E public agency, the director shall
25 require the city or county to provide justification
26 for approval of the comprehensive plan based upon the
27 innovative nature of the comprehensive plan, the
28 urgency of implementation, or other unique features of
29 the comprehensive plan of the city or county, and that
30 the plan otherwise complies with the provisions of
31 this chapter. This subsection does not prevent the
32 director from approving pilot projects which otherwise
33 comply with the provisions of this chapter. The
34 director shall review each comprehensive plan
35 submitted and may reject, suggest modification, or
36 approve the proposed plan. The director shall aid in
37 the development of comprehensive plans for compliance
38 with this part. The director shall make available to
39 a city, county, and private agency appropriate forms
40 for the submission of comprehensive plans and may hold
41 hearings for the purpose of implementing this part.
42 The director and governmental agencies with primary
43 responsibility for the development and conservation of
44 energy resources shall provide research and

45 assistance, when cities and counties operating or
46 planning to operate sanitary disposal projects request
47 aid in planning and implementing resource recovery
48 systems. A comprehensive plan filed by a private
49 agency operating or planning to operate a sanitary
50 disposal project required pursuant to section 455B.302

Page 3

1 shall be developed in cooperation and consultation
2 with the city or county responsible to provide for the
3 establishment and operation of a sanitary disposal
4 project."

5 5. Page 12, by striking lines 18 and 19 and
6 inserting the following:

7 "_____. Page 17, by inserting after line 14, the
8 following:"

9 6. Page 12, by striking lines 28 and 29.

10 7. Page 12, by inserting after line 29, the
11 following:

12 "Sec. _____. Section 455D.15, subsections 2 and 3,
13 Code Supplement 1989, are amended to read as follows:

14 2. The department shall award grants based upon
15 the solid waste management hierarchy set forth in
16 section 455B.301A, subsection 1. A grant shall not be
17 awarded to a county, city, or central planning agency
18 which has not complied with the requirements of a
19 comprehensive solid waste management program and which
20 has not complied with or demonstrated an intent to
21 comply with the requirements of section 455B.306.

22 One-half of the moneys deposited in the fund shall be
23 allocated to each county on the basis of population.

24 The county allocation shall be distributed quarterly
25 by the department to each county. The county shall
26 immediately distribute the remainder of the funds to
27 the cities based upon the proportion of the city's
28 respective population to the total county population,
29 and the county shall retain the portion of the funds
30 based upon the proportion of the unincorporated area
31 of the county to the total population of the county.
32 The funds shall be used by the county and the cities
33 for the implementation of the comprehensive plan
34 elements required pursuant to section 455B.306 and
35 relative to chapter 455D. If both a public agency
36 managing the waste stream for a city or county
37 pursuant to chapter 28E, and one or more of the public
38 agency's member cities or counties file a
39 comprehensive plan under this subsection, the director
40 shall require as a condition for approval that any
41 such plan filed by a member city or county is in ac-
42 cordance with the comprehensive plan filed by a
43 chapter 28E agency.

44 3. The One-half of the moneys deposited in the
 45 fund shall be utilized for the following purposes:
 46 a. The initial thirty-five thousand dollars
 47 collected for deposit in the fund shall be
 48 appropriated to the department for establishment of
 49 the pollution hotline program established pursuant to
 50 section 455B.116, and for the salary and support of

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1 not more than one full-time equivalent position.
 2 b a. To provide financial assistance to public and
 3 private entities to develop and implement waste
 4 reduction and minimization programs for Iowa
 5 industries.
 6 e b. To provide financial assistance to public and
 7 private entities and to develop and implement programs
 8 to create and enhance markets for recyclable and other
 9 waste products.
 10 d. To develop and implement educational and
 11 technical assistance programs that support and
 12 encourage waste reduction and recycling efforts by
 13 Iowans.
 14 e. To administer the provisions of chapter 455B,
 15 division IV, part 1.
 16 f c. The department may utilize up to ten twenty
 17 percent of the fund to administer the provisions of
 18 this chapter.
 19 g. To provide grants to local communities or
 20 private individuals for projects which establish
 21 recycling collection centers, establish local curbside
 22 collection of separated recyclable waste materials,
 23 promote public awareness regarding waste volume
 24 reduction and the use of recyclable materials, and
 25 create markets for recyclable materials. Grants shall
 26 not be awarded for incineration.
 27 h. To provide technical assistance to local
 28 communities in establishing collection systems and
 29 composting facilities for yard waste.
 30 i. To fund the study required pursuant to section
 31 455D.11, subsection 3, and to provide loans and grants
 32 for waste tire recycling and reprocessing projects.
 33 j. To carry out the functions of the department of
 34 natural resources concerning recycling.
 35 k. To promote the recycling of chlorofluorocarbons
 36 used as refrigerant."
 37 8. By renumbering as necessary.

SHOULTZ of Black Hawk

H-6106

1 Amend Senate File 2422 as amended, passed, and
 2 reprinted by the Senate as follows:
 3 1. By striking page 24, line 17, through page 25,

4 line 31 and inserting the following:

5 1. Every member of the general assembly except the
6 president presiding officer of the senate, the speaker
7 of the house, and majority and minority floor leader
8 of each house shall receive an annual salary of
9 eighteen sixteen thousand one six hundred dollars for
10 the year 1991 and subsequent years while serving as a
11 member of the general assembly. The presiding officer
12 of the senate and the majority and minority floor
13 leader of each house shall receive an annual salary of
14 ~~twenty-five~~ twenty-two thousand nine hundred ~~seventy-~~
15 ~~five~~ dollars for the year 1991 and subsequent years
16 while serving in the capacity. In addition, each such
17 member shall receive the sum of fifty dollars per day
18 for expenses of office, except travel, for each day
19 the general assembly is in session commencing with the
20 first day of a legislative session and ending with the
21 day of final adjournment of each legislative session
22 as indicated by the journals of the house and senate,
23 except that in the event the length of the first
24 regular session of the general assembly exceeds one
25 hundred ten calendar days and the second regular
26 session exceeds one hundred calendar days, such
27 payments shall be made only for one hundred ten
28 calendar days for the first session and one hundred
29 calendar days for the second session. However,
30 members from Polk county shall receive thirty-five
31 dollars per day. Each member shall receive a seventy-
32 five dollar per month allowance for legislative
33 district constituency postage, travel, telephone
34 costs, and other expenses. Travel expenses shall be
35 paid at the rate established by section 18.117 for
36 actual travel in going to and returning from the seat
37 of government by the nearest traveled route for not
38 more than one time per week during a legislative
39 session. However, any increase from time to time in
40 the mileage rate established by section 18.117 shall
41 not become effective for members of the general
42 assembly until the convening of the next general
43 assembly following the session in which the increase
44 is adopted; and this provision shall prevail over any
45 inconsistent provision of any present or future
46 statute.

47 3. The speaker of the house and the presiding
48 officer of the senate shall receive an annual salary
49 of ~~twenty-seven~~ twenty-two thousand nine hundred
50 dollars for the year 1991 and subsequent years while

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1 the speaker of the house serving in that capacity.
2 Expense and travel allowances shall be the same for

3 the speaker of the house and the presiding officer of
 4 the senate and the majority and minority leader of
 5 each house as provided for other members of the
 6 general assembly."

PLASIER of Sioux

H-6124

1 Amend Senate File 2403, as amended, passed and
 2 reprinted by the Senate, as follows:
 3 1. Page 21, line 25, by inserting after the word
 4 "both." the following: "Facility does not include a
 5 non-public utility cogeneration unit with a total
 6 capacity of less than forty megawatts of electricity."
 7 2. Page 22, by inserting after line 3 the
 8 following: "A person proposing to construct a
 9 non-public utility cogeneration unit with a total
 10 capacity of less than forty megawatts of electricity
 11 shall notify the board of such proposed construction."

TRENT of Muscatine
 WISE of Lee
 DE GROOT of Lyon

H-6128

1 Amend Senate File 2422, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 24, lines 20 and 21, by striking the
 4 words "eighteen thousand one hundred" and inserting
 5 the following: "eighteen seventeen thousand one three
 6 hundred fifty".
 7 2. Page 24, line 25, by striking the word
 8 "twenty-six" and inserting the following: "twenty-
 9 four".
 10 3. Page 25, line 20, by striking the words
 11 "twenty-seven thousand nine" and inserting the
 12 following: "twenty-seven twenty-five thousand nine
 13 four".
 14 4. Page 25, by striking lines 22 through 29 and
 15 inserting the following: "the house serving in that
 16 capacity. Expense and travel allowances shall be the
 17 same for the speaker of the house and the presiding
 18 officer of the senate and the majority and".

LAGESCHULTE of Bremer

H-6131

1 Amend Senate File 2422, as amended, passed and
 2 reprinted by the Senate, as follows:
 3 1. Page 23, line 24, by striking the figure
 4 "\$26,700" and inserting the figure "\$23,900".

PLASIER of Sioux

H-6140

- 1 Amend the amendment, H-6127, to Senate File 2403,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. By striking page 7, line 46 through page 8,
- 5 line 9.
- 6 2. Page 8, line 12, by striking the word "rate-
- 7 regulated".
- 8 3. Page 8, line 13, by striking the words "Rate-
- 9 regulated gas" and inserting the following: "Gas".
- 10 4. Page 8, line 18, by inserting after the word
- 11 "utilities," the following: "The board shall require
- 12 a nonrate-regulated utility to file only that
- 13 information necessary to assure the board that the
- 14 requirements of the rules are being met. Nothing in
- 15 this section subjects such utilities to rate
- 16 regulation by the board."
- 17 5. Page 8, by inserting after line 35 the
- 18 following:
- 19 "_____. Page 16, lines 31 and 32 by striking the
- 20 word "rate-regulated".
- 21 "_____. Page 17, line 4, by striking the word "rate-
- 22 regulated","
- 23 6. Page 8, line 41, by striking the word "rate-
- 24 regulated".
- 25 7. Page 8, line 44, by striking the word "rate-
- 26 regulated".
- 27 8. Page 8, line 46, by striking the word "rate-
- 28 regulated".
- 29 9. Page 8, by striking line 48 and inserting the
- 30 following:
- 31 "An electric utility or".
- 32 10. Page 9, line 15, by striking the word "rate-
- 33 regulated".
- 34 11. By renumbering, relettering, and
- 35 redesignating as necessary.

BISIGNANO of Polk

H-6144

- 1 Amend Senate File 2422, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 22, by inserting after line 7 the
- 4 following:
- 5 "Due to the board of regents' past practice of
- 6 diverting salary adjustment funds for equipment
- 7 purchases, utility costs, and other nonsalary needs,
- 8 the general assembly has recalculated fiscal year 1990
- 9 and fiscal year 1991 salary adjustment needs based on
- 10 actual salary expenditures rather than projected
- 11 salary expenditures. The board of regents shall

12 submit to the education appropriations subcommittees
 13 by February 1, 1991, a list of equipment purchases
 14 that have been delayed in fiscal year 1991 because of
 15 this more accurate method of calculation. It is the
 16 intent of the general assembly to fund critical unmet
 17 needs at board of regents' institutions."

JOCHUM of Dubuque
 HATCH of Polk

H-6153

1 Amend the Senate amendment, H-5837, to House File
 2 2422 as amended, passed, and reprinted by the House,
 3 as follows:

4 1. Page 1, by striking lines 3 through 33, and
 5 inserting the following:

6 "_____. By striking everything after the enacting
 7 clause and inserting the following:

8 "Section 1. Section 252A.4, subsection 2, Code
 9 1989, is amended to read as follows:

10 2. The court of the responding state ~~shall have~~
 11 ~~the power to may~~ order the respondent to pay sums
 12 sufficient to provide necessary food, shelter,
 13 clothing, care, medical or hospital expenses,
 14 including medical support as defined in chapter 252E,
 15 expenses of confinement, expenses of education of a
 16 child, funeral expenses and such other reasonable and
 17 proper expenses of the petitioner as justice requires,
 18 having due regard to the circumstances of the
 19 respective parties.

20 Sec. 2. NEW SECTION. 252A.5A LIMITATIONS OF
 21 ACTIONS.

22 1. An action to establish paternity and support
 23 under this chapter may be brought within the time
 24 limitations set forth in section 614.8.

25 2. Notwithstanding subsection 1, an action to
 26 establish paternity and support under this chapter may
 27 be brought concerning a person who was under age
 28 eighteen on August 16, 1984, regardless of whether any
 29 prior action was dismissed because a statute of
 30 limitations of less than eighteen years was then in
 31 effect. Such an action may be brought within the time
 32 limitations set forth in section 614.8, or until July
 33 2, 1992, whichever is later.

34 Sec. 3. Section 252B.5, Code 1989, is amended by
 35 adding the following new subsection:

36 NEW SUBSECTION. 6. Assistance in obtaining
 37 medical support as defined in chapter 252E.

38 Sec. 4. Section 252B.5, Code 1989, is amended by
 39 adding the following new subsection:

40 NEW SUBSECTION. 7. At the request of either
 41 parent who is subject to the order of support or upon

42 its own initiation, review the amount of the support
43 award in accordance with the guidelines established
44 pursuant to section 598.21, subsection 4, and the
45 federal Family Support Act of 1988, and take action to
46 initiate modification proceedings if the criteria
47 established pursuant to this section are met.
48 However, a review of a support award is not required
49 in those cases for which an assignment ordered
50 pursuant to chapter 234 or 239 is in effect if the

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1 child support recovery unit determines that such a
2 review would not be in the best interest of the child
3 and neither parent has requested such review.

4 The department shall adopt rules no later than
5 October 13, 1990, setting forth the process for review
6 of requests for modification of support obligations
7 and the criteria and process for taking action to
8 initiate modification proceedings.

9 Sec. 5. Section 252B.6, subsection 3, Code 1989,
10 is amended by striking the subsection and inserting in
11 lieu thereof the following:

12 3. Appear on behalf of the state for the purpose
13 of facilitating the modification of support awards
14 consistent with guidelines established pursuant to
15 section 598.21, subsection 4 and the federal Family
16 Support Act of 1988. The unit shall not otherwise
17 participate in the proceeding.

18 Sec. 6. Section 252B.6, subsection 4, paragraph b,
19 Code 1989, is amended by striking the paragraph.

20 Sec. 7. Section 252B.7, Code 1989, is amended by
21 adding the following new subsection:

22 NEW SUBSECTION. 4. An attorney employed by or
23 under contract with the child support recovery unit
24 represents and acts on behalf of the state when
25 providing child support enforcement services.

26 Sec. 8. NEW SECTION. 252B.18 ADVISORY COMMITTEE
27 ESTABLISHED.

28 The department shall establish a child support
29 enforcement program advisory committee which shall
30 include representatives of custodial parent groups,
31 noncustodial parent groups, the judicial department,
32 the office of citizens' aide, the Iowa state bar
33 association, and representatives of other
34 constituencies having an interest in child support
35 enforcement issues. The advisory committee shall
36 assist the department in reviewing issues related to
37 the implementation of the federal Family Support Act
38 of 1988 and methods of improving service. With the
39 assistance of the advisory committee, the department
40 shall review existing policies, practices, and

41 procedures of the child support recovery unit to
42 identify areas in which administrative appeals
43 procedures or other provisions for review of contested
44 issues would help to assure fair and impartial
45 treatment of persons affected by actions of the unit.
46 Sec. 9. Section 252C.1, subsection 2, Code 1989,
47 is amended to read as follows:
48 2. "Court order" means a judgment or order of a
49 court of this state or another state requiring the
50 payment of a set or determinable amount of monetary

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1 support. For orders entered on or after July 1, 1990,
2 unless the court specifically orders otherwise,
3 medical support, as defined in section 252E.1, is not
4 included in the amount of monetary support.

5 Sec. 10. Section 252C.1, Code 1989, is amended by
6 adding the following new subsection:

7 **NEW SUBSECTION. 8.** "Medical support" means either
8 the provision of coverage under a health benefit plan,
9 including a group or employment-related or an
10 individual health benefit plan, or a health benefit
11 plan provided pursuant to chapter 514E, to meet the
12 medical needs of a dependent and the cost of any
13 premium required by a health benefit plan, or the
14 payment to the obligee of a monetary amount in lieu of
15 providing coverage under a health benefit plan, either
16 of which is an obligation separate from any monetary
17 amount of child support ordered to be paid.

18 Sec. 11. Section 252C.3, subsection 1, unnumbered
19 paragraph 1, Code 1989, is amended to read as follows:

20 In the absence of a court order, or if an
21 administrative order exists which does not require
22 provision of medical support as defined in chapter
23 252E or equivalent medical support, the administrator
24 may issue a notice establishing and demanding either
25 payment of medical support established as defined in
26 chapter 252E or payment of an accrued or accruing
27 support debt due and owed to the department or an
28 individual under section 252C.2, or both. The notice
29 shall be served upon the responsible person in
30 accordance with the rules of civil procedure. The
31 notice shall include all of the following:

32 Sec. 12. Section 252C.3, subsection 1, paragraph
33 d, Code 1989, is amended to read as follows:

34 d. A demand for either immediate payment of the
35 support debt or of a medical support debt established
36 as defined in chapter 252E, or both.

37 Sec. 13. Section 252C.3, subsection 1, paragraph
38 e, subparagraphs (3) and (4), Code 1989, are amended
39 to read as follows:

40 (3) A statement that after the holding of the
41 negotiation conference, the administrator may issue a
42 new notice and finding of financial responsibility for
43 child support or medical support, or both, to be sent
44 to the responsible person by regular mail addressed to
45 the responsible person's last known address, or if
46 applicable, to the last known address of the
47 responsible person's attorney.

48 (4) A statement that if the administrator issues a
49 new notice and finding of financial responsibility for
50 child support or medical support, or both, then the

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1 responsible person shall have ten days from the date
2 of issuance of the new notice or twenty days from the
3 date of service of the original notice, whichever is
4 later, to send a request for a hearing to the office
5 of the child support recovery unit which issued the
6 notice.

7 Sec. 14. Section 252C.3, subsection 1, paragraphs
8 f, g, and i, Code 1989, are amended to read as
9 follows:

10 f. A statement that if the responsible person
11 objects to all or any part of the notice or finding of
12 financial responsibility for child support or medical
13 support, or both, and ~~no~~ a negotiation conference is
14 not requested, then within twenty days of the date of
15 service, the responsible person shall, within twenty
16 days of the date of service send to the office of the
17 child support recovery unit which issued the notice a
18 written response setting forth any objections and
19 requesting a hearing.

20 g. A statement that if a timely written request
21 for a hearing is received by the office of the child
22 support recovery unit which issued the notice, the
23 responsible person shall have the right to a hearing
24 to be held in district court; and that if no timely
25 written response is received, the administrator may
26 enter an order in accordance with the notice and
27 finding of financial responsibility for child support
28 or medical support, or both.

29 i. A statement that the responsible person shall
30 notify the administrator of any change of address, ~~or~~
31 employment, or medical coverage as required by chapter
32 252E.

33 Sec. 15. Section 252C.3, subsection 4, Code 1989,
34 is amended by adding the following new paragraph:
35 NEW PARAGRAPH. e. The medical support required
36 pursuant to chapter 598 and rules adopted pursuant to
37 chapter 252E.

38 Sec. 16. Section 252C.3, subsection 5, Code 1989,

39 is amended to read as follows:

40 5. The responsible person shall be sent a copy of
 41 the order by regular mail addressed to the responsible
 42 person's last known address, or if applicable, to the
 43 last known address of the responsible person's
 44 attorney. The order is final, and action by the
 45 administrator to enforce and collect upon the order,
 46 including arrearages and medical support, or both, may
 47 be taken from the date of issuance of the order.

48 Sec. 17. Section 252C.4, subsections 2 and 4, Code
 49 Supplement 1989, are amended to read as follows:

50 2. If the matter has not been heard previously by

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1 the district court, or an existing administrative
 2 order does not provide for medical support pursuant to
 3 chapter 252E, the certification shall include true
 4 copies of the notice and finding of financial
 5 responsibility or notice of the support debt accrued
 6 and accruing, the return of service, the written
 7 objections and request for hearing, and true copies of
 8 any administrative orders previously entered.

9 4. The court shall establish the monthly child
 10 support payment and the amount of the support debt
 11 accrued and accruing pursuant to section 598.21,
 12 subsection 4, or medical support pursuant to chapter
 13 252E, or both.

14 Sec. 18. Section 252C.9, Code 1989, is amended to
 15 read as follows:

16 ~~252C.9 COURT ORDER PREVAILS~~ PREVAILING ORDERS.

17 If an order of the administrator issued pursuant to
 18 this chapter conflicts with an order of a court, the
 19 court order prevails regarding support issues
 20 addressed by the court order.

21 Sec. 19. Section 252D.1, subsection 1, Code 1989,
 22 is amended to read as follows:

23 1. As used in this chapter, unless the context
 24 otherwise requires, "support" or "support payments"
 25 means any amount which the court may require a person
 26 to pay for the benefit of a child under a temporary
 27 order or a final judgment or decree, and may include
 28 child support, maintenance, medical support as defined
 29 in chapter 252E, and, if contained in a child support
 30 order, spousal support, and any other term used to
 31 describe these obligations. These obligations may
 32 include support for a child who is between the ages of
 33 eighteen and twenty-two years and who is regularly
 34 attending an accredited school in pursuance of a
 35 course of study leading to a high school diploma or
 36 its equivalent, or regularly attending a course of
 37 vocational technical training either as a part of a

38 regular school-program or under special arrangements
39 adapted to the individual person's needs, or is, in
40 good faith, a full-time student in a college,
41 university, or area school, or has been accepted for
42 admission to a college, university, or area school and
43 the next regular term has not yet begun; and may
44 include support for a child of any age who is
45 dependent on the parties to the dissolution
46 proceedings because of physical or mental disability.

47 Sec. 20. NEW SECTION. 252E.1 DEFINITIONS.

48 As used in this chapter, unless the context
49 otherwise requires:

50 1. "Child" means a person for whom child support

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1 may be ordered pursuant to chapter 234, 239, 252A,
2 252C, 598, or 675 or any other chapter of the Code.

3 2. "Department" means the department of human
4 services, which includes but is not limited to the
5 child support recovery unit, or any comparable support
6 enforcement agency of another state.

7 3. "Dependent" means a child, or an obligee for
8 whom a court may order coverage by a health benefit
9 plan pursuant to section 252E.3.

10 4. "Enroll" means to be eligible for and covered
11 by a health benefit plan.

12 5. "Health benefit plan" means any policy or
13 contract of insurance, indemnity, subscription or
14 membership issued by an insurer, health service
15 corporation, health maintenance organization, or any
16 similar corporation, organization, or a self-insured
17 employee benefit plan, for the purpose of covering
18 medical expenses. These expenses may include, but are
19 not limited to hospital, surgical, major medical
20 insurance, dental, optical, prescription drugs, office
21 visits, or any combination of these or any other
22 comparable health care expenses.

23 6. "Insurer" means any entity which provides a
24 health benefit plan.

25 7. "Medical support" means either the provision of
26 a health benefit plan, including a group or
27 employment-related or an individual health benefit
28 plan, or a health benefit plan provided pursuant to
29 chapter 514E, to meet the medical needs of a dependent
30 and the cost of any premium required by a health
31 benefit plan, or the payment to the obligee of a
32 monetary amount in lieu of a health benefit plan,
33 either of which is an obligation separate from any
34 monetary amount of child support ordered to be paid.
35 Medical support is not alimony.

36 8. "Obligee" means a parent or another natural

37 person legally entitled to receive a support payment
38 on behalf of a child.

39 9. "Obligor" means a parent or another natural
40 person legally responsible for the support of a
41 dependent.

42 Sec. 21. NEW SECTION. 252E.2 ORDER FOR MEDICAL
43 SUPPORT.

44 The entry of an order, pursuant to chapter 234,
45 252A, 252C, 598, or 675, requiring the provision of
46 coverage under a health benefit plan is authorization
47 for enrollment of the dependent if the dependent is
48 otherwise eligible to be enrolled. The dependent's
49 eligibility and enrollment for coverage under such a
50 plan shall be governed by all applicable terms and

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1 conditions, including, but not limited to, eligibility
2 and insurability standards. The dependent, if
3 eligible, shall be provided the same coverage as the
4 obligor.

5 Sec. 22. NEW SECTION. 252E.3 HEALTH BENEFIT
6 COVERAGE OF OBLIGEE.

7 For cases for which services are being provided
8 pursuant to chapter 252B, the order may require an
9 obligor providing a health benefit plan for a child to
10 also provide a health benefit plan for the benefit of
11 an obligee if the obligee is eligible for enrollment
12 under the plan in which the child or the obligor is
13 enrolled, and if the plan is available at no
14 additional cost.

15 Sec. 23. NEW SECTION. 252E.4 COPY OF ORDER TO
16 EMPLOYER.

17 The obligor shall take all steps necessary to
18 enroll and maintain coverage under a health benefit
19 plan for a dependent at present and all future places
20 of employment, and shall send a copy of the order
21 requiring the coverage to the obligor's employer.

22 1. Within fifteen days of entry of the order, the
23 obligor shall provide written proof to the obligee and
24 the department that the required coverage has been
25 obtained or that application for coverage has been
26 made.

27 2. If the obligor fails to provide written proof
28 as required in subsection 1, a copy of the order for
29 medical support shall be forwarded to the obligor's
30 employer by the obligee or the department.

31 3. The chapter shall be constructive notice to the
32 obligor of enforcement and further notice prior to
33 enforcement is not required.

34 4. The order requiring coverage is binding on all
35 future employers or insurers if the dependent is

36 eligible to be enrolled in the health benefit plan
 37 under the applicable plan terms and conditions.
 38 Sec. 24. NEW SECTION. 252E.5 EFFECT OF ORDER ON
 39 EMPLOYER.

40 When the order has been forwarded to the obligor's
 41 employer pursuant to section 252E.4, the order is
 42 binding on the employer and the employer's insurer to
 43 the extent that the dependent is eligible to be
 44 enrolled in the plan under the applicable terms and
 45 conditions of the health benefit plan. The employer
 46 shall forward a copy of the order to the insurer and
 47 request enrollment of the dependent in the health
 48 benefit plan. Within sixty days of receipt of the
 49 order or within sixty days of receipt of application
 50 of the obligor pursuant to the order, whichever is

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1 earlier, the insurer shall determine whether the
 2 dependent is eligible for enrollment under the plan
 3 and shall notify the employer of the dependent's
 4 eligibility status. If eligible, the employer shall
 5 withhold any required premium from the obligor's
 6 income or wages. If more than one plan is offered by
 7 the employer, the dependent shall be enrolled in the
 8 health benefit plan in which the obligor is enrolled.

9 Within thirty days of receipt of an order that
 10 requires an obligor to enroll a dependent in a health
 11 benefit plan, the obligor's employer shall provide the
 12 following information regarding the enrollment status
 13 of the dependent to the obligor, the obligee, and the
 14 department:

- 15 1. That the dependent has been enrolled in a
 16 health benefit plan.
- 17 2. That the dependent will be enrolled in the next
 18 enrollment period.
- 19 3. That the dependent is not eligible for
 20 enrollment and the reasons that the dependent is not
 21 eligible to be enrolled.
- 22 4. That the order has been forwarded to the
 23 insurer and a determination of eligibility for
 24 enrollment has not been made.
- 25 5. If either subsection 1 or 2 describes the
 26 enrollment status of the dependent, all of the
 27 following information:
 - 28 a. The name of the insurer providing the health
 29 benefit plan.
 - 30 b. The dependent's effective date of coverage.
 - 31 c. The health benefit plan or account number.
 - 32 d. The type of health benefit plan under which the
 33 dependent has been enrolled, including whether dental,
 34 optical, office visits, and prescription drugs are

35 covered services. Additionally, the response shall
 36 include a brief description of the applicable
 37 deductibles, coinsurance, waiting periods for
 38 preexisting medical conditions, and other significant
 39 terms or conditions which materially affect the
 40 coverage.

41 If an order requiring that the obligor provide
 42 coverage under a health benefit plan for the dependent
 43 has been forwarded to the obligor's employer pursuant
 44 to section 252E.4, and the obligor's employment is
 45 terminated, the employer shall provide notice to the
 46 obligee and the department within ten days of
 47 termination of the obligor's employment. If an order
 48 requiring that the obligor provide coverage under a
 49 health benefit plan for the dependent has been
 50 forwarded to the obligor's employer pursuant to

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1 section 252E.4, and the employer's health benefit plan
 2 is terminated either in its entirety or with respect
 3 to the obligor's insurance classification, or the
 4 employer has changed its insurer, the employer shall
 5 provide notice to the obligee and the department ten
 6 days prior to the termination of coverage or change in
 7 insurer.

8 This chapter does not preclude the exchange of
 9 required information between the department and
 10 employers or insurers through electronic data
 11 transfer.

12 **Sec. 25. NEW SECTION. 252E.6 DURATION OF HEALTH**
 13 **BENEFIT PLAN COVERAGE.**

14 1. A child is eligible for medical support for the
 15 duration of the obligor's child support obligation.
 16 However, the child's eligibility for coverage under a
 17 health benefit plan shall be governed by all
 18 applicable plan provisions including, but not limited to
 19 to, eligibility and insurability standards.

20 2. For cases for which services are being provided
 21 pursuant to chapter 252B, termination of an obligee's
 22 medical support ordered pursuant to section 252E.3
 23 shall be governed by the insurer's health benefit plan
 24 provisions for termination and by applicable federal
 25 law.

26 **Sec. 26. NEW SECTION. 252E.7 INSURER**
 27 **AUTHORIZATION.**

28 1. The entry of an order requiring a health
 29 benefit plan is authorization for enrollment of the
 30 dependent if the dependent is otherwise eligible to be
 31 enrolled. If an order has been forwarded to the
 32 insurer pursuant to section 252E.5 and is not
 33 accompanied by an appropriate application for

34 enrollment of the dependent signed by the obligor, the
35 insurer shall attempt to obtain a signed application
36 from the obligor. If the insurer is unsuccessful in
37 obtaining a signed application from the obligor within
38 thirty days after the insurer's initial request to the
39 obligor, the insurer shall accept the signature of the
40 obligee or an employee of the department as valid
41 authorization for enrollment of the dependent under
42 the health benefit plan.

43 2. For purposes of processing claims for payment,
44 the insurer shall attempt to obtain the obligor's
45 written authorization to accept the signature of the
46 obligee or an employee of the department on all claim
47 forms submitted to the insurer for medical services
48 provided to the dependent. Upon receipt of such
49 written authorization from the obligor on at least an
50 annual basis, the insurer shall accept the signature

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1 of the obligee or an employee of the department as
2 valid authorization for purposes of processing any
3 medical expense claims on behalf of the dependent for
4 payment or reimbursement of medical services rendered
5 to the dependent.

6 If the insurer is unsuccessful in obtaining such
7 written authorization from the obligor within thirty
8 days after the insurer's initial request to the
9 obligor, the insurer shall accept the signature of the
10 obligee or an employee of the department as valid
11 authorization for purposes of processing any medical
12 expense claims on behalf of the dependent for payment
13 or reimbursement of medical services rendered to the
14 dependent.

15 3. The insurer shall have immunity from any
16 liability, civil or criminal, which might otherwise be
17 incurred or imposed for actions taken in implementing
18 this section including, but not limited to, the
19 insurer's release of any information, or the payment
20 of any claims for services by the insurer, or the
21 insurer's acceptance of applications for enrollment of
22 the dependent and medical expense claims for the
23 dependent which are signed by the obligee or an
24 employee of the department pursuant to this section.

25 4. This section does not preclude an insurer from
26 issuing payment directly to the provider if such
27 payment procedure is consistent with the health
28 benefit plan under which the dependent is enrolled,
29 except as provided pursuant to chapter 249A.

30 5. Payments remitted to the obligor by the insurer
31 for services received by the dependent shall be
32 recoverable by the obligee or the department from the

33 obligor if not properly paid by the obligor to the
34 provider or the obligee.

35 Sec. 27. NEW SECTION. 252E.8 RELEASES OF
36 INFORMATION.

37 1. If an order for coverage under a health benefit
38 plan has been forwarded pursuant to section 252E.5,
39 the obligor's employer or insurer shall release to the
40 obligee or the department upon receiving a written
41 request, the information necessary to complete an
42 application or to file a claim for medical expenses of
43 the dependent, provided the obligor's employer or
44 insurer is given sufficient opportunity to obtain
45 written authorization for the release of such
46 information from the obligor pursuant to this section.

47 2. The employer or insurer shall make available to
48 the obligee or the department any necessary claim
49 forms or enrollment membership cards if required to
50 obtain services.

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1 3. The obligor's employer and insurer shall have
2 immunity from any liability, civil or criminal, which
3 might otherwise be incurred or imposed for any
4 information released by such employer or insurer
5 pursuant to this chapter.

6 4. The department may release to the obligor's
7 employer or insurer or to the obligee information
8 necessary to obtain, enforce, and collect medical
9 support.

10 Sec. 28. NEW SECTION. 252E.9 RESPONSIBILITIES OF
11 THE OBLIGOR.

12 1. For cases for which services are being provided
13 pursuant to chapter 252B, an obligor who fails to
14 maintain medical support for the benefit of the
15 dependent as ordered shall be liable to the obligee or
16 the department for any medical expenses incurred from
17 the date of the court order. Proof of failure to
18 maintain medical support constitutes a showing of
19 increased need and provides a basis for the
20 establishment of a monetary amount for medical
21 support.

22 2. For cases for which services are being provided
23 pursuant to chapter 252B, the obligor shall notify the
24 obligee and the department within ten days of a change
25 in the terms or conditions of coverage under a health
26 benefit plan. Such changes may include, but are not
27 limited to, a change in deductibles, coinsurance,
28 preadmission notification requirements, coverage for
29 dental, optical, office visits, prescription drugs,
30 inpatient and outpatient hospitalization, and any
31 other changes which materially affect the coverage.

32 Costs incurred by the obligee or the department as a
 33 result of the obligor's failure to provide
 34 notification as required are recoverable from the
 35 obligor.

36 Sec. 29. NEW SECTION. 252E.10 RESPONSIBILITY OF
 37 THE DEPARTMENT.

38 For cases for which services are being provided
 39 pursuant to chapter 252B, the department shall take
 40 steps required by federal regulations to implement and
 41 enforce an order for medical support.

42 Sec. 30. NEW SECTION. 252E.11 ASSIGNMENT.

43 If medical assistance coverage is provided by the
 44 department to a dependent, rights to medical support
 45 payments are assigned to the department pursuant to
 46 federal regulations.

47 Sec. 31. NEW SECTION. 252E.12 ENFORCEMENT.

48 For the purposes of enforcement pursuant to chapter
 49 252B, medical support may be reduced to a dollar
 50 amount and may be collected through the same remedies

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1 available for the collection and enforcement of child
 2 support.

3 Sec. 32. NEW SECTION. 252E.13 MODIFICATION OF
 4 SUPPORT ORDER.

5 1. When high potential for obtaining medical
 6 support exists, the obligee or the department may
 7 petition for a modification of the obligor's support
 8 order to include medical support or a monetary amount
 9 for medical support pursuant to this chapter.

10 2. In addition, if an administrative order entered
 11 pursuant to chapter 252C does not provide medical
 12 support as defined in this chapter or equivalent
 13 medical support, the department may obtain a medical
 14 support order pursuant to chapter 252C. A medical
 15 support order obtained pursuant to chapter 252C may be
 16 an additional or separate support judgment and shall
 17 be known as an administrative order for medical
 18 support.

19 Sec. 33. NEW SECTION. 252E.14 CHILD SUPPORT.

20 Unless the order specifies otherwise, medical
 21 support is not included in the monetary amount of
 22 child support ordered to be paid for orders entered on
 23 or after July 1, 1990.

24 Sec. 34. NEW SECTION. 252E.15 RULEMAKING
 25 AUTHORITY - COMPLIANCE.

26 The department shall adopt rules pursuant to
 27 chapter 17A to implement this chapter for cases for
 28 which services are being provided pursuant to chapter
 29 252B. The department shall cooperate with any agency
 30 of the state or federal government as may be necessary

31 to qualify for federal funds in conformity with
32 provisions of this chapter and Title IV-D of the
33 federal Social Security Act.

34 Sec. 35. NEW SECTION. 252E.16 SCOPE AND EFFECT.

35 1. The provisions of this chapter take effect July
36 1, 1990, for all support orders entered pursuant to
37 chapter 234, 252A, 252C, 598, or 675.

38 2. If an obligor was ordered to provide a health
39 benefit plan or insurance coverage under an order
40 entered prior to July 1, 1990, but did not comply with
41 the order, insurers are not liable for medical
42 expenses incurred prior to July 1, 1990. However,
43 such an order may be implemented pursuant to the
44 provisions of this chapter following its enactment.
45 This chapter shall not be implemented retroactively;
46 however, previous orders for medical support not
47 otherwise complied with may be reduced to a dollar
48 amount and collected from the obligor.

49 Sec. 36. Section 598.1, subsection 2, Code 1989,
50 is amended to read as follows:

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1 2. "Support" or "support payments" means an amount
2 which the court may require either of the parties to
3 pay under a temporary order or a final judgment or
4 decree, and may include alimony, child support,
5 maintenance, and any other term used to describe these
6 obligations. For orders entered on or after July 1,
7 1990, unless the court specifically orders otherwise,
8 medical support is not included in the monetary amount
9 of child support. The obligations may include support
10 for a child who is between the ages of eighteen and
11 twenty-two years who is regularly attending an
12 accredited school in pursuance of a course of study
13 leading to a high school diploma or its equivalent, or
14 regularly attending a course of vocational-technical
15 training either as a part of a regular school program
16 or under special arrangements adapted to the
17 individual person's needs; or is, in good faith, a
18 full-time student in a college, university, or area
19 school; or has been accepted for admission to a
20 college, university, or area school and the next
21 regular term has not yet begun; or a child of any age
22 who is dependent on the parties to the dissolution
23 proceedings because of physical or mental disability.

24 Sec. 37. Section 598.21, subsection 4, paragraph
25 a, Code Supplement 1989, is amended by adding the
26 following new unnumbered paragraph:

27 NEW UNNUMBERED PARAGRAPH. Until such time as the
28 supreme court incorporates the provision of medical
29 support in the guidelines as required by paragraph

30 "c", the court shall order as child medical support a
31 health benefit plan as defined in chapter 252E if
32 available to either parent at a reasonable cost. A
33 health benefit plan is considered reasonable in cost
34 if it is employment-related or other group health
35 insurance, regardless of the service delivery
36 mechanism. The premium cost of the health benefit
37 plan may be considered by the court as a reason for
38 varying from the child support guidelines. If a
39 health benefit plan is not available at a reasonable
40 cost, the court may order any other provisions for
41 medical support as defined in chapter 252E.

42 Sec. 38. Section 598.21, subsection 4, Code
43 Supplement 1989, is amended by adding the following
44 new paragraph:

45 NEW PARAGRAPH. c. The guidelines prescribed by
46 the supreme court shall incorporate provisions for
47 medical support as defined in chapter 252E to be
48 effective on or before January 1, 1991.

49 Sec. 39. Section 598.21, subsection 8, Code
50 Supplement 1989, is amended to read as follows:

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1 8. The court may subsequently modify orders made
2 under this section when there is a substantial change
3 in circumstances. In determining whether there is a
4 substantial change in circumstances, the court shall
5 consider the following:
6 a. Changes in the employment, earning capacity,
7 income or resources of a party.
8 b. Receipt by a party of an inheritance, pension
9 or other gift.
10 c. Changes in the medical expenses of a party.
11 d. Changes in the number or needs of dependents of
12 a party.
13 e. Changes in the physical, mental, or emotional
14 health of a party.
15 f. Changes in the residence of a party.
16 g. Remarriage of a party.
17 h. Possible support of a party by another person.
18 i. Changes in the physical, emotional or
19 educational needs of a child whose support is governed
20 by the order.
21 j. Contempt by a party of existing orders of
22 court.
23 k. Changes in technology related to determination
24 of paternity, subject to the following conditions and
25 limitations:

26 (1) (a) For orders entered before July 1, 1990, a
27 petition to modify must be filed by July 1, 1991,
28 provided that the child is under the age of nineteen

29 years at the time the petition to modify is filed.
 30 (b) For orders entered on or after July 1, 1990, a
 31 petition to modify must be filed within five years of
 32 the date of entry of the dissolution decree or the
 33 order establishing paternity, provided that the child
 34 is under the age of nineteen years at the time the
 35 petition to modify is filed.

36 (2) Any modification of child support brought
 37 under this lettered paragraph can be made retroactive
 38 only to the date on which the notice of the pending
 39 petition for modification is served on the opposing
 40 party.

41 (3) The cost of testing related to the
 42 determination of paternity shall be paid by the person
 43 requesting the modification.

44 1. Other factors the court determines to be
 45 relevant in an individual case.

46 **PARAGRAPH DIVIDED.** A modification of a support
 47 order entered under chapter 252A, chapter 675, or this
 48 chapter between parties to the order is void unless
 49 the modification is approved by the court, after
 50 proper notice and opportunity to be heard is given to

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1 all parties to the order, and entered as an order of
 2 the court. If support payments have been assigned to
 3 the department of human services pursuant to section
 4 239.3, the department shall be considered a party to
 5 the support order. Modifications of orders pertaining
 6 to child custody shall be made pursuant to chapter
 7 598A. If the petition for a modification of an order
 8 pertaining to child custody asks either for joint
 9 custody or that joint custody be modified to an award
 10 of sole custody, the modification, if any, shall be
 11 made pursuant to section 598.41.

12 Judgments for child support or child support awards
 13 entered pursuant to this chapter, chapter 234, 252A,
 14 252C, 675, or any other chapter of the Code which are
 15 subject to a modification proceeding may be
 16 retroactively modified only from the date the notice
 17 of the pending petition for modification is served on
 18 the opposing party.

19 Sec. 40. Section 598.21, Code Supplement 1989, is
 20 amended by adding the following new subsection:

21 **NEW SUBSECTION. 8A.** Notwithstanding subsection 8,
 22 a substantial change of circumstances exists when the
 23 court order for child support deviates from the child
 24 support guidelines established pursuant to section
 25 598.21, subsection 4 for a reason other than that
 26 stated in the original order, unless the provisions of
 27 the guidelines themselves have changed since the entry

28 or subsequent modification of the original order.
29 Upon application for a modification of an order for
30 child support where services are being received
31 pursuant to chapter 252B, the court shall act in
32 accordance with section 598.21, subsection 4.

33 Sec. 41. Section 598.22, unnumbered paragraph 1,
34 Code 1989, is amended to read as follows:

35 This Except as otherwise provided in section
36 598.22A, this section applies to all initial or
37 modified orders for support entered under this
38 chapter, chapter 234, 252A, 252C, 675, or any other
39 chapter of the Code. All orders or judgments entered
40 under chapter 234, 252A, 252C, or 675, or under this
41 chapter or any other chapter which provide for
42 temporary or permanent support payments shall direct
43 the payment of those sums to the clerk of the district
44 court or the collection services center in accordance
45 with section 252B.14 for the use of the person for
46 whom the payments have been awarded. Payments to
47 persons other than the clerk of the district court and
48 the collection services center do not satisfy the
49 support obligations created by the orders or
50 judgments, except as provided for trusts governed by

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1 the federal Retirement Equity Act of 1984, Pub. L. No.
2 98-397, for tax refunds or rebates in section
3 602.8102, subsection 47, or for dependent benefits
4 paid to the child support obligee as the result of
5 disability benefits awarded to the child support
6 obligor under the federal Social Security Act. For
7 trusts governed by the federal Retirement Equity Act
8 of 1984, Pub. L. No. 98-397, the assignment of income
9 shall require the payment of such sums to the
10 alternate payee in accordance with the federal Act.

11 Sec. 42. Section 598.22, Code 1989, is amended by
12 adding the following new unnumbered paragraph:
13 NEW UNNUMBERED PARAGRAPH. For the purpose of
14 enforcement, medical support is additional support
15 which, upon being reduced to a dollar amount, may be
16 collected through the same remedies available for the
17 collection and enforcement of child support.

18 Sec. 43. NEW SECTION. 598.22A SATISFACTION OF
19 SUPPORT PAYMENTS.

20 Notwithstanding sections 252B.14 and 598.22,
21 support payments ordered pursuant to any support
22 chapter for orders entered on or after July 1, 1985,
23 which are not made pursuant to the provisions of
24 section 252B.14 or 598.22, shall be credited only as
25 provided in this section.

26 1. For payment made pursuant to an order entered

27 on or after July 1, 1985, the clerk of the district
 28 court or collection services center shall record a
 29 satisfaction as a credit on the official support
 30 payment record if its validity is confirmed by the
 31 court upon submission of an affidavit by the person
 32 entitled to receive the payment, after notice is given
 33 to all parties.

34 2. For purposes of this section, the state is a
 35 party to which notice shall be given when public funds
 36 have been expended pursuant to chapter 234, 239, or
 37 249A, or similar statutes in another state. If proper
 38 notice is not given to the state when required, any
 39 order of satisfaction is void.

40 3. The court shall not enter an order for
 41 satisfaction of payments not made through the clerk of
 42 the district court or collection services center if
 43 those payments have been assigned as a result of
 44 public funds expended pursuant to chapter 234, 239, or
 45 249A, or similar statutes in other states.

46 Sec. 44. Section 675.25, Code Supplement 1989, is
 47 amended to read as follows:

48 675.25 FORM OF JUDGMENT — CONTENTS OF SUPPORT
 49 ORDER — COSTS.

50 Upon a finding or verdict of paternity pursuant to

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1 section 675.24, the court shall establish the father's
 2 monthly support payment and the amount of the support
 3 debt accrued or accruing pursuant to section 598.21,
 4 subsection 4, until the child reaches majority or
 5 until the child finishes high school, if after
 6 majority. The court may order the father to pay
 7 amounts the court deems appropriate for the past
 8 support and maintenance of the child and for the
 9 reasonable and necessary expenses incurred by or for
 10 the mother in connection with prenatal care, the birth
 11 of the child, and postnatal care of the child and the
 12 mother, and other medical support as defined in
 13 section 252E.1. The court may award the prevailing
 14 party the reasonable costs of suit, including but not
 15 limited to reasonable attorney fees.

16 Sec. 45. NEW SECTION. 675.33 LIMITATIONS OF
 17 ACTIONS.

18 1. An action to establish paternity and support
 19 under this chapter may be brought within the time
 20 limitations set forth in section 614.8.

21 2. Notwithstanding subsection 1, an action to
 22 establish paternity and support under this chapter may
 23 be brought concerning a person who was under age
 24 eighteen on August 16, 1984, regardless of whether any
 25 prior action was dismissed because a statute of

26 limitations of less than eighteen years was then in
 27 effect. Such an action may be brought within the time
 28 limitations set forth in section 614.8, or until July
 29 2, 1992, whichever is later.

30 Sec. 46. RULES.

31 The department of human services may adopt
 32 administrative rules under section 17A.4, subsection
 33 2, and section 17A.5, subsection 2, paragraph "b", to
 34 implement the provisions of sections 4, 8, and 20
 35 through 35 of this Act, and the rules may be made
 36 effective on or after July 1, 1990.

37 Sec. 47.

38 Section 43 of this Act applies retroactively to
 39 payments under support orders entered on or after July
 40 1, 1985."

41 2. Title page, line 1, by inserting after the
 42 word "orders" the following: ", satisfaction of a
 43 support order by direct payment to the person who is
 44 to receive the payment, medical support for children
 45 receiving child support, modification of disposition
 46 and support orders, child support enforcement,
 47 determination of paternity and establishment of past
 48 child support obligations, establishing an advisory
 49 committee, and providing an effective date for certain
 50 provisions".

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1 3. By renumbering and changing internal
 2 references as necessary.

HAVERLAND of Polk
 HALVORSON of Webster

H-6154

1 Amend House File 2558 as follows:

2 1. Page 5, by inserting after line 31 the
 3 following:

4 "Sec. _____. Section 455D.9, subsection 1, Code
 5 Supplement 1989, is amended to read as follows:
 6 1. Beginning January 1, 1991, land disposal of
 7 yard waste as defined by the department is prohibited.
 8 However, yard waste which has been separated at its
 9 source or its destination from other solid waste may
 10 be accepted by a sanitary landfill for the purposes of
 11 soil conditioning or composting."

IVERSON of Wright

H-6155

1 Amend House File 2267 as follows:

2 1. By striking everything after the enacting
 3 clause and inserting the following:

4 "Section 1. Section 601A.2, subsection 11,
5 unnumbered paragraph 1, Code Supplement 1989, is
6 amended by striking the paragraph and inserting in
7 lieu thereof the following:

8 "Public accommodation" means any person catering or
9 offering services, facilities, or goods for a fee or
10 charge to the public or any person catering or
11 offering services, facilities, or goods gratuitously
12 if the person receives a governmental support or
13 subsidy. Public accommodation does not mean any bona
14 fide private club or private organization which is, by
15 its nature, distinctly private, except that when such
16 a club or organization caters or offers services,
17 facilities, or goods to nonmembers gratuitously or for
18 a fee or charge, the club or organization shall be
19 deemed a public accommodation during such period.

20 Sec. 2. Section 601A.5, subsections 1, 5, 6, and
21 8, Code 1989, are amended to read as follows:

22 1. To prescribe the duties of a director and
23 appoint and prescribe the duties of such investigators
24 and other employees and agents as the commission shall
25 deem deems necessary for the enforcement of this
26 chapter.

27 5. To hold hearings upon any complaint made
28 against a person, an employer, an employment agency,
29 or a labor organization, or the employees or members
30 thereof, to subpoena witnesses and compel their
31 attendance at such hearings, to administer oaths and
32 take the testimony of any person under oath, and to
33 compel such person, employer, employment agency, or
34 labor organization, or employees or members thereof to
35 produce for examination any books and papers relating
36 to any matter involved in such complaint. The
37 commission shall issue subpoenas for witnesses in the
38 same manner and for the same purposes on behalf of the
39 respondent upon the respondent's request. Such
40 hearings may be held by the commission, by any
41 commissioner, or by any hearing examiner appointed by
42 the commission. If a witness either fails or refuses
43 to obey a subpoena issued by the commission, the
44 commission may petition the district court having
45 jurisdiction for issuance of a subpoena and the court
46 shall in a proper case issue the subpoena. Refusal to
47 obey such subpoena shall be is subject to punishment
48 for contempt.

49 6. To issue such publications and reports of
50 investigations and research as in the judgment of the

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1 commission shall will tend to promote good will among
2 the various racial, religious, and ethnic groups of

3 the state and which shall tend to minimize or
4 eliminate discrimination in public accommodations,
5 employment, apprenticeship and on-the-job training
6 programs, vocational schools, or housing because of
7 race, creed, color, sex, national origin, religion,
8 ancestry or disability.

9 8. To make recommendations to the general assembly
10 for such further legislation concerning discrimination
11 because of race, creed, color, sex, national origin,
12 religion, ancestry or disability as it may deem deems
13 necessary and desirable.

14 Sec. 3. Section 601A.6, subsection 1, paragraphs a
15 and b, Code 1989, are amended to read as follows:

16 a. Person to refuse to hire, accept, register,
17 classify, or refer for employment, to discharge any
18 employee, or to otherwise discriminate in employment
19 against any applicant for employment or any employee
20 because of the age, race, creed, color, sex, national
21 origin, religion, or disability, or association with
22 protected class members, of such applicant or
23 employee, unless based upon the nature of the
24 occupation. If a disabled person is qualified to
25 perform a particular occupation, by reason of training
26 or experience, the nature of that occupation shall not
27 be the basis for exception to the unfair or
28 discriminating practices prohibited by this
29 subsection.

30 b. Labor organization or the employees, agents or
31 members thereof to refuse to admit to membership any
32 applicant, to expel any member, or to otherwise
33 discriminate against any applicant for membership or
34 any member in the privileges, rights, or benefits of
35 such membership because of the age, race, creed,
36 color, sex, national origin, religion, or disability,
37 or association with protected class members, of such
38 applicant or member.

39 Sec. 4. Section 601A.8, subsection 1, Code
40 Supplement 1989, is amended to read as follows:

41 1. To refuse to sell, rent, lease, assign or
42 sublease any real property or housing accommodation or
43 part, portion or interest therein, to any person
44 because of the race, color, creed, sex, religion,
45 national origin, disability, or familial status, or
46 association with protected class members, of such
47 person.

48 Sec. 5. Section 601A.11, Code 1989, is amended to
49 read as follows:

50 601A.11 AIDING OR ABETTING AND RETALIATION.

Page 3

1 It shall be an unfair or discriminatory practice
2 for:

3 1. Any person to intentionally aid, abet, compel,
4 or coerce another person to engage in any of the
5 practices declared unfair or discriminatory by this
6 chapter.

7 2. Any person to discriminate against another
8 person in any of the rights protected against
9 discrimination on the basis of age, race, creed,
10 color, sex, national origin, religion or disability by
11 this chapter because such person has lawfully opposed
12 any practice forbidden under this chapter, obeys the
13 provisions of this chapter, or has filed a complaint,
14 testified, or assisted in any proceeding under this
15 chapter. An employer, employment agency, or their
16 employees, servants or agents may offer employment or
17 advertise for employment to only the disabled, when
18 other applicants have available to them other
19 employment compatible with their ability which would
20 not be available to the disabled because of their
21 handicap. Any such employment or offer of employment
22 shall not discriminate among the disabled on the basis
23 of race, color, creed, sex or national origin.

24 Sec. 6. Section 601A.15, subsection 3, paragraph
25 c, Code 1989, is amended to read as follows:

26 c. If the administrative law judge concurs with
27 the investigating official that probable cause exists
28 regarding the allegations of the complaint, the staff
29 of the commission shall promptly endeavor to eliminate
30 the discriminatory or unfair practice by conference,
31 conciliation, and persuasion. If the administrative
32 law judge finds that no probable cause exists, the
33 administrative law judge shall issue a final order
34 dismissing the complaint and shall promptly mail a
35 copy to the complainant and to the respondent by
36 certified mail. A finding of probable cause shall not
37 be introduced into evidence in an action brought under
38 section 601A.16.

39 Sec. 7. NEW SECTION. 601A.20 DAMAGES.

40 In all cases except where the complaint alleges
41 discrimination in employment, exemplary damages not to
42 exceed fifteen thousand dollars may be awarded where
43 the respondent acted with deliberate indifference or
44 with willful or reckless disregard of the rights of
45 the complainant."

46 2. Title page, line 2, by striking the word
47 "and".

48 3. Title page, line 3, by inserting after the
 49 word "law" the following: ", and providing exemplary
 50 damages for certain civil rights violations".

BRAMMER of Linn
 DODERER of Johnson
 ROSENBERG of Story

PETERSON of Carroll
 NIELSEN of Linn
 OSTERBERG of Linn
 SHOULTZ of Black Hawk

H-6166

1 Amend Senate Concurrent Resolution 129, as passed
 2 by the Senate, as follows:
 3 1. Page 2, by inserting after line 26 the fol-
 4 lowing:
 5 "*Be It Further Resolved*, That the General Assembly
 6 of the State of Iowa strongly urges the President and
 7 the Secretary of the United States Department of
 8 Transportation, to consider and study the feasibility
 9 of a railroad alternative between the cities of St.
 10 Louis, Missouri and St. Paul, Minnesota."

McKEAN of Jones

H-6169

1 Amend the amendment, H-6155, to House File 2267, as
 2 follows:
 3 1. Page 2, by inserting after line 38, the
 4 following:
 5 "Sec. _____. Section 601A.7, subsection 2, Code
 6 1989, is amended by adding the following new
 7 paragraph:
 8 NEW PARAGRAPH. c. Activities regulated by the
 9 insurance division of the department of commerce as
 10 set forth in chapter 505."
 11 2. Renumber as necessary.

HALVORSON of Clayton

RESOLUTIONS ADOPTED

Resolutions adopted during the Seventy-third General Assembly,
1990 Session, not otherwise printed in the House Journal.

1 House Concurrent Resolution 110
2 By Committee on Natural Resources
3 and Outdoor Recreation
4 (Successor to HSB 666)
5 A Concurrent Resolution relating to an endorsement by
6 the General Assembly for full federal funding for
7 fish and wildlife mitigation on the Missouri River.
8 *Whereas*, the Missouri River was one of the most
9 productive ecosystems in North America, supporting an
10 immense fish and wildlife resource and contributing
11 greatly to the economic and social well-being of the
12 United States since the early 1800's; and
13 *Whereas*, federally funded Missouri River Bank Sta-
14 bilization and Navigation Projects have caused severe
15 environmental problems within this ecosystem,
16 including the loss of nearly four hundred seventy-five
17 thousand acres of diverse natural habitats, and
18 continued channel degradation; and
19 *Whereas*, the loss or deterioration of these natural
20 resources has greatly reduced this region's economic,
21 recreational, and natural resource base; and
22 *Whereas*, significant opportunities still exist to
23 restore fish and wildlife habitats and some of the
24 economic and recreational diversity to this region;
25 and
26 *Whereas*, fish and wildlife mitigation is mandated
27 under the 1958 Fish and Wildlife Coordination Act
28 (Pub. L. 85-624) and was affirmed through a fifty-one
29 million nine hundred thousand dollar authorization for
30 mitigation in the 1986 Water Resources Development Act

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1 (Pub. L. 99-662) and a subsequent appropriation to
2 develop a plan for implementation; and
3 *Whereas*, fish and wildlife mitigation is judged to
4 be of vital importance to the economic and
5 environmental well-being of this region and its
6 citizens; *Now Therefore*,
7 *Be It Resolved by the House of Representatives, the*
8 *Senate Concurring*, That the Iowa General Assembly
9 endorses full federal funding for fish and wildlife
10 mitigation on the Missouri River.
11 *Be It Further Resolved*, That a copy of this
12 resolution be forwarded to the Iowa congressional
13 delegation, the Chairperson of the United States House
14 of Representatives Subcommittee on Energy and Water

15 Development, the Chairperson of the United States
16 Senate Subcommittee on Energy and Water Development,
17 the United States Department of Interior, and the
18 United States Corps of Engineers.

HCR 110 filed February 22, 1990; House adopted March 29, 1990.

1 House Resolution 102

2 By Jochum, Murphy, Knapp and Tabor

3 A Resolution relating to the sesquicentennial of
4 Loras College.

5 *Whereas*, Loras College traces its beginning to
6 September 1839, when pioneer Bishop Mathias Loras
7 opened St. Raphael's Seminary in his residence; and

8 *Whereas*, Bishop Loras brought eminent
9 qualifications as an outstanding educator from his
10 native France to Dubuque; and

11 *Whereas*, the institution which bears Bishop Loras'
12 name has rendered outstanding service in the education
13 and improvement of the youth of this state and nation;
14 and

15 *Whereas*, Loras College has established a proud
16 record in the professions, business and industry, and
17 church and civic affairs, including its many alumni
18 who have served in this legislative body; and

19 *Whereas*, Loras College, Iowa's oldest college, is
20 celebrating its sesquicentennial; *Now Therefore*,

21 *Be It Resolved by the House of Representatives*,
22 That tribute be paid to Loras College for its many
23 contributions, and extend its sincere congratulations
24 to the administration, faculty, students, and alumni
25 of Loras College during its sesquicentennial; and

26 *Be It Further Resolved*, That an official copy of
27 this resolution be prepared and presented to the
28 President of Loras College.

HR 102 filed February 7, 1990; House adopted February 8, 1990.

SUPPLEMENT TO THE HOUSE JOURNAL**BILLS APPROVED, VETOED OR ITEM VETOED
SUBSEQUENT TO ADJOURNMENT**

The following is a record of the action of the Governor on bills passed by the 1990 Regular Session of the Seventy-third General Assembly and which action was had subsequent to the date of final adjournment:

- H.F. 121 — Relating to parental leaves of absence for employees of the state and providing an effective date. Vetoed 5-3-90. See Governor's Veto Message.
- H.F. 178 — Relating to the department of inspections and appeals and its licensing, rulemaking, and enforcement authority with respect to health and human resources matters, and providing properly related matters. Approved 4-27-90.
- H.F. 209 — Relating to the limitations on smoking, and providing penalties. Approved 4-24-90.
- H.F. 366 — Authorizing a county to exercise certain governmental powers to protect the public health and welfare, and to levy special assessments against affected property. Approved 4-26-90.
- H.F. 489 — Relating to the time within which a claim must be brought by a minor or incompetent under the state tort claims Act. Vetoed 5-2-90. See Governor's Veto Message.
- H.F. 534 — Relating to the regulation of commercial feed and providing for the increase of fees. Approved 4-16-90.
- H.F. 656 — Relating to reducing pollution by products purchased by the state, and by setting requirements for procurement by the department of general services, the state board of regents, the state department of transportation, and the commission for the blind. Approved 5-2-90.
- H.F. 658 — Relating to savings and loan associations and their regulation by the superintendent of savings and loans. Approved 4-27-90.
- H.F. 677 — Relating to written credit agreements between a creditor and debtor and rights of action on that agreement. Approved 4-19-90.
- H.F. 724 — Relating to the survey of land including the practice of land surveying and the preparation, recording, and vacation of plats, and subjecting violators to civil penalties. Approved 5-2-90.
- H.F. 737 — Relating to retentions from payments to contractors on contracts for the construction of public improvements. Approved 5-1-90.
- H.F. 2009 — Relating to elections, providing for special late registration to enable an eligible elector to vote at the polling place on election day, providing verification procedures, providing a durational residency requirement for voting, and increasing the penalty for improper voting. Vetoed 5-1-90. See Governor's Veto Message.
- H.F. 2057 — Relating to prohibited interests in public contracts. Approved 4-27-90.

- H.F. 2068— Providing technical changes to the financing of education programs of school districts and providing a retroactive effective date. Approved 4-24-90.
- H.F. 2115— Regulating the commercial cleaning of private sewage disposal facilities, by providing for the adoption of standards and the issuance of licenses, providing license fees, providing a civil penalty, and providing effective and applicability dates. Approved 5-6-90.
- H.F. 2154— Relating to civil rights by requiring certain cities to maintain a local civil rights agency or commission and provide adequate funding for the agency or commission, and providing for the continuation in effect of certain local civil rights laws, and providing for the applicability of the Act. Approved 4-16-90.
- H.F. 2166— Relating to the identification and eradication of marijuana. Approved 4-19-90.
- H.F. 2170— Relating to the prohibition of the use of certain pesticides, and making a penalty applicable. Approved 4-16-90.
- H.F. 2188— Relating to the issuance of alcoholic beverage licenses and permits for certain licensed premises and prescribing fees. Approved 4-19-90.
- H.F. 2213— Relating to the regulation of banks to conform to changes in federal law contained in the Financial Institutions Reform, Recovery and Enforcement Act of 1989. Approved 5-1-90.
- H.F. 2235— Relating to community action agencies by providing for an annual report and establishing membership requirements for community action agency boards. Approved 5-6-90.
- H.F. 2268— Relating to discovery and the statute of limitations in a civil action involving sexual abuse, sexual assault, or sexual harassment and providing for the Act's applicability. Approved 5-6-90.
- H.F. 2270— Relating to the department of human rights. Approved 4-19-90.
- H.F. 2287— Relating to a subsequent employer's unemployment benefit contribution rate upon the purchase or transference of a business. Approved 5-1-90.
- H.F. 2294— Relating to the establishment of an Iowa affordable heating program. Approved 5-6-90.
- H.F. 2312— Relating to nonsubstantive Code and Act corrections. Approved 4-16-90.
- H.F. 2313— Relating to statutory corrections which adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, and remove ambiguities. Approved 5-2-90.
- H.F. 2320— Relating to the regulation of insurers, insurance, and annuity contracts, including fire and casualty insurance, altering the method of filing rates subject to the approval of the commissioner of insurance, except for workers' compensation liability insurance rates, providing special effective dates, and authorizing civil penalties. Approved 5-2-90.

- H.F. 2329 — Relating to elections and election procedures, and providing effective and applicability dates. Approved 5-3-90.
- H.F. 2346 — Relating to the minimum amount of wages required in an individual's base period to be eligible for unemployment compensation benefits. Vetoed 5-6-90. See Governor's Veto Message.
- H.F. 2357 — Relating to the applicability of school district reorganization incentives and providing an effective date and a retroactive applicability date. Approved 4-30-90.
- H.F. 2377 — Adopting the model state commodity Code as recommended by the North American securities administrators association, regulating the commodities markets and participants, authorizing the securities bureau of the insurance division to administer the chapter, requiring licensing of commodity broker-dealers and sales representatives, authorizing civil remedies, sanctions, penalties, and imposing criminal penalties. Approved 4-16-90.
- H.F. 2393 — Relating to minimum liability limits for motor carriers and related procedures. Approved 5-1-90.
- H.F. 2407 — Relating to the designation, inventory, and protection of wetlands, providing for mediation, providing a civil penalty for violations, and providing a property tax exemption for wetlands. Approved 4-26-90.
- H.F. 2412 — Providing for the enactment of municipal infractions relating to the environment and providing penalties. Approved 4-27-90.
- H.F. 2416 — Relating to corporal punishment. Approved 4-30-90.
- H.F. 2440 — Relating to the duties of the board of educational examiners, providing for alternative routes to licensing, and defining which persons are teachers for purposes of educational excellence programs. Approved 5-6-90.
- H.F. 2450 — Relating to court costs to the city for certain dismissals of parking violations and court costs and fees for certain parking violations. Approved 4-17-90.
- H.F. 2459 — Relating to the employment of personnel under sharing agreements between school districts. Approved 4-30-90.
- H.F. 2476 — Relating to unfair or discriminatory credit practices by including familial status as an improper basis for differential treatment in relation to a consumer credit transaction, an extension of credit by a state chartered financial institution, or the offer of credit life or health and accident insurance. Approved 4-27-90.
- H.F. 2482 — Establishing an entrepreneurship task force, and providing an appropriation. Approved 5-2-90.
- H.F. 2486 — Relating to the regulation of tanning facilities, providing penalties, and providing for the establishment of fees. Approved 4-30-90.

- H.F. 2488 — Relating to civil law, including notarial acts and corporate law and procedures, including the characterization of certain corporate shares as issued, but not outstanding, shares, and making conforming amendments to reflect adoption of chapter 490, the new Iowa model business corporation Act, and including an effective date. Approved 4-27-90.
- H.F. 2495 — Relating to the establishment, maintenance, and operation of storm water drainage systems and the payment of rates or charges. Approved 4-27-90.
- H.F. 2500 — Relating to the enforcement of outdoor recreation and natural resource laws, by defining repeat offenders, by requiring the reporting of hunting accidents, by providing for the suspension of licenses, permits, and certificates, and by providing penalties. Approved 4-26-90.
- H.F. 2504 — Relating to criminal and child abuse record checks concerning facilities providing care to children. Approved 4-30-90.
- H.F. 2517 — Relating to the care and treatment of juveniles, youthful offenders, and other persons by establishing certain dispositional requirements concerning the state juvenile institutions and their administration, providing for financing and funding of certain facilities serving juveniles and other persons, establishing a youthful offenders program in the department of corrections, and providing effective dates. Approved 5-3-90.
- H.F. 2522 — Relating to hunting and fishing licenses for military personnel and veterans, and providing an effective date and authorizing reciprocal fishing agreements. Approved 4-19-90.
- H.F. 2534 — Relating to waste disposal, providing a retroactive applicability date, and providing an effective date. Approved 4-24-90.
- H.F. 2536 — Relating to the regulation of persons providing courses of instruction for profit, by revising requirements for corporate surety bonds, and repealing certain disclosure requirements. Approved 4-30-90.
- H.F. 2537 — Relating to the sale of funeral services and merchandise. Approved 4-27-90.
- H.F. 2543 — Relating to the administration and benefits for certain public retirement systems, and providing effective dates and for the applicability of the Act. Approved 5-3-90.
- H.F. 2546 — Relating to child day care and the state child and dependent care tax credit, making an appropriation, and providing a retroactive applicability date. Approved 5-6-90.
- H.F. 2548 — Relating to agricultural health and safety. Approved 4-27-90.
- H.F. 2551 — Relating to taxes administered and fees collected by the department of revenue and finance including technical corrections, payment and liability for certain sales and use taxes, special fuel taxes, income tax, franchise tax, inheritance tax, and providing for certain retroactive applicability and effective dates. Approved 5-2-90.
- H.F. 2552 — Relating to storage tanks, including the conditions and funding mechanisms of the Iowa comprehensive petroleum underground storage tank fund, and providing an effective date. Approved 5-2-90.

- H.F. 2554— Relating to county tax and services provisions by appropriating funds for state assistance to counties for mental health services, by modifying the homestead tax credit, the mobile home tax reduction for the elderly and disabled, the property tax credit and rent reimbursement for the elderly and disabled, by increasing the amount of credit and reimbursement, creating a family farm tax credit, and providing a penalty, and effective and applicability dates. Approved 5-6-90.
- H.F. 2557— Relating to the filing of liens against property for nonpayment of city utility or enterprise charges. Approved 4-27-90.
- H.F. 2559— Relating to the process by which a taxpayer appeals a decision of the local board of review to the district court and providing for the reinstatement of appeals dismissed and providing an effective date. Approved 4-24-90.
- H.F. 2560— Relating to the formation of community clusters by certain governmental units for the joint exercise of powers. Approved 4-26-90.
- H.F. 2562— Relating to the use of white flashing lights on privately owned motor vehicles of certain emergency medical care providers and making penalties applicable. Approved 5-1-90.
- H.F. 2564— Relating to making appropriations for substance abuse treatment, prevention, education, and enforcement programs, establishing an evaluation mechanism for substance abuse treatment programs, and providing civil penalties. Approved 5-7-90 with the exception of Section 2; Section 4, Subsection 4; Section 4, Subsection 6; Section 6, Subsection 2; Sections 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, and 27. See Governor's Item Veto Message.
- H.F. 2567— Relating to and making appropriations from the energy conservation trust. Approved 5-7-90.
- H.F. 2568— Relating to the construction contracts for the previously authorized prison construction projects at the Oakdale corrections campus. Approved 4-19-90.
- H.F. 2569— Relating to and making appropriations to finance state government, its regulatory functions, and its obligations, and providing effective dates. Approved 5-8-90 with the exception of Section 101, Subsections 1, 2, 5, and 6; Section 102, Subsection 1; Section 203; Section 301; Section 302; Section 401; Sections 501, 502, 503, 504, and 505; Section 602; Sections 901, 902 and 903; the designated portions of Section 1101; Section 1103; Section 1301; Section 1501; Section 1504; and Sections 1516 and 1517. See Governor's Item Veto Message.
- S.C.R. 133— Relating to the state board of regents' ten-year building program and providing for the financing of certain building and remodeling projects. Approved 4-17-90.
- S.F. 205— Relating to the credentialing and regulation of respiratory care practitioners. Approved 4-26-90.

- S.F. 390 — Relating to the transfer of agricultural land, by restricting the time land can be held by financial and insurance institutions, providing for valuation of land, the opportunity to repurchase land, for redemption, and providing effective dates and dates of applicability. Approved 5-6-90.
- S.F. 514 — Providing a state sales and use tax exemption for certain facilities. Vetoed 5-7-90. See Governor's Veto Message.
- S.F. 2011 — Providing for a minimum number of toilets for women and men in public buildings and private buildings intended for use by the general public. Approved 4-30-90.
- S.F. 2048 — To prohibit the discharge of firearms near a feedlot and subjecting violators to existing penalties. Approved 4-26-90.
- S.F. 2049 — Relating to the licensing of blood collection, blood processing, and plasmapheresis centers, and providing for a repeal. Approved 4-19-90.
- S.F. 2057 — Relating to the conduct of pari-mutuel racing by authorizing wagering on simultaneous telecast races, by providing for the conduct of meetings by certain nonprofit corporations, by authorizing sales of alcoholic beverages at racetracks and on Sundays, by subjecting violators to existing penalties, and by providing an effective date. Approved 4-19-90.
- S.F. 2093 — To reduce the markup percentage on state alcoholic liquor sales and provide a date of repeal. Vetoed 5-2-90. See Governor's Veto Message.
- S.F. 2114 — Relating to the updating of references to the federal Internal Revenue Code, relating to income tax and the computation of net income, providing an effective date, and providing certain retroactive applicability dates. Approved 4-17-90.
- S.F. 2115 — Relating to state income taxation by exempting certain bonds and notes issued by the agricultural development authority and providing a retroactive applicability date. Approved 4-26-90.
- S.F. 2153 — Relating to the environment, agriculture, and natural resources including making a commitment to the environment, agriculture, and natural resources by making appropriations from Iowa lottery revenues and providing for funding for rural water districts, and for an income tax credit for establishing permanent grass and buffer zones including erosion control structures, providing a penalty, and providing effective and applicability dates. Approved 5-8-90 with the exception of Section 4; Section 5; Section 10, Subsection 1, lettered paragraphs b, d and e; Section 10, Subsections 2, 4, 5, and 8; Sections 11, 12, 13, 14 and 15; Section 21; Section 25; Section 26; Section 28; Section 33, Subsection 2, lettered paragraph a; and Section 38. See Governor's Item Veto Message.
- S.F. 2277 — Relating to tourist-oriented signs. Approved 4-24-90.
- S.F. 2280 — Relating to and making appropriations to various state agencies including certain state elected officials, the executive council, the department of general services, the department of personnel, the department of revenue and finance, the office of state-federal relations, and the department of management, and to the state communications network fund,

specifying the duties of the administrative rules coordinator, providing for the appropriation of wrestling and boxing taxes, providing for interstate banking, providing legal counsel to certain state agencies, providing for other related matters, providing penalties for violations, increasing certain fees, changing the procurement program, and providing for repeals of certain provisions. Approved 5-7-90 with the exception of the designated portion of Section 1, Subsection 1; Section 10, Subsection 9; Section 10, Subsection 12; Section 12, unnumbered paragraph 2; the designated portions of Section 13, Subsection 7; the designated portion of Section 20; Section 26; Section 30; Section 37; Section 39; Section 40; Sections 44, 45, 46, 47 and 48; and Section 61, Subsection 4. See Governor's Item Veto Message.

- S.F. 2304— Relating to penalty and interest on cigarette, tobacco, motor fuel, individual income, withholding, corporation income, franchise, sales, use, retailer's use, environmental protection charge, inheritance, generation skipping transfer, and estate taxes, and providing effective and applicability dates. Approved 4-17-90.
- S.F. 2306— Relating to open enrollment, including the general intent, notification dates, exceptions to notification dates, board action on requests, counting of pupils for state foundation aid purposes, student expulsion or suspension, qualification for transportation, and participation of laboratory schools, and providing an effective date. Approved 4-18-90.
- S.F. 2319— Relating to private farm railway crossings. Approved 4-24-90.
- S.F. 2324— Providing for area education agency administrative costs relating to special education services reimbursed under the medical assistance program. Approved 4-24-90.
- S.F. 2329— Relating to motor vehicles including provisions relating to implied consent to test persons operating commercial motor vehicles, to motor vehicle registration fees by allowing semiannual installment payments of registration fees for certain commercial vehicles, and to the use and issuance of motor vehicle licenses including provisions authorizing the issuance of commercial driver's licenses, setting fees for issuance of motor vehicle licenses, providing penalties, and making penalties applicable and providing for the Act's applicability. Approved 5-1-90.
- S.F. 2349— Relating to scheduled fines and court procedures for certain violations of snowmobile and all-terrain vehicle regulations, game and fish regulations, and parks. Approved 4-30-90.
- S.F. 2372— Relating to the 1991 redistricting process for the election of senators in conformity with article III, section 6 of the Constitution of the State of Iowa. Approved 5-6-90.
- S.F. 2393— Authorizing a one thousand dollar civil penalty for each violation of a municipal ordinance regulating industrial wastewater pretreatment standards. Vetoed 5-6-90. See Governor's Veto Message.
- S.F. 2395— Relating to the protection of trade secrets and providing remedies. Approved 4-27-90.

- S.F. 2402— Relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation, and enforcement, and including allocation and use of moneys from the road use tax fund, primary road fund, and state aviation fund, mandating reports of certain agency purchases, providing expenses for certain members of the Iowa highway research board, providing for certain payments from the remedial account of the Iowa comprehensive petroleum underground storage tank fund, and providing an effective date. Approved 5-7-90 with the exception of Section 1, Subsection 2; Section 3, Subsection 3, paragraph b; Section 3, Subsection 7; Section 6, Subsection 2; Section 6, Subsection 7; Section 8, unnumbered paragraph 3; Section 15, Subsection 2; Section 16; Section 17; Section 21; Section 22; and Section 33. See Governor's Item Veto Message.
- S.F. 2403— Relating to energy efficiency. Approved 5-8-90.
- S.F. 2406— Relating to the sales and use tax on carbon dioxide and providing a retroactive applicability date. Approved 4-24-90.
- S.F. 2407— Relating to the premium taxation on certain health maintenance organization payments. Approved 4-17-90.
- S.F. 2408— Relating to and making appropriations to the justice system and providing effective dates. Approved 5-7-90 with the exception of Section 4, Subsection 1, lettered paragraph b, subparagraph 3; Section 5, Subsection 1, unnumbered paragraph 2; Section 6, Subsections 1, paragraph c; Subsection 2, paragraphs c and d; Subsection 3, paragraph c; Subsection 5, paragraph c; Subsection 6, paragraph b; Subsection 7, paragraph b; and Subsection 8, paragraphs b and c; Section 6, Subsection 1, paragraph d; Section 6, Subsection 9, paragraph d; Section 8, Subsections 2 and 3; Section 12; Section 13; Sections 15 and 16. See Governor's Item Veto Message.
- S.F. 2411— Providing a seed capital income tax credit, authorizing expedited registration by filing for small issues under the state securities law, and providing effective and applicability dates. Approved 4-26-90.
- S.F. 2412— Relating to the regulation of certain charitable organizations, providing a fee, and providing a penalty. Approved 4-27-90.
- S.F. 2413— Relating to certain specific crimes and the disposition of offenders by providing for payment of sexual abuse medical examinations, providing for workers' compensation coverage and the liability of certain persons performing community service, providing for notification of the parents of persons under age eighteen discovered to be in possession of alcohol or drugs, providing for a term of confinement for distribution of illegal drugs within one thousand feet of a public park, providing for the reporting and identification of certain precursor drugs, providing for the disposition of certain juvenile offenders, establishing institutional reading room requirements, providing for the diversion of certain offenders to treatment facilities, providing that certain persons serving mandatory minimum sentences serve a portion of their sentence on work release, establishing a penalty for certain persons who cause a serious injury to another while operating a motor vehicle, providing

for certain offenders to serve their sentence on consecutive days, providing for posttreatment services as a condition of probation, establishing a tax on marijuana and controlled substances, providing an expansion of the business deduction for businesses employing individuals on parole, probation, work release, or convicted of a felony, establishing penalties for participation in criminal gang activity, providing for the nonbailability of certain offenders, providing requirements for presentence investigations, providing for early release of offenders participating in certain treatment or for certain property offenders, making certain changes relating to conditions of parole and work release, authorizing parole and probation officers to discharge certain offenders, making certain changes relating to the victim reparation program, establishing a pilot project for the chemical testing of persons arrested for felony offenses, and providing penalties. Approved 5-6-90.

- S.F. 2415— Authorizing an additional tax levy and the creation of a reserve account by a benefited fire district. Approved 4-24-90.
- S.F. 2416— Relating to transfer and expiration of the delinquent tax liens and the service of notice of expiration of the right of redemption from tax sales on certain persons with an interest in the real estate, and providing an effective date. Approved 4-27-90.
- S.F. 2420— Relating to the transfer of appropriations within and between state departments, institutions, and agencies. Vetoed 5-7-90. See Governor's Veto Message.
- S.F. 2422— Relating to the compensation and benefits for faculty, public officials, employees, and certain legislators by providing adjustments for salaries, by specifying properly related matters, and by making appropriations and providing an effective date. Approved 5-7-90 with the exception of the designated portion of Section 5, Subsection 5; and Section 20. See Governor's Item Veto Message.
- S.F. 2423— Relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for educational and cultural programs of this state, providing effective dates, and providing retroactive applicability. Approved 5-8-90 with the exception of the designated portion of Section 1, Subsection 2; the designated portion of Section 1, Subsection 7; Section 8, Subsection 2; Section 8, Subsection 6; the designated portions of Section 8, Subsection 12; Section 8, Subsection 14; the designated portion of Section 9, Subsection 1; Section 9, Subsection 2; the designated portion of Section 14, Subsection 1; Section 14, Subsection 2, lettered paragraph s; Section 14, Subsection 4, lettered paragraph j; the designated portion of Section 14, Subsection 5; Section 18; the designated portion of Section 23; Section 24; Section 26; Section 27; Section 35; Section 38; Section 47; Section 66; and Section 79. See Governor's Item Veto Message.
- S.F. 2425— Relating to the care of children when a legally responsible adult is unavailable to provide the care. Approved 4-30-90.

- S.F. 2426 — Relating to persons who act as the president of the senate, providing for the term of office of the president of the senate, providing authorization for the compensation of the lieutenant governor in executive branch Code provisions, removing the lieutenant governor from membership on the legislative council, making the president of the senate, the speaker pro tempore, and two additional minority party members legislative council members, making changes in the manner of appointment of senate members of certain boards, commissions, agencies, councils, associations, and statutory committees, and providing an effective date. Approved 4-30-90.
- S.F. 2427 — Codifying certain regulatory and budgetary requirements relating to the duties and powers of state agencies and state budget procedures and providing an effective date. Approved 5-6-90.
- S.F. 2428 — Relating to and making appropriations of federal and other nonstate funds including funds made available from federal block 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 or if categorical grants are consolidated into new or existing block grants. Approved 5-6-90.
- S.F. 2429 — Relating to responsibilities for the receipt and disbursement of support payments, satisfaction of a support order by direct payment to the person who is to receive the payment, medical support for children receiving child support, modification of child support orders, child support enforcement, determination of paternity and establishment of past child support obligations, establishing an advisory committee, and providing an effective date for certain provisions. Approved 4-30-90.
- S.F. 2430 — Relating to higher education including the funding, administration, and authority for dormitory bonding of community colleges, coordination of higher education sectors, and studies relating to educational opportunities. Approved 5-6-90 with the exception of Sections 20, 21, 22, 23, 24, 25, 26, 27 and 31. See Governor's Item Veto Message.
- S.F. 2432 — Relating to the drug testing of certain individuals as required pursuant to certain federal regulations. Approved 4-24-90.
- S.F. 2433 — Relating to the appropriations from and the reallocation of the moneys in the surplus account of the Iowa plan fund, to certain corporations appropriated moneys from the Iowa plan fund, and authorizing the creation of a disaster recovery program to provide low-interest and guaranteed loans to public and private entities for which an appropriation is made from the Iowa plan fund, and providing an effective date. Approved 5-7-90 with the exception of Sections 7, 8, 9, 10; Section 14, new Subsection 10, paragraphs a, b, c, d, e, and h; Section 15; and Section 16, Subsections 1 and 2. See Governor's Item Veto Message.
- S.F. 2435 — Relating to human services and making appropriations to the department of human services and other properly related matters, providing for retroactive applicability of certain provisions, and providing an effective date. Approved 5-7-90 with the exception of Section 2, Subsections 5, 6, 7, and 9; the designated portion of Section 13, Subsection 1; the

designated portion of Section 13, Subsection 6; Section 13, Subsection 9; the designated portion of Section 13, Subsection 10; Section 13, Subsections 11 and 12; Section 14, Subsection 7; Section 20; Section 24, Subsection 4; Section 24, Subsections 5 and 6; the designated portions of Section 27, Subsections 2 and 3, and Subsection 5, paragraphs a and b; Section 28, Subsection 3, paragraphs a and b; the designated portion of Section 28, Subsection 4; Section 28, Subsection 8; Section 29, Subsections 9, 11, 14, 15 and 16; Section 31, Subsection 1, unnumbered and unlettered paragraph 2; Section 31, Subsection 2, paragraph b; Section 31, Subsection 3, paragraph b; the designated portion of Section 31, Subsection 6; Section 32; the designated portion of Section 33; Section 37; and Section 41, Subsection a, paragraphs 2, 3 and 4 and Section 51. See Governor's Item Veto Message.

- S.F. 2436 — Relating to the creation of a health and safety capital improvement fund, providing for the transfer of appropriated funds, authorizing the issuance of bonds, and providing an effective date. Vetoed 5-6-90. See Governor's Veto Message.

GOVERNOR'S VETO MESSAGES

May 3, 1990

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

House File 121, an act relating to parental leaves of absence for employees of the state and providing an effective date, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

House File 121 would provide an employee of the state with a minimum of twelve weeks of leave for the birth of a child or for the adoption of a child who is less than eight years of age. Parental leave must begin no later than six weeks following the birth or adoption of a child, and an employee may use accrued paid leave or unpaid leave during the parental leave. At the conclusion of the parental leave an employee who takes parental leave must be returned to the position held by the employee, or to an equivalent position for which the employee qualifies, at the time parental leave is taken.

Employees currently have the option of using accrued vacation leave as parental leave, and sick leave in cases of illness related to pregnancy and birth. Compared to leave policies in the private sector or in other states, the amount of leave time available to state employees in Iowa is ample.

These benefits are provided under the terms of the collective bargaining agreement between the state and its employees. House File 121 circumvents the collective bargaining process by establishing additional benefits in the Code of Iowa. Any additional benefits provided to state employees should be balanced against other compensation and benefits provided by the state, and should be established through the collective bargaining process.

The benefits that would be provided by House File 121 would add to the costs of state government during a time when state agencies are being asked to restrict hiring and expenditures for travel and equipment. According to estimates prepared by the Department of Management, the total additional cost to the state could be as much as \$400,000. Similarly, the total additional cost for these benefits to Regents employees is estimated to be \$461,576.

For the above reasons, I hereby respectfully disapprove House File 121.

Sincerely,
Terry E. Branstad
Governor

May 2, 1990

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

House File 489, an act relating to the time within which a claim must be brought by a minor or incompetent under the state tort claims act, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

House File 489 extends the time when a person who is a minor or incompetent at the time a claim against the state accrues to one year after the incompetency or minority ceases, and revives all claims which were otherwise time barred because the statute of limitations was not tolled during the period of minority or incompetency.

After reviewing the provisions of House File 489, I must conclude that this Act would subject the state to undeterminable liability for stale claims and claims that have been determined to be barred by our statute of limitations.

There are many persons residing in state institutions who have been declared incompetent without any foreseeable change in their condition. House File 489 would permit these persons to bring legal action against the state many decades after the incident which triggered the law suit. This would place the state in the precarious position of defending against claims based upon an incident which occurred many years before, despite the fact that the state had no knowledge of the incident when it occurred. The state's ability to defend against these claims may be seriously impaired by changes in personnel and faded memories.

The State Appeal Board which initially reviews all tort claims against the state, has unanimously recommended that I veto this bill. That body is comprised of the State Auditor, State Treasurer, and Director of the Department of Management pursuant to Chapter 23 of the Iowa Code. The Appeal Board specifically noted, and I concur, that the revival provision in House File 489 would reopen claims which were barred under the current limitations period. House File 489 would result in increased litigation against the state and subject the state to immeasurable liability.

For the above reasons, I hereby respectfully disapprove House File 489.

Sincerely,
Terry E. Branstad
Governor

May 1, 1990

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

House File 2009, an act relating to elections, providing for special late registration to enable an eligible elector to vote at the polling place on election day, providing verification procedures, providing a durational residency requirement for voting, and increasing the penalty for improper voting, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

The provisions of House File 2009, which are intended to simplify the process of voter participation in elections, actually would have the opposite effect. These provisions would create greater confusion and inconvenience for all voters on election day and, would likely increase the expense of administrating election day activities.

Changes made recently in voter registration laws already provide Iowa voters with simple and convenient ways to register. These measures include the enclosure of voter registration cards in all state income tax forms, displays with voter registration forms in state government offices across the state, and a provision allowing voters who have moved to a new address, within the same county, to re-register and vote on election day.

In contrast, the provisions for late registration in House File 2009 would create two possible scenarios, both of which create new barriers for voter participation.

If the county auditor's office is designated as the location for late voter registration, non-registered voters who attempt to vote will be asked to travel first to the auditor's office to register. In rural areas this could be a great distance. Once at the auditor's office, the voter will need to obtain an affidavit which must be completed and notarized. At that point the voter must travel back to their precinct where they must take the extra step to present the affidavit to poll workers for their inspection.

The second scenario is that all of this activity could be designated to take place at several, or potentially all, of the voting sites within a county. The result of which would be greater congestion for all voters, creating longer lines and discouraging voters already registered. To relieve this congestion, additional poll workers would need to be hired, thus greatly increasing the expense of election day.

Most disturbing, however, is that the final version of House File 2009 contains no requirement that an eligible elector show proof of residency in the precinct at which he or she is attempting to vote, and in fact, requires no identification at all. County auditors will be required to take at face value the assertion of any individual that they are an eligible voter without the ability to request to see a drivers license, drivers permit, nonoperators I.D. card or identification of any form. The removal of this provision greatly increases the potential for voter fraud.

Additionally, those persons who register late will cast their ballots by the regular procedure, either mechanically or electronically. Although this bill provides a stronger penalty for voter fraud, the outcome cannot be changed once ballots are cast in this manner.

Proponents of House File 2009 suggest that it will increase voter participation. The experience of the three states with election day registration show that voter participation has declined at a greater rate than the national average. In fact, when given the opportunity last year, voters in Oregon (where election day registration was in effect for eight years) defeated it at a referendum by 69 percent to 31 percent.

Proponents also state they have addressed the concerns of county auditors. However, the final version of this legislation has caused even greater concern because it includes no requirement for proof of residency. Approximately ninety percent of all county auditors still oppose this legislation and feel that it will damage the integrity of Iowa's election process.

For the above reasons, I hereby respectfully disapprove House File 2009.

Sincerely,
Terry E. Branstad
Governor

May 6, 1990

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

House File 2346, an act relating to the minimum amount of wages required in an individual's base period to be eligible for unemployment compensation benefits, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

House File 2346 would remove one of the requirements for determining the eligibility of an individual for unemployment compensation benefits. This requirement is commonly referred to as "proof of attachment," which is designed to assure that unemployment benefits are provided to stable workers who are attached to the labor force for a minimum period of time, or are not seasonal workers who do not have continuing attachment to the labor market. Specifically, current law requires that an individual earn wages in the base period in the amount of one and one quarter times the wages paid to a person during the calendar quarter of the base period in which the individual's wages were highest. This requirement would no longer exist if House File 2346 was to be enacted.

The eligibility requirements currently applicable under Iowa's unemployment compensation system are not exceedingly stringent. Forty-three other states have more restrictive standards. Furthermore, the benefits that would be provided by House File 2346 would add to the costs of employers in the state of Iowa. According to estimates prepared by the Department of Management and the Department of Employment Services, the additional cost to employers would be \$2 million under current economic conditions, and could be as much as \$8 million if additional demand is placed on the unemployment compensation system.

One of the goals of Iowa's unemployment insurance system is to maintain a stable workforce by providing economic assistance to workers who are temporarily unemployed. By providing benefits to workers who have demonstrated stability in the workforce, Iowa will maintain a competitive economic climate that is conducive to economic development and job creation.

For the above reasons, I hereby respectfully disapprove House File 2346.

Sincerely,
Terry E. Branstad
Governor

May 7, 1990

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

Senate File 514, an act providing a state sales and use tax exemption for certain facilities, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Senate File 514 would provide an exemption from the state sales and use taxes for a variety of service agencies. The information necessary to determine the fiscal impact of providing this exemption is not available to the Department of Revenue and Finance. Absent the information, I am unable to approve this measure, given the already reduced revenues projected for the state.

For the above reason, I hereby respectfully disapprove Senate File 514.

Sincerely,
Terry E. Branstad
Governor

May 2, 1990

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

Senate File 2093, an act to reduce the markup percentage on state alcoholic liquor sales and provide a date of repeal, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

This act provides that the Alcoholic Beverages Division apply a markup of forty percent, rather than fifty percent, to the top two selling brands in various categories of liquors, to study the effect such markup reduction has on the sales volume of those products. Just two years ago, the wholesale liquor markup was reduced from sixty percent to fifty percent.

Although this measure may have been meant as an effort to eliminate price differences between liquors sold in Iowa and in neighboring states, this bill does not assure such a result. Because this significant advantage would be extended to only the largest two selling items in each category, any increase in volume of sales on the selected products would come at the expense of other products not selected. When, as here in Iowa, liquor retailers are obligated by law to purchase all liquor from a single wholesaler, but are not required to pass the savings on to end consumers, selection will decline, and there is no assurance that prices will decline.

In addition, the bill is estimated to reduce General Fund revenues by more than \$1 million per year. This loss in revenue would result in either higher taxes or reduced services.

For the above reasons, I hereby respectfully disapprove Senate File 2093.

Sincerely,
Terry E. Branstad
Governor

May 6, 1990

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

Senate File 2393, an act authorizing a one thousand dollar civil penalty for each violation of a municipal ordinance regulating industrial wastewater pretreatment standards, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Senate File 2393 is a virtual duplication of House File 2412, which I have previously approved. Both bills go to Section 364.22 and allow the imposition of a \$1,000 per day fine for a municipal infraction for noncompliance with any pretreatment standard or requirement referred to in 40 C.F.R. Chapter 1, Section 403.8 by an industrial user. This apparently inadvertent duplication renders Senate File 2393 unnecessary.

For the above reason, I hereby respectfully disapprove Senate File 2393.

Sincerely,
Terry E. Branstad
Governor

May 7, 1990

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

Senate File 2420, an act relating to the transfer of appropriations within and between state departments, institutions, and agencies, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

This legislation would impose restrictions on the Governor's power to deal with deficiencies in appropriations during the interim between Iowa legislative sessions. It does so by eliminating the Governor's ability to transfer funds between departments, inter-departmental transfers, and limiting the authority to make intra-departmental transfers to only \$100,000 or two percent of the appropriation, whichever is less. From this latter restriction is exempted the following Human Services appropriations: ADC, Medical Assistance, Foster Care, and State Supplementary Aid.

Other states have other mechanisms to deal with deficiencies that are not available to Iowa state government. For example, many states have legislatures that meet in session year round or nearly so. In those states, unanticipated deficiencies can be corrected by legislative action. In lieu of a broad transfer authority vested in the executive branch, most states provide for a state general contingency fund to correct inefficiencies in appropriations without further legislative action. Information from the National Association of State Budget Officers indicates that 38 states currently give the chief executive either a limited or an unlimited contingency fund to allocate to programs to deal with unforeseen emergencies or deficits, Iowa does not.

If this law were to go into effect, significant disruptions in state government would most certainly occur when the appropriations finalized by the legislature in April appear in May or June to be inadequate to meet the requirements of a specific appropriation. Absent the authority to transfer funds to appropriations that are under-appropriated, obligations would go unpaid. The reliability of state government to meet its obligations and the state's commitment to get its fiscal house in order would be seriously impaired by such a move.

For the above reasons, I hereby respectfully disapprove Senate File 2420.

Sincerely,
Terry E. Branstad
Governor

May 6, 1990

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

Senate File 2436, an act relating to the creation of a health and safety capital improvement fund, providing for the transfer of appropriated funds, authorizing the issuance of bonds, and providing an effective date is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

This bill creates a new fund which would be used for health and safety capital improvement projects. Monies from this fund would be used either to directly pay for such improvements or to finance bonds which are authorized to be issued to cover the costs of these projects. Clearly, infrastructure needs of state government are great. It is important that the legislature work with me to establish a way to systematically provide resources necessary to assure that the physical plant of Iowa's state government presents no health or safety risks to its clients, visitors or employees. I have recommended money for maintenance, which had the legislature funded, would make this approach unnecessary.

I must disapprove this bill for two basic reasons. First, revenue for this new Health and Safety Capital Improvement Fund would consist of a transfer of one-half of one percent of all appropriations (except grants and aids, standing appropriations, capital appropriations and appropriations to the Regents institutions). A mechanism to regularly provide resources for maintenance, health and safety is needed, but, as structured here, operations budgets already made tight by my recommendations and legislative action this session would be placed in even greater difficulty for fiscal year 1991. Secondly, the legislation authorizes the issuance of bonds to cover the costs of such major maintenance needs. The state should be very careful about borrowing money to pay for maintenance. Normally, maintenance and safety should be paid for through the regular budgeting process.

Further, it is not fair to assess all agencies one-half percent of their budget for maintenance and fire safety when some agencies are located in leased facilities and the landlords are legally responsible for these expenses.

For the reasons stated above, I hereby respectfully disapprove Senate File 2436.

Sincerely,
Terry E. Branstad
Governor

GOVERNOR'S ITEM VETO MESSAGES

May 7, 1990

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit House File 2564, an act relating to making appropriations for substance abuse treatment, prevention, education, and enforcement programs, establishing an evaluation mechanism for substance abuse treatment programs, and providing civil penalties.

House File 2564 provides the funding for the state's substance abuse program in the areas of prevention and education, treatment and rehabilitation, and law enforcement and prosecution. I have approved in this bill nearly \$2.313 million of new state funding for these initiatives. Much of this funding can be used to draw down federal funding thereby multiplying the total amount available to fight drugs in Iowa.

I have approved in the Department of Public Health \$1.2 million for treatment programs, \$200,000 for prevention programs, and \$250,000 for the aftercare services. Eighty thousand dollars is provided to the Department of Education for Youth 2000 drug prevention grants. Funding is made available for eight additional narcotic agents, four lab technicians, and more drug-buy money. I have also approved appropriations to establish a Council on Chemically Exposed Infants, to extend the D.A.R.E. program into additional areas of the state, to support a statewide drug information clearing house and to implement a drug abuse data collection system. Many of these initiatives I proposed and fully support and I am pleased to sign them into law.

House File 2564 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 2, in its entirety. This provision would make an appropriation for grants to community colleges to provide staff training on domestic abuse. I have already approved in House File 2371 funding to provide training through the Department of Human Rights to deal with domestic abuse. This additional spending would be duplicative.

I am unable to approve the item designated as Section 4, subsection 4, in its entirety. Over \$1 million is provided elsewhere in this bill for substance abuse treatment programs. That funding is made available in the form of grants which are conditioned on priority treatment being provided to certain persons, including pregnant women and drug-affected babies. This provision would make an additional \$125,000 appropriation to establish a pilot project to provide treatment services to pregnant women and infants. This project can be financed with the funding I have approved, therefore, this additional spending is unnecessary.

I am unable to approve the items designated as Section 4, subsection 6, and Sections 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, and 27, in their entirety. These provisions would establish a fifteen member advisory council which would be charged with assessing and making recommendations relating to the effectiveness of substance abuse treatment programs and appropriate \$250,000 to this council. These provisions also establish an unrealistically high minimum success rate that treatment providers would be required to meet and provides sanctions for those who fail to do so. Much concern has been expressed about the method of evaluating substance abuse treatment programs established in this bill. Further discussion and study of this matter is needed.

I am unable to approve the item designated as Section 6, subsection 2, in its entirety. This provision appropriates \$125,000 to the Drug Abuse and Prevention Coordinator to establish a pilot educational and treatment program for children whose mothers used drugs during their pregnancy. The program is required to include a wide variety of services including an education program for incarcerated parents, training on parenting skills, mentoring within our welfare reform program and treatment for substance abuse. These services are currently available through programs provided by a number of state agencies. Coordination of these services should and does occur at the local level.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 2564 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

May 8, 1990

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit House File 2569, an act relating to and making appropriations to finance state government, its regulatory functions, and its obligations, and providing effective dates.

House File 2569 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the items designated as Section 101, subsections 1, 2, 5, and 6, in their entirety, and Section 102, subsection 1, in its entirety. These items call for general fund appropriations of \$50,000 to the Department of Agriculture and Land Stewardship and \$150,000 to the State Board of Regents, for programs to be administered in the event of a drought. Much progress has been made through the combined efforts of the Farmers Home Administration and the Department of Economic Development's Community Development Block Grant Program and if drought conditions reoccur, the above agencies along with the Department of Natural Resources will respond by providing appropriate assistance. This may be accomplished with resources provided by the general appropriation to those agencies.

I am unable to approve the item designated as Section 203, in its entirety. Funds are provided by Senate File 2435 to implement this program. This provision would appropriate \$140,000 to the Department of Human Services to continue a sole source contract with the Iowa Pharmacists Association for drug utilization review. The department has been notified that federal funding would no longer be available to pay its share of the cost of the contract if the state did not allow competitive bidding on the contract.

This provision grants the IPA sole source status and assumes the federal government's cost of the contract. At a time when state funding for essential services is limited, I cannot approve action which would avoid an opportunity to receive federal funds. The contract with the Iowa Pharmacist Association has been very successful in reducing prescription costs and I would strongly encourage the association to bid on the contract.

I am unable to approve the item designated as Section 301, in its entirety. This provision would appropriate \$1.7 million over a two-year period to establish a child day care program for public employees. The program would be located at or near the Capitol Complex. Child care services are available from private providers within a reasonable distance from the Capitol Complex. Furthermore, child care benefits is a proper subject of collective bargaining; indeed, in the current collective bargaining agreement, the significant benefit of pre-tax treatment for child care expenses is provided for state employees throughout the state, not just in Des Moines. The establishment of a child care center at the Capitol Complex would create an inequity among state employees because employees who are stationed outside of the Capitol area would not have access to child care services which are subsidized directly by the state. This expenditure of \$1.7 million on a new program is unacceptable.

I am unable to approve the item designated as Section 302, in its entirety. This section would fund in part the cost of building a memorial honoring fallen firefighters at a cost of \$50,000. While this is a laudable project, it would be appropriate for this memorial to be funded by private contributions. During my administration, other memorials have been constructed with private donations raised with my assistance. Those honor the veterans of the Vietnam and Korean Wars, and the memorial for fallen Iowa peace officers. I will assist with fundraising for this project, too.

I am unable to approve the item designated as Section 401, in its entirety. This provision calls for contingency reductions if actual revenue collected by the state in the fiscal year ending June 30, 1990, is less than the revenue estimate established at the March 13, 1990, meeting of the Revenue Estimating Conference. Similar stipulations are made for the fiscal year ending June 30, 1991. The approval of a budget with a realistic ending balance would have been preferable.

I am unable to approve the items designated as Sections 501, 502, 503, 504, and 505, in their entirety. These provisions call for contingency appropriations if the general fund's ending balance for fiscal year 1990 exceeds \$132.2 million or so much as is necessary to assure the fiscal 1991 ending balance of \$30 million. I support the items proposed to be funded with these contingency appropriations; indeed, with only one minor exception, they are identical to the contingency appropriations I recommended in January. However, my program required an ending balance of \$60 million in fiscal year 1991 before contingency spending would occur. The \$30 million balance in fiscal year 1991 is simply too low a trigger to assure a positive ending balance in fiscal year 1992.

I am unable to approve the item designated as Section 602, in its entirety. This provision would appropriate \$90,000 to establish a job development program in the first judicial district. Because I have disapproved a similar provision in 1990 Iowa Acts, Senate File 2408, which House File 2569 amends, I am unable to approve this section. I have previously approved an appropriation of \$100,000 for this project in the supplemental appropriations bill.

I am unable to approve the items designated as Sections 901, 902, and 903, in their entirety. Because Iowa school districts and area education agencies are currently required to provide appropriate instructional programs for handicapped children, and because the Department of Education is moving forward with initiatives to improve programs for those children under the Renewed Service Delivery Systems Project, it would be inappropriate to approve this program without further consideration. Additionally, the Department of Education is currently reviewing methods for financing special education. The Department is expected to complete this review in the fall of 1990. For these reasons, and in view of the financial constraints of the state, I am unable to approve this section.

I am unable to approve the designated portions of Section 1101, and the item designated as Section 1103, in its entirety. These provisions would direct the Department of Education to develop model guidelines for truancy, develop an education bill of rights that identifies educational opportunities that are to be legal entitlements, and conduct a study of the expected impact of increasing the compulsory attendance age from sixteen to eighteen.

The Department of Education is currently embarking on an initiative to seek public input on future goals for Iowa's education system and to consider ways in which Iowa schools may help achieve the national education goals that were recently adopted by the nations' governors. This effort will include a review of programming needs for children at-risk.

I am unable to approve the item designated as Section 1301, in its entirety. This section would provide a \$50,000 grant to any Iowa city for development of a proposed public riverfront park, wetlands, and recreational area, for purposes including but not limited to support of educational, scientific, cultural, recreational, or other public purposes, or combination of these purposes. I have previously approved a \$150,000 appropriation for riverfront development for similar purposes in Senate File 2327. Given the fiscal constraints of the 1991 fiscal year budget, I am unable to approve this additional expenditure.

I am unable to approve the item designated as Section 1501, in its entirety. This provision appropriates \$136,000 to the Judicial Department to implement a pilot project for mediation of child custody and visitation issues, and a family court feasibility study. Although I recognize the need to consider alternative mechanisms for domestic dispute resolutions, these expenditures would be unwise given present budgetary constraints.

I am unable to approve the item designated as Section 1504, in its entirety. This section would require that a "Guardian ad litem" appointed by the court to represent the interests of a child be a practicing attorney. This provision would negatively affect the Court Appointed Special Advocate Program, which depends on volunteers to fill this role. The court currently appoints a practicing attorney if it deems necessary.

I am unable to approve the items designated as Section 1516 and 1517, in their entirety. These provisions would establish guidelines for the Judicial Department's implementation of the pilot project for mediation of child custody and visitation issues and the Judicial Department's implementation of the family court feasibility study, which I have disapproved above.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 2569 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

May 8, 1990

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 2153, an act relating to the environment, agriculture, and natural resources including making a commitment to the environment, agriculture, and natural resources by making appropriations from Iowa lottery revenues and providing for funding for rural water districts, and for an income tax credit for establishing permanent grass and buffer zones including erosion control structures, providing a penalty, and providing effective and applicability dates.

Senate File 2153 provides for the appropriation of funds to programs for the improvement and protection of our natural resources. By approving the expenditure of up to \$27.4 million per year for fiscal year 1990-91, I am supporting a substantial increase in Iowa's commitment to a quality environment.

Up to \$25 million per year will be allocated to the Iowa Resources Enhancement and Protection Fund (REAP). These funds are to be used for the acquisition and maintenance of open spaces; county conservation activities; soil and water enhancement activities such as reforestation, the protection of erodible soils and clean water programs; the acquisition and maintenance of parks and open spaces in Iowa cities; the maintenance and expansion of state lands; historical resources development; and for roadside vegetation and beautification.

I have also approved the expenditure of about \$2.4 million for soil and water conservation cost sharing activities and for surface water protection and reforestation programs.

While I continue to place a high priority on activities to protect the environment in Iowa, I also have a constitutional responsibility to assure that the state budget is balanced. Unfortunately, the General Assembly has left me little choice but to disapprove some new programs, some of which I recommended to the General Assembly in January.

The state of Iowa must live within its financial resources, be they from sales taxes, income taxes, or from the sale of lottery tickets. I renew my recommendations to the General Assembly that proceeds from the Iowa Lottery be deposited in the state general fund.

Senate File 2153 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 4, in its entirety. This provision would require the marketing activities of the Iowa Lottery to focus on the concept of investing in Iowa's environment, agriculture, and natural resources. Marketing for the lottery would no longer be required to focus on economic development.

Given the action that I have taken on other portions of Senate File 2153, it is possible the revenues derived from the lottery may be used for purposes other than the environment. Under that circumstance, marketing activities of the Iowa Lottery may include initiatives of the state of Iowa in many areas including economic development, transportation, education, as well as the environment.

I am unable to approve the items designated as Sections 5, 15, 21, and 38, in their entirety. These provisions establish the possibility of raising revenues through debt financing to augment the Rural Community 2000 Program. Bonds issued under this program would be backed by a security account funded by diverting the four percent tax on the sale of lottery tickets from the general fund. This mechanism for securing debt obligated by the Iowa Finance Authority would set a dangerous precedent. The earmarking of general fund revenues is not a good management practice and would inhibit the state's ability to effectively manage its finances.

I am unable to approve the items designated as Section 10, subsection 1, lettered paragraphs b, d, and e, in their entirety; and Section 10, subsections 2, 4, 5, and 8, in their entirety. These items would have appropriated up to \$12.6 million for environmental protection, energy efficiency, and other miscellaneous activities. While I recognize that this action does not directly improve the condition of the state general fund, the effect will be to retain revenues from the Iowa Lottery which, given current revenue projections, will be needed to avoid a deficit in the future.

I am unable to approve the items designated as Sections 11, 12, 13 and 14, in their entirety. These items would establish an Environmental Advertising Board. Since I have disapproved the appropriations for this program, it would be incongruous to approve the provisions creating it.

I am unable to approve the item designated as Section 25, in its entirety. This provision would establish a state and local government waste management program. Because I have disapproved the appropriations for this program, it would be inappropriate to require the Department of Natural Resources to implement it.

I am unable to approve the item designated as Section 26, in its entirety. Since I have previously disapproved a related provision from 1990 Iowa Acts, Senate File 2364, it would be inappropriate to approve this section.

I am unable to approve the item designated as Section 28, in its entirety. This provision would distribute moneys from the waste volume reduction and recycling fund to cities and counties on the basis of population. Because I have disapproved the appropriation to the fund and because future appropriations to the fund are uncertain, it is prudent to retain the current waste management grant program.

I am unable to approve the designated portion of Section 33, subsection 2, lettered paragraph a. This provision would require that grants made under the household hazardous waste reduction and collection program be in the amount of \$100,000. The Department of Natural Resources should have the discretion to establish the amount of a grant within the limits of resources available for the program.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2153 are hereby approved as of this date.

Sincerely,
 Terry E. Branstad
 Governor

May 7, 1990

The Honorable Elaine Baxter
 Secretary of State
 State Capitol Building
 L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 2280, an act relating to and making appropriations to various state agencies including certain state elected officials, the executive council, the department of general services, the department of personnel, the department of revenue and finance, the office of state-federal relations, and the department of management, and to the state communications network fund, specifying the duties of the administrative rules coordinator, providing for the appropriation of wrestling and boxing taxes, providing for interstate banking, providing legal counsel to certain state agencies, providing for other related matters, providing for violations, increasing certain fees, changing the procurement program, and providing for repeals of certain provisions.

Senate File 2280 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the designated portion of Section 1, subsection 1, and Sections 44, 45, 46, 47 and 48 in their entirety, and Section 61, subsection 4, in its entirety. These provisions would establish a new information and filing system within the Office of the Secretary of State. Funds for this new system would be provided by additional fees charged by the Secretary of State for the filing of certain documents. The fees collected under these provisions would have been imposed upon individuals or entities filing documents with the Secretary of State, and not upon those who would utilize the information system established by this section. It would be appropriate for users of the information to share in the cost of operating the system. Furthermore, the fees should be deposited in the state general fund, rather than a special revolving fund.

I am unable to approve the item designated as Section 10, subsection 9, in its entirety. Because procedures for notifying the Legislative Fiscal Bureau about any intradepartmental transfers are already in place, this requirement is unnecessary and duplicative.

I am unable to approve the item designated as Section 10, subsection 12, in its entirety. This item specifies, in the event that layoffs in the Department of General Services are required due to budget constraints, service contracts with private parties must be reviewed and reduced or canceled where possible before personnel reductions are implemented. Furthermore, if layoffs do occur, they must be prorated between management employees, non-management employees in a union, and non-management employees not in a union. Decisions concerning the implementation of layoff procedures, if needed, are the responsibility of the executive branch and subject to the relevant provisions of contracts negotiated pursuant to Chapter 20.

I am unable to approve the item designated as Section 12, unnumbered paragraph 2, in its entirety. This item directs the Department of General Services to pursue utility rate reductions for the Capitol Complex. Iowa law does not allow utility companies to grant a special rate to the state and does not permit discriminatory rate setting practices.

I am unable to approve the designated portions of Section 13, subsection 7. This item would transfer funds from the Division of Insurance revolving account to the Department of General Services and require that those funds be utilized to renovate their space in the Lucas Building and to move the Insurance Division to another location off of the State Capitol Complex while renovation is being done. While I do not object to the transfer of funds, any arrangements for the renovation of the Lucas Building or other facilities should be made by the Department of General Services.

I am unable to approve the designated portion of Section 20. This provision limits the discretion of the Department of Management to allocate the funds appropriated among salaries, support and miscellaneous purposes. The need for this flexibility is important for an agency as small as the Department of Management, especially in view of current restrictions on hiring and expenditures for travel and equipment.

I am unable to approve the item designated as Section 26, in its entirety, which directs the Department of Personnel to work with the Department of Management, the Department of Revenue and Finance, and the Department of General Services to establish a program for employees of those departments whose positions are terminated as a result of this act. Because a layoff of state employees is not being considered at this time, and because this provision differs from the layoff provisions contained in the AFSCME collective bargaining agreement and with the Department of Personnel's administrative rules, this section cannot be approved.

I am unable to approve the items designated as Sections 30 and 40, in their entirety. These provisions would allow the Board of Optometry Examiners to retain outside counsel without the prior approval required for other state agencies. The Attorney General's Office is responsible for providing legal counsel to state agencies and they should be able to rely on that office to represent them competently. Currently, all state agencies may request outside counsel if special expertise is needed or when the Attorney General's Office has a conflict of interest. These provisions would authorize the Optometry Board to hire outside counsel at will. Not only should this be unnecessary, but it would make future requests by other agencies to hire their own legal counsel difficult to resist. Adequate funding is provided to the Attorney General's Office to provide legal services to state agencies. These provisions would require additional expenditures for services which the Attorney General's Office currently has the responsibility to provide.

I am unable to approve the item designated as Section 37, in its entirety. This section would create a general fund standing unlimited appropriation to pay postage for voter registration forms returned by mail. Voter registration in Iowa has been made increasingly easier by past actions of the legislature and myself. Potential voters must accept some responsibilities and cost of postage for one postcard is not an excessive burden.

I am unable to approve the item designated as Section 39, in its entirety. This section would greatly expand the number of employees who would be brought under special IPERS retirement provisions. The 1988 legislature directed the Department of Personnel and the Department of Corrections to jointly determine specific job classes to be covered by the correctional officer special protective occupation retirement provisions.

This provision would supersede the actions taken in response to that legislation by changing the definition of a correctional officer for the purposes of chapter 97B to include any employee whose primary purpose is to provide security within a correctional facility. Under current law, the definition of correctional officer is limited to persons who have direct inmate contact and who enforce and maintain discipline, safety and security within a correctional facility. This expansion of special retirement provisions would include employees who do not have direct inmate contact, possibly including management positions, and could lead to inequitable and inconsistent determinations for special retirement coverage.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2280 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

May 7, 1990

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 2402, an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation, and enforcement, and including allocation and use of moneys from the road use tax fund, primary road fund, and state aviation fund, mandating reports of certain agency purchases, providing expenses for certain members of the Iowa highway research board, providing for certain payments from the remedial account of the Iowa comprehensive petroleum underground storage tank fund, and providing an effective date.

Senate File 2402 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 1, subsection 2, in its entirety. This item calls for an appropriation of \$12,000 for replacement of sanitary and maintenance equipment for the Iowa Law Enforcement Academy. Given the fiscal constraints of the 1991 budget, I am unable to approve this item.

I am unable to approve the item designated as Section 3, subsection 3, paragraph b, in its entirety. This item would appropriate \$75,000 to the Department of Public Safety for the purchase of DNA laboratory equipment. I recommended an appropriation of \$250,000 for the purchase of laboratory equipment and the remodeling of facilities to accommodate this equipment. The remodeling must precede the purchase of equipment. Since this portion of Senate File 2402 has the "cart before the horse", I must disapprove of it. I will work with the legislature to accomplish remodeling prior to a fiscal year 1992 appropriation for the equipment.

I am unable to approve the item designated as Section 3, subsection 7, in its entirety. This item calls for funding the Department of Public Safety's administrative functions to implement the accreditation for law enforcement agencies with an appropriation of \$25,000, which is only a minor portion of the funding necessary to complete the accreditation process. The department is in the process of determining the benefits of accreditation and the total cost of implementation.

I am unable to approve the item designated as Section 6, subsection 2, in its entirety, which calls for the lease purchase of a building and equipment related to vehicle theft operations with an appropriation of \$350,000. While the Department of Public Safety is interested in new housing for this operation, it is in the process of examining the long term housing needs of the entire department and it would be unwise to enter into such an agreement at this time.

I am unable to approve the item designated as Section 6, subsection 7, in its entirety, which calls for the planning and site selection of a new Highway Patrol Post at Fort Dodge at a cost of \$25,000. The department is in the process of developing a priority rating system for post improvements and it is now inappropriate to approve planning money for any specific location.

I am unable to approve the item designated as Section 8, unnumbered paragraph 3, in its entirety. This section unnecessarily limits the utilization of unspent balances for other areas of potential need.

I am unable to approve the item designated as Section 15, subsection 2, in its entirety. This item would require a total expenditure of \$250,000 for terminal improvement or construction, marketing, advertising or public relations programs and cultural programs to increase passenger traffic at five airports. The pre-designation of recipients of funds by the legislature, as indicated, would be counterproductive to the sound programming of capital improvements. Decisions of this nature are better left to the Transportation Commission.

I am unable to approve the item designated as Section 16, in its entirety. This section appropriates \$175,000 from the Parks and Institutional Roads fund for the completion of North Shore Drive in Clear Lake. Lottery funds were appropriated last year for a similar project in neighboring Ventura but this use of Road Use Tax Funds appears illegal. While this road borders a state park, it is not wholly within the boundaries of the park as required in Iowa Code, Section 306.1, subsection 2, paragraph k.

I am unable to approve the item designated as Section 17, in its entirety. This section would unnecessarily limit the transfer of appropriations between programs or functions. While I do not anticipate the need for such transfers, this section could seriously infringe upon the executive branch's ability to manage the department.

I am unable to approve the item designated as Section 21, in its entirety. This item requires the Department of Transportation to post "keep right except to pass" signs on uphill traffic lanes. This would be a departure from the nationally accepted standards recommended by the Federal Highway Administration. Additionally, requiring vehicles to change lanes unnecessarily creates the opportunity for accidents and during winter months the left-hand lanes are plowed and sanded first.

I am unable to approve the item designated as Section 22, in its entirety. It is unnecessary to put into law a requirement to have the state of Iowa, in conjunction with other states, initiate a lawsuit against the United States Department of Transportation. The executive branch should weigh the merits of such an action before proceeding.

I am unable to approve the item designated as Section 33, in its entirety. This section creates a standing unlimited appropriation from the Use Tax receipts to retain independent legal counsel to defend the state against suits arising out of appropriations made from the Road Use Tax Fund. The Attorney General is required to defend the state on issues of this nature. Therefore, the retention of independent legal counsel is both expensive and unnecessary.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2402 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

May 7, 1990

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 2408, an act relating to and making appropriations to the justice system and providing effective dates.

Senate File 2408 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 4, subsection 1, lettered paragraph b, subparagraph 3. This intent language states that the Department of Corrections and the Department of Personnel shall employ the additional correctional officers for the Anamosa facility by July 1, 1990. While the departments are employing the additional FTE's in an orderly process, there is no greater need at Anamosa than at other institutions and this provision would disrupt the hiring and training of new staff and placing them where the greatest need exists. The Anamosa staff/inmate ratio is more favorable than several facilities. The additional FTE's will be added without this restrictive language.

I am unable to approve the item designated as Section 5, subsection 1, unnumbered paragraph 2, in its entirety. This paragraph calls for the Department of Corrections to employ an education director and clerk to administer a centralized education program for institutions upon the enactment of Senate File 2408. These are important positions, however, no funding was allocated in fiscal year 1990 for these positions and the department must wait until the beginning of the new fiscal year before filling them.

I am unable to approve the items designated as Section 6, subsections 1, paragraph c; subsection 2, paragraphs c and d; subsection 3, paragraph c; subsection 5, paragraph c; subsection 6, paragraph b; subsection 7, paragraph b; and subsection 8, paragraphs b and c. These items add staff for field services and residential services in specified community based correction districts and a tactical unit in the fifth CBC district. I recommended increases in these areas but the above goes far beyond what the state's fiscal condition will allow us to appropriate.

I am unable to approve the item designated as Section 6, subsection 1, paragraph d, in its entirety. This item appropriates \$90,000 for a personal development program. One hundred thousand dollars was appropriated in Senate File 2212, the supplemental bill, for this same program and carry forward language to fiscal year 1991 is being approved.

I am unable to approve the item designated as Section 6, subsection 9, paragraph d, in its entirety. This item calls for a pilot project to study revocation rates to prison. I recognize that recidivism is a problem however, fiscal constraints do not allow the beginning of this new program. I have asked the Department of Corrections and the Board of Parole to make recommendations for reducing the revocation rate without the need for this \$200,000 study. And, I have approved greatly increased funding for treatment and educational programs within our correctional system which will work to reduce revocation.

I am unable to approve the item designated as Section 8, subsections 2 and 3, in their entirety. These items call for \$536,000 to be appropriated only if House File 2533 was enacted by the 73rd General Assembly, 1990 Session. House File 2533, which dealt with a pilot program of mandatory mediation of contested issues of child custody and visitation and a pilot program establishing a family court, did not pass, hence there is no need for these appropriations.

I am unable to approve the items designated as Sections 12 and 13, in their entirety. These sections would have directed the Department of Human Services to enter into a cooperative agreement with the Judicial Department by May 1, 1990, for reimbursement and incentive payments to the Judicial Department for activities eligible for federal financial participation. Federal regulations mandate that the federal government review all cooperative agreements and expenditures pertaining to incentive payments. Further, the state must justify and demonstrate the benefits to the child support enforcement program resulting from a cooperative agreement. If the cooperative agreement is not cost effective, it may result in a decrease in incentives paid to the state thereby creating a negative fiscal impact on Iowa. It is premature to authorize such an agreement between the Department of Human Services and the Judicial Department because Senate File 2408, Section 12, does not provide adequate time to meet these federal mandates and determine the costs and benefits of such a cooperative agreement. Further, it is impossible to meet the May 1, 1990, effective date since that date has already passed.

I am unable to approve the items designated as Sections 15 and 16, in their entirety, for they are immediate enactment clauses for items in Senate File 2408 which I have item vetoed.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2408 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

May 7, 1990

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 2422, an act relating to the compensation and benefits for faculty, public officials, employees, and certain legislators by providing adjustments for salaries, by specifying properly related matters, and by making appropriations and providing an effective date.

Senate File 2422 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the designated portion of Section 5, subsection 5. This item would place the Executive Director of the Board of Educational Examiners in salary range four. The salary range established for this position would be higher than for comparable positions which are responsible for the administration of other licensing programs in state government. The salary for this position should be established by the Department of Personnel in cooperation with the Board of Educational Examiners.

I am unable to approve the item designated as Section 20, in its entirety. This provision would exempt the Iowa Finance Authority from the pre-audit and central accounting systems of the Department of Revenue and Finance. It is important that the Iowa Finance Authority continue to operate within the pre-audit and central accounting systems of state government. Information about the financial transactions of the Authority should be handled in a manner which is consistent with the rest of state government in order to assure integrity in the expenditure of public funds. Additionally, the establishment of separate pre-audit, payroll, and accounting systems for the Authority would be expensive and inefficient.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2422 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

May 8, 1990

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 2423, an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for educational and cultural programs of this state, providing effective dates, and providing retroactive applicability.

Senate File 2423 continues Iowa's commitment to providing access to quality education programs. Overall expenditures for education will increase by \$140 million in the 1990-91 fiscal year. This includes a \$94 million increase in funding for elementary and secondary schools through the school foundation formula, and a \$13 million increase in formula funding for community colleges. This is in addition to future enhancements to community college funding that were made in Senate File 2410, which I have previously approved.

One of the highlights of Senate File 2423 is a substantial increase in funds for tuition assistance at Iowa's institutions of higher education. This includes a \$1.85 million appropriation for a new need-based Iowa Grant program, a \$1.1 million expansion of the Iowa Minority Academic Grants program, a \$1.8 million increase for tuition grants for students attending independent colleges, a \$580,000 increase for vocational-technical grants, and an appropriation of \$500,000 for tuition replacement for certain displaced workers.

Other provisions of Senate File 2423 are a \$2.3 million increase in funding for agricultural research, \$1.9 million in additional funds to improve undergraduate education programs at the state universities, \$2.1 million for the improvement of faculty salaries at community colleges, \$1 million in additional funds to provide education programs at correctional institutions, and \$225,000 for graduate nursing programs at private colleges in Iowa.

Senate File 2423 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the designated portion of Section 1, subsection 2. This provision would authorize the Arts Division of the Department of Cultural Affairs to retain funds that had been allocated to the Division to be used as matching funds for federal grant monies. The Department has advised me that the project associated with these funds has been completed and that the authorization to retain the funds is no longer needed.

I am unable to approve the designated portion of Section 1, subsection 7. This item would provide an additional \$100,000 to the Department of Cultural Affairs for support of the Regional Library System. By taking this action, the regional libraries will receive the amount which I recommended to the General Assembly. Given the financial constraints of the state, the additional funding cannot be provided. Overall, I have approved nearly \$1 million in additional funds for the Department of Cultural Affairs.

I am unable to approve the item designated as Section 8, subsection 2, in its entirety. This item would provide \$500,000 for special projects to be administered by the Iowa Department of Education. This appropriation exceeds my recommendations by \$450,000. While the projects that would have been funded by this appropriation may be worthwhile, I am unable to approve this item due to the financial constraints of the state. I have been assured that the Iowa-Japan Cultural Alliance can be funded from other sources.

I am unable to approve the designated portion of Section 8, subsection 6. This provision would require that an individualized education program be developed for each inmate. Because the amount of funds provided by this appropriation is not sufficient to provide an educational program for all inmates in the correctional system, it would be inappropriate to approve this requirement.

I am unable to approve the designated portions of Section 8, subsection 12. This item would provide \$141,235 for salary increases for professional employees at the community colleges other than administrators, faculty, and hourly support staff. The appropriation provided for salary increases and professional development exceeds my revised recommendations by over \$1 million. Additionally, the amount of this appropriation would provide relatively small salary increases for individual professional staff members at the community colleges. Because additional funds have been provided through the community college funding formula, and given the financial constraints of the state, I am unable to approve this provision.

I am unable to approve the item designated as Section 8, subsection 14, in its entirety. This item would provide \$454,216 for professional development programs at the merged area schools. While I recommended the establishment of professional development programs at the community colleges, I cannot approve this item given the amount by which the General Assembly exceeded my budget recommendations. I will review this issue in preparation for the 1991 legislative session and will recommend the appropriation of funds for this purpose if sufficient funds are available. I have authorized the establishment of this program in Senate File 2410.

I am unable to approve the designated portion of Section 9, subsection 1, and the item designated as Section 9, subsection 2, in its entirety. These items would have provided \$395,510 for salary increases for faculty and professional staff at the community colleges, and \$80,156 for professional development programs in the 1991-92 fiscal year. Given the projected financial condition of the state in fiscal year 1992, and my concerns about the practice of deferring appropriations into future years, I am unable to approve these items.

I am unable to approve the designated portion of Section 14, subsection 1, and the item designated as Section 66, in its entirety. These provisions would prohibit the State Board of Regents from using reimbursements from the institutions to assist in the funding of the board office. The board should continue to be authorized to seek appropriate reimbursements from the universities. A similar provision in 1990 Acts, Senate File 2410, was disapproved earlier this year.

I am unable to approve the items designated as Section 14, subsection 2, lettered paragraph s, and Section 14, subsection 4, lettered paragraph j, in their entirety. These items would appropriate \$200,000 to the State University of Iowa for the center for simulation and design and \$475,000 to the University of Northern Iowa for the leadership for teacher education program. Given the financial constraints of the state, I am unable to approve these items.

I am unable to approve the designated portion of Section 14, subsection 5. This provision would require the Iowa School for the Deaf or the Iowa Blind and Sight Saving School to pay for the transfer of a student who has been sexually or physically abused at those institutions to another facility. Physical or sexual abuse of students attending those institutions cannot be tolerated. However, decisions about the placement of a student in other institutions, and about the payment of costs associated with the transfer of a student, are appropriately left to the judicial system, and should not be specified by statute.

I am unable to approve the item designated as Section 18, in its entirety. This provision would require the State Board of Regents to issue bonds to finance energy-saving projects at the institutions which are governed by the Board. The Board has undertaken the initiative to implement energy-saving measures at the institutions under their control, and this requirement is not necessary.

I am unable to approve the designated portion of Section 23. This provision would establish a specific timetable for the Department of Education to conduct an evaluation of the use of Phase III moneys under the Educational Excellence program. I support the proposal to conduct an evaluation of the Phase III program, and the Department of Education will complete the study prior to the January 1, 1992 deadline.

I am unable to approve the item designated as Section 24, in its entirety. This provision would appropriate \$150,000 to the School Budget Review Committee to assist school districts which are affected by the open enrollment law, as amended by 1990 Acts, Senate File 2306, which I have previously approved. It would be prudent to wait until the financial impact on Iowa schools is known before special financial assistance is appropriated to schools affected by the open enrollment law.

I am unable to approve the items designated as Sections 26, 27, and 38, in their entirety. I am concerned about the cost associated with the studies which have been required of the Department of Education. Because the Department of Education and other state agencies are being asked to restrict hiring and limit expenditures for travel and equipment, it would be inappropriate to require the Department of Education to undertake these additional activities.

I am unable to approve the item designated as Section 35, in its entirety. This provision would establish a separate classification system for the division of area schools within the Department of Education. Any change in classifications should be reviewed by the Department of Education in cooperation with the Department of Personnel. While I am interested in classifying employees in a manner which will attract qualified individuals into state government, it is inappropriate to reclassify groups of employees through statute.

I am unable to approve the item designated as Section 47, in its entirety. This provision would provide financial counseling services to dislocated workers, allocate funds to the dislocated worker center in Merged Area X, and provide funds for the displaced workers financial aid program, which I have approved under Section 3 of this Act. Funding for this program would be provided by a transfer of \$250,000 from the Community Economic Betterment Account. These funds should be retained in the Community Economic Betterment Account, to create a climate for new jobs in Iowa. Furthermore, assistance to displaced workers is currently available from the U.S. Department of Labor under the Economic Dislocation and Workers Adjustment Assistance Act and from other student aid and training programs.

I am unable to approve the item designated as Section 79, in its entirety. This provision would prevent the reversion of \$290,000 previously appropriated to and unused by the Department of Education. Given the financial constraints of the state, I am unable to approve this provision.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2423 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

May 6, 1990

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 2430, an act relating to higher education including the funding, administration, and authority for dormitory bonding of community colleges, coordination of higher education sectors, and studies relating to educational opportunities.

Senate File 2430 amends Senate File 2410, which I have previously approved. Primarily, Senate File 2430 revises the provisions of Senate File 2410 which increase funding for community colleges and which authorize the issuance of community college dormitory bonds. These changes reflect the fiscal constraints of the state while maintaining the commitment to provide quality post-secondary educational opportunities for Iowans.

Senate File 2430 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the items designated as Sections 20, 21, 22, 23, 24, 25, and 27, in their entirety. These sections would remove provisions which I have previously approved in 1990 Iowa Acts, Senate File 2410. Those provisions in Senate File 2410 would make a variety of studies by the Department of Personnel, the Department of Education, the Board of Regents and the Board of Educational Examiners conditional upon the appropriation of funds. I have asked state agencies to curtail expenditures for hiring personnel and for travel and equipment due to the fiscal constraints of the state. Given these circumstances, I am unable to approve these sections.

I am unable to approve the item designated as Section 26, in its entirety. This section would amend 1990 Iowa Acts, Senate File 2410, Section 118. Because I did not approve that section of Senate File 2410, it would be incongruous to approve this section.

I am unable to approve the item designated as Section 31, in its entirety. This provision would require the Higher Education Strategic Planning Council to recommend a process for assessing the quality of instruction and student learning. It is inappropriate for the General Assembly to single out this issue for study by the Strategic Planning Council. The Council should be responsible for determining the issues to be included in a strategic plan for higher education in Iowa. However, I concur that the

assessment of instruction and student learning is an important concern, and I would encourage each sector of higher education to examine this issue.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2430 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

May 7, 1990

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 2433, an act relating to the appropriations from and the reallocation of the moneys in the surplus account of the Iowa plan fund, to certain corporations appropriated moneys from the Iowa plan fund, and authorizing the creation of a disaster recovery program to provide low-interest and guaranteed loans to public and private entities for which an appropriation is made from the Iowa plan fund, and providing an effective date.

Senate File 2433 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the items designated as Sections 7, 8, 9, and 10, in their entirety, Section 14, new subsection 10, paragraph a, in its entirety, and Section 15, in its entirety. These sections relate to the creation, administration and \$1.5 million appropriation for a new disaster recovery program. Particularly in light of our difficult fiscal situation, it would be unwise to embark on a new program with potentially unlimited exposure for the state as an insurer for non-insured or underinsured individuals. Moreover, creation of such a program could jeopardize our ability to receive federal disaster assistance in the future.

I am unable to approve the item designated as Section 14, new subsection 10, paragraph b, in its entirety. This provision appropriates \$35,000 to the Iowa Civil Rights Commission for a program to recognize twenty-five years of achievement. Certainly the commission has reason to be proud of its record of accomplishments, and I personally pledge to work with the Commission in garnering private sector support for the project. However, the use of tax dollars for this purpose cannot be justified at this time.

I am unable to approve the item designated as Section 14, new subsection 10, paragraph c, in its entirety. This provision appropriates \$50,000 to the Department of Justice for a study of dispute resolution services. Earlier this year I vetoed Senate File 2296, which would have created a council for dispute resolution, substantially changing the informal dispute resolution program currently administered in the Office of the Prosecuting Attorneys Training Coordinator of the Department of Justice. This office should be able to provide recommendations without the necessity of a formal study.

I am unable to approve the item designated as Section 14, new subsection 10, paragraph d, in its entirety. This provision appropriates \$50,000 to the Department of Agriculture and Land Stewardship for the establishment and operation of a foreign trade office in Taipei, Taiwan. This action by the legislature is contrary to the marketing plan developed at the legislature's direction by the Agricultural Products Advisory Council. The plan calls for foreign offices to be attached to the Department of Economic Development whose Hong Kong office serves the Pacific Rim including Taiwan.

I am unable to approve the item designated as Section 14, new subsection 10, paragraph e, in its entirety. This provision appropriates \$100,000 to the Department of Public Health for rural health planning. Improving rural health care is one of my priorities. However, an additional appropriation is unnecessary since the Department received a \$100,000 increase in House File 2371 for rural health planning and may also access the Department of Economic Development's rural enterprise fund for this purpose. Rural health safety will be further augmented as a result of a \$250,000 appropriation for this purpose contained in House File 2569.

I am unable to approve the item designated as Section 14, new subsection 10, paragraph h, in its entirety. This provision appropriates \$100,000 to the Iowa State University Cooperative Extension Service for four horticultural specialists. This item was not included in the university's budget request nor in the Board of Regents' budget recommendation to me.

I am unable to approve the item designated as Section 16, subsection 1, in its entirety. This subsection would appropriate all remaining funds in the Iowa Plan surplus account to the items receiving Iowa Plan funds for fiscal year 1990 as specified in House File 785, 1989 Acts of the 73rd General Assembly. This provision cannot be approved in view of the state's difficult fiscal situation.

Section 16, subsection 1 also appropriates \$250,000 from the Community Economic Betterment account for construction of a rehabilitation center for head-injured patients located in Ankeny, Iowa. This project should stand on its own merits within the rules of the Community Economic Betterment program.

I am unable to approve the item designated as Section 16, subsection 2. This language would reallocate repayments made in the subsection according to the provisions in subsection 1, which I have vetoed. The result of this veto will be to send the repayments back to the surplus account.

Because economic development is one of my most important priorities, the decision to exercise my veto authority in this bill is a very difficult one to make. However, it is clear that in order to provide a responsible budget, even my priority areas must be considered. As a result of the item vetoes in this message, it is estimated the balance in the lottery surplus account will be essentially "frozen" at \$6.8 million. This action will significantly enhance the ability of both the executive and legislative branches to construct a balanced budget for fiscal year 1992.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2433 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

May 7, 1990

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 2435, an act relating to human services and making appropriations to the department of human services and other properly related matters, providing for retroactive applicability of certain provisions, and providing an effective date.

Senate File 2435 provides funding for the operations of the Department of Human Services and the many and various programs it administers. My actions will provide an appropriations increase of approximately 8.6 percent or \$47 million for the Department for fiscal year 1991.

I have approved a four percent increase in AFDC benefits to enable families to receive adequate assistance to meet their basic needs. This budget also continues our efforts in welfare reform by providing increased funding for child care, job training, work experience, and self-employment opportunities.

I have also approved significant increases in funding to make further improvements in our child welfare system. Private agencies and families providing foster care will receive increases of six and nine percent, respectively. Increases are provided also for child protective day care assistance and family preservation and reunification services.

New funding is provided to establish a substance abuse treatment unit for adolescents at Cherokee. Also funding for adolescent pregnancy prevention grants and aid for county juvenile detention facilities is increased.

New initiatives are included to address the problems of the homeless and to provide community living alternatives for persons with mental illness, mental retardation and developmental disabilities. The family support subsidy program which provides assistance to families of children with disabilities is expanded to allow more families to participate.

Additionally, nursing facilities and Medicaid providers will receive substantial increases in funding to reimburse them for their costs of caring for our elderly and infirm. I proposed many of these adjustments and initiatives and I am pleased to be signing them into law.

Senate File 2435 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 2, subsection 5, in its entirety. This provision would require the Department of Human Services to reimburse an ambulance service for transporting a medical assistance recipient to a hospital regardless of a determination of medical necessity. Under the guidelines of the Medicaid Program, federal funding for ambulance services is available only when the state can show the ambulance services provided were medically necessary. The cost to the state of this provision has been estimated at \$75,000, for which no appropriation is provided. Given the many critical needs that must be funded in the state Medicaid Program and the fiscal constraints on the State, I cannot approve this provision.

I am unable to approve the item designated as Section 2, subsection 6, in its entirety. This provision would allow up to \$20,000 to be used to fund a workshop on health care issues. Rural health care, maternal and child health services and health care cost containment have all been the subject of review by task forces which I have commissioned. Recommendations made by these task forces have been useful in developing a health care strategy for the State. We must continue to focus on these important health care policy issues and can do so without expending the funds specified in this provision.

I am unable to approve the item designated as Section 2, subsection 7, in its entirety. This provision would require the Department of Human Services to reimburse nursing facilities for residents' transportation causing the facilities' costs to exceed their Medicaid reimbursement rate. This provision would also require the department to make direct payment to a single provider of such services. The cost of providing transportation services to obtain medical care can be and is included by most nursing facilities in the costs used to determine their reimbursement from the state. Providing direct Medicaid payments to a particular transportation provider would result in unnecessary cost increases and administrative problems.

I am unable to approve the items designated as Section 2, subsection 9 and Section 51, in their entirety. These provisions would exempt for up to one year new and expanded nursing facilities from the 80 percent occupancy requirements used to determine their Medicaid reimbursement rate. The provisions are made retroactive to January 1, 1990. The full fiscal impact of this provision cannot be determined and it cannot be approved.

I am unable to approve the designated portion of Section 13, subsection 1. This provision appropriates \$350,000 to reimburse counties that develop decategorization programs to reduce placements in state institutions. This provides an expansion of the current program which should not be undertaken until its cost effectiveness can be fully evaluated.

I am unable to approve the designated portion of Section 13, subsection 6. This provision would prevent the reversion of unused funds in the foster care home insurance program to the general fund of the State. Such anti-reversion language is fiscally unsound and prevents an annual review of the cost effectiveness of the program.

I am unable to approve the item designated as Section 13, subsection 9, in its entirety. This provision would prohibit reversion to the general fund of any excess federal funding provided for foster care services. This provision would be difficult to implement since the amount of federal funds actually received will not be known until late in the year. In any event, should a surplus occur, the funding that remains should revert and be subject to the regular appropriation process.

I am unable to approve the designated portion of Section 13, subsection 10. This provision would authorize the Department of Human Services to use Medicaid dollars to pay for day treatment services provided by psychiatric medical institutions for children. I have approved language directing the department to review the need for such services. Until the department's study is complete and the needs and costs identified, it would be premature to authorize the department to spend for this new program. Given the fiscal constraints on the state, spending for this purpose cannot be approved at this time.

I am unable to approve the item designated as Section 13, subsection 11, in its entirety. This provision would appropriate \$30,000 for a study of the foster care system. While a study may be useful in making improvements in our foster care system, my emphasis at this time must be on direct program services. Thus in a period of fiscal constraint, I must defer this study until a future time.

I am unable to approve the item designated as Section 13, subsection 12, in its entirety. This program would require the Department of Human Services to develop a therapeutic foster care pilot program at a total cost of nearly \$400,000. While there may be merit in developing such a program, I cannot approve spending for this purpose at this time.

I am unable to approve the item designated as Section 14, subsection 7, in its entirety. This provision would appropriate funding for a conference on the issue of providing reasonable efforts to avert out of home placements. This is a worthwhile project and I am supportive of it. However, child protection training funds are available and can be used to pay for the costs of this conference making this appropriation unnecessary.

I am unable to approve the item designated as Section 20, in its entirety. This provision would establish a computerized system to record patient clinical information at the Iowa Veterans Home in Marshalltown. I included this project in my original recommendations but eliminated it from my revised budget to the Legislature when it became apparent that the State would not be receiving revenues at the rate earlier projected. During a time of fiscal constraints, I cannot approve spending for this purpose.

I am unable to approve the item designated as Section 24, subsection 4, in its entirety. This provision would make an appropriation to provide an enhanced reimbursement for community based facilities for persons with mental illness. The level of funding included in the bill is substantially more than I recommended and cannot be approved given the state's current fiscal situation.

I am unable to approve the item designated as Section 24, subsection 5, in its entirety. This provision would appropriate \$75,000 to the Department of Human Services to contract for technical assistance for counties and service providers for the development of community-based services for persons with mental retardation, mental illness, and developmental disabilities. Staff and resources are available within the Department of Human Services to assist counties and providers in the development of their plans. Additional spending for this purpose is unnecessary.

I am unable to approve the item designated as Section 24, subsection 6, in its entirety. This provision directs the Department of Human Services to adopt rules providing for reimbursement of supervised apartment living and cooperative housing arrangements under state supplementary assistance effective July 1, 1991. While the language in this provision suggests that the supplemental per diem would be available only in situations involving certain populations of persons receiving state supplementary services, it would have to be extended to all SSI eligible persons receiving services in those facilities. Estimates of providing the supplemental payment to all who would be eligible run as high as \$11.7 million. Given our current fiscal situation, I cannot commit the state to such a costly program.

I am unable to approve the designated portions of Section 27, subsections 2 and 3, and subsection 5, paragraphs a and b, in their entirety. These provisions would expand the Medicaid program to include rehabilitation services. Funds not spent for enhanced

mental health, mental retardation, and developmental disabilities services would be automatically transferred to the mental health and mental retardation fund. Also, transfers of encumbered funds from the mental health institutes and the hospitals-schools would be restricted to the enhanced services fund.

Federal approval to include rehabilitation services in our State Medicaid plan has not been received and is unlikely given the uncertain status of the waivers granted to two other states for the inclusion of rehabilitation services. While we will continue to pursue federal approval, in its absence, authorization to provide funding for this purpose should not be approved. Also, I cannot approve provisions which prohibit the reversion of unused funds to the state general fund.

I am unable to approve the item designated as Section 28, subsection 3, paragraphs a and b, in their entirety, and the designated portion of Section 28, subsection 4. These provisions would require the Department of Human Services to project possible vacancies in field staff positions and to begin hiring for those positions regardless of the budget impact or FTE limits. While I agree with the need to provide necessary staff to carry out the programs of the Department, filling of those positions should occur as the need arises and in accordance with the process which applies to all agencies of state government. I cannot approve provisions which would direct a department to exceed its authorized spending level.

I am unable to approve the item designated as Section 28, subsection 8, in its entirety. This provision would require the Department of Human Services to spend up to \$100,000 to contract a field staff caseweight study. I agree with the need to study caseweight factors and staffing needs. However, I believe the resources and staff are available within state government to undertake this project. I have requested the Department of Human Services to work with the Departments of Management and Personnel to review these issues and to make their recommendations to me.

I am unable to approve the item designated as Section 29, subsection 9, in its entirety. This provision would authorize the Developmental Disabilities Council to spend state dollars on a computerized information and referral project for which federal dollars are available. Given the limited amount of discretionary funds available in the state budget, federal funds should be used to finance this project.

I am unable to approve the item designated as Section 29, subsection 11, in its entirety. This provision would appropriate \$75,000 for computerization of department manuals and would authorize staff for this purpose. The department's estimates indicate in the second year of this project an additional \$168,985 will be necessary as well as more staff. Again, given the fiscal constraints on the state, I cannot approve this spending at this time.

I am unable to approve the item designated as Section 29, subsection 14, in its entirety. This provision would authorize the Department of Human Services to expend \$50,000 and hire two staff to assist in the development of a plan identifying the needs which exist in residential programs for children. I have approved in this bill and support the development of such a plan, however, adequate resources and staff are available in the department to assist in this effort.

I am unable to approve the item designated as Section 29, subsection 15, in its entirety. This provision would require the Department of Human Services to request a supplemental appropriation to address budget short-falls. The department should make every effort to operate within the funds appropriated.

I am unable to approve the item designated as Section 29, subsection 16, in its entirety. This provision requires the Department of Human Services to develop a plan to reduce the number of field operation district offices to not less than five. The department has, on its own initiative, recently undergone a reorganization in its central office operations and should be allowed to decide whether and when it would be appropriate to reorganize the district offices.

I am unable to approve the item designated as Section 31, subsection 1, unnumbered and unlettered paragraph 2, in its entirety. This provision authorizes the Department of Human Services to provide a differential per diem for psychiatric medical institutions for children for certain services up to 120 percent of the current rate. The estimated cost of providing this higher level of payment for PMICs is approximately \$110,000 for which no appropriation is provided.

I am unable to approve the items designated as Section 31, subsection 2, paragraph b, Section 31, subsection 3, paragraph b, and Section 32, in their entirety. These provisions would authorize an additional increase to human services providers on January 1, 1991, if there is a \$100,000 million balance in the general fund on June 30, 1990. I have approved in this budget significant additional funding to the human services providers, increasing their reimbursement from the State by six percent. I cannot approve this additional spending at this time.

I am unable to approve the designated portion of Section 31, subsection 6. This provision attempts to restrict the Governor's discretion in developing his or her budget by directing the level of spending the Governor can recommend in certain human services programs. The Governor, by law, must submit a proposed budget to the Legislature which includes a summary of appropriations recommended for the following fiscal year for each department of state government. The Legislature may accept, modify or reject the Governor's recommendations. The Legislature cannot and should not attempt to interfere with the Governor's responsibility to establish priorities and make recommendations which ensure that his or her proposed budget is balanced.

I am unable to approve the designated portion of Section 33. This provision again provides anti-reversionary language, which I cannot approve.

I am unable to approve the item designated as Section 37, in its entirety. This provision would require the Department of General Services to assess the computer needs of the Department of Human Services and to submit a quarterly report to the legislature regarding those needs. This intrusion into the prerogatives of the executive branch cannot be approved.

I am unable to approve the items designated as Section 41, subsection a, paragraphs 2, 3, and 4, in their entirety. These provisions would shift funding from the Gamblers Assistance Fund to provide additional increases to programs already funded in this bill. Funds which exceed the needs of the Gamblers Assistance Program should be reverted to the general fund.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2435 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

IN MEMORIAM

House

Memorials adopted by the House of Representatives, 1990 Regular Session of the Seventy-third General Assembly, commemorating the life, character, and public service of the former members of the House of Representatives.

- PAUL W. EGGERS May 16, 1896—October 9, 1989
- ARNOLD R. LINDEEN May 9, 1910—January 1, 1990
- RAYMOND J. MILLER August 16, 1920—January 9, 1990
- ROBERT L. OETH October 6, 1921—November 24, 1989
- GEORGE N. PIERSON March 28, 1904—August 26, 1989
- ELMER H. VERMEER June 7, 1920—May 23, 1989

PAUL W. EGGERS

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Paul W. Eggers begs leave to submit the following Memorial:

Paul W. Eggers was born on May 16, 1896 in Burlington, Iowa. In 1923 he married Opal I. Cardiff and they had two sons.

Mr. Eggers was a farmer and a stockman. He was a member of the Marion County Fair Board; the Pella Co-operative Electric Association, where he served as secretary; and the Methodist Church.

A Democrat, Mr. Eggers represented Marion County during the Fifty-eighth General Assembly.

Paul W. Eggers died on October 9, 1989. He was preceeded in death by his wife Opal. He is survived by his two sons; James of Omaha, Nebraska and Charles of Florence, Kentucky; and six grandchildren.

Now Therefore, Be It Resolved by the House of Representatives of the Seventy-third General Assembly of Iowa, That in the passing of the Honorable Paul W. Eggers, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

DAVID SCHRADER
DENNIS BLACK
HAROLD VAN MAANEN

Committee

 ARNOLD R. LINDEEN

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Arnold R. Lindeen begs leave to submit the following Memorial:

Arnold R. Lindeen was born May 9, 1910 at Swedesburg, Iowa. On February 15, 1936 he married Marjorie Olson and they had one son and one daughter.

Arnold Lindeen was a farmer in the Swedesburg area before retiring; he was Iowa Sales and Use Tax Auditor; Manager of the Henry County Credit Union; and Henry County Treasurer. He also served as President of the SVEA Mutual Insurance Association for many years; was a lifetime member of the Swedesburg Evangelical Lutheran Church, and a member of the Swedish Heritage Society.

A Republican, Mr. Lindeen represented Henry and parts of Louisa and Des Moines Counties during the Sixty-sixth and Sixty-seventh General Assemblies.

Arnold R. Lindeen died January 1, 1990. He was preceeded in death by his wife Marjorie. He is survived by his son, Jerry Lindeen, Swedesburg; his daughter, Jane Wickham, Mount Pleasant; one brother, Virgil of Winfield; three sisters, Ruth Johnson of Woodhull, Illinois, Ethel Benson and Virginia Lindeen, both of Swedesburg; and seven grandchildren.

Now Therefore, Be It Resolved by the House of Representatives of the Seventy-third General Assembly of Iowa, That in the passing of the Honorable Arnold R. Lindeen, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

CLAY SPEAR
HORACE DAGGETT
GREGORY SPENNER

Committee

RAYMOND J. MILLER

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Raymond J. Miller begs leave to submit the following Memorial:

Raymond J. Miller was born August 16, 1920 at Dubuque, Iowa. On June 5, 1948 he married Jannan Muntz and they had three daughters.

Raymond Miller lived in Dubuque County and farmed all his life, also working as an inspector at the Dubuque Stamping and Manufacturing Inc. before his retirement.

Raymond Miller was a member of Resurrection Catholic Church; Speak Easy Toastmasters Club; Farm Bureau; Teamsters Union; Machinist's Union, Local 1238; and Dubuque County Republican Party. He was a former member of the Center Township Board of Trustees; Dubuque County Conservation Society; Center Township School Board; and General Drivers and Woodworkers and Upholsterers Union. He received the Herbert Hoover Recognition Award for Outstanding Volunteer Services and on January 15, 1990 the Dubuque County Supervisors issued a Proclamation honoring his nineteen years of service on the County Health Board.

A Republican, Mr. Miller represented Dubuque County during the Sixty-second General Assembly.

Raymond J. Miller died January 9, 1990. He is survived by his wife, Jannan; his three daughters: Susan Hellert of Dubuque; Sally Perlewitz of Dubuque and RaeAnn Guns of Davenport; three brothers: G. Joseph Miller, Vincent Miller and James Miller, all of Dubuque; and six grandchildren.

Now Therefore, Be It Resolved by the House of Representatives of the Seventy-third General Assembly of Iowa, That in the passing of the Honorable Raymond J. Miller, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

DONALD KNAPP
THOMAS JOCHUM
PAT MURPHY

Committee

 ROBERT L. OETH

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Robert L. Oeth begs leave to submit the following Memorial:

Robert L. Oeth was born on October 6, 1921 in Dubuque, Iowa. On July 1, 1950 he married Rosemary Lolwing of Dubuque. They had three sons and two daughters.

Robert Oeth practiced law for forty years in Dubuque and Des Moines. He served as Dubuque County Attorney from 1952 to 1962; was a member of the Iowa Bar Association and served in the United States Navy during World War II.

A Democrat, Mr. Oeth represented Dubuque County during the Fifty-fourth General Assembly.

Robert L. Oeth died November 24, 1989. He is survived by his wife, Rosemary of Des Moines; his two daughters: Terese Ann Linn of Des Moines and Kristen Oeth of Pittsburgh, Pennsylvania; his three sons: Gary of Des Moines, Steven of Ogden and David of Rochester, Minnesota; a brother, Bernard of Dubuque; and seven grandchildren.

Now Therefore, Be It Resolved by the House of Representatives of the Seventy-third General Assembly of Iowa, That in the passing of the Honorable Robert L. Oeth, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

PAT MURPHY
 THOMAS JOCHUM
 DONALD KNAPP

Committee

 GEORGE N. PIERSON

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable George N. Pierson begs leave to submit the following Memorial:

George N. Pierson was born on March 28, 1904 in Oskaloosa, Iowa. On June 28, 1926 he married Lucile Krizer and they had two sons. Lucile Pierson died in 1966. On November 9, 1969, Mr. Pierson married Elizabeth Picken, who had one daughter from a previous marriage, on November 9, 1969.

George Pierson graduated from Penn Academy in 1922 and from William Penn College in 1926, and later did post-graduate work at Iowa State University in Ames and at Washington University in St. Louis, Missouri. He was employed by the Young Men's Christian Association for thirteen years at Ottumwa, and as the YMCA boys' program director in St. Louis. In the 1940's, he began producing and marketing hybrid seed corn with N. H. Krizer. This partnership later became Pierson Seed Producers, of which Mr. Pierson was president and operated with his sons until his retirement in 1979.

Mr. Pierson was a member and elder of the First Presbyterian Church in Oskaloosa; he served on the Salvation Army Board, the William Penn College Board of Trustees, the Quad County Grain Board of Directors; and was a member of the Rotary Club, the Men's Club, the Penn College Alumni Club, the Mahaska County Ag Council, the Chamber of Commerce Ag Committee, the YMCA Finance Committee, the Community YMCA Council, and International Flying Farmers. He was active on the Mahaska County Republican Central Committee and organized the Summer Sweet Corn and Chicken Roast.

A Republican, Mr. Pierson represented Keokuk, Mahaska, and Monroe Counties during the Sixty-second, Sixty-third and Sixty-fourth General Assemblies.

George N. Pierson died on August 26, 1989. He is survived by his wife, Elizabeth of Carol Stream, Illinois; his two sons: Royce of Oskaloosa and Arvid "Shorty" of Pella; his stepdaughter, Judy Picken, of Wheaton, Illinois; a brother, Robert of Oskaloosa; seven grandchildren, three step-grandchildren and thirteen great-grandchildren.

Now Therefore, Be It Resolved by the House of Representatives of the Seventy-third General Assembly of Iowa, That in the passing of the Honorable George N. Pierson, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

HAROLD VAN MAANEN
 PHIL TYRRELL
 ROBERT KISTLER

Committee

ELMER H. VERMEER

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Elmer H. "Dutch" Vermeer begs leave to submit the following Memorial:

Elmer H. Vermeer was born on June 7, 1920 on a farm near Pella in Marion County. On September 20, 1946 he married Jeanette V. Lankelma of Pella and they had four sons and one daughter.

Mr. Vermeer served as a Ranger in the United States Army from 1941 to 1946 and was awarded the Silver Star. Following his discharge from the Army he owned and operated a livestock farm near Pella. He was a member of the Reformed Church, where he served on the consistory; the Central College Board of Trustees; the Pella National Bank Board of Directors; the American Legion; the V.F.W.; the Natural Heritage Foundation; the Marion County Conservation Board; the Iowa Nurserymen's Association; and the State of Iowa and Pella Historical Societies. He also served as the National President of the Ranger Battalions' Association. During the administration of Governor Robert D. Ray, Mr. Vermeer served as one of the Governor's administrative assistants.

A Republican, Mr. Vermeer represented Marion County during the Fifty-fifth, Fifty-sixth, Fifty-seventh, Fifty-ninth, and Sixtieth General Assemblies.

Elmer H. Vermeer died on May 23, 1989. He is survived by his wife, Jeanette of Pella; four sons, Thomas of Mount Pleasant, Richard of Davenport, William of Des Moines, James of Cedar Rapids; and one daughter Ann Stienstra, also of Cedar Rapids.

Now Therefore, Be It Resolved by the House of Representatives of the Seventy-third General Assembly of Iowa, That in the passing of the Honorable Elmer H. Vermeer, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

DAVID SCHRADER
DENNIS BLACK
HAROLD VAN MAANEN

Committee

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 Kay Chapman, Representative **Linn County**
 (See **CHAPMAN, KAY—**Representative **Linn County**, Assistant Majority Floor Leader)
 John Groninga, Representative **Cerro Gordo County**
 (See **GRONINGA, JOHN—**Representative **Cerro Gordo County**, Assistant Majority Floor Leader)
 Louis J. Muhlbauer, Representative **Crawford -Shelby Counties**
 (See **MUHLBAUER, LOUIS J.—**Representative **Crawford -Shelby Counties**, Assistant Majority Floor Leader)

ASSISTANT MINORITY FLOOR LEADERS—

Wayne Bennett, Representative **Ida -Monona-Woodbury Counties**
 (See **BENNETT, WAYNE—**Representative **Ida -Monona-Woodbury Counties**, Assistant Minority Floor Leader)
 Mary A. Lundby, Representative **Linn County**
 (See **LUNDBY, MARY A.—**Representative **Linn County**, Assistant Minority Floor Leader)
 Tom H. Miller, Representative **Cherokee -Clay-O'Brien Counties**
 (See **MILLER, TOM H.—**Representative **Cherokee -Clay-O'Brien Counties**, Assistant Minority Floor Leader)
 Brent Siegrist, Representative **Pottawattamie County**
 (See **SIEGRIST, BRENT—**Representative **Pottawattamie County**, Assistant Minority Floor Leader)

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Bills introduced—4, 106, 338

Committee appointment—1717

Presided at sessions of the House—162, 565, 694, 1589, 2229, 2231

Report—2092-2094

Ruling made—166

Subcommittee assignments—34, 60, 69, 70, 84, 94, 110, 141, 390, 416, 982, 1346

BLACK, DENNIS H.—Representative **Jasper-Marshall Counties**

Amendments filed—279, 292, 507, 1067, 1105, 1347, 1398, 1497, 1668, 1953-1954

Amendments offered—279, 296, 1250, 1497, 1779

Bills introduced—97, 329, 371

Committee appointments—1257, 1400, 1402, 1408

Leave of absence—143

Presided at sessions of the House—770, 924, 1484, 2269

Request that House Concurrent Resolution 110 be placed on unanimous consent calendar—1307

Ruling made—929

Subcommittee assignments—48, 110, 307, 345, 390, 799, 850

BLANSHAN, GENE H.—Representative **Boone-Carroll-Greene Counties**

Amendments filed—801, 897, 921, 1067, 1106, 1228, 1309, 1377-1378, 1398, 1432, 1473, 1479, 1480, 1505, 1607

Amendments offered—1083, 1117, 1342, 1377, 1409, 1443, 1473, 1479, 1480, 1481

Appointed to the Appropriations Subcommittee on Administration—56

Committee appointments—1717, 1764, 2255

Presided at sessions of the House—607, 724, 1133, 2020

Replaces Representative Fuller as a member of the Conference Committee on Senate File 2280—2230

Reports—2092-2094, 2156-2167, 2332, 2369-2377

Subcommittee assignments—49, 60, 69, 82, 83, 84, 101, 141, 147, 236, 269, 321, 322, 390, 391, 599, 600, 798, 895, 933, 982, 1006, 1007, 2224

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BOUNDARY COMMISSION—

Appointment to—28

BRAMMER, PHILIP E.—Representative **Linn County**

Amendments filed—96, 271, 397, 507, 602, 685, 745, 801, 833, 986, 1551, 2225

Amendments offered—276, 604, 605, 807, 808, 812, 914

Bills introduced—144, 537

Leave of absence—381, 476, 1143, 1291

Presided at sessions of the House—970

Subcommittee assignments—34, 69, 70, 83, 895, 896, 920, 982, 1264

BRAND, WILLIAM J.—Representative **Benton-Black Hawk Counties**

Amendments filed—545, 746, 801, 833, 841, 1494, 1496-1497, 1551, 1594, 2272-2273

Amendments offered—826, 1494, 1594

Amendment withdrawn—826

Appointed to the Medical Assistance Advisory Board—28

Bill introduced—371

Committee appointment—2207

Leave of absence—777

Report—2277

- Subcommittee appointments—49, 60, 68, 69, 83, 93, 110, 147, 168, 169, 254, 255, 290, 321, 335, 416, 544, 798, 1104
- BRANSTAD, CLIFFORD O.**—Representative Hancock-Kossuth-Winnebago Counties
 Amendments filed—352, 497-500, 629, 851, 987, 1066, 1106, 1265, 1309, 1347, 1607, 1608, 1783-1784, 1943-1944
 Bills introduced—36, 207, 223, 224, 233, 260, 272, 273, 310, 338, 353, 369, 371, 537
 Committee appointment—2207
 Leave of absence—353, 608, 750, 1657, 1719
 Subcommittee assignments—48, 69, 146, 254, 322, 659, 798, 933
- BRANSTAD, GOVERNOR TERRY E.**—
 (See GOVERNOR BRANSTAD, TERRY E.)
- BROWN, JOEL W.**—Representative Clarke-Monroe-Lucas-Wayne Counties
 Amendments filed—378, 411, 412, 507, 508, 602, 660, 685, 745, 746, 800, 801, 841, 936, 1068, 1105, 1483, 1504, 1607, 1668, 1824-1825
 Amendments offered—676, 727, 825, 841, 943, 1590
 Amendments withdrawn—841, 944
 Appointed to the Office of Rural Health Advisory Committee—28
 Bills introduced—74, 113, 114, 329, 358, 371, 379
 Committee appointment—3
 Leave of absence—129, 922, 2100
 Petitions presented—661
 Presented to the House Retno Windrati from Jakarta, Indonesia—1308
 Presented to the House Jim Cooper, former member of the House—1728
 Presided at sessions of the House—680, 1146
 Resolution offered—424
 Subcommittee assignments—34, 35, 48, 68, 70, 84, 93, 147, 169, 220, 236, 306, 335, 345, 376, 405, 416, 600, 798, 934, 982
- BUDGET MESSAGE**—
 (See STATE OF THE STATE MESSAGE)
- BUHR, FLORENCE D.**—Representative Polk County, Assistant Majority Floor Leader
 Amendments filed—258, 337, 474, 508, 897, 921, 1504, 1943-1944, 2286
 Amendments offered—263, 906, 2286
 Amendment withdrawn—265
 Bills introduced—107, 113, 144, 224, 369
 Committee appointment—4
 Leave of absence—1395
 Presented to the House the Honorable Robert Kreamer, former member of the House—2432
 Presented with plaque—2247-2248
 Presided at sessions of the House—458
 Reports—108, 299-301
 Subcommittee assignments—34, 35, 83, 84, 148, 323, 599, 684, 798, 799, 895, 920, 934, 982, 1006, 2224
- CAPITOL PLANNING COMMISSION**—
 Appointments to—27

CARPENTER, DOROTHY F.—Representative Polk County

Amendments filed—231, 258, 308, 337, 368, 425, 474, 507, 602, 686, 735, 801, 867-868, 1066-1067, 1067, 1141, 1169, 1192-1193, 1228, 1342-1343, 1377-1378, 1473, 1473-1477, 1480, 1482, 1483, 1483-1484, 1484, 1504, 1545-1546, 1550, 1589, 1600-1602, 1607, 2084, 2286, 2383

Amendments offered—640, 732, 735, 736, 867, 908, 925, 1163, 1181, 1484, 1545, 1590

Amendments withdrawn—640, 734, 738, 908, 925, 1147, 1377

Bills introduced—144, 224, 239, 259, 339, 354, 369-370, 372

Committee appointments—3, 1764, 2255, 2435

Reports—2-3, 108, 299-301, 2332

Subcommittee assignments—60, 84, 101, 147, 148, 169, 236, 269, 306, 307, 321, 322, 323, 334, 345, 376, 390, 391, 405, 505, 544, 599, 600, 684, 798, 895, 982, 1006, 2224

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CHAPMAN, KAY—Representative Linn County, Assistant Majority Floor Leader

Amendments filed—205, 833, 986, 1141

Amendments offered—217, 1350

Appointed to the Legislative Reapportionment Technology Selection Committee—29

Bills introduced—52, 87, 260, 295, 339, 353, 404

Committee appointments—1764, 2169, 2207, 2435

Leave of absence—822, 1619

Presentation of visitors—404

Presided at sessions of the House—403, 577, 1243

Reports—1969, 2037, 2277

Ruling made—1248

Subcommittee assignments—34, 59, 69, 70, 82, 101, 141, 146, 147, 254, 268, 290, 323, 335, 365, 376, 391, 543, 599, 798, 895, 1104, 1346, 1729

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Administered oath of office to Representatives-elect Pat Murphy and Stewart Iverson—3

Communications received and on file—1-2, 29-32, 46-47, 90, 173-177, 177-197, 252, 288, 305, 363, 363-364, 386, 468-469, 504, 597-598, 683, 797, 893, 1104, 1502, 1548, 1854, 2428

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Certificates of recognition—33, 85, 138-139, 228-229, 305-306, 375, 658-659, 893-894, 1007, 1226-1228, 1430-1431, 1728-1729, 2432-2433

Committee recommendations—35, 61-62, 71, 85-86, 94-95, 104-105, 112, 132, 141-142, 149-150, 170, 204, 221-222, 230-231, 256-257, 270-271, 290-292, 307-308, 324-326, 336-337, 348-351, 365-368, 377, 393-397, 407-411, 416-424, 469-474, 505-506, 544, 628-629, 684-685, 744-745, 799-800, 850-851, 896-897, 920, 934-936, 972-973, 982-986, 1007-1010, 1062-1066, 1104-1105, 1140, 1264, 1308-1309, 1346-1347, 1397, 1431-1432, 1503-1504, 1549-1550, 1606-1607, 1667, 1718, 1730, 1831, 1855-1856, 1976-1977, 2083-2084, 2098-2099, 2220, 2224-2225, 2271-2272, 2296, 2322, 2378-2379, 2397, 2423

Conference committee reports filed—108, 228, 288, 1969, 2223

Enrolled bills—305, 330, 416, 796, 920, 1061-1062, 1168, 1263, 1345, 1397, 1425, 1501, 1663, 1728, 1969-1970, 2096, 2435

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CLARK, BETTY JEAN—Representative Cerro Gordo Floyd-Mitchell Counties
Amendments filed—685, 686, 836-837, 1141, 1390-1392, 1668, 1865
Amendments offered—700, 836, 1390, 1826
Bills introduced—36, 37, 63, 107, 133, 207, 272, 369, 371
Committee appointment—38
Leave of absence—223, 864, 937, 1129, 1498
Presented to the House Larry Geertz, President of the Iowa Future Farmers of
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Subcommittee assignments—69, 84, 147, 169, 306, 345, 376, 405, 600, 798, 982

COHOON, DENNIS M.—Representative Des Moines County
Amendments filed—368, 1106, 1142, 1228, 1265, 1309, 1347, 1373, 1374-1375, 1496-1497
Amendments offered—510, 1155, 1157, 1323, 1370, 1373, 1374
Amendment withdrawn—1373
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mittee, Chair—89
Committee appointments—89, 1740
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- House File 156—2037 adopted
 - House File 178—316-319 adopted
 - House File 685—240-250, 251 adopted

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 House File 2329—2401-2413 adopted
 House File 2416—2276 adopted
 House File 2534—2287-2292 adopted
 House File 2543—2156-2167 adopted
 House File 2554—2236-2239 adopted
 House File 2559—2277 adopted
 Senate Concurrent Resolution 133—2220-2222 adopted
 Senate File 199—299-301 adopted
 Senate File 2057—2092-2094 adopted
 Senate File 2093—2332 adopted
 Senate File 2280—2369-2377 adopted
 Senate File 2306—2208-2211 adopted
 Senate File 2402—2256-2266 adopted
 Senate File 2413—2387-2396 adopted
 Senate File 2422—2420-2422 adopted

Reports called up:

House File 156—2037-2038
 House File 178—316-319
 House File 685—240-250
 House File 2287—2180
 House File 2329—2401
 House File 2416—2275
 House File 2534—2287
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(See PRESIDENT OF THE UNITED STATES, CONGRESS and/or FEDERAL AGENCIES)

CONNOLLY, MICHAEL W.—Representative **Dubuque** County

Communication from—resignation—1

CONNORS, JOHN H.—Representative **Polk** County, Speaker Pro Tempore

Amendments filed—292, 326, 507, 1067, 1228, 1309, 1377-1378, 1398, 1505, 1550, 1668, 1856, 2243-2244

- Amendments offered—516, 1867, 1868
 Announcement—1776
 Bills introduced—6, 64, 106, 143, 171, 207, 339, 404
 Committee appointments—1717, 1764
 Conference committee appointments announced—1257, 1740
 Elected to the position of Chair-elect of the National Council of State Governments—66
 Leave of absence—113, 777, 822
 Presentation of visitors—1226, 1503
 Presented to the House Chris Weeks, 1990 State Poster Child for Muscular Dystrophy Association—234
 Presented to the House twelve students from the University of Leningrad—1041
 Presided at sessions of the House—66, 138, 227, 283, 315, 327, 338, 485, 582, 635, 646, 661, 693, 747, 988, 1000, 1004, 1081, 1109, 1111, 1114, 1124, 1137, 1175, 1194, 1251, 1313, 1352, 1442, 1494, 1498, 1522, 1731, 1764, 1774, 1979, 1981, 2134, 2252
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 Rulings made—344, 636, 748, 1126, 1128, 1129, 1130, 1181, 1191, 1193, 1221, 1255, 1498, 1529, 1775
 Special recognition to members of the House who will be retiring or are candidates for the Iowa Senate—2247
 Subcommittee assignments—49, 59, 60, 84, 93, 110, 147, 148, 236, 269, 335, 390, 599, 933, 1006, 1007, 1346
- CORBETT, RON J.**—Representative **Linn County**
 Amendments filed—545, 685, 746, 833, 851, 971, 986, 1067, 1105, 1141, 1369, 1504, 1550, 1551, 1593, 1659, 1730, 1783-1784, 1851, 1856, 2272-2273
 Amendments offered—766, 767, 768, 770, 773, 971, 1134, 1136, 1369, 1592, 1851, 2072
 Amendments withdrawn—774, 1592
 Bills introduced—207, 224, 238, 239, 272, 328, 369-370, 372, 398, 400, 537
 Committee appointment—1688
 Leave of absence—275, 528, 822, 937, 1266
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 Subcommittee assignments—49, 60, 68, 69, 93, 101, 110, 147, 254, 255, 321, 322, 346, 391, 544, 684, 798, 933, 982
- CREDENTIALS, COMMITTEE ON**—
 Supplemental report—2, 3 adopted
- DAGGETT, HORACE C.**—Representative **Adams-Decatur-Ringgold-Taylor Counties**
 Amendments filed—112, 150, 507, 545, 685, 1066-1067, 1264, 1324, 1551, 1608, 2272-2273
 Amendments offered—579, 588, 1292, 1324
 Appointed to the Education Commission of the States—27
 Bills introduced—50, 207, 224, 233, 239, 260, 272, 273, 293, 354, 370, 371, 537
 Committee appointments—1400, 1722
 Leave of absence—293, 338, 369, 1129, 1381, 1669, 1731, 1858, 2212
 Petition presented—73
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 Subcommittee assignments—48, 49, 83, 84, 101, 169, 323, 335, 390, 391, 405, 543, 544, 600, 1855
- DE GROOT, KENNETH R.**—Representative **Lyon-O'Brien-Osceola-Sioux Counties**
 Amendments filed—474, 507, 545, 546, 629, 851, 936, 1106, 1169, 1229, 1309, 1504, 1607, 1608, 1978

Amendments offered—654, 941, 1245, 1286, 1593
 Amendment withdrawn—572
 Appointed to the Iowa Highway Research Board—46
 Bills introduced—63, 172, 207, 209, 224, 273, 294, 354, 369-370, 371, 537
 Committee appointment—2207
 Leave of absence—736, 1368
 Presented to the House the Honorable John Timmer, Sioux Falls, member of the
 South Dakota, House of Representatives—981
 Presided at sessions of the House—1840
 Reports—16, 2277
 Resolution offered—326
 Subcommittee assignments—110, 168, 255, 345, 365, 391, 543, 659, 799, 933, 1855

DIEMER, MARVIN E.—Representative **Black Hawk County**

Amendments filed—475, 1012, 1141, 1659, 1730, 1943-1944
 Amendments offered—1292, 1798
 Asked and received unanimous consent to change his vote on Senate File 2212—840
 Bills introduced—51, 238, 239, 260, 310, 354, 369-370, 370, 537
 Committee appointment—1257
 Leave of absence—899
 Subcommittee assignments—94, 101, 110, 169, 307, 345, 390, 405, 416, 599, 849, 895,
 920, 982

DODERER, MINNETTE—Representative **Johnson County**

Amendments filed—86, 96, 132, 161, 170, 602, 685, 745, 1067, 1068, 1106, 1228,
 1249-1250, 1377-1378, 1394, 1480, 1482, 1483, 1483-1484, 1484, 1550, 1551, 1589,
 1600-1602, 1856, 2090-2091, 2225
 Amendments offered—159, 161, 768, 769, 1079, 1108, 1249, 1394, 1480, 1482, 1483,
 1600, 2076, 2123
 Asked and received unanimous consent to change her vote on House File 2238—529
 Bills introduced—37, 65, 75, 98, 354
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 Rulings made—361, 2246
 Subcommittee assignments—34, 59, 60, 83, 84, 141, 147, 169, 236, 255, 269, 321, 334,
 390, 391, 543

DVORSKY, ROBERT E.—Representative Iowa **Johnson Counties**

Amendments filed—474, 833, 897, 898, 1229, 1480, 1496-1497, 1608, 1668, 1856
 Amendments offered—634, 833, 1954
 Appointed to the Communications Review Committee—27
 Bills introduced—98, 114, 329
 Leave of absence—528
 Presided at sessions of the House—814
 Subcommittee assignments—34, 68, 69, 101, 110, 132, 141, 219, 321, 335, 376, 391,
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Appointment to—351

ECONOMIC DEVELOPMENT, COMMITTEE ON—

Amendments filed—397, 897, 1856
 Amendments offered—1045, 1172, 1920
 Appointed—89

Bills introduced—283, 359, 427, 476, 477, 502
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 Subcommittee assignments—49, 60, 68, 69, 93, 110, 254, 255, 321, 322, 346, 600

EDDIE, RUSSELL J.—Representative Buena Vista -Pocahontas Counties

Amendments filed—411, 507, 545, 629, 835, 987, 1066-1067, 1106, 1141, 1335-1336, 1608
 Amendment offered—835
 Bills introduced—223, 224, 233, 238, 260, 272, 273, 294, 328, 353, 354, 369, 371, 379,
 415, 537
 Committee appointments—4, 2207
 Leave of absence—582, 630, 1115, 1230
 Subcommittee assignments—110, 322, 335, 345, 391, 406, 659

EDUCATION COMMISSION OF THE STATES—

Appointment to—27

EDUCATION, COMMITTEE ON—

Amendments filed—368, 936, 1011, 1265, 1550
 Amendments offered—1089, 1516, 1643
 Appointed—89
 Bills introduced—53, 67, 209, 284, 372, 400, 414, 415, 476, 477
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Appointment to—27
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Amendments filed—424, 1067, 1068
 Amendment offered—525
 Amendments withdrawn—2041, 2269
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 Recommendations—291, 367, 408, 417-418, 469-471, 850, 896, 1063-1064
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Senate File 2080—Representative Eddie—1307
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 Senate File 2403—Representative Fuller—2223
 Senate File 2406—Representative Fuller—2223
 Senate File 2407—Representative Fuller—1727
 Senate File 2408, H-5858 to H-5685—Representative Buhr—1425
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 Senate File 2410—Representative Poncy—1728
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 Senate Joint Resolution 2003—Representative Peterson of Carroll—1225
 Senate Joint Resolution 2003—Representative Eddie—1307

FEDERAL AGENCIES—

(See PRESIDENT OF THE UNITED STATES, CONGRESS and/or FEDERAL AGENCIES)

FEY, THOMAS H.—Representative Scott County

Amendments filed—545, 546, 686, 986, 1105, 1141, 1432, 1504, 1598, 2099
 Amendments offered—671, 814, 1538, 1540, 1598, 2101
 Amendments withdrawn—1539, 2101
 Announced the birthday of Martin Luther King, Jr.—76
 Announcement—1959
 Appointed to the Committee on Rules and Administration—89
 Bills introduced—74, 75, 88, 208, 329, 354, 404
 Committee appointment—89
 Leave of absence—223
 Presented with plaque—2247-2248
 Presided at sessions of the House—1078, 1628, 1953, 1956
 Reports—288, 316-319
 Resolutions offered—351, 601
 Ruling made—1956
 Subcommittee assignments—48, 82, 84, 168, 169, 255, 306, 307, 334, 345, 365, 376, 391, 405, 600, 798, 933

FOGARTY, DANIEL P.—Representative Clay-Palo Alto Counties

Amendments filed—411, 545, 546, 685, 851, 987, 1067, 1105, 1106, 1264, 1309, 1347, 1398, 1504, 1607, 1633-1634, 2243-2244
 Amendments offered—645, 871, 1013, 1330, 1406, 2243
 Amendment withdrawn—1406
 Bills introduced—151, 232, 272, 293, 310, 340, 371
 Conference committee appointments announced—2124
 Committee appointments—3, 2207
 Escorted Representative-elect Stewart Iverson to the front of the House chamber—3
 Escorted to the Speaker's station and presented to the House Frank Crowley and his wife Virginia, County Cork, Ireland—1111
 Presided at sessions of the House—1043, 1054, 2117
 Ruling made—1055
 Subcommittee assignments—70, 93, 110, 141, 236, 322, 323, 391, 406, 659, 798, 850

FULLER, ROBERT D.—Representative Franklin-Hardin-Hamilton Counties
 Amendments filed—474, 660, 685, 745, 897, 1105, 1106, 1141, 1264, 1309, 1347, 1607,
 1633-1634, 1943-1944
 Amendments offered—315, 995, 1269
 Appointed to the Grain Marketing Advisory Council—28
 Bills introduced—4, 5, 51, 64, 88, 89, 272
 Committee appointment—1740
 Leave of absence—1129, 1669, 1776, 2048, 2229
 Subcommittee assignments—93, 94, 110, 322, 391, 600, 659

GARMAN, TERESA—Representative Boone-Story Counties
 Amendments filed—105, 352, 411, 474, 508, 545, 686, 704-712, 745, 1011, 1105, 1141,
 1608, 1659, 1668, 1783-1784, 1977
 Amendments offered—585, 586, 691, 704, 1364, 1790, 2077
 Amendments withdrawn—445, 585, 1580, 1798
 Appointed to the Energy Fund Disbursement Council—27
 Asked and received unanimous consent to change her vote on Senate File 2306—1108
 Bills introduced—4, 5, 37, 67, 207, 208, 224, 260, 272, 273, 274, 295, 353, 354, 369, 371,
 372, 399, 537
 Committee appointment—1717
 Subcommittee assignments—59, 60, 82, 83, 110, 132, 147, 220, 322, 323, 335, 505, 599,
 798, 895, 1006

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(See also RULES AND ADMINISTRATION, COMMITTEE ON and/or HOUSE
 CONCURRENT RESOLUTIONS, HOUSE RESOLUTIONS and SENATE
 CONCURRENT RESOLUTIONS listed in LEGISLATIVE INDEX VOLUME)

Resolutions relating to:

- House Concurrent Resolution 101, condition of the state and budget message—6
 adopted, 38
- House Concurrent Resolution 110, fed. funding for fish and wildlife mitigation
 on the Missouri River—601, 1307, 1552-1553 adopted
- House Concurrent Resolution 113, final adjournment, Sunday April 8, 1990—2433
- House Resolution 101, amend House Rule 31.8—35, 55-56 adopted
- Senate Concurrent Resolution 101, amend joint rule 20 by advancing the dead-
 line dates for 1990 session—16, 35, 53-55 adopted
- Senate Concurrent Resolution 109, recognize the United States Army Specialist
 Thomas Hageman for efforts in the service of his country—627, 659,
 1139, 1349 adopted, 1370
- Senate Concurrent Resolution 124, amend subsection 2, unnumbered paragraph
 2, of joint rule 20, by advancing the second deadline in that
 paragraph—978-980 adopted
- Senate Concurrent Resolution 128, provision of cable television service—1434,
 1504, 1607, 1620-1621 adopted, 1663
- Senate Concurrent Resolution 133, bd. of regents, ten-year building
 program—2128, 2134, 2220, 2222 adopted
- Senate Concurrent Resolution 136, final adjournment—2427-2428 adopted

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(See AWARDS AND GIFTS)

GOVERNOR BRANSTAD, TERRY E.—

Addressed joint convention—39-46

Bills signed by—288, 363, 504, 797, 893, 980, 1225-1226, 1427-1430, 1501-1502, 1663-1665, 1970-1971, 2223, 2428-2429, 2654-2664

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Delivered the Condition of the State and Budget Messages—40-46

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Motion to override governor's veto lost—1166-1167, 1167-1168

Resolution relating to the Condition of the State and Budget Message, HCR 101—6 adopted, 38

Resolutions relating to:

House Concurrent Resolution 101—6 adopted, 38

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House Concurrent Resolution 112—1667, 1684-1687 adopted, 1717-1832, 1879-1880, adopted, 1880, 1919, 1969-1970, 2125, vetoed 4-5-90.

Senate Concurrent Resolution—133—2128, 2134, 2220, 2222 adopted, 2658 approved 4-17-90

Veto messages—363-364, 980-981, 1103, 1666, 1971-1973, 2125, 2664-2671

GRAIN MARKETING ADVISORY COUNCIL—

Appointments to—28, 29

GRONINGA, JOHN—Representative Cerro Gordo County, Assistant Majority Floor Leader

Amendments filed—105, 170, 326, 507, 686, 745, 801, 1105, 1106, 1432, 1496-1497, 1550, 1551, 1856, 2090-2091

Amendments offered—209, 211, 432, 515, 802, 805, 810, 811, 1482, 1496, 1572, 1573, 1582, 1944

Amendments withdrawn—805, 1573, 1672

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Committee appointments—4, 2079

Leave of absence—864

Presented to the House foreign exchange student Pamela Vega-Lemus, Santiago, Chile—849

Presided at sessions of the House—126, 592, 595, 625, 675, 900, 1356, 2167

Report—2236-2239

Ruling made—128

Subcommittee assignments—60, 68, 69, 83, 93, 110, 254, 255, 335, 543, 798, 1346, 1548, 1729, 1855

GRUHN, JOSEPHINE—Representative Dickinson -Emmet Counties

Amendments filed—237, 508, 545, 745, 801, 936, 987, 1141, 1229, 1264, 1309, 1335-1336, 1347, 1504, 1607, 1633-1634, 1668

Amendments offered—580, 611, 944, 1097, 1201, 1330

Bills introduced—171, 233, 272, 310, 358, 369, 371

Leave of absence—1069, 1306

Petition presented—476

Subcommittee assignments—70, 101, 141, 236, 321, 322, 345, 405, 659, 849, 920, 933

HALVORSON, RODNEY N.—Representative Webster County

Amendments filed—262, 545, 897, 898, 973, 986, 1011, 1067, 1106, 1169, 1347, 1417, 1496-1497, 1551, 1632, 1730, 1857, 1953, 1977, 1978, 2099, 2272-2273

- Amendments offered—214, 262, 927, 973, 1130, 1363, 1366, 1953, 1955, 2004, 2020, 2075, 2185, 2272
 Amendments withdrawn—924, 1367
 Committee appointment—2068
 Leave of absence—398
 Report—2401-2413
 Subcommittee assignments—59, 60, 321, 322, 323, 391, 392, 600, 798, 896, 982, 1503
- HALVORSON, ROGER A.**—Representative **Allamakee-Clayton** Counties
 Amendments filed—86, 112, 142, 150, 222, 424, 474, 475, 545, 546, 588-589, 601, 685, 801, 837-838, 897, 987, 1011, 1068, 1142, 1228, 1309, 1377, 1432, 1545-1546, 1550, 1551, 1599, 1608, 1657-1658, 1659, 1659-1660, 1667, 1719-1720, 1784, 1828-1829, 1851, 2090-2091, 2099, 2433
 Amendments offered—161, 521, 550, 580, 584, 588, 593, 594, 612, 621, 680, 696, 837, 1331, 1377, 1657, 1659, 1719, 1784, 1828, 1851, 2193
 Amendments withdrawn—163, 821, 1374, 1829
 Appointed to the Legislative Fiscal Committee—29
 Appointed to the Legislative Studies Committee—29
 Bills introduced—50, 206, 224, 232, 371, 537
 Committee appointments—3, 173, 2296, 2436
 Escorted Representative-elect Pat Murphy to the front of the House chamber—3
 Leave of absence—338, 534, 899, 1285, 1406, 1433
 Ranking member on the Committee on Appropriations—29
 Removed from the Justice System Appropriations Subcommittee—89
 Report—2420-2422
 Subcommittee assignments—48, 68, 83, 84, 141, 147, 168, 254, 268, 269, 290, 321, 322, 334, 345, 346, 365, 376, 390, 391, 392, 505, 599, 684, 798, 1976
- HAMMOND, JOHNIE**—Representative **Story** County
 Amendments filed—132, 326, 424, 475, 507, 508, 602, 685, 851, 1067, 1068, 1106, 1228, 1229, 1377-1378, 1473-1477, 1480, 1483-1484, 1504, 1505, 1550, 1551, 1589, 1851, 2267-2268, 2268, 2384
 Amendments offered—123, 264, 496, 586, 592, 617, 619, 620, 866, 1145, 1473, 1581, 1633, 1734, 2267, 2268, 2323, 2384
 Amendment withdrawn—1589
 Bills introduced—5, 75, 98, 353, 404
 Leave of absence—223, 1285
 Presented to the House the Honorable Sue Mullins, former member of the House—131
 Reports—2-3, 108, 288, 299-301, 316-319
 Subcommittee assignments—49, 60, 83, 84, 101, 148, 169, 236, 269, 306, 307, 322, 323, 345, 376, 390, 405, 600, 684, 798, 895, 982, 1006, 1264, 1855, 2224
- HANSEN, STEVEN D.**—Representative **Woodbury** County
 Amendments filed—142, 660, 1482, 1483, 1483-1484, 1484, 1505, 1943-1944
 Amendments offered—714, 825, 1483
 Appointed to the Communications Review Committee—27
 Bills introduced—37, 98, 144, 152, 259, 274
 Committee appointments—173, 1764, 2296
 Leave of absence—398
 Presided at sessions of the House—831, 1785, 2185, 2272, 2300
 Reports—228, 240-250, 2156-2167, 2420-2422
 Ruling made—1799
 Subcommittee assignments—48, 68, 69, 70, 83, 141, 146, 147, 254, 255, 322, 323, 334, 376, 390, 505, 684, 798, 895, 1503, 2098

- HANSON, DARRELL R.**—Representative **Buchanan-Delaware** -Linn Counties
Amendments filed—86, 170, 326, 474, 624-625, 629, 685, 686, 723-724, 725, 725-726, 851, 1066, 1067, 1105, 1169, 1228, 1229, 1309, 1347, 1377-1378, 1398, 1432, 1473, 1473-1477, 1480, 1482, 1483-1484, 1589, 1608, 1632, 1943-1944
Amendments offered—263, 624, 721, 723, 724, 725, 1252, 1440, 1589, 1632, 1725, 1731, 1732
Amendments withdrawn—1589, 1725, 1737
Appointed to the Capitol Planning Commission—27
Bills introduced—5, 106, 207, 224, 238, 273, 295, 353, 369-370, 371, 372
Committee appointment—1764
Leave of absence—63, 1260, 1390, 1643, 2325
Presented to the House eight elementary education major students from the Leningrad State Pedagogical Institute, Soviet Union—1041
Presented to the House the Honorable Doug Ritsema, former member of the House—1503
Presided at sessions of the House—2293
Subcommittee assignments—59, 60, 83, 84, 93, 110, 132, 220, 236, 254, 269, 321, 322, 323, 334, 335, 390, 391, 505, 599, 600, 628, 798, 799, 933, 1006, 1007, 1345, 1346, 2224
- HARBOR, WILLIAM H.**—Representative **Mills** -Montgomery-Pottawattamie Counties
Amendments filed—112, 222, 352, 397, 424, 474, 475, 497-500, 507, 546, 601, 629, 660, 685, 800, 851, 987, 1142, 1305, 1309, 1480, 1483-1484, 1608, 1659, 1851
Amendments offered—580, 592, 753, 1305
Amendment withdrawn—579
Appointed to the Legislative Procedures Committee—29
Bills introduced—50, 75, 99, 106, 113, 206, 207, 224, 232, 233, 239, 259, 272, 274, 353, 369-370, 371, 537
Committee appointment—2040
Leave of absence—309, 619, 842, 880, 937, 1381, 1633
Presentation to retiring members and leaders—2247
Subcommittee assignments—93, 147, 236, 335, 599, 684, 798, 895, 896, 1264, 1503
- HARPER, PATRICIA M.**—Representative **Black Hawk** County
Amendments filed—475, 507, 545, 602, 629, 660, 685, 970, 1141, 1550, 1633-1634
Amendments offered—517, 607, 739, 741
Amendments withdrawn—739, 742
Appointed to the Comprehensive Health Insurance Advisory Committee—27
Bills introduced—5, 66, 87, 98, 144, 260, 295, 310, 404
Committee appointments—3, 108, 1688
Reports—16, 2180-2181, 2223, 2275
Subcommittee assignments—34, 35, 60, 289, 335, 405, 406, 895, 934
- HATCH, JACK**—Representative **Polk** County
Amendments filed—326, 545, 581-582, 746, 801, 898, 970, 974-975, 987, 1347, 1398, 1609, 1841, 1841-1843, 1843, 1848, 1856, 2084, 2099, 2267-2268
Amendments offered—361, 518, 522, 566, 581, 756, 970, 1029, 1404, 1832, 1841, 1843, 1848, 1875, 2084
Appointed to the Wallace Technology Foundation—28
Bills introduced—73, 98, 114, 144, 206
Committee appointment—173
Presided at sessions of the House—1572, 1616
Reports—228, 240-250

- Subcommittee assignments—84, 93, 110, 220, 334, 390, 505, 544, 628, 684, 1503, 1855
- HAVERLAND, MARK A.**—Representative **Polk** County
- Amendments filed—397, 474, 602, 629, 660, 742, 800, 1505, 1545, 1546, 1551, 1607, 1856, 1978, 2034, 2099, 2273
- Amendments offered—737, 738, 742, 873, 1545, 1546, 1575, 1576, 1987, 2005, 2273
- Amendments withdrawn—738, 739
- Appointed to the Health Data Commission—28
- Bill introduced—404
- Committee appointment—1688
- Leave of absence—2100
- Presided at sessions of the House—715, 1171
- Reports—288, 316-319, 2275
- Ruling made—719
- Subcommittee assignments—60, 83, 84, 93, 94, 147, 169, 220, 254, 306, 307, 321, 323, 345, 376, 390, 405, 416, 599, 600, 933, 982, 2223
- HEALTH DATA COMMISSION**—
- Appointment to—28
- HERMANN, DONALD F.**—Representative **Scott** County
- Amendments filed—170, 271, 326, 352, 397, 508, 544, 545, 660, 898, 986, 1012, 1066, 1067, 1068, 1252-1255, 1608, 1668, 1783-1784, 1784, 1977, 2090-2091
- Amendments offered—1129, 1367
- Amendment withdrawn—1367
- Bills introduced—74, 89, 106, 107, 134, 207, 208, 223, 224, 238, 260, 273, 353, 354, 369, 371, 398, 537
- Committee appointment—1764
- Leave of absence—87, 700, 731, 976, 1150, 1370, 1590, 1633, 2295
- Presented with plaque—2247-2248
- Request that Senate Concurrent Resolution 109, be placed on the unanimous consent calendar—1139
- Subcommittee assignments—34, 35, 934
- HESTER, JOAN L.**—Representative **Harrison-Pottawattamie** Counties
- Amendments filed—545, 602, 1066, 1068, 1264, 1608, 1668, 1719-1720
- Amendment offered—615
- Bills introduced—5, 224, 232, 233, 238, 239, 260, 354, 369-370, 371, 372, 398, 537
- Committee appointment—1764
- Leave of absence—775
- Request that House Concurrent Resolution 110 be placed on unanimous consent calendar—1307
- Subcommittee assignments—60, 84, 93, 169, 220, 306, 307, 345, 376, 405, 600, 896, 982
- HIBBARD, DAVID**—Representative **Adair-Dallas-Guthrie-Madison** Counties
- Amendments filed—660, 686, 746, 987, 1011, 1067, 1265, 1287-1288
- Amendments offered—783, 847, 1124, 1198, 2063
- Appointed to the Law Enforcement Academy Council—28
- Bills introduced—4, 37, 224, 310, 328, 329, 355, 370, 371
- Committee appointment—2207
- Leave of absence—129, 1069, 1616, 2020, 2169
- Presided at sessions of the House—1409
- Subcommittee assignments—49, 69, 70, 83, 101, 146, 147, 148, 253, 254, 255, 289, 345, 346, 376, 390, 659, 895, 896

HIGHWAY RESEARCH BOARD—

Appointments to—28, 46

HOLVECK, JACK—Representative Polk County

Amendments filed—425, 602, 745, 746, 795, 800, 1394, 1608

Amendments offered—454, 785, 881, 883

Asked and received unanimous consent to change his vote on House File 2502—854

Bills introduced—259, 355, 357, 380, 400

Leave of absence—97, 299, 509, 547, 1498, 1826

Presented to the House the Honorable Jay Mennenga, former member of the House—981

Subcommittee assignments—34, 68, 69, 82, 83, 141, 236, 254, 391, 543, 1007

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House File 252, H-5099—1232

House File 366, H-6165, as amended—2244

House File 534, H-5841—1413

House File 656, H-6187—2304

House File 658, H-5669—2227

House File 677, H-6027—2175

House File 705, H-5776—1322

House File 724, H-6056—1915

House File 730, H-5156—1175

House File 737, H-5761—1422

House File 2009, H-6064—1986

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House File 2142, H-5106—1200

House File 2154, H-5877—1533

House File 2156, H-5123—1206

House File 2166, H-6161—2241

House File 2170, H-5668, as amended—1202

House File 2177, H-5842—1415

House File 2188, H-5843—2182

House File 2201, H-5840—1508

House File 2235, H-6178, as amended—2286

House File 2268, H-6188—2305

House File 2294, H-6168—2242

House File 2312, H-5869—1524

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House File 2404, H-5762—1280
House File 2407, H-6115—2067
House File 2412, H-6163—2191
House File 2418, H-5566, as amended—977
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House File 2431, H-5844—1509
House File 2440, H-6129—2088
House File 2450, H-5875—1611
House File 2455, H-5838—1419
House File 2459, H-5671, as amended—1324
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House File 2488, H-6045—1762
House File 2488, H-6045, as amended—1966
House File 2495, H-6164—2213
House File 2496, H-5881—1514
House File 2500, H-5874, as amended—1531
House File 2504, H-6193—2331
House File 2512, H-5734—1312
House File 2514, H-5512—891
House File 2516, H-5766—1283
House File 2517, H-5817, as amended—2318
House File 2522, H-5868, as amended—1526
House File 2531, H-5744—1262
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(See RULES AND ADMINISTRATION, COMMITTEE ON)

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Amendments filed—507, 1066
 Amendments offered—642, 1538, 1575
 Bills introduced—65, 97, 98, 197, 198, 320, 357, 359, 385, 386, 399, 400, 427, 477, 501, 502, 503, 577
 Recommendations—62, 95, 204-205, 230, 324, 348-349, 394-395, 418, 471, 506, 600, 850, 935, 1008-1009, 1064, 2225
 Subcommittee assignments—34, 35, 60, 83, 84, 169, 254, 306, 307, 345, 376, 405, 416, 600, 798, 933, 934, 982, 2223

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Appointment to—28

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IVERSON, STEWART E., JR.—Representative Franklin-Hancock-Wright Counties
 Amendments filed—352, 474, 508, 513, 545, 546, 987, 1067, 1106, 1309, 1347, 1550,
 1608, 1616-1617, 1659, 1668, 1730, 1783-1784, 1856, 2225
 Amendments offered—401, 511, 518, 526, 637, 1616, 1825, 1848, 1850
 Amendments withdrawn—526, 637, 1616
 Appointed to the Committees on Education, Local Government, and Justice
 System Appropriations Subcommittee—89
 Bills introduced—134, 207, 223, 224, 233, 238, 239, 260, 273, 293, 354, 369, 371, 372, 537
 Certificate of election—2-3
 Committee appointments—89, 1688
 Oath of office—3
 Report—2275
 Request that Senate Concurrent Resolution 109 be placed on unanimous consent
 calendar—1139
 Subcommittee assignments—48, 49, 68, 101, 220, 335, 405, 600

JAY, DANIEL J.—Representative Appanoose-Davis-Wapello Counties
 Amendments filed—231, 368, 474, 545, 629, 685, 745, 800, 801, 851, 897, 1309, 1504,
 1531, 1550, 1608, 1609, 1730, 1830, 1943-1944, 1978, 2090-2091, 2272-2273,
 2315-2318
 Amendments offered—384, 822, 828, 902, 1531, 1724, 1765, 1778, 1827, 1830, 2090, 2315
 Bills introduced—295, 327, 358, 370, 404
 Committee appointments—2040, 2169
 Report—2387-2396
 Subcommittee assignments—34, 35, 48, 70, 83, 147, 254, 268, 269, 290, 321, 322, 345,
 346, 376, 599, 896, 933, 982

JESSE, GLEN D.—Representative Jasper-Marion-Polk-Warren Counties
 Amendments filed—397, 474, 497-500, 507, 601, 602, 660, 685, 686, 745, 986, 1141, 1265,
 1483, 1496-1497, 1497, 1504, 1505, 1668, 1824-1825, 1967-1968
 Amendments offered—734, 750, 781, 783, 1172, 1273, 1497, 1824, 1860, 1967
 Amendments withdrawn—732, 1222
 Appointed to the Agriculture Energy Management Advisory Council—27
 Bills introduced—113, 114, 273, 329, 358, 379, 404
 Committee appointment—2124
 Leave of absence—867, 937, 1311, 1581
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 Report—2292
 Subcommittee assignments—49, 68, 69, 70, 82, 83, 110, 111, 132, 219, 255, 321, 335,
 365, 376, 505

JOCHUM, THOMAS J.—Representative Dubuque County
 Amendments filed—411, 601, 602, 686, 800, 833, 986, 1106, 1142, 1228, 1339-1342, 1347,
 1432, 1496-1497, 2099, 2267-2268, 2384
 Amendments offered—739, 821, 1147, 1365, 1493, 1917, 2192, 2196, 2197
 Amendments withdrawn—739, 822, 2196
 Bill introduced—379

Committee appointments—3, 1401, 2296

Escorted Representative-elect Pat Murphy to the front of the House chamber—3

Leave of absence—206

Report—2420-2422

Resolution offered—337

Subcommittee assignments—84, 168, 169, 334, 365, 390, 391, 505, 684, 920, 1855, 1976

JOHNSON, PAUL W.—Representative Allamakee-Winneshiek Counties

Amendments filed—1264, 1333-1334, 1337, 1482, 1550, 1608, 1668, 1857, 2061, 2270

Amendments offered—1326, 1333, 2041, 2270

Amendments withdrawn—1332, 2041, 2269

Bills introduced—207, 295, 379

Committee appointment—1257

Leave of absence—1, 293, 655, 661, 1069, 1107, 1845, 2129

Presented to the House a group of international students from Indonesia, China, Taiwan, Kenya, Ghana and Canada—38

Presented with plaque—2247-2248

Presided at sessions of the House—1286

Subcommittee assignments—110, 169, 219, 269, 321, 335, 390, 505, 659, 849, 850, 1006

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Amendments filed—397, 424, 986, 1551

Amendments offered—696, 728, 914, 1133, 1765

Bills introduced—53, 97, 274, 327, 357, 386, 400, 413, 415, 426, 427, 428, 476, 477, 501, 502, 503, 509, 537, 538, 539

Changes in assignments—29

Recommendations—62, 95, 112, 221, 270, 307-308, 324, 349, 395-396, 408-409, 418-420, 471-472, 800, 896, 983-985, 1064, 1549-1550, 2271-2272, 2397

Subcommittee assignments—34, 35, 48, 69, 70, 83, 146, 147, 148, 253, 254, 255, 268, 269, 289, 290, 321, 322, 323, 345, 346, 376, 405, 406, 599, 895, 896, 920, 982

KISTLER, ROBERT L.—Representative Jefferson-Keokuk-Wapello Counties

Amendments filed—271, 1066-1067, 1668

Amendments offered—286, 1778

Appointed to the Office of Rural Health Advisory Committee—28

Bills introduced—206, 224, 239, 309, 354, 369-370, 371, 372, 380, 537

Committee appointments—108, 1401

Leave of absence—97, 264, 867

Petition presented—1858

Presented to the House the Honorable George Swearingen, former member of the House—2097

- Reports—108, 299-301
 Subcommittee assignments—34, 35, 60, 83, 254, 289, 306, 345, 406, 416, 600, 933, 934, 982, 2223
- KNAPP, DONALD J.—Representative Dubuque-Jones Counties**
 Amendments filed—308, 1106, 1347, 1550, 1667, 1828-1829
 Amendments offered—1381, 1387, 1395
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 Committee appointments—1401, 2068, 2436
 Leave of absence—1170
 Memorial resolution offered—1400
 Report—2401-2413
 Resolution offered—337
 Subcommittee assignments—59, 60, 70, 147, 236, 346, 599, 600, 799, 895, 933, 982, 1503
- KOENIGS, DEO A.—Representative Chickasaw-Howard-Mitchell Counties**
 Amendments filed—231, 411, 507, 629, 746, 801, 844-845, 1012, 1067, 1106, 1141, 1228, 1249-1250, 1309, 1347, 1504, 1724, 1943-1944, 1959-1960, 1960
 Amendments offered—649, 842, 844, 1207, 1238, 1243, 1245, 1724, 1959, 1960
 Amendments withdrawn—275, 844, 845
 Announcement—2063
 Appointed to the Committee on Transportation, Chair—89
 Bills introduced—74, 371
 Committee appointments—89, 1408, 1740
 Leave of absence—133, 413, 1069
 Presided at sessions of the House—2062
 Removed as Chair of Transportation and Safety Appropriations Subcommittee—89
 Report—2256-2266
 Subcommittee assignments—110, 147, 321, 323, 346, 391, 406, 799, 933
- KREMER, JOSEPH M.—Representative Black Hawk-Buchanan Counties**
 Amendments filed—96, 170, 258, 397, 474, 507, 516, 545, 602, 748-749, 800, 897, 990, 1066, 1067, 1068, 1141, 1264, 1295, 1342-1343, 1608, 1668, 1730, 1856, 1943-1944, 1977
 Amendments offered—514, 1342, 1773, 1966, 2196
 Amendments withdrawn—1339, 1625
 Appointed to the Communications Review Committee—27
 Asked and received unanimous consent to change his vote on House File 2455—912
 Bills introduced—36, 67, 74, 207, 208, 224, 232, 233, 238, 239, 272, 273, 353, 354, 369, 371, 537
 Committee appointment—1740
 Leave of absence—731, 1364, 2255
 Report—2369-2377
 Subcommittee assignments—34, 69, 70, 83, 101, 147, 254, 798, 895
- LABOR AND INDUSTRIAL RELATIONS, COMMITTEE ON—**
 Amendments filed—424, 986
 Amendment offered—1076
 Amendment withdrawn—859
 Bills introduced—218, 340, 372, 415
 Recommendations—104, 221-222, 291, 336, 367, 409, 421, 985, 1064
 Subcommittee assignments—60, 169, 220, 335, 895, 896, 920

LAGESCHULTE, RAYMOND—Representative Black Hawk-Bremer-Butler Counties
 Amendments filed—257, 474, 475, 508, 986, 1141, 1607, 1608, 1632, 1667, 1840,
 1944-1945, 2099
 Amendments offered—572, 582, 1147, 1625, 1628, 1840, 1944
 Amendment withdrawn—2196
 Announced to the House that Representative Connors has been elected to the posi-
 tion of Chair-elect of the National Council of State Governments—66
 Bills introduced—207, 224, 238, 369-370, 371, 404, 415, 537
 Committee appointment—108
 Leave of absence—2381
 Presented to the House Belinda Russell, foreign exchange student from Germiston,
 South Africa—56
 Report—2223
 Subcommittee assignments—93, 101, 131, 147, 321, 390, 391, 416, 600, 797, 1346, 1503

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 338, 353, 357, 359, 369, 381, 398, 413, 426, 476, 509, 528, 534, 547, 565, 582, 586,
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Appointments to—29

Report—23-26

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Appointments to—29

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Report—25-26

LOCAL GOVERNMENT, COMMITTEE ON—

Amendments filed—222, 271, 326, 474, 897, 1067, 1607

Amendments offered—281, 315, 522, 648, 1056, 1867

Appointed—89

Bills introduced—152, 327, 328, 329, 354, 399, 501, 502, 503, 537, 538, 539, 540

Recommendations—112, 149, 222, 270, 325, 349, 396, 421-422, 472-473, 897, 1065, 1606
 Subcommittee assignments—68, 93, 94, 110, 147, 220, 306, 307, 335, 390, 391, 416,
 599, 600, 850, 982, 1346

LUNDBY, MARY A.—Representative **Linn County**, Assistant Minority Floor Leader
 Amendments filed—105, 112, 660, 833, 851, 897, 898, 913, 921, 1067, 1301-1304, 1504,
 1659, 1668

Amendments offered—126, 127, 128, 129, 883, 910, 912, 1301

Amendments withdrawn—126, 127

Bills introduced—107, 114, 207, 209, 224, 238, 293, 309, 310, 354, 369-370, 537

Committee appointments—3, 2068

Escorted Representative-elect Stewart Iverson to the front of the House chamber—3

Leave of absence—359, 775

Report—2401-2413

Subcommittee assignments—49, 60, 82, 83, 84, 93, 148, 219, 236, 269, 322, 323, 390,
 391, 505, 600, 628, 798, 799, 920, 982

LYKAM, JIM—Representative **Scott County**

Amendments filed—1526, 1668

Amendment offered—1526

Appointed to the Social Services Block Grant State Advisory Committee—28

Bills introduced—207, 294

Committee appointments—1688, 2124

Reports—2180-2181, 2292

Subcommittee assignments—101, 141, 255, 321, 345, 600, 849

MAJORITY FLOOR LEADER, Robert C. Arnould—Representative **Scott County**
 (See **ARNOULD, ROBERT C.**—Representative **Scott County**, Majority Floor Leader)

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MAULSBY, RUHL—Representative **Calhoun -Sac-Webster Counties**

Amendments filed—326, 352, 475, 507, 629, 851, 987, 1012, 1054-1055, 1066-1067, 1068,
 1106, 1229, 1607, 1608, 1667, 1668, 1846-1848

Amendments offered—432, 583, 589, 646, 1054, 1091, 1629, 1783, 1846

Amendment withdrawn—1330

Appointed to the Department of Elder Affairs—27

Bills introduced—207, 223, 224, 238, 260, 272, 273, 293, 328, 353, 354, 369-370, 371, 537

Committee appointment—1722

Leave of absence—353

Resolution offered—150

Subcommittee assignments—220, 290, 390, 405, 798, 1140, 1855

MAY, DENNIS—Representative **Cerro Gordo-Winnebago-Worth Counties**

Amendments filed—474, 507, 602, 851, 898

Amendment offered—534

Bills introduced—65, 74, 206, 310, 371

Leave of absence—836

Presided at sessions of the House—1520, 1522

Subcommittee assignments—49, 110, 111, 132, 141, 219, 220, 236, 255, 322, 335, 345, 390, 391, 505, 543, 544, 659, 849, 1006, 1346, 1548, 1855

McKEAN, ANDREW J. (ANDY)—Representative **Jones-Linn** Counties

Amendments filed—142, 352, 601, 629, 746, 800, 801, 851, 898, 921, 1066-1067, 1105, 1141, 1229, 1252-1255, 1309, 1335-1336, 1608, 1668, 1730, 1783-1784, 1785, 1856, 2433

Amendments offered—361, 748, 883, 1252, 1722, 1773, 1785, 1799

Appointed to the Medical Assistance Advisory Board—28

Bills introduced—207, 224, 238, 239, 272, 273, 353, 354, 371, 537

Committee appointments—1257, 1740

Leave of absence—63, 603, 1143, 2325

Request that House Concurrent Resolution 110 be placed on unanimous consent calendar—1307

Subcommittee assignments—82, 93, 110, 169, 219, 269, 306, 307, 335, 365, 390, 391, 416, 505, 850, 933, 1006, 1346

McKINNEY, WAYNE H., JR.—Representative **Dallas** County

Amendments filed—474, 545, 602, 674, 685, 986, 1594-1597, 1599, 1604, 1880, 2090-2091, 2358-2366

Amendments offered—664, 673, 1594, 1604, 1880, 2358

Appointed to the Capitol Planning Commission—27

Bills introduced—98, 328

Leave of absence—586, 899

Subcommittee assignments—147, 254, 268, 269, 290, 321, 322, 323, 345, 346, 376, 391, 599, 659, 920, 982, 1855, 2224

MEDICAL ASSISTANCE ADVISORY BOARD—

Appointment to—28

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MERTZ, DOLORES M.—Representative **Humboldt-Kossuth-Palo Alto-Pocahontas** Counties

Amendments filed—545, 602, 851, 987, 1106, 1265, 1309, 1347, 1607, 1633-1634, 1959-1960, 1960, 1977

Amendments offered—989, 1352

Amendment withdrawn—2120

Appointed to the Council On Agricultural Education—27

Bills introduced—272, 274, 309, 339, 354, 371, 380

Leave of absence—565, 1129, 1167, 2169

Presided at sessions of the House—749

Subcommittee assignments—84, 93, 94, 147, 169, 306, 322, 335, 345, 346, 376, 390, 405, 416, 600, 659, 798

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From Senate—16-17, 37-38, 65, 76, 99, 107-108, 114-115, 172, 233-234, 274-275, 283, 304, 329-330, 341, 356, 362, 373-374, 400-401, 443-444, 485-486, 489, 513-514, 540-542, 547, 576-577, 597, 627, 630, 661-662, 672-673, 743-744, 755, 802, 848-849, 853-854, 864, 899-900, 918, 932, 937-938, 947-948, 978, 1004, 1004-1005, 1069-1074, 1102-1103, 1111-1112, 1138-1139, 1170-1171, 1224-1225, 1231-1232, 1251, 1266-1267, 1284-1285, 1310, 1313-1314, 1325-1326, 1349, 1355-1356, 1357, 1400, 1403-1404, 1433-1434, 1442, 1500, 1506-1507, 1541, 1552, 1584, 1588, 1603, 1620, 1622, 1662-1663, 1680, 1714-1715, 1718-1719, 1726-1727, 1764, 1831-1832, 1854, 1885, 1919, 1963-1964, 1979-1980, 2036, 2065, 2074, 2090, 2100-2101, 2124, 2128, 2133, 2155-2156, 2170, 2183, 2188-2189, 2226, 2230-2231, 2235, 2253, 2253-2254, 2272, 2274, 2279, 2284, 2293-2294, 2319, 2322, 2367-2368, 2381-2382, 2386, 2387, 2414, 2417, 2420, 2427, 2434-2435

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Immediate messages—7, 157, 168, 217, 252, 296, 596, 627, 642, 743, 854, 885, 918, 924, 978, 1043, 1166, 1252, 1339, 1344, 1370, 1396, 1442, 1499, 1530, 1553, 1579, 1588, 1604, 1605, 1621, 1636, 1643, 1662, 1677, 1680, 1684, 1717, 1722, 1726, 1765, 1831, 1854, 1867, 1879, 1880, 1885, 1885, 1965, 1982, 2037, 2039, 2040, 2065, 2074, 2081, 2083, 2085, 2089, 2095, 2101, 2120, 2124, 2169, 2188, 2207, 2211, 2220, 2223, 2229, 2232, 2234, 2243, 2245, 2253, 2255, 2267, 2269, 2271, 2276, 2278, 2287, 2295, 2298, 2319, 2322, 2325, 2335, 2367, 2378, 2380, 2381, 2385, 2386, 2401, 2414

Item veto messages—1425-1427, 1973-1975, 2125-2128, 2429-2432, 2671-2694

Motion to override governor's item veto lost—1166-1167, 1167-1168

Motion to override governor's veto lost—2229-2230

Objections to immediate message—130, 892

Senate messages considered—6, 107, 134, 144, 239, 329, 340, 355, 373, 380, 415, 428, 478, 572, 578, 603, 630, 646, 697, 751, 755, 853, 864, 899, 922, 931, 937, 946, 948, 1005, 1231, 1251, 1285, 1314, 1348, 1399, 1421, 1442, 1603, 1669, 1731, 1965, 2037, 2066, 2235, 2240, 2247, 2322, 2368

Veto messages—363-364, 980-981, 1103, 1666, 1971-1973, 2125, 2664-2671

METCALF, JANET S.—Representative Polk County

Amendments filed—217, 397, 546, 629, 660, 722, 970, 1011, 1045, 1067, 1169, 1192-1193, 1397, 1504, 1550, 1583, 1856, 1936-1937, 1943

Amendments offered—217, 493, 639, 722, 826, 970, 1045, 1120, 1177, 1192, 1493, 1578, 1936, 1943, 2245

Amendments withdrawn—636, 925

Bills introduced—75, 171, 233, 238, 239, 272, 293, 339, 369-370, 372

Committee appointment—2079

Leave of absence—73, 232, 775, 836

Presented plaques to retiring members and leaders—2247-2248

Presented to the House Danette Crawford of Urbandale, 1990 Easter Seal State Ambassador—550

Presented to the House winners of the "Write Women Back Into History" essay contest—862-863

Report—2236-2239

Subcommittee assignments—34, 82, 83, 101, 168, 255, 321, 334, 335, 1104, 1346, 1549, 1729

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- Supplemental report—17
- Supplemental report adopted—65

MILLER, TOM H.—Representative **Cherokee** -Clay-O'Brien Counties, Assistant

Minority Floor Leader

- Amendments filed—170, 475, 1141
- Amendment withdrawn—511
- Bills introduced—207, 223, 224, 239, 260, 272, 328, 369-370, 537
- Committee appointments—29, 2296
- Leave of absence—582, 775
- Presented to the House the Honorable Charles Grassley, United States Senator—361
- Removed from Committee on Education and appointed to Committee on Appropriations—29
- Report—2420-2422
- Subcommittee assignments—68, 220, 321, 1855, 2098

MINORITY FLOOR LEADER, Harold G. Van Maanen—Representative Keokuk-
Mahaska -Wapello Counties

(See VAN MAANEN, HAROLD G.—Representative Keokuk-**Mahaska**- Wapello Counties, Minority Floor Leader)

MOTION TO OVERRIDE GOVERNOR'S ITEM VETO—

- Filed:
 - House File 2371—2229
- Lost:
 - House File 2371—2230

MOTION TO OVERRIDE GOVERNOR'S VETO—

- Filed:
 - House File 2418—1167
 - House File 2514—1166
- Lost:
 - House File 2418—1167-1168
 - House File 2514—1166-1167

MOTIONS TO RECONSIDER—

- Filed:
 - House File 209—130
 - House File 2057—1344
 - House File 2061—131
 - House File 2115—1499, 1500
 - House File 2235—304
 - House File 2267—542
 - House File 2323—796
 - House File 2329—504
 - House File 2370—542
 - House File 2412—596
 - House File 2417, H-5460 to H-5437—796
 - House File 2422—468, 2096
 - House File 2438—542
 - House File 2481—658
 - House File 2488—1854

House File 2503-796
House File 2513-892
House File 2536-919
House File 2543, H-5879 to H-5860-1500
Senate File 148-1061
Senate File 2018-1425
Senate File 2048-1547
Senate File 2049-1547
Senate File 2156-1005
Senate File 2163, H-5553-1061
Senate File 2230-1061
Senate File 2233-1061
Senate File 2235-1224
Senate File 2244-980
Senate File 2329-1263
Senate File 2393-2095
Senate File 2408-1396
Senate File 2412-2096

Lost:

House File 209-203
House File 2061-2433
House File 2267-2434
House File 2323-2434
House File 2417, H-5460 to H-5437-796
House File 2422-870, 2434
House File 2513-2434
Senate File 2393-2434

Prevailed:

House File 2057-1527
House File 2115-1522
House File 2235-495-496
House File 2329-657
House File 2370-1002-1003
House File 2438-877-878
House File 2488-1965-1966
House File 2503-865-866
House File 2536-923
Senate File 148-1204
Senate File 2018-2039
Senate File 2230-2123
Senate File 2233-1207
Senate File 2329-1355
Senate File 2412-2399

Ruled out of order:

House File 209-203
House File 2438-877-878
House File 2503-866
House File 2536-923
Senate File 148-1204
Senate File 2018-2039
Senate File 2163, H-5553-1272

Withdrawn:

House File 2115—1522
House File 2412—865
House File 2481—859
House File 2543, H-5879 to H-5860—1589
Senate File 2048—2182
Senate File 2049—2182
Senate File 2156—1043
Senate File 2235—1277
Senate File 2244—1404
Senate File 2408—1684

Motions to reconsider (filed from the floor):

House File 2057, H-5667—1527
House File 2115, H-5818—1522
House File 2131—840
House File 2131, H-5140—840
House File 2131, H-5484—841
House File 2320, H-5922—1573
House File 2346—682
House File 2418, H-5270A—579
House File 2488, H-6045—1966
House File 2497—914
House File 2514—892
House File 2531—881
House File 2534—1967
House File 2534, H-5745—1967
House File 2534, H-6014—1967
House File 2554, H-5924—1634
Senate File 2018, H-5782—2039
Senate File 2153, H-6093—1957
Senate File 2153, H-6054, as amended—1960
Senate File 2153, H-6123—1960
Senate File 2277, H-5731—1223
Senate File 2327, H-5664, as amended—1498
Senate File 2328, H-5736—1368
Senate File 2423, H-6081—1852
Senate File 2429—2295

Lost:

House File 2346—683
House File 2497—914
House File 2514—892
House File 2531—881
Senate File 2277, H-5731—1223
Senate File 2429—2295

Prevailed:

House File 2057, H-5667—1527
House File 2115, H-5818—1522
House File 2131—840
House File 2131, H-5140—840
House File 2131, H-5484—841
House File 2320, H-5922—1573

House File 2418, H-5270A—579
 House File 2488, H-6045—1966
 House File 2534—1967
 House File 2534, H-5745—1967
 House File 2534, H-6014—1967
 House File 2554, H-5924—1634
 Senate File 2018, H-5782—2039
 Senate File 2153, H-6093—1957
 Senate File 2153, H-6054, as amended—1960
 Senate File 2153, H-6123—1961
 Senate File 2327, H-5664, as amended—1498
 Senate File 2328, H-5736—1368
 Senate File 2423, H-6081—1852

Ruled out of order:

House File 2497—914
 House File 2514—892
 House File 2531—881

Final dispositions of motions to reconsider—2433-2434

MUHLBAUER, LOUIS J.—Representative Crawford -Shelby Counties, Assistant Majority Floor Leader

Amendments filed—258, 326, 411, 545, 745, 800, 851, 936, 987, 1067, 1101, 1105, 1106, 1228, 1264, 1309, 1347, 1550, 1551, 1943-1944, 1959-1960, 1960, 1977, 2061
 Amendments offered—275, 482, 863, 1101, 2061, 2062
 Appointed to the Interstate Agricultural Grain Marketing Commission—28
 Bills introduced—67, 207, 209, 239, 272, 354, 358, 371
 Committee appointment—1740
 Leave of absence—278, 1069
 Presented to the House Marula Cabrera, foreign exchange teacher from Chile—543
 Report—2256-2266
 Subcommittee assignments—48, 93, 94, 147, 254, 306, 307, 321, 390, 391, 600, 659, 799, 895, 933, 1346

MURPHY, PAT—Representative Dubuque County

Amendments filed—170, 257, 378, 411, 412, 602, 745, 800, 851, 936, 986, 1068, 1105, 1265, 1309, 1347, 1496-1497, 1608, 1730
 Amendments offered—200, 262, 996, 1116, 2090, 2091, 2399
 Amendments withdrawn—944, 2091
 Appointed to the Committees on Economic Development, Transportation and Ways and Means—89
 Bills introduced—67, 144, 151, 338, 379, 398
 Certificate of election—2-3
 Committee appointments—38, 89, 1401, 1408
 Oath of office—3
 Memorial resolution offered—1401
 Replaces Representative Connolly as a member of ways & means subcommittee—93
 Resolution offered—337
 Subcommittee assignments—68, 82, 83, 84, 93, 111, 168, 321, 345, 365, 543, 544, 798, 933, 1346, 1549

NATURAL RESOURCES AND OUTDOOR RECREATION, COMMITTEE ON—

Amendments filed—231, 352, 397, 1012
 Amendments offered—1013, 1016, 1097

- Bills introduced—98, 144, 261, 354, 501, 537
 Recommendations—95, 112, 230, 271, 350, 396, 422-423, 628-629, 935, 1009
 Resolution offered—601
 Subcommittee assignments—101, 141, 169, 323, 345, 405, 406, 849, 933
- NEUHAUSER, MARY C.—Representative Johnson County**
 Amendments filed—112, 292, 474, 685, 1011, 1106, 1169, 1477-1478, 1550, 1589, 1607,
 1608, 1633-1634, 1850-1851, 1943, 1952, 2048, 2090-2091
 Amendments offered—752, 1045, 1477, 1850, 1952, 2043, 2048
 Bills introduced—98, 273, 294, 404
 Leave of absence—1, 398
 Presented to the House Professor Oleg F. Vasilieo from the Union of Soviet Socialist
 Republic—1226
 Presided at sessions of the House—1714, 2072
 Subcommittee assignments—82, 101, 131, 147, 321, 322, 335, 346, 390, 391, 416, 505,
 600, 797, 1346
- NIELSEN, JOYCE—Representative Linn County**
 Amendments filed—337, 602, 833, 1608, 2225
 Amendment offered—619
 Appointed to the Commission on Children, Youth and Families—27
 Bills introduced—5, 75, 114
 Leave of absence—922, 2100
 Subcommittee assignments—60, 82, 83, 84, 101, 110, 147, 148, 169, 219, 254, 269, 306,
 307, 345, 376, 405, 416, 600, 933, 982, 2223
- OATH OF OFFICE—**
 By members—3
- OBJECTIONS—**
 Raised—130, 316, 458, 460, 682, 713, 835, 840, 892, 1043, 1120, 1128, 1130, 1174, 1579,
 1582, 1643, 1673, 1684, 1852, 1957, 2039, 2187
- OFFICERS AND EMPLOYEES—**
 Employees of the House—17-20
 Pages—19
 Pay grades and steps, list of—21-25
 Resignations—1-2, 23
 Special presentation to House Pages—604, 1858
 Took oath of office—3
- OLLIE, C. ARTHUR—Representative Clinton County**
 Amendments filed—112, 271, 851, 861, 921, 1067, 1296-1301, 1551
 Amendments offered—122, 860, 1089, 1090, 1296
 Amendments withdrawn—859, 1513
 Bills introduced—74, 295, 379, 399
 Committee appointments—1688, 1722, 1764
 Reports—1969, 2037, 2180-2181, 2208-2210, 2275
 Subcommittee assignments—48, 49, 101, 255, 322, 335, 390, 405, 600, 895
- OSTERBERG, DAVID—Representative Cedar-Linn Counties**
 Amendments filed—257, 258, 474, 507, 660, 685, 725, 800, 898, 974-975, 1011, 1066,
 1105, 1106, 1109, 1119, 1141, 1169, 1287-1288, 1289-1290, 1335-1336, 1504, 1550,
 1607, 1608, 1609, 1621, 1632, 1634, 1824-1825, 1857, 1978, 2061, 2225

Amendments offered—869, 903, 904, 974, 1109, 1118, 1119, 1151, 1160, 1161, 1286, 1287, 1289, 1335, 1379, 1613, 1620, 1621, 1917, 1937, 2049, 2061
 Amendments withdrawn—1119, 1120
 Bills introduced—171, 207, 329, 379
 Committee appointment—2207
 Leave of absence—113, 681
 Subcommittee assignments—82, 93, 110, 169, 254, 269, 306, 334, 335, 345, 365, 391, 392, 505, 543, 628, 920, 1006, 1345

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PAVICH, EMIL S.—Representative Pottawattamie County

Amendments filed—132, 292, 544, 545, 1067, 1309, 1432, 1550, 1604
 Amendments offered—313, 314, 1439, 1604
 Amendment withdrawn—2385
 Appointed to Committee on Transportation, Vice Chair—89
 Bills introduced—75, 113, 224, 232, 293, 371
 Committee appointments—89, 2068
 Report—2401-2413
 Subcommittee assignments—49, 59, 60, 83, 94, 146, 147, 148, 236, 322, 323, 544, 599, 600, 684, 798, 799, 895, 933, 1140

PELLETT, WENDELL C.—Representative Cass -Harrison-Pottawattamie-Shelby Counties

Amendments filed—411, 424, 545, 987, 1066, 1066-1067, 1106, 1335-1336, 1608, 1945-1946
 Amendment offered—525
 Bills introduced—64, 88, 99, 223, 224, 232, 238, 272, 273, 328, 353, 354, 369-370, 371, 404, 537
 Committee appointment—39
 Leave of absence—582, 736, 949, 1131, 1368, 2305
 Presented with plaque—2247-2248
 Presided at sessions of the House—994
 Subcommittee assignments—70, 321, 322, 390, 659, 798, 849

PERSONNEL COMMITTEE—

(See OFFICERS AND EMPLOYEES and/or RULES AND ADMINISTRATION, COMMITTEE ON)

PETERS, MICHAEL R.—Representative Woodbury County

Amendments filed—105, 378, 411, 602, 629, 1598, 1604, 1607, 1943-1944
 Amendments offered—479, 1591, 1598
 Appointed to the Iowa Boundary Commission—28
 Bills introduced—37, 74, 224, 404
 Presented to the House Teresa Norman, 1989 Iowa Miss T.E.E.N.—1081
 Presided at sessions of the House—1619, 1773, 1943, 1987
 Subcommittee assignments—60, 68, 93, 110, 220, 335, 390

PETERSEN, DANIEL F.—Representative Muscatine -Scott Counties

Amendments filed—326, 474, 507, 629, 660, 766, 800, 851, 987, 1066-1067, 1106, 1195-1198, 1264, 1309, 1607, 1608, 1618, 1629-1631, 1632, 1634, 1856, 1946-1947
 Amendments offered—344, 644, 766, 1618, 1629, 1634, 1946

Appointed to Agriculture Energy Management Advisory Council—27
 Bills introduced—74, 223, 224, 238, 272, 273, 340, 353, 369-370, 371, 398, 404, 537
 Committee appointments—2040, 2124
 Leave of absence—1143
 Report—2292
 Subcommittee assignments—82, 110, 169, 219, 254, 335, 365, 390, 392, 505, 544, 659,
 982, 1006

PETERSON, MICHAEL K.—Representative Audubon-Carroll-Shelby Counties
 Amendments filed—424, 545, 629, 686, 716-717, 745, 800, 801, 833, 1228, 1264, 1482,
 1483, 1550, 2061, 2225, 2383
 Amendments offered—715, 716, 720, 820, 2383
 Amendments withdrawn—869, 1175
 Bills introduced—151, 311, 371, 386
 Committee appointment—2169
 Leave of absence—50, 206, 353, 547, 1143
 Report—2387-2396
 Subcommittee assignments—49, 60, 84, 148, 168, 236, 254, 269, 322, 323, 334, 346,
 365, 376, 390, 391, 392, 505, 599, 684, 797, 798, 895, 896, 982, 1006, 1264, 1503,
 1976, 2098

PETITIONS—

(Also see INDIVIDUAL HEADINGS)
 Filed—73, 309, 398, 476, 661, 802, 1858

PLASIER, LEE J.—Representative Plymouth-Sioux Counties
 Amendments filed—112, 163-166, 378, 474, 602, 686, 745, 861, 987, 1098-1101, 1141,
 1845-1846, 1977, 2099
 Amendments offered—115, 163, 435, 618, 741, 861, 1540, 1845, 2193
 Amendment withdrawn—2196-2197
 Appointed to the Commission on Children, Youth and Families—27
 Bills introduced—172, 207, 328, 354, 379, 380
 Committee appointments—1688, 2169
 Leave of absence—309, 338, 353
 Presided at sessions of the House—443
 Reports—288, 316-319, 2180-2181
 Resolution offered—411
 Subcommittee assignments—84, 146, 169, 255, 306, 307, 345, 376, 405, 600, 798, 895

POINTS OF ORDER RAISED—

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 House File 685, conference cmt. report—Representative Tyrrell—250
 House File 2022, H-5382—Representative Rosenberg—730
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 House File 2048, H-5070—Representative Teaford—267
 House File 2057, H-5859—Representative Van Maanen—1529
 House File 2062, H-5038—Representative Brammer—166
 House File 2065, H-5407—Representative Hansen of Woodbury—712
 House File 2065, H-5333—Representative Hansen of Woodbury—713
 House File 2115, H-5248—Representative Petersen of Muscatine—526
 House File 2141, H-5117—Representative Ollie—402
 House File 2250, invoked Rule 32—Representative Schnekloth—344
 House File 2271, H-5096—Representative Daggett—430

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 House File 2281, invoked Rule 32—Representative Van Maanen—819
 House File 2294, invoked Rule 32—Representative Halvorson of Clayton—361
 House File 2365, H-5349, as amended—Representative Van Maanen—904
 House File 2371, H-5392—Representative Hammond—741
 House File 2377, H-5440—Representative Bennett—784
 House File 2418, H-5270C—Representative Halvorson of Clayton—590
 House File 2438, H-5514—Representative Van Maanen—879
 House File 2440, H-5186—Representative Harper—518
 House File 2463, H-5384—Representative Hansen of Woodbury—691
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 House File 2466, H-5485 & H-5396—Representative Garman—812
 House File 2502, invoked Rule 32—Representative Schneklath—636
 House File 2503, H-5287—Representative Renaud—748
 House File 2514, H-5311—Representative Miller—625
 House File 2533, H-5417B—Representative Harbor—719
 House File 2537, H-5389B—Representative Tyrrell—770
 House File 2543, H-5330—Representative Blanshan—1592
 House File 2551, H-5723—Representative Tabor—1294
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 Senate File 2057, H-5633—Representative Blanshan—1128
 Senate File 2057, H-5634—Representative Hermann—1129
 Senate File 2057, H-5686—Representative Blanshan—1130
 Senate File 2084, H-5587—Representative Diemer—1140
 Senate File 2114, H-5912—Representative Wise—1581
 Senate File 2153, eligible for debate—Representative Bennett—1920
 Senate File 2153, H-6083—Representative Bennett—1956
 Senate File 2155, H-5641—Representative Connors—1055
 Senate File 2227, H-5742—Representative Bisignano—1181
 Senate File 2227, H-5743—Representative Bisignano—1191
 Senate File 2227, H-5755—Representative Bisignano—1193
 Senate File 2227, invoked Rule 32—Representative Schneklath—1194
 Senate File 2233, H-5696—Representative Harbor—1221
 Senate File 2286, H-5926—Representative Halvorson of Webster—1577
 Senate File 2304, eligible for debate—Representative Van Maanen—1673
 Senate File 2319, H-6065—Representative Koenigs—2246
 Senate File 2327, H-5886B, as amended—Representative Petersen of
 Muscatine—1498
 Senate File 2328, H-5631—Representative Jochum—1367
 Senate File 2328, H-5821—Representative Jochum—1369
 Senate File 2329, H-5763—Representative Jay—1948
 Senate File 2329, H-5771—Representative Arnould—1255
 Senate File 2329, H-5794—Representative Koenigs—1723
 Senate File 2364, H-5825—Representative Peterson of Muscatine—1336
 Senate File 2364, H-5832—Representative Bennett—1337
 Senate File 2402, H-5854—Representative Cohoon—1378
 Senate File 2408, H-5849—Representative Bennett—1395
 Senate File 2413, H-5936C—Representative Trent—1775
 Senate File 2413, H-6035—Representative Wise—1799

PONCY, CHARLES N.—Representative Wapello County

Amendments filed—497-500, 629, 897, 921, 1106, 1432, 1496-1497, 1608, 1951-1952

Amendments offered—950, 951, 1374, 1485, 1951

Bills introduced—171, 310

Leave of absence—1133, 1618

Report—2-3

Subcommittee assignments—83, 101, 146, 147, 148, 236, 253, 254, 322, 335, 345, 346, 376, 405, 406, 599, 600, 895, 982, 1140

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House Concurrent Resolution 105, fed. crop insurance—326, 346, 799

House Concurrent Resolution 108, electronic benefits transfer (bank card), fed. food stamp program—411

House Concurrent Resolution 110, fed. funding for fish and wildlife mitigation on the Missouri River—601, 1307, 1552-1553 adopted

House Resolution 103, designate September 23, American Coal Minors' Memorial Day—424

Senate Concurrent Resolution 123, manipulative practices by Chicago Bd. of Trade & Commodity Futures Commn. causing hardship on ag. economics—1004, 1011, 2293 adopted

Senate Concurrent Resolution 128, provision of cable television service—1434, 1504, 1607, 1620-1621 adopted, 1663

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Assignment of seats in press gallery—234, 235

General assignment—235

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52, 239, 250, 577, 1442, 1522, 1764, 1980, 2128, 2170, 2369

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Senate Concurrent Resolution 133—2128, 2134, 2220, 2222 adopted, 2658, approved by governor 4-17-90

RENAUD, DENNIS L.—Representative Polk County

Amendments filed—397, 545, 745, 1067, 1105, 1228, 1339-1342, 1377-1378, 1398, 1607, 1608, 1943-1944

Amendments offered—441, 442, 444, 747, 748, 1259, 1339

Amendment withdrawn—1339

Bill introduced—50

Committee appointments—1740, 2255

Presided at sessions of the House—1604, 1980, 2094

Reports—2332, 2369-2377

Subcommittee assignments—34, 35, 60, 83, 84, 111, 146, 148, 236, 253, 268, 269, 290, 321, 322, 345, 346, 376, 390, 405, 406, 599, 600, 798, 895, 982, 1006

RENKEN, ROBERT H.—Representative Butler-Grundy Counties

Amendments filed—352, 411, 544, 629, 851, 986, 1012, 1106, 1608, 1783

Amendment withdrawn—680

Bills introduced—207, 208, 224, 233, 238, 239, 260, 273, 353, 354, 369, 371, 537

Committee appointments—173, 1717

Leave of absence—73, 1399

Presided at sessions of the House—1377

Subcommittee assignments—49, 59, 60, 68, 69, 82, 93, 94, 306, 365, 390, 543, 544, 600, 798, 933

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Amendments filed—397, 507, 629, 685, 833, 834, 851, 1067, 1105, 1264, 1309, 1347, 1608, 1730, 1851

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- Delivered by Governor Terry E. Branstad—40-46
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**STROMER, DELWYN D.—Representative Franklin-Hancock-Wright Counties,
 Minority Floor Leader**

- Communication from—resignation—2
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- Assignments—35, 49, 60-61, 70-71, 84-85, 94, 101-104, 111, 132, 141, 148-149, 169-170, 204, 220-221, 230, 236-237, 255-256, 269-270, 290, 307, 323-324, 335-336, 346-348, 365, 377, 392-393, 406-407, 416, 469, 544, 684, 934, 1729-1730, 1976

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STUELAND, VICTOR (VIC)—Representative Cedar-Clinton Counties

- Amendments filed—424, 987, 1335-1336
 Amendment offered—662

Bills introduced—74, 134, 208, 223, 224, 233, 238, 272, 273, 309, 328, 369, 371, 379, 398, 404, 537

Leave of absence—129, 357, 582, 603, 731, 822, 988, 1148, 1356, 1603, 1627, 1777

Presented with plaque—2247-2248

Presided at sessions of the House—642

Subcommittee assignments—141, 219, 345, 391, 659, 920

SUBCOMMITTEE—

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Appropriations—56

SUBCOMMITTEE REASSIGNMENTS—

Representative Murphy replacing Representative Connolly—93

SVOBODA, E. JANE—Representative Black Hawk-Marshall-Tama Counties

Amendments filed—474, 507, 546, 602, 624, 800, 833, 1141, 1265, 1309, 1347, 1496-1497, 1607, 1633-1634, 1730, 1829, 1977

Amendments offered—622, 624, 821, 1535, 1626, 1829

Amendments withdrawn—127, 580, 594, 869, 1374, 1618

Appointed to the Grain Marketing Advisory Council—28

Appointed to the Social Services Block Grant State Advisory Committee—28

Bills introduced—51, 64, 67, 74, 88, 106, 133, 272, 294, 295, 309, 310, 371

Leave of absence—133, 630, 880, 922, 1069, 1129, 1399, 1669

Report—2-3

Subcommittee assignments—322, 346, 391, 505, 544, 659, 982

SWARTZ, THOMAS E.(TOM)—Representative Marshall County

Amendments filed—497-500, 660, 851, 1229, 1265, 1335, 1337, 1730, 1856, 1941-1943, 2048

Amendments offered—666, 926, 1335, 1337, 1493, 1851, 1920, 1941, 2048, 2296

Amendments withdrawn—927, 929

Bills introduced—16, 75

Leave of absence—113

Presented with plaque—2247-2248

Presided at sessions of the House—514, 631, 1277, 1677, 1878

Ruling made—518

Subcommittee assignments—49, 60, 68, 69, 93, 110, 254, 255, 321, 335, 391, 544, 684

TABOR, DAVID M.—Representative Dubuque-Jackson Counties

Amendments filed—801, 1291-1292, 1309, 1505, 1551, 1607, 1633-1634, 1634

Amendments offered—1291, 1612, 1624, 1633, 1634, 2184

Amendments withdrawn—1629, 1635, 2076

Committee appointments—2079, 2207, 2255

Presented to the House Robin Christine Clark, 1990 Iowa Young Woman of the Year—65-66

Presented with plaque—2247-2248

Presided at sessions of the House—612, 675, 676, 822, 1687, 2041

Reports—2236-2239, 2277, 2332

Resolution offered—337

Subcommittee assignments—169, 254, 255, 323, 335, 345, 391, 543, 798, 933, 1855

TEAFORD, JANE—Representative Black Hawk County

Amendments filed—685, 1141, 1347, 1417, 1550, 1668, 2171

Amendments offered—261, 702, 1172, 1416, 1417, 1738, 2121, 2171

Bills introduced—63, 87, 98, 260, 274, 310, 404

Leave of absence—223, 630, 853, 988, 1013, 1069, 1107

Presented plaques to retiring members and leaders—2247-2248

Presided at sessions of the House—1508

Reports—16-20, 21-22, 108, 299-301, 375, 543

Subcommittee assignments—59, 60, 82, 83, 169, 254, 255, 306, 321, 334, 345, 365, 391, 416, 543, 544, 600, 933, 982, 1855, 2223

TRANSPORTATION, COMMITTEE ON—

Amendments filed—222, 920, 986, 1066, 1551

Amendments offered—296, 996, 1116, 1155, 1238, 1670

Appointed—89

Bills introduced—100, 133, 152, 218, 284, 339, 340, 359, 370, 371, 413, 414, 415, 427

Recommendations—104-105, 132, 170, 222, 292, 336-337, 367, 410, 424, 920, 985, 1066, 1550

Subcommittee assignments—48, 70, 93, 94, 110, 111, 146, 147, 236, 321, 345, 391, 798, 799, 895, 933

TRENT, BILL—Representative Louisa-Muscatine Counties

Amendments filed—163-166, 337, 474, 507, 545, 660, 685, 764, 765-766, 800, 801, 851, 897, 1038-1040, 1098-1101, 1106, 1169, 1378, 1494, 1608, 1667, 1668, 1730, 1784, 1785, 1943-1944, 1978, 2090-2091, 2382-2383

Amendments offered—343, 687, 688, 689, 730, 754, 755, 764, 765, 1038, 1378, 1783, 1785, 1787, 1822, 1827, 2382

Amendments withdrawn—1494, 1822, 2063

Appointed to the Wallace Technology Transfer Foundation—46

Asked and received unanimous consent to change his vote on Senate File 2169—1124

Bills introduced—75, 87, 88, 98, 99, 171, 207, 224, 233, 238, 260, 272, 369-370, 371, 372, 379, 537

Committee appointments—2040

Leave of absence—264, 293, 1399

Presented to the House the Honorable Betty Hoffman-Bright, former member of the House—1006

Ranking member on the Committee on Judiciary and Law Enforcement—29

Report—2387-2396

Subcommittee assignments—34, 69, 70, 83, 93, 111, 141, 146, 147, 148, 219, 253, 254, 268, 269, 289, 290, 321, 322, 323, 345, 346, 376, 391, 505, 599, 628, 850, 895, 920, 982, 1007, 1264

TYRRELL, PHIL—Representative Iowa -Poweshiek Counties

Amendments filed—170, 352, 544, 545, 629, 745, 800, 801, 833, 851, 861, 921, 1011, 1012, 1066, 1068, 1105, 1110, 1252-1255, 1264, 1309, 1347, 1607, 1608, 1668, 1783-1784

Amendments offered—199, 215, 590, 861, 1025, 1076, 1110, 1783, 1825

Amendment withdrawn—595

Bills introduced—36, 37, 63, 88, 107, 114, 134, 151, 207, 224, 233, 238, 239, 260, 272, 273, 274, 353, 354, 369-370, 371, 380, 398, 537

Committee appointments—29, 1401, 1688

Leave of absence—426, 1364, 1399

Report—2180-2181

Subcommittee assignments—60, 84, 147, 335, 345, 895

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Change of vote:

House File 2238—Representative Doderer—529

House File 2455—Representative Kremer—912

House File 2502—Representative Holveck—854

Senate File 2169—Representative Garman—1108

Senate File 2169—Representative Trent—1124

Senate File 2212—Representative Diemer—840

Senate File 2244—Representative Brown—949

Objection to consent to vote—1120

Removed from regular calendar—1087-1088

UNANIMOUS CONSENT CALENDAR:

House Concurrent Resolution 110—1309

Senate Concurrent Resolution 109—1139

UNFINISHED BUSINESS CALENDAR—

972, 973, 1061, 1127, 1132, 1133, 1138, 1144, 1149, 1150, 1152, 1153, 1154, 1155, 1160, 1162, 1163, 1165, 1166, 1182

VAN MAANEN, HAROLD G.—Representative Keokuk-Mahaska-Wapello Counties, Minority Floor Leader

Amendments filed—1229, 1608, 1659

Appointed to the Legislative Reapportionment Technology Selection Committee—29

Appointed to the Legislative Service Committee—29

Bills introduced—52, 64, 87, 207, 223, 224, 232, 369, 371, 537, 1284, 1399, 2170

Committee appointments—1400, 1401, 1402

Memorial resolution offered—1401

Remarks by—11-12, 2419-2420

Removed from Committees on Appropriations and State Government—29

Request that Senate Concurrent Resolution 109 be placed on unanimous consent calendar—1139

Resolutions offered—6, 2433

Special presentation to—2248

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WALLACE TECHNOLOGY FOUNDATION—

Appointments to—28, 46

WAYS AND MEANS, COMMITTEE ON—

Amendments filed—96, 1011, 1551, 1608, 1977

Amendments offered—209, 215, 2090, 2121

Amendments withdrawn—2076, 2101

Appointed—89

Bills introduced—379, 414, 540, 627, 751, 1004, 1005, 1114, 1326, 1348, 1484, 1964, 2065

Recommendations—95, 368, 410-411, 506, 629, 684-685, 745, 985-986, 1010, 1140, 1346-1347, 1431-1432, 1504, 1550, 1607, 1730, 1856, 1977, 2098-2099

Subcommittee assignments—59, 82, 83, 84, 168, 169, 254, 255, 334, 335, 365, 391, 392, 543, 544, 933, 1104, 1345, 1346, 1548, 1549, 1729, 1855

WISE, PHILIP L.—Representative Lee -Van Buren Counties

Amendments filed—170, 326, 351, 368, 432, 474, 685, 745, 936, 986, 1067, 1068, 1098-1101, 1265, 1551, 1633-1634, 1978, 2090-2091

Amendments offered—215, 430, 775, 938, 940, 1076, 1582

Amendment withdrawn—432

Bills introduced—6, 50, 76, 88, 151, 171, 207, 238

Committee appointments—1722, 2079

Presided at sessions of the House—1166, 1851, 2222

Reports—2208-2210, 2236-2239

Subcommittee assignments—48, 49, 83, 101, 168, 169, 254, 255, 322, 365, 405, 543, 544, 600, 798, 895